

# VILLAGE OF WAYNE CITY

## ORDINANCE NO. 586

### ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 409 AN ORDINANCE REGARDING INOPERABLE MOTOR VEHICLES IN THE VILLAGE OF WAYNE CITY, ILLINOIS

WHEREAS, the Board of Trustees of the Village of Wayne City, Wayne County, Illinois has authority to pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities under Illinois law;

WHEREAS, the Board of Trustees of the Village of Wayne City, Wayne County, Illinois believes that it is in the best interest of the citizens of the Village of Wayne City that it's previously enacted Ordinance No. 409 regulating inoperable motor vehicles within the jurisdiction of the Village be amended and replaced with the foregoing provisions enacted herein;

WHEREAS, pursuant to enabling legislation in the Illinois Municipal Code, the Board of Trustees of the Village of Wayne City, Wayne County, Illinois has authority pursuant to Section 11-40-3 of the Illinois Municipal Code to enact ordinances to declare all inoperable motor vehicles, wherever located in the municipality, to be a nuisance, to provide for their removal and to authorize the imposition of fines for any violations of any such ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the President and the Board of Trustees of the Village of Wayne City, Wayne County, Illinois:

Section 1: The forgoing recitals are incorporated herein as findings of the Board of Trustees of the Village of Wayne City, Illinois;

Section 2: Ordinance No. 409 is hereby amended and replaced with the following:

#### (A) DEFINITIONS.

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***INOPERABLE MOTOR VEHICLE.*** Any motor vehicle from which, for a period of at least seven 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 a vehicle that is used for racing or demolition derby exhibition, or a vehicle which is incapable of being driven upon the public highways in a legal fashion and manner pursuant to the Illinois Vehicle Code, ILCS Ch. 625.

***INOPERABLE MOTOR VEHICLE*** shall not include a motor vehicle that has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, the service or repair operations to be ongoing and completed within 60 days, nor to any motor vehicles that are kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

***PROPERTY.*** Any real property within the Village which is not a street or highway.

***VEHICLE.*** A machine propelled by power other than human power designated to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

**(B) INOPERABLE MOTOR VEHICLES.**

(i) *Inoperable motor vehicles declared to be a nuisance.* Inoperable motor vehicles, as defined in this Ordinance, whether on public or private property, are declared to be a nuisance.

(ii) *Disposition of inoperable motor vehicles.* All persons are required to dispose of any inoperable motor vehicle or parts thereof under their control upon written notice received from the corporate authorities or any police officer of the Village commanding the disposition. The notice shall specify required disposition of the inoperable motor vehicle or abandoned motor vehicle within a period of not less than seven days.

(iii) *Impounding.* The corporate authorities or any Village officer designated by them is authorized to remove or have removed any vehicle left at any place within the Village which is an inoperable motor vehicle as defined in this Ordinance and has not been removed as required by a written notice served upon the owner of the vehicle or the owner of the property upon which the vehicle is located pursuant to subsection (B)(ii) above. The vehicle shall be impounded until lawfully claimed or disposed of in accordance with ILCS Ch. 625, Act 5, §§ 4-201 through 4-214.

**(C) PENALTY.**

(i) Any person who violates any provision of this Ordinance, shall be fined not less than \$150, nor more than \$750, for each offense. A separate offense shall be deemed committed on each day during or on which such nuisance exists.

(ii) In addition to any fine imposed under this Ordinance, the Village may take whatever action may be necessary to abate the nuisance, and bill the person guilty of creating such nuisance, including vehicle removal, per the provisions of this Ordinance.

(iii) In addition to any penalties, and in the event the Inoperable Vehicle in question is impounded by any towing company, the person who violates this Ordinance shall pay all costs incurred by the towing company, including impoundment charges and fees, before the vehicle that is impounded is released from impoundment. Any charges or fees that may be expended by the Village to the towing company, including impoundment charges and fees, shall be reimbursed to the Village from the person who violates this Ordinance.

(D) The penalties prescribed in this Section are in addition to and not in lieu of any penalties, rights, remedies, duties and liabilities otherwise imposed or conferred by law.

Section 3: Ordinance No. 409 and any and all other Ordinances that are in conflict with the Amendments set forth in this Ordinance are hereby repealed and replaced with the terms of the Amendments set forth in this Ordinance.

Section 4: This Ordinance shall become effective after its passage and publication in pamphlet form as provided by Illinois Statute.

AYES: McKinney, Wood, Piper, Noe

NAYS: \_\_\_\_\_

ABSENT: Austin, Simpson

ABSTAIN: \_\_\_\_\_

PASSED this 3<sup>rd</sup> day of August, 2020.

Staci Choate  
STACI CHOATE, Village Clerk

APPROVED this 3<sup>rd</sup> day of August, 2020.

Rocky Hedden  
ROCKY HEDDEN, Village President

ATTEST:

Staci Choate  
STACI CHOATE, Village Clerk


**CERTIFICATION**

I do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Wayne City, Illinois, a municipal corporation, that I am the keeper of its records and Village Seal of said Village, and that I am well and truly acquainted with the facts set forth herein.

I do hereby certify that the foregoing is a true and correct copy of the Ordinance No. 586 of the Village of Wayne City, Wayne County, Illinois, adopted and approved on the 3<sup>rd</sup> day of August 2020, entitled:

“Ordinance Amending and Replacing Ordinance No. 409, an Ordinance Regarding Inoperable Motor Vehicles in the Village of Wayne City, Illinois.”

DATED at Wayne City, Illinois, this 3<sup>rd</sup> day of August, 2020

(SEAL)   
STACI CHOATE,  
CLERK OF THE VILLAGE OF  
WAYNE CITY, ILLINOIS

**CERTIFICATE**

I, STACI CHOATE, certify that I am the duly appointed and acting Village Clerk of the Village of Wayne City, Wayne County, Illinois.

I certify that on August 3, 2020, the corporate authorities of the Village of Wayne City, Wayne County, Illinois, passed and approved Ordinance No. 586 entitled, "Ordinance Amending and Replacing Ordinance No. 409 an Ordinance Regarding Inoperable Motor Vehicles in the Village of Wayne City, Illinois" which provided by its terms that it should be published in pamphlet form.

The Pamphlet form of Ordinance No. 586 was prepared, and a copy of the Ordinance was posted in the Municipal Building, commencing on August 4, 2020, and continued for at least ten (10) days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Wayne City, Illinois, this 3<sup>rd</sup> day of August 2020.

(SEAL) Staci Choate  
STACI CHOATE