

5-18-0453

E-FILED  
Transaction ID: 5-18-0453  
File Date: 12/17/2018 7:10 PM  
John J. Flood, Clerk of the Court  
APPELLATE COURT 5TH DISTRICT

APPEAL CASE NO: 5-18-0453

---

**IN THE  
APPELLATE COURT OF ILLINOIS  
FIFTH JUDICIAL DISTRICT**

---

**CASE# 2018OV400153**

**CITY OF MADISON**

Plaintiff-Appellee

v.

**KEVIN LINK**

Defendant-Appellant

---

**ON APPEAL FROM THE  
CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT OF  
MADISON COUNTY, ILLINOIS**

**HONORABLE JUDGE SLEMER**

---

**APPELLANT'S OPENING BRIEF**

---

**Kevin Link**  
Self-Represented

35 Dublin Drive  
Granite City, IL 62040

**POINTS AND AUTHORITIES**

---

**STATUTES CITED:** City of Madison, Illinois ordinance §90.02 and §90.05

**AUTHORITIES CITED:** none

**TABLE OF CONTENTS**

---

**Introduction .....3**

**Statement of Jurisdiction.....4**

**Statement of facts.....5-8**

**Arguments:**

**A..... 9-10**

**B..... 11-12**

**C..... 13-14**

**D..... 15**

**Conclusion..... 16**

**Certificate of Compliance.....17**

**Appendix Index..... 18 (A1)**

## INTRODUCTION

---

This is the appeal from a judgment issued against defendant Kevin Link holding him liable for a long-standing violation of city ordinance §90.02 for the alleged parking of disabled vehicle(s) in front of 1935 4<sup>th</sup> Street in the city of Madison. This judgment was not based upon the verdict of a jury. Defendant argues that on several points the trial court erred in their verdict, and that he was erroneously found liable for the vehicles in question. Of critical importance is that the trial court made no finding of liability in the case of the owner and operator of the violating vehicles. Therefore, defendant argues that because the underlying cause of the alleged violation did not exist at the time of his conviction, he should not have been found liable. Furthermore, Defendant charges that he should not of been found to be liable in the first place, as he argued in the trial court that he was not the owner of the violating vehicles, he did not authorize their illegal parking, and he did not receive due written notice mandated by ordinance §90.05. Defendant is seeking the reversal of this judgment and the associated \$500 fine.

## **JURISDICTION**

---

This is an appeal from a judgment entered by Honorable Judge Slemer of the Madison County Circuit Court (the “trial court”) for the alleged violation of an ordinance. On June 14<sup>th</sup>, 2018 Defendant Kevin Link was found to be liable after trial. There Defendant filed a motion to reconsider. After hearing, motion to reconsider was denied by order dated August 23<sup>rd</sup>, 2018. Defendant filed his notice of appeal on September 18<sup>th</sup>, 2018. This case does not involve the validity of a statute or constitutional provision. The jurisdiction of this Court is properly invoked pursuant to rule 301 the of Illinois Supreme Court rules.

## STATEMENT OF FACTS

---

This is an appeal from the trial court's decision finding defendant Defendant liable for knowing, or allowing the placement of abandoned, dismantled, or inoperable vehicles in front of his property.

Defendant charges that on several points the trial court erred in finding Defendant liable because Defendant did not own the vehicles in question, was not given required due written notice (Record on Appeal **E-3, §90.05**), and critically no finding of liability was made as to the actual occupant of the property (Appendix: **Exhibit B**) who owned, operated, and parked the vehicles in question.

1. On October 27<sup>th</sup>, 2017, Defendant was issued Madison county citation 2017ov400976 (Appendix: **Exhibit A1**) without required due warning (Record on Appeal **E-3, §90.05**) regarding the placement of four, allegedly disabled, vehicles in front of his property on 1935 4<sup>th</sup> street. Note: This case is not on record, Defendant filed a motion to supplement the record to include this case, which motion was denied. (see Appendix: **Exhibit G**)
2. Defendant responded to citation 2017ov400976 (see Appendix: **Exhibit A2**) through a filed written statement on November 16<sup>th</sup>, 2017, stating that he did not own the vehicles parked along the street adjacent to 1935 4<sup>th</sup> street, nor did he authorize their parking, and requested police assistance in the removal of all illegally parked vehicles. Note: This case is not on record, Defendant filed a

motion to supplement the record to include this statement, which motion was denied. (see Appendix: **Exhibit G**)

