

VILLAGE OF PALESTINE, ILLINOIS

ORDINANCE NO. 2021-O-06

AN ORDINANCE TO AMEND CHAPTER 12, NUISANCES, SECTION 12.08,
ABANDONED AND INOPERABLE VEHICLES, OF THE PALESTINE VILLAGE CODE

ADOPTED BY THE BOARD OF TRUSTEES OF
THE VILLAGE OF PALESTINE, CRAWFORD COUNTY, ILLINOIS
THIS 2nd DAY OF December, 2021

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF PALESTINE,
CRAWFORD COUNTY, ILLINOIS
THIS 2nd DAY OF December, 2021


STACEY A. MYERS, Village Clerk

ORDINANCE NO. 2021 – O - 06

AN ORDINANCE TO AMEND CHAPTER 12, NUISANCES, SECTION 12.08, ABANDONED AND INOPERABLE VEHICLES, OF THE PALESTINE VILLAGE CODE

BE IT ORDAINED by the Board of Trustees of the Village of Palestine, Crawford County, Illinois that CHAPTER 12, NUISANCES, Section 12.08, ABANDONED AND INOPERABLE VEHICLES, of the Palestine Village Code be, and it is amended to be, in its entirety, as follows:

12.08 ABANDONED AND INOPERABLE VEHICLES.

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this sections:

Abandoned vehicle: Any vehicle in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or is not properly registered and bearing current vehicle license plates affixed in a manner prescribed by the Illinois Motor Vehicle Code, and is apparently deserted.

Inoperable motor vehicle: Any motor vehicle from which, for a period of at least 7 days, the engine, wheels or other parts have been removed, including flat tires, 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 is not properly registered and bearing current vehicle license plates affixed in a manner prescribed in the Illinois Motor Vehicle Code.

Inoperable motor vehicle: Shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, such service or repair operations to be on-going, 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

Street or highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to use of the public for purposes of vehicular travel.

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, wagon, demolition derby cars and race cars.

(b) Inoperable and Abandoned Vehicles Declared to be a Nuisance.

Inoperable motor vehicles and abandoned motor vehicles to include demolition derby vehicles and racing cars, as defined herein, whether on public or private property, are hereby declared to be a nuisance, unless such vehicle(s) is kept within a building or out of public view by use of covering with a tarp, heavy duty plastic sheeting or other durable covering. *Simply placing vehicle(s) behind a residence or other building does not meet these requirements and become compliant with this ordinance.

(c) Abandonment Prohibited. The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this Village is unlawful and subject to penalties for violation of this Code. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in the Village is unlawful except on property of the owner or bailee of such abandoned vehicle; PROVIDED HOWEVER, an owner or bailee may not abandon a vehicle on the owner's or the bailee's property for a period exceeding seven days, unless such vehicle is kept within a building or out of public view. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Village Board, or any Village officer designated by them, after notice to the property owner, and after a waiting period of 72 hours has expired.

(d) Leaving of Wrecked, Non-Operating Vehicles on Street. No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street in the Village

(e) Disposition of Inoperable and Abandoned Vehicles. All persons are required to dispose of any inoperable motor vehicle or any abandoned motor vehicle under their control upon written notice received from the corporate authorities or any police officer of the Village commanding such disposition. Such notice shall specify required disposition of the inoperable motor vehicle or abandoned motor vehicle within a period of not more than seven days.

(f) Impounding. The corporate authorities or any Village officer designated by them is hereby authorized to remove or have removed any vehicle left at any place within the Village which reasonable appears to be in violation of the section or which reasonably appears to be lost, stolen, or unclaimed, or which is an inoperable motor vehicle as defined herein. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with 625 ILCS 5/4-200 to 4-215, as amended.

(g) Penalties. Any person who violates this section shall be subject to a fine of not less than \$150.00 nor more than \$750.00 plus cost of prosecution. Each day that such violation occurs shall constitute a separate offense. In addition, any person who violates this Ordinance shall be required by the Court to pay for the costs of impounding and disposition of the abandoned or unclaimed vehicle.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Upon roll call vote the following Trustees voted aye:

*Twillia Davis, Brian Nethway, Mary Michael,
J.R. Dunlap, Tim McDaniel and Gene Perce*

Upon roll call vote the following Trustees voted nay:

Passed, approved and published in pamphlet form this 2nd day of December, 2021.



JAMES R. BYRLEY
Village President

ATTEST:



STACEY A. MYERS, Village Clerk