

STATE OF ILLINOIS            )  
COUNTY OF CHAMPAIGN    )     SS  
VILLAGE OF OGDEN            )

**I, the undersigned, Clerk of said Village of Ogden, Illinois, do hereby certify that the attached is a full, true, and correct copy of an Ordinance passed by the President and Board of Trustees of the Village of Ogden, Illinois, by the affirmative (yea) votes of a majority of the Corporate authorities of the Village of Ogden and that said vote has been entered upon the legislative records of said corporate authorities.**

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**Village Clerk**

**(VILLAGE SEAL)**

ORDINANCE NO. 2410-K

AN ORDINANCE  
REGULATING INOPERABLE VEHICLES

WHEREAS, Section 65ILCS 5/11-40-3 of the Illinois Municipal Code provides that the corporate authorities of each municipality may by ordinance declare all inoperable motor vehicles, whether on public or private property and in view of the general public, to be a nuisance and authorize fines to be levied for the failure of any person to obey a notice received from the municipality which states that such person is to dispose of any inoperable motor vehicle under such person's control, and may authorize a law enforcement agency with applicable jurisdiction, to remove, after seven (7) days from the issuance of the municipal notice, any inoperable motor vehicle or parts thereof, as therein more specifically provided; and

WHEREAS, the President and Board of Trustees of the Village of Ogden, Champaign County, Illinois (the "Village") finds and declares that inoperable 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; and produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OGDEN, CHAMPAIGN COUNTY, ILLINOIS, **THAT ORDINANCE 1989-10 BE AMENDED TO PROVIDE AS FOLLOWS:**

Section 1. Definitions. For the purpose of this Ordinance, the following words shall have the meaning ascribed to them as follows:

"Antique Vehicle" shall mean a motor vehicle or other vehicle which is more than twenty-five (25) years old or is a bona fide replica thereof.

"Committee" shall mean the Police Committee of the Board of Trustees of the Village of Ogden, Illinois.

"Highway" means the entire width between the boundary lines of every way publicly maintained street or alley when any part thereof is opened for the use of the public for vehicular traffic.

"Inoperable Vehicle" shall mean any motor vehicle or other vehicle, (including parts thereof) incapable of or prohibited from being driven under its own motor power due to the removal of the engine, wheels or other parts or the damage, disrepair or disuse

of such vehicle; also, any motor vehicle not displaying valid registration plates or proper evidence of application therefore shall be an Inoperable Vehicle under this Ordinance.

**Section 2. Prohibitions; Highways and Other Public Property.**

- (a) It shall be unlawful for any person to allow an Inoperable Vehicle to remain on any Highway or other public property in the Village for more than seven (7) consecutive days after being provided with notice from the Village to remove or otherwise dispose of such Inoperable Vehicle.
- (b) If the Inoperable Vehicle does not display any current license or registration plates or decals from which the last known owner may be determined in a reasonably expeditious manner, such notice shall be conspicuously posted on the windshield of such Inoperable Vehicle. If the Inoperable Vehicle displays any current license or registration plates or decals from which the last known owner may be determined in a reasonably expeditious manner, such notice shall be conspicuously posted on the windshield of such Inoperable Vehicle and, in addition, shall also be sent by U.S. mail, first class postage prepaid, to the last known registered owner of such Inoperable Vehicle. Such notice by the Village shall be in substantially the form set forth below:

NOTICE

TO:           NAME \_\_\_\_\_           DATE \_\_\_\_\_  
              ADDRESS \_\_\_\_\_  
                                  \_\_\_\_\_

An Inoperable Vehicle described as:

MAKE \_\_\_\_\_  
YEAR \_\_\_\_\_  
COLOR \_\_\_\_\_

With registration plates number \_\_\_\_\_ is registered in your name with the State of \_\_\_\_\_. This vehicle has been located at \_\_\_\_\_ and is deemed to be and Inoperable Vehicle under an Ordinance of the Village.

If you want to have a hearing on the matter of whether the above described vehicle is an Inoperable Vehicle in violation of the Ordinance, you must submit a written request for such a hearing to the Police Committee of the Village, addressed as set forth below, within six (6) days of the date of this notice. In the event that you submit such a request for a hearing, a hearing date will be set and you will be advised of the time, date and place of such hearing at least three (3) days in advance of the date of such hearing. To request a hearing, send or deliver

a request for such a hearing in writing to the Village of Ogden, Village Hall, Ogden, IL 61859, Attention: Police Committee.

