

**VILLAGE OF OGDEN
CHAMPAIGN COUNTY, ILLINOIS**

ORDINANCE NO. 2021- 1104

**AN ORDINANCE REGULATING
INOPERABLE VEHICLES/TRAILERS
AND PROVIDING FOR LIMITED STREET PARKING LICENSES**

**Passed by the Board of Trustees
and Approved by the
President
of
Village of Ogden, Illinois on
November 4, 2021**

**Published in pamphlet form by authority of the President and Board of Trustees of
the Village of Ogden, Champaign County, Illinois, this 4th day of November, 2021**

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AN ORDINANCE REGULATING
INOPERABLE VEHICLES/TRAILERS
AND PROVIDING FOR LIMITED STREET PARKING LICENSES

WHEREAS, the Village of Ogden, Champaign County, State of Illinois (the "Village") is authorized to provide for certain regulations which promote the safety, health and welfare of its citizens; and

WHEREAS, Pursuant to Section 65 ILCS 5/11-40-3 of the Illinois Municipal Code, the Village Board of Trustees and President previously adopted Ordinance No. 2410-K, "AN ORDINANCE REGULATING INOPERABLE VEHICLES"; and

WHEREAS, the Village Board of Trustees has considered the safety hazard and public nuisance caused by inoperable vehicles and inoperable trailers and has determined that it is advisable, necessary and in the best interest of the Village and its residents to amend Ordinance No. 2410-k as it relates to inoperable vehicles and regulations all as provided herein; and

WHEREAS, the Village recognizes that a limited number of locations may justify the issuance of parking licenses as provided herein.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OGDEN, CHAMPAIGN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Incorporation Clause. The President and Board of Trustees of the Village of Ogden, Illinois hereby find that all of the recitals hereinbefore stated as contained in the preambles of this Ordinance are full, true and correct and do hereby, by reference incorporate and make them part of this ordinance.

Section 2. Purpose. This Ordinance is to amend Ordinance No. 2410-K, "AN ORDINANCE REGULATING INOPERABLE VEHICLES."

Section 3. Ordinance Amendment. Ordinance No. 2410-K is hereby amended to now read, in entirety, as follows:

"Section 1. Definitions.

"Antique Vehicle" shall mean a motor vehicle or other vehicle which is more than twenty-five (25) years old or is a bona fide replica thereof.

MAKE _____
YEAR _____
COLOR _____

Has been left on your property located at _____ outside of an enclosed building and is deemed to be an Inoperable Vehicle and/or prohibited Trailer under an Ordinance of the Village. You are hereby notified that such Inoperable Vehicle and/or prohibited Trailer must be removed, disposed of, or placed in an enclosed building within seven (7) days of the date of this notice as indicated above.

If you want to have a hearing on the matter of whether the above-described vehicle is an Inoperable Vehicle and/or prohibited Trailer in violation of the Ordinance, you must submit a written request for such a hearing to the Village Board of Trustees, addressed as set forth below, within six (6) days of the date of this notice. In the event that you submit such a request for a hearing, a hearing date will be set and you will be advised of the time, date and place of such hearing at least three (3) days in advance of the date of such hearing. Pursuant to the Ordinance, you may also request an extension of not more than thirty (30) days if the person or persons in control of the property upon which such Inoperable Vehicle and/or prohibited Trailer is stored submits to the Committee an affidavit that the Inoperable Vehicle and/or Prohibited Trailer is being held for sale or expeditious repair as defined by Section 4 (b) of the Ordinance. To request a hearing, send or deliver a request for such a hearing in writing to the Village of Ogden, Village Hall, Ogden, IL 61859.

If you do not want to have a hearing, or fail to request a hearing within six (6) days of the date of this notice, or if you do not remove, dispose of, or place the Inoperable Vehicle and/or prohibited Trailer in an enclosed building within the specified period, or within any extension granted by the Committee, you may be charged with a violation of the Ordinance and subject to a Class "B" fine for each day that such violation continues.

Section 4. Exempt; Business District.

(a) An Inoperable Vehicle and/or prohibited Trailer on the premises of a place of a business engaged in the wrecking, junking or recycling of motor vehicles, licensed by the state and in compliance with all other regulations pertaining to that business in all Village Ordinances shall be exempt from prohibitions on private property as provided herein.

