

ORDINANCE NO. 560

AN ORDINANCE AMENDING THE ORDINANCES LICENSING AND REGULATING THE BUSINESS OF REPAIRING MOTOR VEHICLES IN THE VILLAGE OF TONICA, ILLINOIS.

WHEREAS, the places where motor vehicle repair business are carried on in the Village of Tonica sometimes are, or in the future may be littered with refuse or debris or used unlawfully as repositories of partially dismantled, non-operable, wrecked, junk or discard vehicles thereby creating conditions which tend to attract children and endanger their lives and health; increase vermin and noxious weeds spread disease; create fire hazards and other safety and health hazards; create, interfere with the enjoyment of and reduce the value of private property; and interfere with the comfort and well-being of the public; and

WHEREAS, adequate protection of the public health, safety and welfare requires that the businesses conducting motor vehicle repair be regulated and controlled;

WHEREAS, the Illinois Revised Statutes, Chapter 24, gives the Village jurisdiction to regulate activities within one mile and one half beyond the corporate limits.

WHEREAS, by Ordinance #291 the Village adopted an Ordinance to License and Regulate the business of repairing motor vehicles within the Village of Tonica;

WHEREAS, by later Ordinance #306, the Village amended Ordinance #291 to remove Sections 2, 3, 5, 8 and 9 of Ordinance #291, being sections relating to the licensing of repair shops

WHEREAS, the Village has now determined that it is necessary and appropriate to reinstitute the licensing procedure and vacate Ordinance #306 and return to the original provisions of Ordinance #291

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF TONICA, LASALLE COUNTY, ILLINOIS

SECTION A.

Ordinance #306 being entitled “An Ordinance Amending Ordinance #291 being an Ordinance licensing and regulating the business of repairing Motor Vehicles in the Village of Tonica, Illinois is hereby vacated and its provision are hereby voided.

SECTION B.

Ordinance #291 is hereby readopted in its entirety and is here reproduced in its entirety as an Ordinance of the Village of Tonica as an Ordinance to License and Regulate the business of Repairing Motor Vehicles in the Village of Tonica, Illinois and it shall read as follows:

SECTION 1.

Definitions. Except where otherwise indicated by the context the following definitions shall apply in the interpretation and enforcement of this ordinance;

(1) “Motor Vehicles” shall mean an automobile, truck, motor cycle or other self propelled vehicle designed primarily to transport the person along and upon public streets and highways.

(2) “Motor Vehicle Repair Shop” shall mean any place, indoors or outdoors, where motor vehicles are repaired for a charge and any place where the work of repairing motor vehicles is carried on as an incident to the business of selling new or

used motor vehicles or new or used motor vehicle parts, or as an incident to any other traffic and motor vehicles or other parts or equipment.

(3) "Repair Work on Motor Vehicles" shall mean any work done in the premises of a motor vehicle repair shop which requires direct or indirect physical conduct with a motor vehicle or part thereof.

(4) "Person" shall mean any person, firm, partnership, association, corporation, accompanying organization of any kind.

SECTION 2.

General Operating Requirements. The following general operating requirements shall apply to all business licenses in accordance with this Ordinance:

(1) No partially dismantled, non-operable or wrecked motor vehicle shall be stored or dismantled on the repair shop premises, except as a direct, immediate, and necessary incident to its repair.

(2) No motor vehicle to be repaired if it is not placed in the shop for repairs, shall be allowed to remain outside of the repair shop for a period in excess of 72 hours. After 72 hours, if not within the repair shop building, any vehicle to be repaired shall be entirely enclosed by a fence eight feet in height, and in which the opening or cracks are less than 15% of the total area. The fence shall be kept in good repair at all times.

(3) No motor vehicle repair business shall be operated in such a way as to cause a nuisance.

(4) Each licensee shall comply with all or all village zoning ordinances.

(5) No noxious weeds or appreciable amounts of refuse or debris shall be allowed to accumulate on the premises.

SECTION 3.

Enforcement. It shall be the duty of the Police Department of the Village of Tonica to enforce, or to aid in the enforcement of all provisions of this ordinance. Any of the Village Police Department or its duly authorized representatives are hereby empowered to enter upon any premises in which any business subject to the provisions of this ordinance is located, or are about to be located, at any reasonable time.

SECTION 4.

Penalty. Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$25.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 5.

Compliance. Any person operating any motor vehicle repair shop on the effective date of this ordinance shall have a period of 30 days after such effective date to comply with the terms of this ordinance.

SECTION 6.

Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and due publication, in accordance with the law.

SECTION 7.

Ordinances Repealed. All Ordinances and parts of Ordinances in conflict with provisions of this Ordinance are hereby repealed.

SECTION 8.

Separability. If an section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such proportion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity or any proportions hereof.

PASSED AND ADOPTED at a regular meeting of the Village Board of the Village of Tonica, LaSalle County, Illinois, this 19th day of May, 2014, by an aye and nay roll call vote as follows:

DENNIS FORD	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS
ROBERT FOLTY	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS
RICH HIGGINS	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS
MONICA KREISER	_____ AYE; _____ NAY; <u> x </u> ABSENT, _____ PASS
RON SONS	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS
DAVID WIESBROCK	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS

APPROVED:

KEVIN SLUDER, Village President

ATTEST;

HEATHER SHERMAN, Village Clerk