

**VILLAGE OF BUCKNER
STATE OF ILLINOIS**

ORDINANCE NO. 26-01

**AN ORDINANCE REGULATING ABANDONED AND INOPERABLE VEHICLES
WITHIN THE VILLAGE OF BUCKNER**

**PASSED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF BUCKNER
ON THIS 15th DAY OF JANUARY, 2026**

**Published in pamphlet form by authority of the
Board of Trustees of the Village of Buckner,
Franklin County, Illinois**

This 15th day of January, 2026.

ORDINANCE NO. 26-01

**AN ORDINANCE REGULATING ABANDONED AND INOPERABLE VEHICLES
WITHIN THE VILLAGE OF BUCKNER**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-40-3, provides that the corporate authorities of each municipality may declare all inoperable motor vehicles to be a nuisance; and

WHEREAS, the Board of Trustees of the Village of Buckner believes it to be in the best interests of the City, its residents, and the public-at-large, that the Village adopt an ordinance allowing for the removal and regulation of inoperable motor vehicles.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Buckner, Franklin County, Illinois, as follows:

SECTION 1: Chapter 01 (hereinafter "Abandoned Vehicles") of the Codified Ordinances of the Village of Buckner (hereinafter "Village"), is hereby added with the following provisions:

CHAPTER 01

ABANDONED, INOPERABLE, UNLICENSED, AND JUNK MOTOR VEHICLES

DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

ABANDONED VEHICLE: Any vehicle which is left unattended on any private property, not owned or leased by the owner or bailee of the vehicle, for a period of thirty (30) days or longer without being moved or entered by the owner or bailee of the vehicle in question.

INOPERABLE MOTOR VEHICLE: Any motor vehicle from which, for a period of at least ten (10) days, 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 legally driven under its own motor power. Inoperable motor vehicle shall not include any vehicle which:

- A. Is rendered temporarily incapable of being driven under its own power in order to perform maintenance or repairs to the vehicle in question; or
- B. Is kept within a completely closed building; or
- C. Is maintained on the property of a business enterprise lawfully engaged in the wrecking or junking of motor vehicles.

PERSON: Any person, firm, partnership, association, corporation, company, or organization of any kind.

PROPERTY: Any real property within the Village which is not a street or highway.

STREET OR HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

UNLICENSED VEHICLE: Any vehicle not bearing a current license plate and not stored in a completely closed building on any residentially zoned property.

VEHICLE: A machine propelled by power other than human power designed to travel by use of wheels, treads, runners, or slides and/or to transport persons or property or pull machinery and shall include without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, or boat.

ABANDONMENT OF VEHICLES.

No person shall abandon any vehicle within the Village limits. No person shall leave any vehicle at any place within Village limits in such a manner as to cause a reasonable person to believe that the vehicle has been abandoned.

INOPERABLE MOTOR VEHICLES IN RESIDENTIAL AREAS.

- A. **Private Property:** No person shall leave any “inoperable motor vehicles,” as that term is defined in this Chapter, upon any private property within Village limits.
- B. **Public Property:** No person shall leave any motor vehicle, from which the engine, wheels or other parts have been removed, altered, damaged or otherwise so treated as to render the motor vehicle incapable of being driven under its own motor power, on any street, alley, highway, or other public property within Village limits for a period of time greater than twelve (12) hours.

DISPOSAL OF INOPERABLE MOTOR VEHICLES.

- A. Disposition Required: Any owner or bailee of an inoperable motor vehicle located on private property not in accordance with the definition of "inoperable motor vehicle" of this Chapter must dispose of the vehicle within ten (10) days of having received notice from the Village President and/or his or her designees.
- B. Notice: Notice shall be given as follows:
 - 1. Written notice is required for all inoperable motor vehicles bearing a license plate shall be in substantial compliance with the following requirements:
 - i. Notice must be sent to the last known owner of the inoperable motor vehicle, as reflected in the vehicle registration records of the Secretary of State for the State of Illinois, or the functional equivalent of such for the State whose name appears on the license which is displayed by the inoperable motor vehicle, at the address indicated by such records.
 - ii. Notice shall be sent by certified or registered mail, restricted delivery, return receipt requested, or Notice may be personally served on the owner.
 - iii. Notice shall include the following information:
 - a. A description of the inoperable motor vehicle;
 - b. The location of the inoperable motor vehicle;
 - c. The date on which the notice was mailed;
 - d. An admonition that the inoperable motor vehicle will be towed at the direction of the Village and at the owner's expense if not properly disposed of within ten (10) days of mailing of written notice, or within ten (10) days of personal service of the notice;
 - e. The location to which the inoperable motor vehicle will be towed, together with the approximate fee for towing and storage; and

- f. A date of not less than seven (7) days subsequent to the mailing of the notice at which time a hearing shall be held to determine whether the vehicle shall be towed.
2. If the inoperable motor vehicle does not bear a license plate, or if notice by mail is unsuccessful, there shall be placed upon the windshield or, if none exist, upon any other conspicuous place on the inoperable motor vehicle, a self-adhering sign not less than seven inches by nine inches (7" X 9") in size. The Village may place said self-adhering sign as additional notice in all cases. The self-adhering sign shall contain the following information:
 - i. The vehicle has been deemed to be an inoperable motor vehicle;
 - ii. The date on which the sign was placed upon the vehicle;
 - iii. An admonition that the inoperable motor vehicle will be towed at the direction of the Village and at the owner's expense if not properly disposed of within ten (10) days;
 - iv. The location to which the inoperable motor vehicle will be towed, together with the approximate fee for towing and storage; and
 - v. A date of not less than seven (7) days after the notice is posted at which time a hearing shall be held to determine whether the vehicle shall be towed.