(b) An Inoperable Vehicle and/or prohibited Trailer that is parked upon the premises lawfully zoned for the business of repairing, towing or selling by a licensed automobile dealer shall be exempt from prohibitions on private property as provided herein.

Section 5. Exempt; Loading Zones.

Motor vehicles engaged in the actual loading or unloading of goods for a nearby or adjacent businesses. No other vehicle other than a commercial vehicle or a vehicle engaged in the actual loading or unloading of goods for nearby or adjacent businesses shall be parked or stopped and

left standing in such zones, and vehicles allowed hereby to be parked in said zones shall be so parked only when the same are being loaded or unloaded. No driver of a commercial vehicle shall stand such vehicles in a commercial loading zone except while actively engaged in loading or unloading activity.

Section 6. Hearing; Extensions.

(a) The person or persons, or the designated agent thereof, to whom the notice as specified by Section 2 and 3 of this Ordinance are directed, shall have the right to a hearing before the Board of Trustees of the Village on the matter of whether the motor vehicle cited in such notice is an Inoperable Vehicle and/or prohibited Trailer in violation of this Ordinance. To obtain such a hearing, any such person must first submit a written request for such a hearing, addressed to the Village at the Village Hall, within six (6) days of the date of any such notice. In the event that a hearing is so requested, the Committee shall, as soon as reasonably practicable, set a time, date and place for the hearing and shall cause the person or persons so requesting the hearing to be provided with written notice of the time, date and place for the hearing at least (3) days in advance of the date thereof.

(b) Any person or persons in control of property may apply for an extension of time by making a written request for a hearing as provided in Section 4 (a) above. Upon receipt of any such application for an extension of time, the Committee shall, upon good cause being shown, grant an extension of not more than thirty (30) days, if such person or persons in control of such property upon which such Inoperable Vehicle and/or prohibited Trailer is stored submits to the Committee an affidavit that the Inoperable Vehicle and/or prohibited Trailer is being held for sale or expeditious repair. As used in this Section 4 (b), “expeditious repair” shall mean: (i) that the necessary parts for repair have been ordered but are not available for installation in the Inoperable Vehicle and/or prohibited Trailer for reasons not within the control of the owner of said Inoperable Vehicle and/or prohibited Trailer; or (ii) that the Inoperable Vehicle and/or prohibited Trailer is scheduled to be repaired by a person whose regular course of business includes the repair of vehicles and the scheduled repair date is within thirty (3) days; or (iii) that the Inoperable Vehicle and/or prohibited Trailer is in such condition of being inoperable as a result of a vehicular accident, and the owner of such Inoperable Vehicle and/or prohibited Trailer or any third party to whom or from whom a claim for damages sustained in such accident is anticipated, is investigating or preparing a claim for such damages, but in no event shall any such extension period exceed thirty (30) days.

Section 7. Penalty.

Any person violating the provisions of this Ordinance shall be subject to a Class “B” fine. Each day that a violation is allowed to continue under this Ordinance shall be considered as a separate offense.

Section 8. Towing of Inoperable Vehicles and/or Prohibited Trailers.

An Inoperable Vehicle and/or prohibited Trailer not removed, disposed of, or placed in an enclosed building within seven (7) days of the mailing of notice as provided in Section 2 (b) and/or 3 (b) of this Ordinance is in violation.

Section 9. Towing and Storage Charges.

Whenever an Inoperable Vehicle and/or prohibited Trailer is towed or removed by a towing service upon the order of the Village President, or the designee thereof, as provided in Section 6 of this Ordinance, the owner of the Inoperable Vehicle and/or prohibited Trailer shall be responsible for all towing and storage charges.

Section 10. Procedures Following Towing.

Whenever an Inoperable Vehicle and/or prohibited Trailer is towed or removed by the Village President, or the designee thereof, as provided in Section 6 of this Ordinance, the office of the Village President and/or his/her designee shall, within forty-eight hours (48 hours of the towing or removal of such Inoperable Vehicle and/or prohibited Trailer) provide notification to the last registered owner, lien holder or other person legally entitled to ownership of the Inoperable Vehicle and/or prohibited Trailer, if known, that the Inoperable Vehicle and/or prohibited Trailer has been towed or removed pursuant to this Ordinance and providing the name and current telephone number of the towing service towing or removing the Inoperable Vehicle and/or prohibited Trailer. If the office of the Village is unable to determine the identity of the registered owner, lien holder or other person legally entitled to ownership of the Inoperable Vehicle and/or prohibited Trailer within forty-eight (48) hours of the towing or removal, then notification shall be provided within forty-eight (48) hours after the identity of the registered owner, lien holder, or other person legally entitled to ownership of the Inoperable Vehicle and/or prohibited Trailer is determined by the office of the Village President and/or his/her designee.