3. On the day of Defendant's required court appearance, he gave the Madison city attorney present a copy of his filed, written response (Appendix: **Exhibit A2**). Madison city's attorney dismissed the case without rebuttal. Note: This case is not on record, Defendant filed a motion to supplement the record to include this statement, which motion was denied. (see Appendix: **Exhibit G**)
4. On February 26<sup>th</sup>, 2018, citation 2018ov400153 was issued (Record on appeal C-7) concerning the same vehicles parked in the same location as in the previously dismissed citation 2017ov400976 (See Appendix: **Exhibit A3** for dismissal).
5. On March 16<sup>th</sup>, 2018, Defendant submitted a written letter (Appendix: **Exhibit C**) to the Madison city clerk summarizing the points 1-4 aforementioned in this statement, and requested immediate dismissal. Note: This statement is referenced on page **C-13**, paragraph 5, and also on **E-5**, but is not itself included in the record on appeal as it was filed directly with the Madison city clerk (See Appendix: **Exhibit C**)
6. On April 5<sup>th</sup>, 2018, Defendant's second court appearance concerning the vehicles parked in front of 1935 4<sup>th</sup> street, Defendant met with the same Madison city

attorney present during his first court appearance. The city attorney could not give an explanation at that time for the second citation, and stated that he would review the matter, and render his decision at a third court appearance.

7. On May 16<sup>th</sup>, 2018, during Defendant's third court appearance concerning the vehicles in question, the Madison city attorney failed to appear; the presiding Judge denied Defendant's request for dismissal and verbally agreed to set the case for a trial-by-jury.
8. On June 14<sup>th</sup>, 2018, Defendant appeared for his fourth court appearance and did not receive the trial-by-jury previously promised, he was then found guilty, and was charged a fine of \$500. (Record on appeal **C-11** and Appendix: **Exhibit D**)  
Note: Defendant attempted to submit a written statement (Record on appeal **E-5**) in his defense during this trial, however, city attorney John Papa objected to its entry at that time, which objection was sustained.
9. The owner and operator of the violating vehicles appeared in court on July 26<sup>th</sup>, 2018, for case 2018ov400152 concerning the vehicles; Madison city proceeded to dismiss all charges against the owner and operator of the vehicles in question (Appendix: **Exhibit B**) Note: This case is not on record, Defendant filed a motion to supplement the record to include this case, which motion was denied. (see Appendix: **Exhibit G**).

10. On July 6<sup>th</sup>, 2018, Defendant filed a motion to reconsider the judgment based on the grounds he did not own the vehicles, did not authorize the illegal parking of said vehicles, and that he did not receive the due written warning mandated Madison city ordinance §90.05 . (Record on appeal C-12 and C-13, ordinance listed on E-3).
  
11. On August 6<sup>th</sup>, 2018, City attorney John T. Papa motions to deny and/or dismiss the motion to reconsider judgment. (Record on appeal C-19 and C-20)
  
12. On August 9<sup>th</sup>, 2018, Defendant submits his response (Appendix: **Exhibit E**) to the aforementioned motion, and argues the critical point that because charges were dismissed against the owner and operator of the violating vehicles, the underlying cause of the alleged violation no longer existed, and therefore he could not be found liable. (Record on appeal C-21)
  
13. On August 16<sup>th</sup>, 2018, Defendant appeared in court concerning his motion to reconsider, the motion was denied, and Defendant was informed of his right to appeal. (Record on appeal C-24 and C-25).



## ARGUMENTS

---

### A.:

#### **A LANDLORD SHOULD NOT BE FOUND LIABLE FOR A TENANT'S ALLEGED VIOLATION OF A MUNICIPAL ORDINANCE WHERE THAT TENANT IS NOT ALSO FOUND LIABLE.**

Axiomatic to our notions of justice and fairness is that in order for one to be found liable for violating an ordinance, there actually must be a violation. Here, defendant was found liable for violating the city of Madison ordinance **§90.02**.

Defendant was issued a citation on the February 28<sup>th</sup>, 2018, with the citation claiming a long-standing violation of a disabled vehicle being parked at 1935 4<sup>th</sup> Street. Of note, Defendant was issued a citation approximately 6 months prior, which citation was dismissed (See appendix: **Exhibit A1 and A3**, which defendant sought to be included in a supplemental record on appeal by motion on 11-13-2018, Appendix: **Exhibit G**).

Yet despite the city choosing not to pursue the initial citation, it nevertheless decided to issue a new and separate citation. At that time, Defendant chose to go to trial. The basis for Defendant's defense was that he did not own nor authorize the parking of said vehicles, and furthermore, was not given the notice mandated by Madison city ordinance (Record on Appeal **E-3**, Madison city ordinance **§90.05**)

At trial, Defendant disputed the alleged telephone notice, which did not by itself show the

necessary 7 days notice prior to the issuance of the citation. However, regardless, the record is devoid of any timely written notice whatsoever to the Defendant.

The most serious error occurred subsequent to the trial. The occupant of the property, Defendant's tenant, and the owner of the allegedly disabled vehicle was issued a citation (that matter is 2018ov400152, which Defendant sought to be included in a supplemental record on appeal by motion on 11-13-2018, Appendix: **Exhibit G**). That citation was dismissed, thus no determination of the ordinance violation was found. Yet, this Defendant was found derivatively liable!

Defendant challenged his conviction by motion. In his motion he noted that result in his reply to the response of the Plaintiff (Record on Appeal C-21, Appendix: **Exhibit E**). Yet, the trial court ignored the fact that by dismissal of the citation against the tenant, meaning no ordinance violation in fact existed, and denied defendants motion.

