

ORDINANCE NUMBER 18-19

INOPERABLE MOTOR VEHICLES

WHEREAS, it is the policy of the Kendall County Board to promote the health, safety, and welfare of Kendall County by abating the nuisance created by the outside storage of inoperable motor vehicles in unincorporated areas of the County; and

WHEREAS, on May 10, 1988, the Kendall County Board adopted Ordinance No. 8815 entitled "Inoperable Motor Vehicles;" and

WHEREAS, Ordinance No. 8815 stated the circumstances under which the storage of inoperable motor vehicles in unincorporated areas of Kendall County would constitute a nuisance and provided procedures for the abatement of such nuisance; and

WHEREAS, the Kendall County Board now desires to implement an updated procedure for the abatement of the nuisance created by the storage of inoperable motor vehicles; and

WHEREAS, Section 5-1092 of the Counties Code (55 ILCS 5/5-1092) authorizes a county board to declare by ordinance inoperable motor vehicles, whether on public or private property, to be a nuisance and authorize fines to be levied against a person for failure to dispose of an inoperable motor vehicle after receiving notice; and

WHEREAS, pursuant to Section 5-1092, this Ordinance shall not apply to motor vehicles kept within a building when not in use, operable historic vehicles over 25 years of age, or motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby authorizes the abatement of the nuisances created by the storage of inoperable motor vehicles and the levying of fines for a person's failure to abate as follows:

Section 1.

Pursuant to authority granted by 55 ILCS 5/5-1092, the purpose of this Ordinance is to provide a method for abating nuisances created in the County of Kendall 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 that person's control.

Section 2.

It is hereby declared a nuisance for any person to cause or permit the existence or storage upon any premises within the County of Kendall and outside the municipal confines of any city, village or incorporated town any inoperable motor vehicle or part thereof.

For purposes of this Section, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 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. 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. any motor vehicle that is kept within a building when not in use;
- c. an operable historic vehicle over 25 years of age which is licensed pursuant to section 3-804 of the Motor Vehicle Code (625 ILCS 5/3-804);
- d. a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.
- e. any motorized equipment used in the production of agriculture.

Section 3.

a. Any Kendall County code enforcement officer and the Kendall County Sheriff, or his deputies, are hereby authorized to issue citations to the offender for a violation of this Ordinance without the necessity of receiving a complaint.

b. Whenever any authorized officer determines an inoperable motor vehicle exists on any public or private property located in the County of Kendall and outside the municipal confines of any city, village, or incorporated town, the officer shall cause a written notice to be served by hand delivery upon the person(s) controlling the inoperable motor vehicle, which notice shall inform the person served that an inoperable motor vehicle constitutes a nuisance under this Ordinance.

An inoperable motor vehicle is under the control of a person(s) if that person(s):

- i. holds legal title to the inoperable motor vehicle;
 - ii. is in custody or possession of the inoperable motor vehicle;
 - iii. is the owner of real property upon which the inoperable motor vehicle is located;
 - iv. has any possessory interest in the real property upon which the inoperable motor vehicle is located;
 - v. has any possessory interest in the inoperable motor vehicle.
- c. Such notice shall include the following:
- i. The name of the defendant and his or her address, if known;
 - ii. The nature of the offense and a reference to this Ordinance;
 - iii. The date, time and place that the person is required to appear in court;
 - iv. A statement that defendant can avoid the court appearance if he, within 10 days of the service of the notice, repairs the vehicle to an operable condition or disposes of the inoperable vehicle;
 - v. A statement that the defendant may demand a jury trial by filing a jury demand and paying a jury demand fee when entering his or her appearance, plea, answer to the charge, or other responsive pleading;
 - vi. A statement that a default judgment may be entered in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court

appearance or any date to which the case is continued and the amount of any default judgment.

Section 4.

a. Any person receiving such notice to dispose of an inoperable motor vehicle shall, within 10 days of the date of service of said notice:

- i. Repair all inoperable motor vehicles identified in the notice to operable condition; or
- ii. Dispose of all inoperable motor vehicles identified in the notice in accordance with all applicable statutes of the State of Illinois and all applicable ordinances and resolutions of the County of Kendall.

b. If the person receiving such notice repairs or disposes of the inoperable motor vehicle within 10 days as required, that person shall contact the Kendall County Planning, Building, and Zoning Department at least 10 days prior to the scheduled court appearance for an inspection. If the code enforcement officer determines the inoperable motor vehicle has been repaired or disposed of so that it is no longer in violation of this Ordinance, the court appearance shall no longer be required.

Section 5.

a. It shall be unlawful and in violation of this Ordinance for any person to neglect, refuse, or otherwise fail to remove or abate any nuisance as defined in Section 2 within 10 days following service of notice pursuant to Section 3(c).

b. A violation of this Ordinance by any person shall be punishable by a fine not exceeding \$200.00 for each offense.

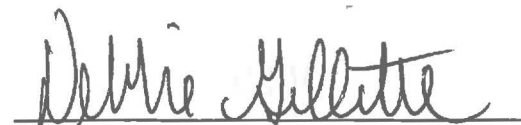
c. Each day a violation continues to exist following the expiration of the 10 day cure period set forth in Section 4(a) shall constitute a separate offense.

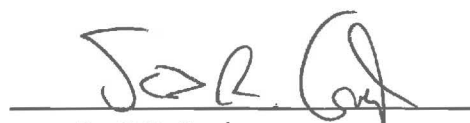
Section 6.

Ordinance No. 8815 adopted May 10, 1988 is repealed.

IN WITNESS OF, this Ordinance has been enacted by a majority vote of the Kendall County Board this 18 day of September, 2018.

Attest:


Debbie Gillette
Kendall County Clerk


Scott R. Gryder
Kendall County Board Chairman