C. Hearing: On the date and time stated on the aforementioned Notice described in subsection B of this Section, the Village President, or other Village Official appointed by the Village President, shall hold a hearing.

1. If the owner or bailee of the inoperable motor vehicle appears, he/she shall present sufficient evidence to show cause why the vehicle should not be towed.
2. If the owner or bailee of the inoperable motor vehicle fails to appear, the Village President, or other Village Official appointed by the Village President, shall receive a written statement from the complaining witness as to why the complaining witness believes the vehicle to be an inoperable motor vehicle and should be towed.

3. If the Village President, or other Village Official appointed by the Village President, find the vehicle to be an inoperable motor vehicle, which should be towed, he/she shall make a notation of the vehicle's description, its present location, the location to which it is to be towed, and the date of the towing.

DISPOSAL OF ABANDONED VEHICLES.

- A. Time Limit: Any owner or bailee of an abandoned vehicle must move or otherwise dispose of such vehicle within ten (10) days of the mailing, service, or adherence of the notice (as the case may be) from the Village President and/or his or her designees commanding the moving or proper disposal of the abandoned vehicle.
- B. Notice: Notice shall be given in substantially the same manner as described in "Disposal of Inoperable Motor Vehicles."
- C. Hearing: A hearing shall be held in substantially the same manner as described in "Disposal of Inoperable Motor Vehicles."

DISPOSAL OF UNLICENSED VEHICLES.

- A. Time Limit: Any owner or bailee of an unlicensed vehicle must move or otherwise dispose of such vehicle within ten (10) days of the mailing, service, or adherence of the notice (as the case may be) from the Village President and/or his or her designees commanding the moving or proper disposal of the unlicensed vehicle.
- B. Notice: Notice shall be given in substantially the same manner as described in "Disposal of Inoperable Motor Vehicles."
- C. Hearing: A hearing shall be held in substantially the same manner as described in "Disposal of Inoperable Motor Vehicles."

RECORDKEEPING.

Whenever a vehicle is authorized to be towed away pursuant to this Chapter, the Village President and/or his or her designees shall keep and maintain a record of the vehicle towed, listing its color, year of manufacture, make, model, body style, vehicle identification number (VIN), if any, license plate year and number. The record shall also include the date and hour of the tow, the location towed from, location towed to, and reason for towing.

EMERGENCY DISPOSAL.

A. Notice Required; Contents: When an abandoned, unlicensed, or inoperable motor vehicle creates an imminent hazard to traffic or the health, safety, or welfare of the Village, the Village may tow the vehicle without giving prior notice and providing a hearing prior to the vehicle being towed. However, the Village President and/or his or her designees, must notify the owner or bailee of the vehicle within three (3) days of the tow by sending a written notice to the owner or bailee by certified registered mail, restricted delivery, return receipt requested. Notice must contain the following:

1. A statement that the vehicle has been towed with the reasons for towing;
2. The location to which the vehicle was towed;
3. The opportunity to schedule a hearing within twenty-eight (28) days after having received notice.

B. Owner or Bailee Not Liable: If the owner or bailee of the vehicle schedule a hearing within twenty-eight (28) days, and establishes as said hearing by a preponderance of the evidence that there is/was no imminent hazard to the health, safety, or welfare of the Village created by such an abandoned, unlicensed, or inoperable vehicle, then the owner or bailee shall not be liable for payment of towing and storage fees.

PENALTY.

Any person who violates any provision of this Chapter shall be fined in an amount of not less than One Hundred Fifty Dollars (\$150.00) for the first offense, Four Hundred Fifty Dollars (\$450.00) for the second offense, and Seven Hundred Fifty Dollars (\$750.00) for the third offense and all subsequent offenses. Each day such violation is committed or allowed to continue shall constitute a separate offense and shall be punishable as such.

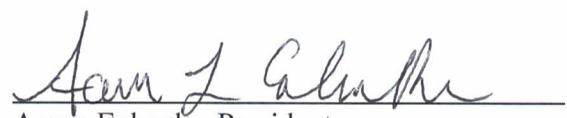
SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PRESENTED and PASSED by the Board of Trustees of the Village of Buckner, Franklin County, Illinois, on this 15th day of January, 2026.

AYES	<u>4</u>
NAYS	<u>0</u>
ABSENT	<u>1</u>
ABSTAIN	<u>0</u>

**APPROVED BY THE PRESIDENT OF THE VILLAGE OF BUCKNER, THIS
15th DAY OF JANUARY, 2026.**


Aaron Eubanks, President

ATTEST:


Toni Young, Village Clerk

ORDINANCE NO. 26-01