Therefore, a travesty of justice has occurred as this Defendant has been found derivatively liable under an ordinance that was never actually violated. The trial court knew or should have known this as he presided over all these proceedings. The law firm representing the city of Madison knew or should have known this, as it represented the city in all these proceedings. The city officials who issued the citations knew or should have known. Yet, all these people permitted the case to proceed to this illogical, unfair, and inappropriate result.

**B.:**

**IT IS THE RESPONSIBILITY OF ALL LAW ENFORCEMENT OFFICERS TO PROTECT AND SERVE ALL CITIZENS EQUALLY**

Axiomatic to our notions of the conduct of law enforcement officers is that they should serve all citizens fairly and equally. The defendant would argue in this case ticketing officer Steven Shelby showed bias, in that he pursued the violation against the defendant without firstly pursuing the violation against the owner and operator of the vehicles, whom would be the more lawful and logical recipient of the citation and fine.

1. Officer Steven Shelby knew, or should have known, exactly who the owner of the offending vehicles was by routine investigation of the license plate numbers.
2. Officer Steven Shelby knew, or should have known, the owner and operator of the offending vehicles lived at 1935 4<sup>th</sup> street, where the violation allegedly occurred, because the city had issued the occupancy permit.
3. Officer Steven Shelby issued citation #2017ov400976 on October 27<sup>th</sup>, 2018 to the defendant without the required written warning mandated by municipal code (Record on Appeal **E-3**, Madison city ordinance **§90.05**).

4. Officer Steven Shelby did not issue a citation at that time to the owner and operator of the offending vehicles, who should have been already identified through the exercise of a reasonable investigation.
  
5. City dismissed citation #2017ov400976 against defendant on November 30<sup>th</sup>, 2017. (Appendix: **Exhibit A3**)
  
6. Officer Steven Shelby then issued citation 2018ov400152 to the actual owner and operator on 28<sup>th</sup> of February, 2018. (Appendix: **Exhibit B**)
  
7. Circumventing the defendant's previous adjudication and dismissal, Officer Steven Shelby issued citation #2018ov400153 on 28<sup>th</sup> of February, 2018, which concerned the same vehicles parked in the same location as citation #2017ov400976.

C.:

**IT IS THE RESPONSIBILITY OF ALL ELECTED PUBLIC OFFICIALS TO USE  
PUBLIC FUNDS WISELY AND FOR THE BETTERMENT OF THEIR  
CITIZENS.**

It is a travesty for public officials to knowingly permit the use of public funds to prosecute a knowingly flawed ticket for the purposes of intimidation or harassment.

1. John T. Papa'S Papa law firm was assigned to all three cases (#2017ov400976, #2018ov400152, and #2018ov400153) at the expense of the public.
2. The public officials overseeing the defendant's case, and John T. Papa, knew, or should have known, of the flawed nature of citations 2017ov400976 and 2018ov400153 through the defendant's court filings.
3. John T. Papa dismissed citation #2018ov400152 against the owner and operator of the offending vehicles on July 26<sup>th</sup>, 2018 (Appendix: **Exhibit B**)
4. City officials then knowingly directed John T. Papa to pursue prosecution of a citation (2018ov400153) that they knew, or should have known, was flawed.

5. City officials did this, knowing that it would require the use of public funds to pay for the court proceedings and legal fees, and cause unnecessary hardship for the defendant.

**D.:**

**THE RESPONSIBILITY OF THOSE CHARGED AS A JUDGE IS TO  
ADMINISTER JUSTICE IMPARTIALLY WITHOUT RESPECT TO PERSONS.**

It is a travesty of justice for a Judge to target an individual through the issuance of unjust verdicts, and unnecessary litigation despite all sound evidence in the individual's defense. Judge Slemer showed bias against the defendant on multiple occasions by issuing illogical and unjust verdicts, despite the sound evidence brought forth by the defendant.

1. Judge Slemer knew, or should have known, that ticket 2016ov400378 was flawed through the defendant's previously filed evidence and request for dismissal. Note: Defendant sought to include ticket 2016ov400378 in the original preparation of the record, however, was denied. (See record on appeal **C-34**).
2. Judge Slemer, knowing the ticket was flawed, issued a warrant for the arrest of the defendant Note: Citation 2016ov400378 was ultimately dismissed and charges were dropped.
3. Likewise, Judge Slemer was made aware through the course of multiple court proceedings that ticket 2018ov400153 was flawed.
4. Judge Slemer, despite of all evidence presented absolving the defendant of liability, found the defendant guilty, and fined him \$500. (Appendix: **Exhibit D**)

## CONCLUSION

---

It is illogical and unjust that the Defendant was convicted whereas in the case of the owner and operator of the violating vehicles, charges were dismissed. The city and its officials failed to examine the facts before the issuing of this flawed citation, and furthermore city officials failed in following the proper procedure in the prosecution of this Defendant. The most notable error in procedure was the lack of finding of liability in the case of the owner and operator of the violating vehicles, however, they also erred in procedure by failing to deliver the due written notice mandated by city ordinance **§90.05**. Regardless, the Defendant should never have been found liable based solely on the facts that he did not own the vehicles nor authorize their illegal parking. Because of all the aforementioned facts and arguments, the trial courts decision should be reversed.