If you do not want to have a hearing, or fail to request a hearing before the Committee within six (6) days of the date of this notice, or if you do not remove, dispose of or place the Inoperable Vehicle in an enclosed building before such date, such Inoperable Vehicle is subject to being towed and impounded and you may be charged with a violation of the Ordinance and subject to a Class "B" fine for each day that such violation continues. In addition, the costs of towing and storage will be assessed against you.

Section 3. Prohibitions; Private Property.

- (a) It shall be unlawful for any person in control of any property, whether as owner, lessee, occupant or otherwise, to allow or to suffer to remain on such property an Inoperable Vehicle outside of any enclosed building for more than seven (7) consecutive days, or any extension thereof granted as herein provided by Section 4(b) of this Ordinance, after being provided with notice from the Village to remove or dispose of such Inoperable Vehicle.
  
- (b) If the Inoperable Vehicle displays current license or registration plates or decals from which the last known owner may be determined in a reasonably expeditious manner, notice as set forth in Section 2(b) of this Ordinance shall be sent by U.S. mail, first class postage prepaid, to the last registered owner of such Inoperable Vehicle unless such registered owner is also the person or persons in control of the property on which the Inoperable Vehicle is located. In any event, notice shall be sent by U.S. mail, first class postage prepaid, to the person or persons in control of the property on which such Inoperable Vehicle is located. Such notice by the Village to such person or persons in control of the property shall be substantially in the form set forth below:

NOTICE TO REMOVE INOPERABLE VEHICLE

TO: NAME \_\_\_\_\_ DATE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
\_\_\_\_\_

An Inoperable Vehicle described as:

MAKE \_\_\_\_\_  
YEAR \_\_\_\_\_  
COLOR \_\_\_\_\_

Has been left on your property located at \_\_\_\_\_ outside of an enclosed building and is deemed to be an Inoperable Vehicle under and Ordinance of the Village. You are hereby notified that such Inoperable Vehicle must be removed, disposed of, or placed in an enclosed building within seven (7) days of the date of this notice as indicated above.

If you want to have a hearing on the matter of whether the above described vehicle is an Inoperable Vehicle in violation of the Ordinance, you must submit a written request for such a hearing to the Police Committee of the Village, addressed as set forth below, within six (6) days of the date of this notice. In the event that you submit such a request for a hearing, a hearing date will be set and you will be advised of the time, date and place of such hearing at least three (3) days in advance of the date of such hearing. Pursuant to the Ordinance, you may also request an extension period at any such hearing. The Committee shall, upon good cause being shown, grant an extension of not more than thirty (30) days if the person or persons in control of the property upon which such Inoperable Vehicle is stored submits to the Committee an affidavit that the Inoperable Vehicle is being held for sale or expeditious repair as defined by section 4(b) of the Ordinance. To request a hearing, send or deliver a request for such a hearing in writing to the Village of Ogden, Village Hall, Ogden, IL 61859; Attention: Police Committee.

If you do not want to have a hearing, or fail to request a hearing within six (6) days of the date of this notice, or if you do not remove, dispose of , or place the Inoperable Vehicle in an enclosed building within the specified period, or within any extension granted by the Committee, such Inoperable Vehicle is subject to being towed and impounded and you may be charged with a violation of the Ordinance and subject to a Class "B" fine for each day that such violation continues. In addition, the costs of towing and storage will be assessed against you.

#### Section 4. Hearing; Extensions.

- (a) The person or persons, or the designated agent thereof, to whom the notice as specified by Section 2 and 3 of this Ordinance are directed, shall have the right to a hearing before the Police Committee of the Board of Trustees of the Village on the matter of whether the motor vehicle cited in such notice is an Inoperable Vehicle in violation of this Ordinance. To obtain such a hearing, any such person must first submit a written request for such a hearing, addressed to the Village at the Village Hall, Attention: Police Committee, within six (6) days of the date of any such notice. In the event that a hearing is so requested, the Committee shall, as soon as reasonably

practicable, set a time, date and place for the hearing and shall cause the person or persons so requesting the hearing to be provided with written notice of the time, date and place for the hearing at least three (3) day in advance of the date thereof.

