

ORDINANCE NO. 427

VILLAGE OF BELLEVUE, ILLINOIS

AN ORDINANCE REGARDING THE DISPOSITION OF
ABANDONED AND INOPERABLE MOTOR VEHICLES

WHEREAS, it has come to the attention of the Village of Bellevue Board of Trustees that inoperable and abandoned vehicles are a nuisance within the Village; and

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

WHEREAS, Section 4-201 of the Illinois Vehicle Code (625 ILCS 5/4-201) prohibits the abandoning of vehicles on public property, and provides that vehicles abandoned on private property are subject to removal by a local law enforcement agency; and

WHEREAS, Section 11-40-3 of the Illinois Municipal Code (65 ILCS 5/11-40-3) provides for the removal of inoperable vehicles by municipalities;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, ILLINOIS:

I. ABANDONMENT OF VEHICLES

Section 1: Abandonment of vehicles prohibited. All abandoned vehicles, whether on public or private property and in view of the general public, are hereby declared to be a nuisance, and shall be unlawful as provided herein.

(A) Highways. The abandonment of a vehicle or any part thereof on any highway in this Village is unlawful and subject to penalties as set forth under Article III of this Ordinance.

(B) Other Property. The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Village is unlawful except on property of the owner or bailee of that abandoned vehicle. A

vehicle or any part thereof so abandoned on private property shall be authorized for removal, by the Sheriff of Peoria County or any member of the Sheriff's Department, after a waiting period of 7 days or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 11-40-3.1 of the Illinois Municipal Code (65 ILCS 5/11-40-3.1). A violation of this Section is subject to penalties as set forth under Article III of this Ordinance.

Section 2: Removal of Abandoned Vehicles. The Sheriff of Peoria County or any member of the Sheriff's Department is hereby authorized to remove any abandoned vehicle in violation of the provisions of this Ordinance.

II. INOPERABLE MOTOR VEHICLES

Section 1: Inoperable Motor Vehicles are a Nuisance. All inoperable motor vehicles, whether on public or private property and in view of the general public, are hereby declared to be a nuisance. The term "inoperable motor vehicle" shall have the meaning described in Section 11-40-3 of the Illinois Municipal Code (65 ILCS 5/11-40-3). The provisions of this Ordinance relating to inoperable motor vehicles shall 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 a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

Section 2: Disposal Upon Notice. All persons are required to dispose of any inoperable motor vehicles under their control upon written notice received from the Village or from the Sheriff of Peoria County or any member of the Sheriff's Department commanding such disposition of said inoperable motor vehicle.

Section 3: Removal by Sheriff. The Sheriff of Peoria County, or any member of the Sheriff's Department, is hereby authorized to remove or have removed any inoperable motor vehicle or parts thereof within the Village after seven (7) days from the issuance of the

notice. Such vehicle shall be removed and held until lawfully claimed or disposed of in accordance with ILCS Ch. 625, Act 5, §4-201 *et seq.*, as amended from time to time.

III. PENALTIES

Section 1: In the case of an abandoned or inoperable motor vehicle towed pursuant to this Ordinance, the owner of the vehicle or other person legally entitled to possession or the person who controls the vehicle is liable for all associated towing and storage charges.

Section 2: Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

IV. GENERAL PROVISIONS

Section 1: Village of Bellevue Ordinance No. 321 is hereby repealed.

Section 2: This Ordinance shall be effective upon its passage as provided by law.

PASSED AND APPROVED THIS 25TH DAY OF SEPT, 1995.

Ayes: 5

Nays: 0

Absent: 1

VILLAGE OF BELLEVUE, ILLINOIS

By: _____
Larry N. Howard, President

Attest: _____
Carol S. Howard, Clerk

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