Respectfully Submitted,



---

Kevin Link



## CERTIFICATE OF COMPLIANCE

---

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a) is 14 pages.

**Kevin Link, Appellant**

*Kevin Link*

---

## APPENDIX

### Chronological Index

<b>Exh No.</b>	<b>Description</b>	<b>Date</b>	<b>Page No.</b>
<b>A1</b>	Citation 2017ov400976, the original citation concerning the same vehicles in the same location as citation 2018ov400153	10/27/17	<b>A2</b>
<b>A2</b>	Defendant's motion for dismissal and filed response to citation 2017ov400976.	11/16/17	<b>A3-A4</b>
<b>A3</b>	Dismissal of citation 2017ov400976	11/30/17	<b>A5</b>
<b>B</b>	Docket sheet for citation 2018ov400152 against the owner and operator of the violating vehicles.	<b>Dismissal:</b> 07/26/18	<b>A6</b>
<b>C</b>	Defendant's typewritten statement to Madison city requesting immediate dismissal of citation 2018ov400153.	03/16/18	<b>A7</b>
<b>D</b>	Judgment order for citation 2018ov400153, declaring Defendant Kevin Link guilty and liable for \$500.	06/14/18	<b>A8</b>
<b>E</b>	Response to motion to deny and/or dismiss the motion to reconsider Judgment	08/09/18	<b>A9- A10</b>
<b>F</b>	Notice of appeal	09/18/18	<b>A11- A14</b>
<b>G</b>	Defendant's motion for a supplemental record on Appeal.	11/13/18	<b>A15</b>
<b>H</b>	City of Madison, IL ordinance codes (codes cited: <b>§90.02 and §90.05</b> )	N/A	<b>A16</b>

50222W0 HOM-HNO-H

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

THE PEOPLE OF THE CITY OF MADISON,  
MADISON COUNTY, ILLINOIS

vs.

Link Kevin G  
 LAST NAME FIRST NAME  
 A/K/A  
 LAST NAME FIRST NAME  
 P.O. Box 22  
 NUMBER AND STREET  
 Granite City, Illinois 62040  
 CITY AND STATE ZIP  
 / /  
 TELEPHONE

No. 17 CV 430976

**FILED**

OCT 30 2017

CLERK OF CIRCUIT COURT #65  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

**MADISON CITY COMPLAINT**

Complainant, Steven Shelby (Code Enforcement/Health Inspector)  
615 Madison Avenue Madison, Illinois 62060  
Number and Street: City and State Zip Code

on oath charges: that on the 27th day of October, 2017, in Madison  
City, Madison County, Illinois, Kevin G. Link  
Defendant  
committed the offense of Abandoned/Disabled/Inoperable vehicle(s) on property in that

the said defendant knowingly allowed the placement of numerous vehicles on his property located at 1935 4th Street, Madison  
City, Madison County, Illinois 62060 with said vehicles having no visible registration, expired registration, and in various stages of  
being dismantled, flat tires etc. Said vehicles are unsightly and causing a nuisance to the neighboring property owners

in violation of  Municipal Code, Section 90.02  
( ) Ordinance No. \_\_\_\_\_, Paragraph \_\_\_\_\_ of the City of Madison,  
Madison County, Illinois.

*Steven Shelby*  
(Complainant)

SWORN TO before me this 27th day of October, 2017.

*J. R. [Signature]*  
(Judge/Clerk)

Date Arrested 10 / 27 / 17 Date of Birth 09 / 26 / 63 Sex M Race W Police Case No. Office Num. 009

Time of Offense 07:19am Place of Offense 1935 4th Street/Madison, Illinois 62060

Witnesses and addresses:  
\_\_\_\_\_  
\_\_\_\_\_

Copy A - Court Copy B - City Attorney

Exhibit A1

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

<b>STATE OF ILLINOIS,</b> <b>CIRCUIT COURT</b>		<b>MOTION</b>	<i>For Court Use Only</i> <b>FILED</b> NOV 16 2017 CLERK OF CIRCUIT COURT #27 THIRD JUDICIAL CIRCUIT, MADISON COUNTY, ILLINOIS
_____ <b>COUNTY</b>			
<b>Instructions</b> ▼	Enter above the county name where the case was filed. <u>City of Madison</u> Plaintiff / Petitioner (First, middle, last name)		<u>2017 cv 400976</u> Case Number
Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.	v.		
Enter the name of the person being sued as Defendant/Respondent.	<u>Kevin Link</u> Defendant / Respondent (First, middle, last name)		
Enter the Case Number given by the Circuit Clerk.			

