

AN ORDINANCE PROHIBITING ABANDONED, INOPERABLE AND
JUNKED/WRECKED MOTOR VEHICLES IN THE VILLAGE OF HAMBURG,
STATE OF ILLINOIS, COUNTY OF CALHOUN

ORDINANCE # 2013-5

Definitions

Declaration of nuisance.

Prohibited storage.

Permitted storage.

Investigation of premises.

Notice of removal.

Removal and impoundment.

Definitions.

For the purposes of this article, the following words and phrases shall have the meanings set forth in this section:

Abandoned motor vehicle on private property: Any motor vehicle which is left on private property, in full view of the public, anywhere within the Village of Hamburg except on property of the owner or bailee for a period of ten (10) days or more and under such circumstances as to cause such motor vehicle to reasonably appear to be abandoned.

Abandoned motor vehicle on public property: Any motor vehicle which is left on public property for a period of twenty-four (24) hours and under such circumstances as to cause such motor vehicle to reasonably appear to be abandoned. If such vehicle is determined to be "unsafe," it may be towed from public property immediately.

Authorized Village official: The code enforcement officer, zoning enforcement officer, any police officer, or any other person designated by the mayor.

Inoperable motor vehicle: Inoperable motor vehicle is any vehicle which is incapable of being operated on a public highway, or which has not operated on a highway for a period of eight (8) weeks, whether the vehicle is operable or not. An inoperable motor vehicle shall not include a motor vehicle which has been

rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repairs with said repairs not to exceed seven days in length, any motor vehicle which is kept entirely within a building and out of view of the public, any operable historic vehicle over twenty-five (25) years of age, or to motor vehicles on the premises of a place of business regularly engaged in wrecking, salvage, junking or sale of vehicles and such premises are properly zoned and duly licensed and operating such place of business, or to one (1) unlicensed operable vehicle with a "For Sale" sign affixed thereto, for a period not to exceed thirty (30) days in any twelve (12) calendar month period.

Junked motor vehicle: Any motor vehicle which is partially dismantled, wrecked or damaged and which cannot be safely or legally operated.

Motor vehicle: An self-propelled land vehicle which can be used for towing or for transporting people or materials, including, but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.

Motor vehicle accessories: Any part or parts of a motor vehicle.

Private property: Any real property not owned by the federal government, state, county, city school district, or other unit of local government.

Property: Any real property within the Village which is not a street.

Public property: Any real property owned by the federal government, state, county, Village, school district or other unit of local government.

Removal: The physical relocation of a motor vehicle to an authorized location.

Street: The entire width as dedicated for public use of every street, alley or other public way which is open to the use of the public for the purpose of vehicle traffic.

Unlicensed motor vehicle: An unlicensed motor vehicle is any vehicle which does not display a valid license plate, or valid license applied for sticker.

Declaration of nuisance.

All abandoned, inoperable and junked motor vehicles and any motor vehicle accessories from any vehicle, whether on public or private property and in full view of the public, are hereby declared to be a nuisance.

Prohibited storage.

(a)

It shall be unlawful for any person owning, leasing, occupying or having charge of any premises within the Village to allow an abandoned, inoperable, junked or unlicensed motor vehicle, or motor vehicle parts or accessories, to remain on the premises, in full view of the public, for longer than the period of time allowed by this article, and after receipt of notice to remove such vehicle or accessories as provided by this article.

(b)

It shall be unlawful for any person owning or having custody or control of any abandoned, inoperable, junked, or unlicensed motor vehicle or any motor vehicle parts or accessories to store or permit any such vehicle parts or accessories to remain on any public or private property within the Village, in full view of the public, for longer than the period of time allowed by this article, and after receipt of notice to remove such vehicle or accessories as provided by this article.

(c)

It shall be unlawful for any person, after notification to remove any abandoned, inoperable or junked motor vehicle or any motor vehicle accessories from any property within the Village to move such parts or accessories to any other public or private property upon which such storage is not permitted or onto any street or public property for purposes of storage.

Permitted storage.

