

Chapter 3

JUNK; INOPERABLE VEHICLES

5-3-1: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

INOPERABLE MOTOR VEHICLES: Any "motor vehicle" as defined in this section, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle sticker issued by the Village, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

JUNK, TRASH, REFUSE AND DEBRIS: Any and all waste matter whether reusable or not, which is offensive to the public health, safety, or to the aesthetics of the neighborhood, and shall include, but not be limited to, abandoned household items, machinery of any kind, automobile parts, tires, clothing, containers and abandoned boats.

MOTOR VEHICLE: Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, vans, tractors, go-carts, golf carts, campers and trailers.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY: Any real property within the Village which is privately owned and which is not "public property" as defined in this section.

PUBLIC PROPERTY: Any street or highway which shall include the entire width between the boundary lines of every publicly maintained roadway for the purposes of vehicular travel and shall also mean any other publicly owned property or facility. (Ord. 1995-07, 7-10-1995)

5-3-2: NUISANCE DECLARED:

- A. Junk And Trash: The storage of junk, trash, refuse and debris on private or public property within the Village, where such storage is not authorized under the terms of the zoning ordinance, and in any manner not permitted by said ordinance is hereby declared a nuisance.
- B. Inoperable Vehicles: The presence of an "inoperable motor vehicle" as defined in section [5-3-1](#) of this chapter is hereby declared a nuisance which may be abated as such in accordance with the provisions of this chapter. (Ord. 1995-07, 7-10-1995)

5-3-3: ACCUMULATION OF JUNK PROHIBITED:

No person, property owner, or occupant of property shall store, allow, accumulate, leave, or permit the storage, leaving, or accumulation of junk, trash, or refuse upon any public or private property within the Village. (Ord. 1995-07, 7-10-1995)

5-3-4: ABANDONED VEHICLES:

- A. Unlawful Acts Specified: No person, property owner, or occupant of property shall park, store, leave, or permit the parking, storage or leaving of any inoperable motor vehicle, whether attended or not, upon any public or private property within the Village for a period of time in excess of seven (7) days.
- B. Exceptions: This section shall not apply to any vehicle enclosed within a building on private or public property or any vehicle licensed by the Village and properly operated in the appropriate business zone, pursuant to the terms of the zoning ordinance, or to any motor vehicle in operable condition specifically adapted, designed, and used for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes so long as the owner has current valid license plates for said vehicle.
- C. Storage Not In Garage: To store, cause to be stored, or permit to remain in public view on any premises within the Village, inoperable motor vehicles, not located within a garage. For the purpose of this section, "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 under its own power or one that for any period of time has been rendered inoperable as required by Illinois Compiled Statutes, or one that does not display a current license as required. (Ord. 2017-20, 10-3-2017)

5-3-5: NOTICE TO REMOVE:

Any police officer or building inspector of the Village, upon observing any violation of this chapter, shall issue a notice to the owner of record of the property on which said nuisance occurs, as shown in the records of deeds of Kane County or DeKalb County, or to the occupant of said property, or to both, and said notice shall describe the violation and shall request removal of said nuisance within the time specified in this chapter. (Ord. 1995-07, 7-10-1995; amd. 2004 Code)

5-3-6: RESPONSIBILITY FOR REMOVAL:

Upon proper notice, the property owner or occupant of property on which any junk, trash, refuse, or inoperable vehicle is located, either or all of them, shall be responsible for its removal within seven (7) days from the receipt of notice from the Village. However, if a police officer or building inspector of the Village determines the inoperable vehicle to pose an immediate threat to the health, safety or welfare of the public, said inoperable motor vehicle shall immediately be removed as provided in this chapter. (Ord. 1995-07, 7-10-1995)

5-3-7: FOLLOW UP INSPECTIONS:

Upon the termination of the seven (7) days allowed for abatement of such nuisance, a police officer or building inspector of the Village, or any other such employee of the Village as the Village President shall assign, shall investigate to determine whether said nuisance has been abated. (Ord. 1995-07, 7-10-1995)

5-3-8: REMOVAL OF ABANDONED INOPERABLE VEHICLES BY VILLAGE:

A. Village Authority To Remove:

1. In the event that a person in violation of this chapter fails to remove an inoperable motor vehicle within seven (7) days from receipt of notice, the Chief of Police, or his designee, may enter private or public property and remove said inoperable motor vehicle, or parts thereof, from said private or public property on which it is located.
2. The Chief of Police shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing tow.

