

TITLE 8 - CHAPTER 1



TAZEWELL COUNTY INOPERABLE MOTOR VEHICLE ORDINANCE

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TITLE 8 - CHAPTER 1

INOPERABLE MOTOR VEHICLES

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8 TCC 1-1. Purpose and Authority.

Pursuant to authority granted by 55 ILCS 5/5-1092, the purpose of this Chapter is to provide a method of abating nuisances created in the County of Tazewell by inoperable motor vehicles and to provide for 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 vehicles under his control and to authorize the County Sheriff to remove any such inoperable motor vehicle or part thereof pursuant to the process herein provided.

8 TCC 1-2. Inoperable Motor Vehicles Prohibited.

It is hereby declared a nuisance for any person to cause or permit the existence or storage upon any premises within the County of Tazewell and outside the municipal confines of any city or village or incorporated town in the County of Tazewell:

- (a) Any inoperable motor vehicle or part thereof.
- (b) For the purpose of this Section, “Inoperable Motor Vehicle” means any motor vehicle or other vehicle and part thereof from which for a period of at least seven (7) days, the engine, the 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 also include unregistered vehicles that are subject to the vehicle registration laws enumerated in 625 ILCS 5/3-400 et seq., and that have been without valid registration for a period of at least thirty days. “Inoperable Motor Vehicle” shall not include:
 - (1) any 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;
 - (2) any vehicle that is kept within an enclosed building when not in use;
 - (3) any vehicle on the premises of a place of business engaged in the wrecking, junking, storage or sales of motor vehicles or other vehicles;
 - (4) any motor vehicle not required to be registered in order to operate it upon a public road or highway;
 - (5) any inoperable historic motor vehicles over twenty-five years of age which are licensed pursuant to section 3-804 of the Motor Vehicle Code (625 ILCS 5/3-804)
 - (6) one (1) unlicensed vehicle may be allowed to remain on property if such vehicle serves an active, functional business purpose (not including storage) solely on premises where such use is lawful under the Zoning Code and that is deemed inoperable solely because it is unregistered. Such number of vehicles shall not exceed 1 vehicle.

8 TCC 1-3. Notice to Abate Nuisance.

- (a) Whenever any zoning inspector determines that an inoperable vehicle exists on any public or private property located in the County of Tazewell and outside the municipal confines of any city, town, village, or incorporated town, the zoning inspector shall cause a written notice to be served upon the owner or person in control of the property or premises who is causing, permitting or maintaining such inoperable motor vehicle which notice shall inform the person served that an inoperable motor vehicle constitutes a nuisance under this provision.
- (b) Such notice shall fairly appraise such person of the nature of the nuisance, his duty to abate or remove the nuisance and dispose of any such inoperable motor vehicle within the time provided therein, the penalty for failure to abate the same, and shall state that if said nuisance is abated by the County, liability for necessary expenses so incurred shall accrue as provided in 8 TCC 1-8.
- (c) Whenever any person is served with a notice by a zoning inspector pursuant to 8 TCC 1-3(a), such person may appeal such determination to the Community Development Administrator. Such appeal must be made in writing and received by the Community Development Administrator within five days of receipt of the inspector's notice. Upon receipt of an appeal, the Administrator shall either affirm or reverse the inspector's determination. Such appeal shall not automatically toll the running of the 7 day period. The administrator's determination is appealable pursuant to 7 TCC 1-19-1 et seq.
- (d) Whenever any zoning inspector determines that such inoperable motor vehicles remains for 7 days after receipt of notice as provided in 8 TCC 1-3(a), the Community Development Administrator or the Field Inspector may serve the owner or person in control of the property by any means as authorized by 55 ILCS 5/5 41020.

8 TCC 1-4. Duty to Abate: Time Limits.

It is hereby declared the duty of any person determined to have created, caused, erected, maintained or permitted a nuisance as defined 8 TCC 1-2 to exist within the County to discontinue and abate such nuisance within seven (7) days, from the time he receives written notice thereof pursuant to 8 TCC 1-3(d).

8 TCC 1-5. Failure to Abate, Separate and Recurring Offense: Penalty.

- (a) It shall be unlawful and in violation of this Chapter, for any person to neglect, refuse or otherwise fail to remove or abate any nuisance as defined in 8 TCC 1-2 after the expiration of the seven (7) days of service of notice pursuant to 8 TCC 1-3(d);

- (b) The violation of the terms of this Article is hereby punishable by a fine not less than \$100.00 and not to exceed five hundred dollars (\$500.00), with each seven days or part thereof the violation remains uncorrected constituting a separate offense. Such fine may be imposed by a court upon the prosecution of any violation of the terms of this article. In addition to any fine imposed under this article, the court may order that the person convicted of such a violation remove the inoperable motor vehicle or other vehicle. At its discretion, the court may order that the nuisance be abated by the Sheriff or other proper officer at the expense of the defendant.

8 TCC 1-6. Abatement by County.

Whenever any nuisance as defined in 8 TCC 1-2 is not abated by the owner, lessee or person in control of the premises or property affected within the time provided by notice, the Tazewell County Sheriff's Department shall cause the abatement or removal of such nuisance by having the inoperable vehicle removed from the subject premises.

8 TCC 1-7. Summary Abatement by County when Emergency Exists or when Inoperable Vehicle is on Public Property.

Notwithstanding any other provision of this Chapter, whenever any nuisance

- (a) constitutes or is deemed to be an eminent or immediate danger to the public health or safety by any health inspector, law enforcement officer of the Tazewell County Sheriff's Department, or Tazewell County Community Development Administrator; or,
- (b) exists on public property, the proper county officer shall cause such nuisance to be summarily and immediately abated and removed, regardless of any seven (7) day notice period.

8 TCC 1-8. Costs of Abatement: Debt of Owner.

Any costs or expenses of abatement reasonably incurred by the County pursuant to the provisions of 8 TCC 1-6 and 8 TCC 1-7 of this Chapter, shall be a debt to the county by the owner, lessee, and/or person in control of premises upon which such nuisance existed, and shall constitute a lien on such property.

8 TCC 1-9. Fine and Costs to be A Lien Against Property.

Whenever a fine or cost shall be assessed under the provisions of this act against the owner or any property herein declared to be a nuisance, such fine or costs shall constitute a lien upon such property to the extent of the interest of such owner, and an Order of Execution may issue thereon.