

APPENDIX D

REMOVAL OF NUISANCE VEHICLE ORDINANCE

**AN ORDINANCE REGULATING AND CONTROLLING
THE REMOVAL OF NUISANCE VEHICLES
WITHIN LOGAN COUNTY, ILLINOIS**

WHEREAS, Chapter 34, Paragraph 429.21a, Illinois Revised Statutes authorizes a county to declare by ordinance inoperable motor vehicles, whether on public or private property, to be a nuisance and authorize fines to be levied for the failure of any person to obey a notice received from the county which states that such person is to dispose of any inoperable motor vehicle under this control, and may authorize a law enforcement agency, with applicable jurisdiction, to remove, after 7 days from the issuance of the county notice, any inoperable motor vehicle or parts thereof.

NOW THEREFORE BE IT ORDAINED BY THE COUNTY BOARD OF LOGAN COUNTY, ILLINOIS AS FOLLOWS:

SECTION I - Definitions

As used in this Ordinance, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 7 days or any longer period of time fixed by ordinance, 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. "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. However, nothing in this Ordinance shall 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 a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

SECTION II - Enforcement and Jurisdiction

- A. This Ordinance shall be enforced by the Logan County Sheriff, his designee or agents employed by the Logan County Sheriff.

- B. This Ordinance shall be applicable only to unincorporated areas of Logan County, Illinois.

SECTION III - Inspection

- A. The Logan County Sheriff, his designee or agent is hereby authorized and directed to make the necessary inspections to obtain compliance with this Ordinance. For the purpose of making such inspections the Enforcement Officer is hereby authorized upon receiving consent, to enter any property at any reasonable time for the purpose of determining compliance with this Ordinance. Refusal, by said owner, of right of entry may cause the Enforcement Officer to seek the permission of the court for the right of entry.

- B. Whenever a violation of this Ordinance occurs, it shall be lawful for the Logan County Sheriff to serve or cause to be served a Notice to Abate such nuisance. If the violating inoperable motor vehicle or parts thereof have not been removed within seven (7) days from the issuance of such Notice, the Logan County Sheriff, his designee or agent, shall be authorized by this Ordinance to remove, or cause to be removed, the inoperable motor vehicle or parts thereof from the premises where the violation occurred.

- C. Service of Notice - Notices shall be deemed to have been properly served when the original of the inspection report or other notice has been delivered personally to the owner, agent, or occupant, as the case may be, or the premises and/or the storage site concerned, or such notice has been sent by certified mail to the last known address of such person or persons.

SECTION IV - Penalty

- A. Any person who, after notification of violation and method of correction, continues to violate and/or refuse to obey any provisions of this Ordinance shall, upon conviction, be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) plus court costs. Such person shall, in addition, be responsible for reasonable costs and expenses incurred by the Logan County Sheriff, his designee, or agents in enforcing the provisions of this ordinance. Each day a violation is continued constitutes a separate offense.

SECTION V - Effective Date

- A. This Ordinance shall become effective upon its adoption and publication as required by law.

- B. The Logan County Clerk shall cause this Ordinance to be published once, within ten (10) days after its adoption, in a newspaper of general circulation in Logan County

Adopted this 20th day of December, 1988

Ayes: _____

Nays: _____

Absent: _____

Chairman, Logan County Board

Attest: _____ (SEAL)

County Clerk