Section 11. Disposition of Towed or Removed Inoperable Vehicles.

Any Inoperable Vehicle and/or prohibited Trailer towed or removed pursuant to the provisions of this Ordinance shall be stored and claimed or disposed of in accordance with the applicable provisions of the Illinois Vehicle Code, as amended.

Section 12. Street Parking Licenses.

Village Residents may elect to apply for a Street Parking License (“SPL”) under the following conditions:

- A. SPL for a parking space may be applied for by the resident of a property located within the Village for a location to be designated by the Village but adjacent to such residence.
- B. Each SPL shall be approved by the Board of Trustees for the Village and shall only be issued for one specific vehicle or trailer.

C. The Village may impose any conditions and restrictions upon each SPL which the Village, in its sole discretion, deems necessary to accommodate the flow of traffic on the public streets, protect pedestrian traffic, limit the impact of the SPL on neighboring properties.

D. The Village may deny the application for an SPL for one or more of the following reasons:

- 1) The request is made by an individual who is not the resident of the adjacent residence.
- 2) The requestor is not the owner of the proposed vehicle or trailer.
- 3) The Village, in its sole discretion, determines that the requested SPL and/or the vehicle or trailer designated in the SPL if parked there would impede vehicular traffic, impede pedestrian traffic, negatively impact surrounding properties by restricting light, sound, air movement and/or creating visual blight.
- 4) The requestor's residence adjacent to the SPL is in violation of the Village nuisance and/or other ordinances.
- 5) The requestor fails to make payment of any fees required herein and/or misrepresents anything in the SPL application.
- 6) The requestor is in arrears for any payments to the Village including but not limited to fines, late fees, and/or water bills.

E. In the event of denial of an application for an SPL, a requestor may submit an appeal to the Village Board of Trustees by doing so in writing specifying the basis of such appeal and providing such appeal personally delivered to the Village Clerk within 10 business days following such denial. The Village Board shall then consider such appeal at a date designated by the Clerk during one of the next four regular Village Board meeting dates notice of which shall be provided to the requestor by regular first class mail at the residence adjacent to the SPL mailed at least 15 days prior to such hearing. Failure to submit an appeal in writing and/or timely file such appeal shall constitute a waiver of same.

F. Each SPL shall be for a length of time to be designated by the Village but shall not exceed 2 years.

G. An SPL shall automatically terminate if the requestor no longer lives at the adjacent residence.

H. An SPL may be terminated by the Village at any time for no reason at its sole election upon 15 days notice mailed by first class mail to the requestor at the property address adjacent to the SPL.

I. The annual fee for an SPL shall be \$25.00.”

Section 4. State Law Adopted. All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this ordinance are hereby incorporated herein by reference.

Section 5. Approval and Execution of Documents. The President and Village Clerk are hereby authorized and directed to execute and/or publish documents necessary to carry out and give effect to the purpose and intent of this Ordinance.

Section 6. Other Actions Authorized. That the President, Village Clerk and Village Employees are hereby authorized and directed to do all things necessary, essential or convenient to carry out and give effect to the purpose and intent of this Ordinance.

Section 7. Acts of Village Officials. That all acts and doings of the officials of the Village, past, present and future which are in conformity with the purpose and intent of this Ordinance, are hereby in all respects, ratified, approved, authorized and confirmed.

Section 8. Headings. The headings for the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and of construction of any substantive provisions of this Ordinance.

Section 9. Severability. The provisions of this Ordinance are hereby declared to be severable and should any provisions, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 10. Superseder and Publication. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

Section 11. Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

AYE VOTES:

Trustee Acklin, Trustee Haan, Trustee Esposito + Trustee Cooper

NAY VOTES:

ABSTAIN:

ABSENT:

Trustee Lewis

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF
OGDEN, COUNTY OF CHAMPAIGN, STATE OF ILLINOIS, THIS 4TH DAY OF
NOVEMBER, 2021.



Gabe Clements, Village President

ATTEST:



Jennifer Bowman, Village Clerk

(SEAL)

Recorded in the Municipal Records: November 4, 2021
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