

**VILLAGE OF FLANAGAN  
LIVINGSTON COUNTY, ILLINOIS**

---

**ORDINANCE NO. 2016-09**

**AN ORDINANCE DECLARING CERTAIN INOPERABLE  
MOTOR VEHICLES TO BE A NUISANCE.**

---

ADOPTED BY  
THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF FLANAGAN

This 20th day of December, 2016.

---

VILLAGE OF FLANAGAN, ILLINOIS

ORDINANCE NO. 2016-09

AN ORDINANCE DECLARING CERTAIN INOPERABLE MOTOR VEHICLES  
TO BE A NUISANCE.

Be it ordained by the Village Board of Flanagan, Illinois, as follows:

- A. **Inoperable motor vehicles a nuisance.** All inoperable or junk motor vehicles, whether on public or private property and in view of the general public, are hereby declared to be a nuisance.
- B. **Inoperable motor vehicle/junk motor vehicle defined.** As used in this chapter, “inoperable motor vehicle” or “junk motor vehicle” means any motor vehicle that remains in view of the general public for a period of at least seven (7) calendar days and from which 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: (i) 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; (ii) any motor vehicle that is kept within a building when not in use; (iii) operable historic vehicles over twenty-five (25) years of age with antique plates issued by the State of Illinois; or (iv) a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.
- C. **Removal of inoperable motor vehicles.** When an inoperable motor vehicle is discovered within the corporate limits of the Village of Flanagan (“Village”), it shall be the responsibility of the Village, its representative, or the Livingston County Sheriff’s Department (“Sheriff’s Department”) or a Sheriff’s Deputy to determine the registered owner and/or party in lawful possession thereof, and to serve on such person or party, in person or by certified mail, a written notice stating that the person or party shall dispose of the inoperable motor vehicle under their control within seven (7) calendar days of the date of the issuance of the notice or be subject to the penalties provided in this Ordinance.
- D. **Penalties.** Any person or party in violation of the provisions hereof shall be subject to payment of a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. Each day a violation occurs or continues after the seventh day following the date of notice shall be deemed a separate offense.
- E. **Notice.** Whenever it appears that an inoperable motor vehicle is being stored in the open on private property, the Village of Flanagan, its representative or the Livingston County Sheriff’s Department or a Sheriff’s Deputy may issue a notice of violation to the titleholder of the vehicle and/or the record owner or any adult occupant of the property on which it is located. The notice shall state the make of the vehicle, if known, the license number, if any, and VIN. The notice shall further state that the vehicle is inoperable and

require that within seven (7) calendar days the vehicle be made operable, removed from the Village or enclosed so that it is not visible from public property. The notice shall either be personally delivered to the titleholder or occupant of the property on which its located or sent by certified mail, return receipt requested.

Any person receiving such notice who does not make the vehicle operable, remove the vehicle from the Village or enclose said vehicle shall be guilty of a violation of Section 3 of this Ordinance. The fine for said violation shall be not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00); a separate violation shall be deemed committed each day that the condition persists beyond the expiration of the seven (7) calendar day notice. Thereafter, the Village may file a complaint in Livingston County Circuit Court for an ordinance violation.

Such notice by the Village clerk to remove said inoperable motor vehicle shall be substantially in the form set forth below:

**NOTICE TO REMOVE INOPERABLE MOTOR VEHICLE**

NAME \_\_\_\_\_  
DATE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
An inoperable motor vehicle described as:  
MAKE \_\_\_\_\_  
YEAR \_\_\_\_\_  
COLOR \_\_\_\_\_  
LISENCE PLATE # \_\_\_\_\_

This vehicle is registered with the State of Illinois in the name(s) of \_\_\_\_\_. This vehicle is located outside an enclosed building and is deemed to be an inoperable motor vehicle under Ordinance #2016-09 of the Village of Flanagan. You are hereby notified that this inoperable motor vehicle must be removed, disposed of, or placed in an enclosed building within seven (7) calendar days after the date of this notice as indicated above. If you do not remove, dispose of, or place the inoperable motor vehicle in an enclosed building within the specified period, or within any extension period granted by the Board of Trustees after a hearing, you will be subject to a daily fine of at least twenty-five dollars (\$25.00) but not more than one hundred dollars (\$100.00) for such offense. Each day you remain in violation of the Ordinance shall be considered a separate offense. Thereafter, the Village may file a complaint in the Livingston County Circuit Court for an ordinance violation.

