

ORDINANCE NO. 08-05-02

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.08,
OF THE PRINCEVILLE MUNICIPAL CODE
TO ADDRESS ABANDONED AND UNUSED VEHICLES

WHEREAS, Section 11-60-2 of the Illinois Municipal Code, 65 ILCS 5/11-60-2, authorizes the corporate authorities of Illinois municipalities to define, prevent, and abate nuisances; and

WHEREAS, Section 1-2-1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1, authorizes the corporate authorities of Illinois municipalities to pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper, subject to limitations set forth in Section 1-2-1; and

WHEREAS, the Board of Trustees of the Village of Princeville, Illinois (“the Village”) has determined that the presence of abandoned and unused motor and other vehicles in the public view, whether on public or private property, constitutes a nuisance, and that it is in the best interest of the Village to prohibit, prevent, and abate such nuisances.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Princeville, Peoria County, Illinois, as follows:

SECTION 1: Chapter 8.08 in Title 8 (Health and Safety) of the Princeville Municipal Code, entitled “Inoperable Motor Vehicles,” is hereby amended to add the underscored language, and to delete the stricken language below:

Chapter 8.08

INOPERABLE AND ABANDONED ~~MOTOR~~ VEHICLES

Sections:

8.08.010 **Definitions.**

8.08.020 **Inoperable and Abandoned ~~Motor~~ Vehicles a Nuisance.**

8.08.030 **Violation.**

8.08.040 Removal of Inoperable and Abandoned Motor Vehicles.

8.08.050 Civil Fines.

8.08.060 Criminal Penalties.

8.08.010 Definitions.

A. “Inoperable motor vehicle” means any motor vehicle from which, for a period of at least 7 days, the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power, or on which there are no license plates or for which the license plates or vehicle registration has expired. The term “inoperable motor vehicle” does 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 repair operations.

B. “Abandoned vehicle” means any motor or other vehicle, including but not limited to every kind of trailer, camper, and boat on or off of a trailer, which is left on property for such time and under such circumstances as to cause the vehicle to reasonably appear to be unused for transportation or abandoned. The term “abandoned vehicle” shall include but not be limited to vehicles left or stored on property for 30 days or more without being significantly used for transportation or moved for any purpose other than to avoid the appearance of abandonment under this Chapter.

8.08.020 Inoperable and Abandoned Motor Vehicles a Nuisance.

The Village finds that abandoned, unused, dilapidated, inoperable, derelict, and disabled motor vehicles constitute a safety hazard and a public nuisance; are detrimental to the health, safety, and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment; and adversely affect land values and the proper maintenance and continuing development of the Village of Princeville.

8.08.030 Violation.

No person shall allow or cause an inoperable motor vehicle or abandoned vehicle to be parked, stored, or left on public or private property so that the inoperable vehicle is in view of the general public. “General public” shall include but not be limited to owners and occupants of property adjacent to that on which the vehicle in question is parked, stored, or left.

The prohibition stated above in this Section 8.08.030 does not apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

8.08.040 Removal of Inoperable and Abandoned Motor Vehicles.

The Village President, or his designee, shall first serve a written notice upon the owner, person in possession or person in control of any property upon which any inoperable motor vehicle or abandoned vehicle is parked, left, or stored, advising such person of the violation and requesting that the inoperable motor vehicle or abandoned vehicle be removed or relocated to an enclosure so that it is not in view of the general public, within five days of receipt of the notice. The written notice shall be delivered by personal service or by certified mail and delivered to the last known address of the person, firm, corporation, or entity who owns or is in possession of ~~the inoperable~~ such vehicle or of the property on which the vehicle is located.

If the written notice is sent by certified mail and the notice is returned to the Village by the United States Post Office because of its inability to make delivery thereof, the Village is authorized to remove the inoperable motor vehicle or abandoned vehicle, and to tax the same against the owner or person in control of the vehicle or property on which the vehicle is located.

Upon the failure of the person receiving the written notice to remove or relocate the inoperable motor vehicle or abandoned vehicle, the Village shall be entitled to remove the vehicle or parts thereof, no sooner than the 7th day from the issuance of the written notice.

8.08.050 Civil Fines.

Any person who fails to obey a written notice within the time prescribed by the notice may be fined up to \$750 by any court having jurisdiction.

8.08.060 Criminal Penalties.

Any person violating Section 8.08.030 shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding \$750.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

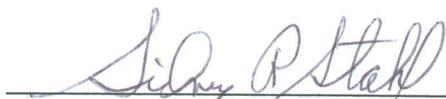
PASSED THIS 5TH DAY OF MAY, 2008.

AYE: SUTHERLAND, RASMUSSEN, TROUTMAN, KOLLER, BARRINGTON & KNAPP

NAYES: NONE

ABSENT: NONE

APPROVED THIS 5TH DAY OF MAY, 2008.



Sidney R. Stahl, President,
Village of Princeville, Illinois

ATTEST:



Milton E. Rasmussen, Clerk,
Village of Princeville, Illinois

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