B. Notice Of Removal:

1. Within forty eight (48) hours of the removal of said vehicle, the Chief of Police shall cause the records of the State of Illinois to be searched by the Secretary of State to determine ownership of said vehicle, if ownership is not known at time of removal, and give notice to the registered owner or lien holder of the vehicle, if known, by sending such notice via certified mail, return receipt requested, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, have been impounded and stored for violation of this chapter.
2. The notice shall provide a complete description of the vehicle, including make, model, license number, and any other information which will accurately identify the vehicle, give the location of where the vehicle, or vehicles, are stored, and the costs incurred by the Village for such removal, and that said vehicle may be sold at public auction if not claimed by the rightful owner or lien holder. (Ord. 1995-07, 7-10-1995)

5-3-9: DISPOSITION OF VEHICLES; PUBLIC SALE:

A. Sale Authorized; Notice To Owner:

1. When a vehicle seven (7) years of age or newer, which has been removed pursuant to this chapter, remains unclaimed for a period of thirty (30) days after notice has been provided to the registered owner or lien holder, or other person legally entitled to the possession, as provided by subsection [5-3-8B](#) of this chapter, the Village shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor, or

the towing operator which towed the vehicle.

2. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale. The Police Chief shall cause a notice to be sent to the registered owner, lien holder and other persons known by the law enforcement agency or towing service to be legally entitled to the possession of the vehicle.
- B. Unknown Owner: When the identity of the registered owner, lien holder, or other person legally entitled to the possession of a vehicle seven (7) years or newer removed pursuant to this chapter cannot be determined after a search has been conducted pursuant to subsection [5-3-8B](#) of this chapter, and after a search of the State Police stolen vehicle files, the vehicle may be sold to any person desirous of restoring said vehicle or sold as provided in subsection A of this section.
- C. Older Vehicles; Sale Or Disposal As Junk: When the unclaimed vehicle is more than seven (7) years of age, after notice has been sent to the registered owner, lien holder, or other person legally entitled to the possession of the vehicle, or said person cannot be ascertained as provided by subsection [5-3-8B](#) of this chapter, and after a search of the State Police stolen vehicle files, said vehicle may be sold after ten (10) days of notice has been provided to the registered owner, lien holder, or other person legally entitled to possession of the vehicle, if any, to any person desirous of restoring said vehicle, or the Chief of Police may authorize the disposal of the vehicle as junk or salvage.
- D. Notice Of Sale: The notice of sale shall state:
1. The sale is of abandoned property in the possession of the Village.
 2. A complete description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.
 3. The terms of the sale.
 4. The date, time and place of the sale.
 5. The steps that must be taken by any legally entitled person to reclaim the vehicle.
- E. Procedure Upon Sale: The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser, and the copy thereof to be filed with the Village Clerk. The Village, its officers or employees, or the towing service owner, operator, or employee shall not be held liable for damages in any action brought by the registered owner, or his legal representative, lien holder or any other person legally entitled to the possession of the vehicle processed and sold pursuant to this chapter. (Ord. 1995-07, 7-10-1995)

5-3-10: REDEMPTION OF IMPOUNDED VEHICLES:

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at

any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Village Clerk of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, not to exceed three hundred dollars (\$300.00) plus fifteen dollars (\$15.00) per day for storage for each vehicle redeemed. (Ord. 1995-07, 7-10-1995)

5-3-11: PENALTY:

Any person, property owner, or occupant of property in violation of this chapter shall be guilty of a misdemeanor and be assessed a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00); and any person who shall fail or neglect to remove or abate such nuisance after notice thereof, shall be considered as having a new violation of this chapter for every twenty four (24) hours said nuisance continues. (Ord. 1995-07, 7-10-1995; amd. Ord. 1996-01, 1-2-1996)