ABANDONED VESSELS AS A NUISANCE ORDINANCE - #09-3

09-3-01 <u>DEFINITIONS.</u> For the purpose of this Code, the following words shall have the meanings ascribed to them as follows:

<u>"ABANDONED VESSEL"</u> Shall mean all Motor Vessels or other Vessels in a state of disrepair, rendering the Vessel incapable of being driven in its condition; or any Motor Vessel or other Vessel that has not been moved or used for Six (6) months or more and is apparently deserted.

"DERELICT VESSEL" Means inoperable, unregistered, discarded Motor Vessel, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in this Code.

"REMOVE" Means to remove, deface, cover, or destroy.

<u>"VESSEL"</u> Means every device in, upon, or by which any person or property is or may be transported or drawn upon a waterway or body of water, whether subject to or exempt from registration.

09-3-1 ABANDONMENT.

- (A) <u>HIGHWAY.</u> The abandonment of a Motor Vessel or other Vessel or part thereof on any highway in this municipality is unlawful and subject to penalties as set forth herein.
- (B) <u>PRIVATE PROPERTY</u>. The abandonment of a Motor Vessel or other Vessel or any part thereof on private or public property, other than a highway, in view of the general public anywhere in this municipality is unlawful.
- (C) <u>OWNER'S PROPERTY</u>. A Motor Vessel or other Vessel or any part thereof so abandoned on private property shall be authorized for removal by or upon the order of the Village Officials of the municipality after waiting a period of 14 days or more.

09-3-3 POSSESSION OF VESSEL BY OTHER PARTY.

When an abandoned, lost, stolen or unclaimed Motor Vessel or other Vessel comes into the temporary possession or custody of a person in this municipality, not the owner of the Vessel, such person shall immediately notify the Sheriffs Department when the Vessel is within the corporate limits of the municipality.

09-3-4 REMOVAL OF ABANDONED VESSEL, NOTICE TO ABATE—LIEN FOR COST OF REMOVAL.

The owner of the premises who stores, dumps, deposits or places or allows to be stored, dumped, deposited or placed any Vessel on his property which is abandoned under this ordinance, upon being notified in writing by any Village Officer to abate or remove the nuisance within fourteen (14) days from the date thereof, and who shall neglect or refuse to remove the Vessel, shall be guilty of an offense. In such event the corporate authorities of said Village may provide for the removal of the Vessel from the property and may collect from such owner the reasonable cost thereof. This cost is a lien on the real estate affected, superior to all subsequent liens and encumbrances, except tax liens, if within sixty (60) days after such cost and expense in incurred the Village or person performing the service by authority of the Village, in his or her own name, files notice of lien in the office of the Recorder of Deeds in the County in which such real estate is located.

09-3-5 ABATEMENT.

Whenever any offence or nuisance enumerated in this chapter declared to be such by law, shall be committed and maintained or suffered to exist or to be found on any premises contrary to the provisions of this chapter, notice shall be given by an Officer of the Village to the person or persons committing or creating the same, or suffering the same to exist or to be maintained, to remove or abate the same within fourteen (14) days after receiving such notice, and in case of the refusal or neglect of the person or persons so notified to comply with such notice, a fine of one hundred dollars (\$100.00) per day shall be assessed against the said person or persons for each day exceeding the 14th day limit to comply.

Elizabeth Jeant	Denoist 8-05-09	TRUSTRE	Dated
Danna K. X. TRUSTEE	Dated 8/5/09	Rogerspor	Dated
Twons Col	Dated \$5,0	TRUSTEE	Dated
ATTEST- VILLAGE CLERK	Dated	Mary Jan	Dated Dated