In 1, check if you are the Plaintiff/Petitioner or Defendant/Respondent.  
In 2, enter what you are asking the court for with this Motion.

1. Motion by:  Plaintiff/Petitioner  Defendant/Respondent

2. Motion for: dismissal

See Attached

In the lines write what you are asking the court to do, and the reasons why the judge should agree with you.

**Exhibit A2 (1 of 2)**

Appendix page A3 of 16: **5-18-0453**



11-17-2017

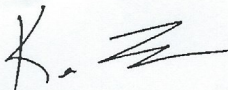
To The City of Madison and Clerk of the Circuit Court:

In regards to parked, inoperable, and unregistered vehicles in front of my property located at 1935 4<sup>th</sup> street. I have investigated the issue, and determined that the vehicles in question are not owned by me. Furthermore, I have not given authorization for any parking of unregistered, inoperable vehicles on or near my property. While I am aware that these vehicles may be violating city ordinance, I have no jurisdiction over matters of vehicle registration or parking violations. I would suggest that the city does what it deems necessary to remove the vehicles in question, whether that be ticketing the owner(s) of said vehicles, towing the vehicles, or whatever else the city deems necessary.

I trust that this letter will be sufficient to resolve the issue on my end. If further time or court appearance are required on my part, I charge \$125/hr (plus legal fees and expenses).

*Matthew 5:25*

Respectfully,

A handwritten signature in black ink, appearing to read 'K. Link', with a stylized flourish extending to the right.

Kevin Link  
P.O. Box 22  
Granite City, IL 62040

**Exhibit A2 (2 of 2)**

Appendix page A4 of 16: **5-18-0453**

Defendant: **LINK KEVIN G**  
D.O.B. 19630926 IL MADISON, CITY OF  
DL # CDL: N  
Attorney  
Balance \$0.60 Bond Bal \$ 0.00

Case # 17OV400976  
Offense: ABANDONED/DISABLED INOP VEH  
9117000  
Accident:

**ORDER**

- Defendant fails to appear for 2nd appearance.
- Ex Parte conviction entered. Total fine & cost: \$ \_\_\_\_\_
- Reset on appearance docket.
- Issue warrant Bond \_\_\_\_\_
- QUASH WARRANT
- Defendant appears and is advised of the charges, penalties, rights and trial in absentia.
- Defendant pleads not guilty and  Request Jury Trial  Waives Right To Jury Trial  Set for Trial

Defendant's Signature \_\_\_\_\_ CASE STATUS : CSO

**DISPOSITION**

- Defendant pleads GUILTY and waives rights and trial  open plea  neg. plea  4 hr Traffic Safety School

Defendant's Signature \_\_\_\_\_

- CONVICTION  SUPERVISION \_\_\_\_\_ days \_\_\_\_\_ months \_\_\_\_\_ years

FINES AND COSTS \$ \_\_\_\_\_ FINES AND COSTS \$ \_\_\_\_\_  
TOTAL FINES AND COSTS \$ \_\_\_\_\_ TOTAL FINES AND COSTS \$ \_\_\_\_\_

THE OFFENDER SHALL PAY RESTITUTION IN THE AMOUNT OF \$ \_\_\_\_\_ BY \_\_\_\_\_  
TO \_\_\_\_\_

- Pay Today  From Bond  POA \_\_\_\_\_

- DEF to perform \_\_\_\_\_ hours of public service. Copy to Probation Department.
- Transfer remaining bond to \_\_\_\_\_
- DEF FOUND NOT GUILTY  DEF FOUND GUILTY  Jury Trial  Bench Trial  In Absentia
- NOLLE PROS motion of  CASE DISMISSED motion of  State  Municipality
- Per:  PLEA  INSUFFICIENT EVIDENCE  COMPLIANCE  PROOF OF INS.
- ANY OUTSTANDING FINES AND COSTS ARE FOUND TO BE UNCOLLECTIBLE. CLOSE FILE.
- TAKE BOND ( BAL FORFEITED FOR FTA ) CLOSE FILE
- FINE & COSTS HAVE BEEN SATISFIED BY PSW. CLOSE FILE

**CONTINUANCES**

CONT motion of  Pros  Deft  Agreement  Court  Reset NAD \_\_\_\_\_

**DEFENDANT FAILS TO APPEAR / PAY PER ORDER:**

- Reset NAD \_\_\_\_\_  ISSUE WARRANT bond \_\_\_\_\_
- Revoke Supervision; Conviction Entered; Judgment Unsatisfied; Clerk to Notify SOS. \_\_\_\_\_
- Prior order vacated; fee paid/waived.

