

CITY OF LeROY
COUNTY OF McLEAN
STATE OF ILLINOIS

ORDINANCE NO. 318

AN ORDINANCE AMENDING CHAPTER 12 NUISANCES, SECTION 12.06,
MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (AS AMENDED)

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LeROY THIS 18th DAY OF April, 1988

PRESENTED: April 18, 1988

PASSED: April 18, 1988

APPROVED: April 18, 1988

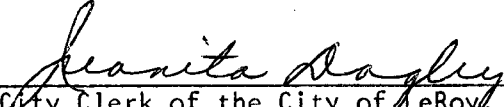
RECORDED: April 18, 1988

PUBLISHED: April 18, 1988

In Pamphlet Form/In Newspaper

Voting "Aye" 6
Voting "Nay" 6

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.



City Clerk of the City of LeRoy,
McLean County, Illinois

(SEAL)

Dated: April 18, 1988.

ORDINANCE NO. 318

AN ORDINANCE AMENDING CHAPTER 12 NUISANCES, SECTION 12.06,
MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (AS AMENDED)

WHEREAS, the legislature of the State of Illinois has amended paragraph 11-40-3 of the Municipal Code of 1961 (Chapter 24, Section 11-40-3, Illinois Revised Statutes (1985 (as amended))), to provide that inoperable vehicles may be removed from private property under certain circumstances seven (7) days after the issuance of a municipal notice declaring said vehicle inoperable and to be removed, and

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, find that from time to time inoperable vehicles or parts of vehicles are located in and about the city on private property and that such inoperable vehicles or parts thereof are a nuisance and an eyesore, as well as having a deleterious effect upon the health, safety, and welfare of the residents of the city,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, Illinois, in lawful meeting assembled, as follows:

Section 1. That the current Section 12.06 of Chapter 12 Nuisances, of the Municipal Code of LeRoy, Illinois 1975 (as amended), is hereby repealed.

Section 2. That new Section 12.06, Abandoned Vehicles, of Chapter 12 Nuisances, Municipal Code of LeRoy, Illinois, 1975 (as amended) is hereby adopted in words and figures as follows:

12.06 ABANDONED VEHICLES (a) Definitions. The following definitions shall apply in this section.

Vehicle: A machine propelled by power other than human power designed 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, and wagon.

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

Property: Any real property within the city which is not a street or highway.

Inoperable Motor Vehicle: Any motor vehicle from which, for a period of 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 motor power. "Inoperable Motor Vehicle" shall not include a 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.

(b) Abandonment of Vehicles. No person shall abandon a vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(c) Leaving of Wrecked, Non-Operating Vehicle on Street. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the city.

(d) Disposition of Wrecked, Discarded or Inoperable Vehicles. All wrecked, discarded, or inoperable motor vehicles, whether on public or private property, in view of the general public are declared to be a nuisance. No person in charge of or in control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, wrecked, junked, discarded or inoperable motor vehicle, or any part thereof to remain on such property longer than sixty (60) days. If any such vehicle or part thereof shall be permitted to remain longer than sixty (60) days upon any property within the city, the city marshal or any member of the police department under his supervision, and designated by him, is hereby directed to serve upon the owner, tenant, occupant, lessee, or other person having control of the premises a notice stating that such person is to dispose of the dismantled, wrecked, junked, discarded, or inoperable motor vehicle, or any part thereof, promptly, and that if such motor vehicle or part thereof is not removed within seven (7) days from the issuance of the notice, that the city marshal or any member of his department designated by him shall then be authorized to remove such motor vehicle or part thereof. This section shall not apply to any vehicle that is kept within a

building when not in use, to operable historic vehicles over twenty-five (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.

(e) Impounding. The city marshal or any member of his department designated by him is hereby authorized to remove or have removed any vehicle or parts thereof left at any place within the city, so long as upon public property, which reasonably appears to be in violation of this section, or abandoned, lost, stolen or unclaimed, and to remove such vehicle in accordance with applicable state statutes. Further, the city marshal or any member of his department designated by him is hereby authorized to remove or have removed any vehicle or parts thereof left at any place within the city and located upon private property in accordance with the notice provisions and provisions for removal as set forth in the preceding sub-section. Such vehicles or parts thereof shall be impounded until lawfully claimed or disposed of in accordance with the Motor Vehicle Code of the State of Illinois, from time to time as amended.

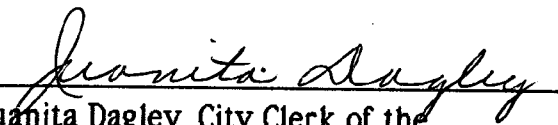
(f) Penalties. Any person violating this section shall be subject to the penalty provided for violation of this code.

Section 3. This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as required by law.

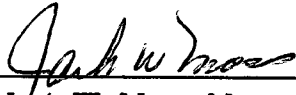
PASSED by the Mayor and City Council of the City of LeRoy, Illinois, on the 18th day of April, 1988.

AYES David King, Jerry Davis, Jon Winston, Steve Dean, Randy Zimmerman, Patrick Derby

NAYS None

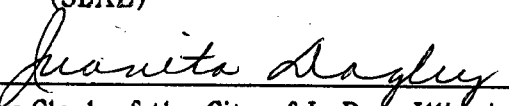

Juanita Dagley, City Clerk of the
City of LeRoy, Illinois

Approved by the Mayor of the City of LeRoy, Illinois, this 18th day
of April, 1988.



Jack W. Moss, Mayor of the
City of LeRoy, Illinois

ATTEST:

(SEAL)


City Clerk of the City of LeRoy, Illinois

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, McLean County, Illinois.

I further certify that on April 18, 1988, the Corporate Authorities of such municipality passed and approved Ordinance No. 318, entitled:

AN ORDINANCE AMENDING CHAPTER 12 NUISANCES, SECTION 12.06, MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (AS AMENDED),

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 318, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on April 18, 1988, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 18th day of April, 1988.

(seal)

Juanita Dagley
Municipal Clerk

