**ORDINANCE NO. \_\_\_\_\_\_\_**

**ORDINANCE AMENDING THE CITY OF LEBANON MUNICIPAL CODE, CHAPTER 24 – OFFENSES AND NUISANCES, ARTICLE III – NUISANCES, DIVISION 1 – GENERALLY, SECTION 24-63, INOPERABLE MOTOR VEHICLES**

**WHEREAS,** the City of Lebanon, St. Clair County, Illinois (hereinafter "City"), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes); and

**WHEREAS,** City has determined the current City Code regarding nuisances and inoperable motor vehicles needs to be amended; and

**WHEREAS**, City has determined inoperable motor vehicles are a nuisance and create a health and safety risk as they harbor rodents, vermin, mosquitos, and other animals and insects that can harm City residents; and

**WHEREAS**, City has determined that inoperable motor vehicles are a nuisance and cause general welfare and economic welfare issues as they depreciate the value of City homes and City neighborhoods by causing blight in the City; and

**WHEREAS**, City has determined inoperable motor vehicles, when left on private and/or public property for any extended length of time, are a nuisance and need to be eradicated from City; and

**WHEREAS**, City has determined it would be in the best interests of public health, safety, general welfare, and economic welfare to amend the City Code to amend the City Code regarding nuisances and inoperable vehicles; and

**WHEREAS**, City authorizes and directs the Mayor to execute any documents necessary to amend the City Code as stated herein.

**NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Lebanon, Illinois, as follows:**

*Section 1.* The foregoing recitals are incorporated herein as findings of the City Council of the City of Lebanon, Illinois.

*Section 2.* City Code shall be amended as follows:

Sec. 24-63. - Inoperable motor vehicles.

(a) Prohibition. It shall be an unlawful nuisance to permit or maintain an inoperable motor vehicle on a Premises, whether public or private, and in view of the general public. “Premises”, as used in this Section, refers to any real property, any parcel of real property, any public property, any public right-of-way, or any area where inoperable vehicles are being stored, kept, parked, or otherwise located.

(b) Definition. The term "inoperable motor vehicle" means any motor vehicle that for at least seven (7) days:

(1) The engine, wheels or other parts have been removed; or

(2) 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.

(c) Exceptions. An inoperable motor vehicle shall not include:

(1) A motor vehicle kept within a building, and not in view of the general public, when not in use;

2) A motor vehicle on the premises of a place of business waiting service or repair.

(d) Abatement procedures. Abatement of inoperable motor vehicle nuisances shall include a notice issued to an owner of the violating premises that states:

(1) A description of the unlawful motor vehicle;

(2) That the subject vehicle is an inoperable motor vehicle;

(3) That the premises owner has seven (7) days from the date of service or posting of the notice in which to remove the inoperable motor vehicle.

(e) Service of notice for abatement. The notice for abatement issued pursuant to subsection (d) of this section shall be by:

(1) Posting the notice on the inoperable motor vehicle in plain view; or

(2) Posting the notice on the front door of any building improvement on the premises, if one exists; or

(3) First class U.S. mail to an owner of the premises.

Any notice provided and listed herein shall be deemed to be legally sufficient notice and shall satisfy all due process required for legal notice of a violation of this Section of the City Code.

(f) Penalties. Any violation of this section shall be an Ordinance Violation and subject to a fine as prescribed in City Code Section 1-14. Every day in which a violation occurs shall be deemed a separate offense and the offender may be fined as much as $750 per day for each day in violation.

*Section 3*. The Mayor is directed and authorized, on behalf of the City of Lebanon, to execute any documents necessary to give effect to this Ordinance.

*Section 4*. Any City Ordinance or City Code in conflict with this Ordinance is hereby repealed and replaced by the Ordinance stated herein.

*Section 5.* This Ordinance shall be known as Ordinance No. \_\_\_\_\_and shall be effective upon its passage and approval in accordance with Illinois law.

Passed by the City Council of the City of Lebanon, Illinois, and deposited and filed in the Office of the City Clerk, on the \_\_\_\_day of \_\_\_\_\_\_\_\_ 2024, the vote being taken by ayes and noes, and entered upon the legislative records, as follows:

AYES:

NOES:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Charles Witty – Mayor Pro Tem

Mayor

City of Lebanon

St. Clair County, Illinois

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Luanne Holper

City Clerk

City of Lebanon

St. Clair County, Illinois