ASSISTANT STATES ATTY \_\_\_\_\_ DEFT / DEFENDANTS ATTY \_\_\_\_\_  
FILED 11/30/2017 MADISON 3rd JUDICIAL CIRCUIT JUDGE RS

**Exhibit A3**

12/15/2018

Court Case Information

	Ordinance Violation 01 Count:001 DISABLED VEHICLE ON PROP Feb 26,2018
03/01/2018	Defendant: JACKSON COREY B
	Statute 9117000 Class 9 Orig.
	Agency: MADISON, CITY OF CITY Ticket#: 400152
03/01/2018	Bond Type: SUMMONS/NOTICE TO APPEAR Defendant: JACKSON COREY B
	Appearance (Granite) Apr 05,2018 10:00AM Rm6B Canceled
03/05/2018	APPEARANCE SENT TO Defendant: JACKSON COREY B
	Document TRAPPLTG.DOC Was Printed
	Appearance (Granite) Apr 05,2018 10:00AM Rm6B Judge GC TR JUDGE
04/05/2018	Order: CONTINUED RESET NAD. S/SLEMER
04/05/2018	APPEARANCE SENT TO Defendant: JACKSON COREY B
	Document TRAPPLTG.DOC Was Printed
	Appearance (Granite) May 10,2018 10:00AM Rm6B Judge GC TR JUDGE
05/10/2018	Order: SET FOR APPEARANCE NAD. S/SLEMER
05/10/2018	APPEARANCE SENT TO Defendant: JACKSON COREY B
	Document TRAPPLTG.DOC Was Printed
	Appearance (Granite) Jun 21,2018 10:00AM Rm6B Judge GC TR JUDGE
06/21/2018	Order: CONT. MOTION PROS. S/JUMPER

**Exhibit B (1 of 2)**

12/15/2018

Court Case Information

	Document TRAPPLTG.DOC Was Printed
07/26/2018	Appearance (Granite) Jul 26,2018 10:00AM Rm6B Judge GC TR JUDGE
	Disposition 01/00 Count:001 NO FINE OR COST SIGNED
	JUDGE SLEMER RONALD Defendant: JACKSON COREY B
	Disposition: NOLLE PROSEQUII DISABLED VEHICLE ON PROP
	Disposition Type: COURT ACTION Defendant Plea: NO PLEA ENTERED
	Statute 9117000 Class 9
	Sentence: 07/26/2018
	Sentence: No Sentence SENTENCE IN FORCE
	NO FINE OR COST .00
	Status:Closed Report:TERMINATED Jul 26,2018
07/31/2018	COPY OF NOLLE ORDER SENT TO CITY ATTORNEY PAPA AND CITY OF MADISON

**Exhibit B (2 of 2)**



3-16-18

To the City of Madison:

A while back, my tenants living at 1935 4<sup>th</sup> street complained that other individuals were parking in front of their home, thus leaving no place for my tenants to park (there is no driveway and the yard is fenced). Regarding this issue, my tenant contacted Madison city police multiple times to request police assistance in the matter. However, my tenants were repeatedly told by police that because the street in question had no curb, the stretch of gravel alongside the road was public parking. In a further attempt to resolve this issue, I met with the head of Madison city code enforcement, at the location in question; my tenants and at least two other witnesses were also present when said Madison city representative restated what the police told my tenants on multiple occasions. Imagine how dumbfounded I was to later receive Ticket #17ov400976 for the parking violations of unknown individuals! I try to assume the best in people, and therefore attributed the ticket to the negligence and/or ignorance of the ticketing officer, because it is clear he/she neglected to conduct a proper investigation into the violation.

Trying to avoid lost work and the stress of the trial altogether, I made my **second** attempt at quick resolution. I filed a detailed written statement of my understanding that citizens such as myself have no authority to "police" unlawfully parked vehicles and requested dismissal. I also sent the same written statement and request via certified mail to Madison city attorney.

I attempted to resolve the issue a **third** time in court, on November 30<sup>th</sup>. The cities attorney (Larry) was both respectful and affable towards me, a rare trait among the city officials I normally deal with. After reviewing my previously filed public statement, the attorney representing the City of Madison dismissed Ticket # 2017ov400976 without a rebuttal from the City of Madison or it's attorney.

After all my time, stress, and three attempts to resolve the parking issue with the City of Madison, imagine my exasperation and confusion when I received *another* ticket (18ov400153) regarding the same vehicles as the previous ticket, parked in exactly the same place! This paints a picture of a city that is either simply incompetent and disorderly, or worse, deliberately and maliciously targeting individuals.

This **5 DAY NOTICE** represents my **4<sup>th</sup>** and final attempt to resolve this issue amicably.



**PLEASE BE ADVISED – I hereby demand the receipt of the following 4 items, within 5 calendar days:**


1. A written statement stating that Ticket # 2018ov400153 has been dropped without requiring my court appearance
2. A signed letter of apology from the person responsible for the issuance of said ticket, for:
  - o At best, the ignorance and/or negligence.
  - o At worst, the deliberate, premeditated, and targeted violation of my civil rights.
3. Written assurance from the City of Madison that I will no longer be held responsible for the public parking violations of others.
4. Evidence that all illegally parked vehicles in question have been removed from the front of my tenants house at 1935 4<sup>th</sup> street and that the tickets have been re-issued to the registered owners of said vehicles with the same eagerness and lack of customary phone call given to me.