F. **Offer to Remove.** Subject to the appropriation and availability of funds, in any situation involving the apparent open storage of an inoperable motor vehicle, the Village of Flanagan, its representative, the Livingston County Sheriff’s Department or Sheriff’s Deputy, either before or after issuing the notice referred to in paragraph 5 of this Ordinance, may offer to remove the inoperable motor vehicle from the property at no expense to the owner of the vehicle or owner or occupant of the property on which it is located. The terms of such offer are as follows:

1. The owner of the vehicle agrees to sign over title to the vehicle to the Village of Flanagan or its designee at no charge.
  2. The owner of the vehicle and owner or lessee of the property on which the vehicle is located sign an agreement waiving all rights in and to the vehicle and agree to hold the Village and all its officers, employees, and agents harmless in connection with the removal of the vehicle.
  3. The Village agrees not to file any complaints in Circuit Court for violation of section of this chapter or, if a complaint has been filed, that it will dismiss such complaint.
- G. **Removal Procedure.** Upon receipt of the releases provided for in paragraph 6 above, the Village of Flanagan, its representative or the Livingston County Sheriff's Department or a Sheriff's Deputy, is authorized to contact a towing service and arrange for it to take the title to, tow and legally dispose of said vehicle at no cost to the owner.
- H. **Repeal of Prior Ordinances.** This Ordinance shall supersede any ordinances or motions or parts of ordinances or motions in conflict with any part herein, and any such ordinance or motions or parts of such ordinances are hereby repealed.
- I. **Severability.** If any section, paragraph or provision of the Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions of this Ordinance.
- J. **Attorney's Fees and Costs.** In the event an ordinance violation action is begun, any reasonable attorney's fees and costs incurred by the Village shall be assessed in addition to any fines, penalties, and costs of towing.
- K. **Publication.** The Secretary of the Village of Flanagan is hereby directed to publish this Ordinance in full at least once in a newspaper published in the Village. Publication shall take place no later than thirty (30) days following the adoption of this Ordinance. The provisions of this Ordinance shall be in full force and effect ten (10) days after publication as provided by law (65 ILCS 5/1-2-4).

PRESENTED to the Board of Trustees of the Village of Flanagan, Livingston County, Illinois this 20th day of December, 2016.

PASSED by the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20th day of December, 2016.

SIGNED by the President of the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20th day of December, 2016.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Jason Montello  
President, Board of Trustees  
Village of Flanagan

IL (SEAL)

ATTEST:

\_\_\_\_\_  
Kristy Dodge, Village Clerk  
Village of Flanagan

APPENDIX A

**NOTICE TO REMOVE INOPERABLE MOTOR VEHICLE**

NAME \_\_\_\_\_

DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_

An inoperable motor vehicle described as:

MAKE \_\_\_\_\_

YEAR \_\_\_\_\_

COLOR \_\_\_\_\_

LISENCE PLATE # \_\_\_\_\_

This vehicle is registered with the State of Illinois in the name(s) of \_\_\_\_\_. This vehicle is located outside an enclosed building and is deemed to be an inoperable motor vehicle under Ordinance #2016-09 of the Village of Flanagan. You are hereby notified that this inoperable motor vehicle must be removed, disposed of, or placed in an enclosed building within seven (7) calendar days after the date of this notice as indicated above. If you do not remove, dispose of, or place the inoperable motor vehicle in an enclosed building within the specified period, or within any extension period granted by the Board of Trustees after a hearing, you will be subject to a daily fine of at least twenty-five dollars (\$25.00) but not more than one hundred dollars (\$100.00) for such offense. Each day you remain in violation of the Ordinance shall be considered a separate offense. Thereafter, the Village may file a complaint in the Livingston County Circuit Court for an ordinance violation.