

**ORDINANCE NO. 2017- 14**

**AN ORDINANCE AMENDING CHAPTER 42, SECTION 42-402 AND ADOPTING CHAPTER 42, SECTION 42-402.01 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING PUBLIC NUISANCES**

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of Village residents; and

**WHEREAS**, pursuant to Section 11-60-2 of the Illinois Municipal Code, the Corporate Authorities may define, prevent and abate nuisances; and

**WHEREAS**, the presence of derelict or inoperable vehicles ("Junk Vehicles") in the Village reduces property values, creates an eyesore and harbors pests; and

**WHEREAS**, the Municipal Code, Village Of Stickney, Illinois (the "Village Code") does not currently regulate Junk Vehicles as nuisances within the Village; and

**WHEREAS**, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 42, Section 42-402 and to adopt Chapter 42, Section 42-402.01 of the Village Code as set forth below;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**ARTICLE I.  
IN GENERAL**

**SECTION 1. INCORPORATION CLAUSE.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**SECTION 2. PURPOSE.**

The purpose of this Ordinance is to amend Chapter 42, Section 42-402 and to adopt Chapter 42, Section 42-402.01 of the Village Code regarding the regulation and removal of Junk Vehicles as nuisances within the Village and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

## ARTICLE II.

### AMENDMENT OF CHAPTER 42, SECTION 42-402 AND ADOPTION OF CHAPTER 42, SECTION 42-402.01 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

#### SECTION 3.0. AMENDMENT OF CHAPTER 42, SECTION 42-402.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 42, Section 42-402 as follows:

##### **Sec. 42-402. - Illustrative enumeration.**

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Noxious weeds and other rank vegetation.
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- (3) Any condition which provides harborage for rats, mice snakes and other vermin.
- (4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (7) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (9) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

(11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

(12) Any abandoned, wrecked, dismantled, inoperable, rusted, junked or partially dismantled motor vehicle, whether attended or not, upon any private property within the village for a period of time in excess of 7 days, excluding any motor vehicle which is parked or stored in a completely enclosed garage.

### **SECTION 3.1. ADOPTION OF CHAPTER 42, SECTION 42-402.01.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adopting Chapter 42, Section 42-402.01 as follows:

#### **Sec. 42-402.01 – Junk Vehicles; Nuisance.**

(a) Definitions. For purposes of this section, junk vehicle shall mean any abandoned, wrecked, dismantled, inoperable, rusted, junked or partially dismantled motor vehicle, whether attended or not, upon any private property within the village for a period of time in excess of 7 days. The term junk vehicle shall not include any motor vehicle which is parked or stored in a completely enclosed garage.

#### **(b) Notice To Remove.**

1. Whenever it comes to the attention of the police department that any junk vehicle exists in the village, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and ordering its removal within 10 days of the date of the notice.

2. The police department shall give notice of the order of removal to the owner or occupant of the private property where the nuisance is located at least 7 days before the time of compliance. Such notice shall be given by:

a. Affixing notice on such vehicle; and

b. Sending notice by regular and certified mail to the owner of such vehicle at his last known address if the owner is reasonably ascertainable; and

c. Sending notice by regular and certified mail to the person owning or controlling the property on which such vehicle is located; or

d. If none of the above methods is possible, then by posting notice in a conspicuous place upon the private property on which the vehicle is located.

3. The notice shall contain the order of removal within the time specified in this chapter, and the notice shall advise that upon failure to comply with the order to remove, the village or its designee shall undertake such removal with the cost of the removal to be levied against the owner or occupant of the property.

#### **(c) Removal Of Vehicle; Notice.**

1. If the violation described in the notice has not been remedied within the 10 day period of compliance, the chief of police or his designee shall have the right to take possession of the vehicle and remove it from the premises. It shall be unlawful for any

person to interfere, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

2. Within 48 hours after removal of such vehicle, the police department shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the article was removed, that said vehicle or vehicles have been impounded or stored for violation of this section. The notice shall give the location of where the vehicle or vehicles are stored and the costs incurred by the village for removal.

(d) Responsibility For Removal And Costs. Upon proper notice, the owner of the junk vehicle and the owner or occupant of the private property on which the same is located shall be jointly and severally liable for its removal. In the event of removal and disposition by the village, the owner or occupant of the private property where same is located shall be jointly and severally liable for the related expenses incurred, including, but not limited to, storage fees when applicable.

(e) Right of Entry. The chief of police or his designee may enter upon private property at all reasonable hours for the purpose of inspecting such junk vehicle or vehicles, posting notice thereon and removing and impounding such junk vehicle or vehicles, and it shall be unlawful for any person to prevent the chief of police or his designee from entering upon private property for purposes of carrying out his duties hereunder or to interfere with him in the lawful performance of his duties under the provisions of this chapter.

## **SECTION 3.2. OTHER ACTIONS AUTHORIZED.**

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

## **ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE**

### **SECTION 4. HEADINGS.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

### **SECTION 5. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and should any provision 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.

**SECTION 6. SUPERSEDER.**

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 7. PUBLICATION.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall be effective and in full force ten (10) days after its passage and approval.

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**PASSED this 18<sup>th</sup> day of July, 2017.**

**AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White**

**NAYS: None**

**ABSENT: None**

**ABSTENTION: None**

**APPROVED by me this 19<sup>th</sup> day of July, 2017.**

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**Jeff Walik, President**

**ATTESTED AND FILED in my  
office this 19<sup>th</sup> day of July, 2017.**

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**Audrey McAdams, Village Clerk**