- (b) Any person or persons in control of property may apply for an extension of time by making a written request for a hearing as provided in Section 4(a) above. Upon receipt of any such application for an extension of time, the Committee shall, upon good cause being shown, grant an extension of not more than thirty (30) days, if such person or persons in control of such property upon which such Inoperable Vehicle is stored submits to the Committee an affidavit that the Inoperable Vehicle is being held for sale or expeditious repair. As used in this Section 4(b), “expeditious repair” shall mean: (i) that the necessary parts for repair have been ordered but are not available for installation in the Inoperable Vehicle for reasons not within the control of the owner of said Inoperable Vehicle; or (ii) that the Inoperable Vehicle is scheduled to be repaired by a person whose regular course of business includes the repair of vehicles and the scheduled repair date is within thirty (30) days, or (iii) that the Inoperable Vehicle is in such condition of being inoperable as a result of a vehicular accident, and the owner of such Inoperable Vehicle or any third party to whom or from whom a claim for damages sustained in such accident is anticipated is investigating or preparing a claim for such damages, but in no event shall any such extension period exceed thirty (30) days.

#### Section 5. Penalty.

Any person violating the provisions of this Ordinance shall be punished with a Class “B” fine. Each day that a violation is allowed to continue under this Ordinance shall be considered as a separate offense.

#### Section 6. Towing of Inoperable Vehicles

Any Inoperable Vehicle not removed, disposed of, or placed in an enclosed building within seven (7) days of the mailing of notice as provided in Section 2(b) and/or 3(b) of this Ordinance is in violation. The towing or removal of any vehicle on private property and in violation of this Ordinance is subject to consent of registered owner or legally authorized person in control of vehicle or the owner of private property upon which it is parked. If consent isn’t granted in writing the

matter will be turned over to the Village Attorney to be resolved in court. The owner will be required to pay, court cost, attorney fees, towing and storage fees.

Section 7. Towing and Storage Charges.

Whenever an Inoperable Vehicle is towed or removed by a towing service upon the order of the Village Marshall, or the designee thereof, as provided in section 6 of this Ordinance, the owner of the Inoperable Vehicle or the person or persons in control of the property upon which such Inoperable Vehicle is located, as appropriate, shall be responsible for all towing and storage charges.

Section 8. Procedures Following Towing.

Whenever an Inoperable Vehicle is towed or removed by the Village Marshall, or the designee thereof, as provided in Section 6 of this Ordinance, the office of the Village Marshall shall, within forty-eight (48) hours of the towing or removal of such Inoperable Vehicle, provide notification to the last registered owner, lien holder or other person legally entitled to ownership of the Inoperable Vehicle, if known, and also to person or persons in control of any property from which such Inoperable Vehicle has been towed or removed, that the Inoperable Vehicle has been towed or removed pursuant to this Ordinance and providing the name and current telephone number of the towing service towing or removing the Inoperable Vehicle. If the office of the Village Marshall is unable to determine the identity of the registered owner, lien holder or other person legally entitled to ownership of the Inoperable Vehicle within forty-eight (48) hours of the towing or removal, then notification shall be provided within forty-eight (48) hours after the identity of the registered owner, lien holder or other person legally entitled to ownership of the Inoperable Vehicle is determined by the office of the Village Marshall.

Section 9. Disposition of Towed or Removed Inoperable Vehicles.

Any Inoperable Vehicle towed or removed pursuant to the provisions of this Ordinance shall be stored and claimed or disposed of in accordance with the applicable provisions of the Illinois Vehicle Code, as amended.

Section 10. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with the law.

Section 11. Repeal.

Ordinance No. 1970-12, entitled “An Ordinance Regulating Dismantled, Non-Operating, Wrecked, Junked, Abandoned or Discarded Vehicles Within The Village of Ogden, Illinois”, be and the same is hereby repealed as of the effective date of this Ordinance.

\*\*\*\*Appeal Form Mailed Upon Request\*\*\*\*



PASSED by the President and Board of Trustees of the  
Village of Ogden, Illinois, this            day of            ,

Ayes:

Nays:

Absent:

Abstain:

Approved this            day of            ,            .

Approved:

Jack Reidner  
Village President

Attest:

Beth Davis  
Village Clerk