If the above conditions are not met within 5 calendar days; it will be assumed that the issuing of ticket # 2018ov400153 was not an accident based on ignorance, but instead evidence of a targeted attack upon my civil rights, thus forcing me to seek legal council to prosecute Madison city.

**PLEASE READ DEFENDANT CASE FILINGS FOR 2016ov400378**

Kevin Link  
PO Box #22  
Granite City, IL 62040

 **RECEIVED**  
3-16-18  
@ 10:44 am  


3-16-18  
K.L.  


**Exhibit C**



IN THE CIRCUIT COURT  
FOR THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS  
www.madisoncountycircuitclerkil.org

People or \_\_\_\_\_ No(s) 18 OV 400153  
vs Kevin Link Edws Alton Grants Collinsville

**FILED**

**PAY OR APPEAR ORDER REGARDING FINES AND COSTS**

JUN 14 2018

The Defendant is ordered to pay **FINES AND COSTS** of \$ 500  
(Some fines and costs may be satisfied through community service See #3 below for details)  
The Defendant is ordered to pay **RESTITUTION** of \$ \_\_\_\_\_  
The Defendant is ordered to complete \_\_\_\_\_ hours of **COMMUNITY SERVICE** as part of the sentence  
The fines, costs, restitution and community service are to be paid or completed on or before the **DUE DATE**  
of 9-27-18 at \_\_\_\_\_ am/pm **THIS WILL BE YOUR ONLY NOTICE** If fines and costs are not paid in full or community service completed then the Defendant must appear and show cause why he should not be held in contempt of court No extension will be granted except for extreme cause

- The fines and costs may be satisfied by one or more of the following alternatives
- 1 Mail check or money order payable to Madison County Circuit Clerk 155 North Main Street Suite 108 Edwardsville IL 62025 For proper credit write case number on check
  - 2 Credit Card payments online at www.2paymyticket.com or call toll free 866 511 2892 (8 30 a m to 5 00 p m weekdays) There is a service fee
  - 3 You may do community service to pay some fines and costs However restitution and certain court fees **can not** be satisfied through public service work There are two agencies who supervise community service work If you chose to do community service you must complete your community service with one of the agencies below
    - a Probation & Court Services Department credited at the rate of \$100 00 per eight (8) hours of service or \$12 50 per hour of service You must report to the Probation Department at the Administration Building (next to Courthouse), Third Floor, Room 312, Edwardsville, IL to schedule community service work If you have any questions please call Probation s community service number at 618 296 6555
    - b Sheriff's Work Alternative Program SWAP credited at the rate of \$100 00 per eight (8) hours of community service or \$12.50 per hour of service You must immediately contact the Sheriff's Department at 618-692 7040 extension 4946 between the hours of 7 00 a m to 11 00 a m for details

This is a Court order Willful failure or refusal to follow this Order may cause you to be held in contempt of Court and sentenced to a period of time in the County Jail until the contempt is purged Failure to satisfy the amount owed within the time allowed will result in a warrant and/or a revocation of any Order of Supervision, a conviction to be reported to the Secretary of State, which may result in driver's license suspension, and referral of the debt for collection

6-14-18

Date

*Ronald R. Homer*

Presiding Judge

I understand the terms of this Order and that if I fail to obey this Order, I may be held in contempt and punished by the Court

\_\_\_\_\_  
Defendant

Revised 10/2009



C 11

Exhibit D

CITY OF MADISON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 18-OV-400153
	)	
KEVIN G. LINK,	)	
	)	
Defendant	)	

**RESPONSE TO MOTION TO DENY AND/OR  
DISMISS THE MOTION TO RECONSIDER JUDGEMENT**

It has recently come to my attention that the Plaintiff ticketed the registered owner of the illegally parked vehicles, and then dismissed the ticket on July 26<sup>th</sup> 2018 (see 2018ov400152).

Therefore, since the underlying cause of the alleged violation does not exist, it is impossible to find the defendant liable.

**1. The Motion to Reconsider lacks an arguable basis either in law or in fact.**

I have given testimony that I do not own the vehicles in question, I did not authorize others to illegally park their disabled vehicles in front of my property, and that I had previously requested police assistance in removing the unwanted vehicles (see case# 2017ov400976); this is a sound basis in law.

If it is claimed that my statement is not based in fact, then I ask the plaintiff to publicly state which part of my testimony they claim is untrue.

**2. The Motion to Reconsider is being presented for an improper purpose, so as to harass or to cause unnecessary delay or needless increase in the cost of litigation.**

In case # 2017ov400976, I was ticketed for the same vehicles parked in the same location. During my first case hearing I meet with the plaintiff's attorney (Larry) and explained my understanding of who is responsible to "ticket or tow" illegally parked vehicles. I then provided plaintiff's attorney a copy of my written statement which I had previous filed. I assumed the issue was resolved when the plaintiff's attorney dismissed the ticket without rebuttal. I have since been summoned 4 additional times and received a fine of \$500. I can affirm that the intent of this motion is not to harass or cause further unnecessary delay, but to seek a just and final resolution, and establish where the legal responsibility falls regarding policing the unauthorized and illegal actions of the public.