This article shall not apply to any motor vehicle or motor vehicle accessories which are stored entirely within an enclosed building and out of view of the public, or on the premises of a properly licensed auto junking or wrecking business or auto repair or body shop operated in a lawful place and manner and when necessary for the operation of such business, provided that all vehicles or accessories stored by any such business establishment must be stored in accordance with the requirements of this Code and applicable law.

Investigation of premises.

Any authorized Village official, on routine inspection or upon receipt of a complaint, may enter upon any property and may investigate any suspected abandoned, inoperable or junked motor vehicle or any motor vehicle accessories and record the make, model, style, identification numbers or any other relevant information and other facts about the situation.

Notice of removal.

Whenever an authorized Village official finds or is notified that any abandoned, inoperable or junked motor vehicle or any motor vehicle accessories have been stored or permitted to remain on any public or private property within the city, in full view of the public, the Village official shall send a notice by certified mail, return receipt requested, first class postage prepaid, to the owner of record of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property upon which such motor vehicle or accessories is located, if applicable, as such owner is shown by the real estate tax records maintained by the county. The notice shall require the owner of the motor vehicle or accessories and/or the owner of the private property upon which any such vehicle or accessories are located, if applicable, to remove the same within seven (7) days after the date of the notice. The notice shall also contain the following additional information:

- (1) The nature of the complaint;
- (2) Description and location of the motor vehicle and/or motor vehicle accessories;
- (3) Statement that any abandoned or inoperable motor vehicle will be removed from the property upon expiration of the seven-day notice period;
- (4) Statement that any nuisance created by a junked motor vehicle or any motor vehicle accessories will be abated as provided by the Code and applicable law;
- (5) Statement that other penalties may be applicable by ordinance and the nature of such penalties.

Removal and impoundment.

- (a) Any authorized Village official is hereby authorized to remove or to have removed any abandoned or inoperable motor vehicle or any lost, stolen or unclaimed vehicle which has been left anywhere within the Village after

expiration of the required notification period. Removal shall be by a properly licensed and approved towing service.

(b) Impound lot administrative fees and storage fees: Impoundment by the Village of Hamburg of any motor vehicle for whatever reason shall be at an approved impoundment area. Any such motor vehicle shall remain impounded until lawfully claimed by the owner or until property disposed of as provided by law. The owner of such motor vehicle shall be required to pay the cost of towing, and a one time administrative fee of fifty dollars (\$50.00), together with a storage fee of thirty-five dollars (\$35.00) per day for each day the motor vehicle remains in the impound lot, in addition to any other penalty or cost associated with such vehicle.

Citations

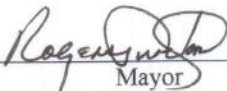
(a) Any person who has received a citation for a violation of this section, but who has removed the vehicle before a tow could be made, shall pay a \$100.00 fine to the Village within 15 days of the date of the citation. Failure to pay the fine within 15 days of the date of the citation shall result in a mandatory court appearance. Upon conviction, the violator shall be subject to a fine not less than \$150.00 nor more than \$500.00, plus court costs.

(b) Any person who has received a citation for a violation of this section and whose vehicle has been towed, shall pay a \$100.00 fine to the Village directly, in addition to any towing and storage fees that the owner, lienholder, or other person legally entitled to the vehicle is obligated to pay, prior to the release of the vehicle, in accordance with the other provisions of this article. Such persons may contest the fine as a part of the review process set forth in the other provisions of this article. Those persons who do not pay the \$100.00 fine and who do not seek the release of the vehicle shall be subject to a mandatory court appearance. Upon conviction, the violator shall be subject to a fine not less than \$150.00 nor more than \$500.00, plus court costs.

This ordinance shall be in full force and effect upon passage.

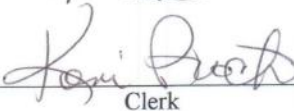
PASSED AND APPROVED THIS 6th DAY OF May, 2013





Mayor

Attest:



Clerk

BOARD OF TRUSTEES

Christine Payne
TRUSTEE

Elizabeth Jean Bennett
TRUSTEE

Melvin Folles
TRUSTEE

Tammy White
TRUSTEE

Angela J. Hobbs
TRUSTEE

Steve M. Row
TRUSTEE

[SEAL]



Kristina A. ...
VILLAGE CLERK