

ORDINANCE No. #98-158
ABANDONED AND INOPERABLE MOTOR VEHICLE ORDINANCE

WHEREAS, in the interest of the public health, safety, welfare and morals, the LaSalle County Development, Air, Land and Water Pollution Control Committee ("County Development Committee") finds that it is in the best interest of the citizens of LaSalle County that abandoned and inoperable vehicles be declared a nuisance if they are not removed in timely manner;

WHEREAS, LaSalle County is authorized by paragraph 5-1092 of Chapter 5 of the Illinois Counties Code to regulate and levy fines against those who create a nuisance by failing to remove inoperable vehicles.

NOW THEREFORE, BE IT RESOLVED by the LaSalle County Board that:

1. "Inoperable motor vehicle" means any motor vehicle from which, for a period of at least seven (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 by its own motor power. "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 repair operations. Such temporary incapacity for ordinary service or repairs shall not exceed 30 days.

2. "Abandoned vehicle" means any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

3. It is declared that the keeping of inoperable vehicles on either public or private land is a nuisance, except as set forth in paragraph 6.

4. It is declared that the keeping of abandoned vehicles on either public or private land is a nuisance, except as set forth in paragraph 6.

5. Upon the finding of and/or investigation of complaints concerning abandoned and/or inoperable vehicle(s) by the LaSalle County Sheriff's Department, Health Department and/or Department of Environmental Services and Land Use, said Department(s) may issue a notice to the person who owns, possesses and/or controls said abandoned and/or inoperable vehicle(s) on his or her property. Said notice shall inform said person that the abandoned and/or inoperable vehicle(s) is a nuisance, and that said person is to dispose of said abandoned and/or inoperable vehicle(s) under his or her control within 7 days, unless an extension is granted pursuant to a written clean-up agreement with the LaSalle County Department of Environmental Services and Land Use.

6. This ordinance shall not apply to any motor vehicle kept within a building when not in use, it shall not apply to operable historic vehicles over 25 years of age, it shall not apply to motor vehicles on the premises of a business engaged in the wrecking or junking of motor vehicles, it shall not apply to agricultural vehicles, further, it shall not apply to vehicles owned or controlled by Federal, State, or other municipal governmental or law enforcement agencies.

7. That the failure to remove the nuisance created by the abandoned and/or inoperable motor vehicle(s) within the allotted time (including any extension granted

pursuant to any clean-up agreement) shall be punishable by a fine of at least \$75.00 but not more than \$500.00. Each abandoned and/or inoperable motor vehicle shall constitutes a separate offense. Each day the nuisance created by the abandoned and/or inoperable motor vehicle shall constitute a separate offense.

8. Nothing in this ordinance shall invalidate or otherwise preclude enforcement of any other ordinance concerning the removal of said abandoned and/or inoperable vehicles.

9. If any one or more of the provisions of this ordinance is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of the ordinance and the application of such provisions to other persons and circumstances shall not be affected thereby.

This ordinance shall be in full force and effect upon passage and ten days after publication in pamphlet form.

Respectfully submitted,


JOSEPH HETTEL, Chairman
LaSalle County Board

DATED: NOVEMBER 20, 1998