

ORDINANCE # 2024-6-4

**AN ORDINANCE AMENDING THE DEFINITIONS OF NUISANCES/ INOPERABLE MOTOR VEHICLES**

WHEREAS, the Board of Trustees of the Village of Aviston deems it appropriate to modify the definitions of Nuisances/ Inoperable Motor Vehicles and Notice to Owner(s).

THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Aviston, Clinton County, Illinois as follows:

Chapter 8, Article 4 is hereby amended to read as follows:

**8-4-1 DEFINITIONS**

For purposes of the Article, "Inoperable Motor Vehicle" means 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 attached, damaged or otherwise treated that the vehicle is incapable of being driven under its own motor power. Motor vehicles in the Village that do not display a State of Illinois vehicle registration sticker valid within at least the last sixty (60) days are also declared "Inoperable" for the purposes of this article. "Inoperable Motor Vehicle" shall not include:

- (A) Any motor vehicle kept in a building when not in use;
- (B) A motor vehicle on the premises of a place of business engaged in wrecking or junking motor vehicles, or a commercial towing facility or auto body shop; or**
- (C) Any motor vehicle used for training for public services, e.g. fire rescue, police, EMS, EMA.**

**8-4-2 DECLARED NUISANCES AND PROHIBITION**

- (A) Inoperable motor vehicle vehicles herein defined, whether on public property or private property in view of the general public, are hereby declared a nuisance.
- (B) No person shall cause, permit, maintain, or suffer the continuance of a nuisance defined in this Article within the Village limits.
- (C) Any person found guilty of this offense may be fined three hundred fifty dollars (\$350).**

**8-4-3 NOTICE TO OWNER(S)**

The Village President, Village Board or Police Officer shall notify, or attempt to notify, the owner or responsible party, of the motor vehicle, informing him that he shall dispose or remove of any inoperable vehicles under his/her control. If the owner fails to dispose or remove of said inoperable vehicle, after seven (7) days from the issuance of the notice, the Village President,

Village Board or Police Officer may authorize a towing service to remove and take possession of said inoperable vehicle or parts thereof.

(A) Example notice:

Date:  
Resident Name:  
Address:  
City, State, Zip

Re: Inoperable Motor Vehicle

Dear Resident:

The Village of Aviston is committed to maintaining quality neighborhoods and an excellent community environment. Our citizens expect us to do everything we can in this regard. We know that this can only be achieved through the cooperation of everyone involved. This letter shall serve as notice to you that following an inspection or complaint on **date**, it was discovered that you are in violation of **Article 4 NUISANCES / INOPERABLE MOTOR VEHICLES**. You are hereby notified that the Village of Aviston has determined that a motor vehicle(s) owned or possessed by you located at **premise address**, which is located within the Corporate Limits contains an inoperable motor vehicle(s) as defined by Section 8-4 of the Municipal Code. Please correct this matter within 7 days from the date of this letter. This is only a warning; however failure to comply will result in a \$350.00 fine, and or possible removal of the vehicle by a commercial towing service. Please see below the definition of Inoperable Motor Vehicle per Aviston Village Ordinance 8-4.

#### **8-4-1 DEFINITIONS**

For purposes of the Article, "Inoperable Motor Vehicle" means 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 attached, damaged or otherwise treated that the vehicle is incapable of being driven under its own motor power. Motor vehicles in the Village that do not display a State of Illinois vehicle registration sticker valid within at least the last sixty (60) days or a valid license plate is also declared "Inoperable" for the purposes of this Article.

Your cooperation with this matter is greatly appreciated. Clearly abatement can be expensive as a property owner, if the Village can assist you in any way, please ask although there is no guarantee. Questions about this matter can be directed to the Aviston Village Board or Police Department.

Signed

Village Clerk, Village of Aviston

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

A motion was made by Kevin Eversgard, second by Kyle Markus to approve this ordinance as presented.

AYES: K. Eversgard, C. Albers, K. Peek, M. Netemeyer, K. Markus

NAYS:

ABSENT: M. Kohnen

ABSTAIN:

Passed and approved this 3<sup>RD</sup> day of June, 2024.

ATTEST:

Jennifer Jansen  
Jennifer Jansen, Village Clerk

Mike Kampwerth  
Mike Kampwerth, Village President