That being said, I have no doubt that "legal" harassment is an ongoing and present issue in this case, however, I strongly bring to question which is the harassing party. The plaintiff has shown little concern thus far for the time and cost of litigation required to hire multiple attorneys (at public expense) and demand my presence for no less than 4 court appearances to revisit an already adjudicated and dismissed ticket.

3. **The Motion to Reconsider is objectionable as to form, in that it contains statements not a part of the record, and statements that are irrelevant, immaterial, and contain improper legal conclusions.**

Unlike the plaintiff, I am not in a position to afford multiple attorneys, and therefore my statements may lack the proper legal "form" in describing the injustices which have occurred. Nonetheless, I am certain the ticket is illegitimate and discriminatory, and I have described it to the best of my abilities. My statement does not contain any evidence which the plaintiff's attorney (Larry's boss) and the municipal judge were not made aware of verbally and through writing at time of my supposed "trial".

Furthermore, I disagree that my statement contains an "improper legal conclusion", as it seems reasonable to conclude that I should not be held responsible for the unauthorized actions of others. I believe it necessary that an unbiased, higher court establish whom is responsible to police public citizens parking. Specifically, should the hapless victim be held accountable for the tickets and fines, or should the perpetrator and/or owner of the vehicle be held accountable?

4. **The allegations and other factual contentions set forth in support of the Motion to Reconsider have no evidentiary support in the record.**

This is admittedly true, the judge in case #2018ov400153 has a provable history of bias, and denying the defendant's right to enter evidence into the public record. This is especially true in municipalities ran by politics and cronyism, see case #2016ov400378 for an additional example. The "justice" I was given is the same justice others are receiving and the judge should be ashamed of himself.

By: \_\_\_\_\_

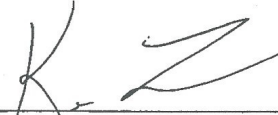
  
**The Defendant (2018ov400153)**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the response to the foregoing Motion to Deny and/or Dismiss the Motion to Reconsider Judgment was mailed, with postage fully prepaid by depositing said envelope in a U.S. Post Office Mailbox in Granite City, Illinois at 5:00 p.m. on this 9th day of August, 2018, to:

John T. Papa  
P.O. Box 1326  
Granite City, IL 62040

\_\_\_\_\_



Page 2 of 2;18-OV-400153

C 22

**Exhibit E (2 of 2)**

Appendix page A10 of 16: 5-18-0453

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

<p><b>Instructions</b> ▼</p> <p>Check the box to the right if your case involves custody, visitation, or removal of a child.</p> <p>Just below "Appeal to the Appellate Court of Illinois," enter the number of the appellate district that will hear the appeal and the county of the trial court.</p> <p>If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party is filing the appeal ("appellant") and which party is responding to the appeal ("appellee").</p> <p>To the far right, enter the trial court case number and trial judge's name.</p>	<p><input type="checkbox"/> THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).</p> <div style="text-align: right; font-size: 2em; font-weight: bold; border: 1px solid black; padding: 2px;">FILED</div> <p style="text-align: center; font-weight: bold;">APPEAL TO THE APPELLATE COURT OF ILLINOIS</p> <p style="text-align: center;">5<sup>TH</sup> District from the Circuit Court of MADISON County</p> <p style="text-align: right;">SEP 18 2018 CLERK OF CIRCUIT COURT #92 THIRD JUDICIAL CIRCUIT MADISON COUNTY, ILLINOIS</p> <hr/> <p>In re <u>The Matter of</u> <u>City of Madison, IL</u> Plaintiff/Petitioner (First, middle, last names) <input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Appellee</p> <p>v. <u>KEVIN LINK</u> Defendant/Respondent (First, middle, last names) <input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> <div style="float: right; text-align: right;"> <p>Trial Court Case No.: <u>18 cv 400153</u></p> <p>Honorable <u>RONALD R. Slemmer</u> Judge, Presiding</p> </div>
---	---

**NOTICE OF APPEAL**

In 1, check the type of appeal.  
For more information on choosing a type of appeal, see *How to File a Notice of Appeal*.

**1. Type of Appeal:**

- Appeal
- Interlocutory Appeal
- Joining Prior Appeal
- Separate Appeal
- Cross Appeal

In 2, list the name of each person filing the appeal and check the proper box for each person.

**2. Name of Each Person Appealing:**

Name: KEVIN LINK

<small>First</small>	<small>Middle</small>	<small>Last</small>
<input type="checkbox"/> Plaintiff-Appellant	<input type="checkbox"/> Petitioner-Appellant	
OR		
<input checked="" type="checkbox"/> Defendant-Appellant		<input type="checkbox"/> Respondent-Appellant

Name: \_\_\_\_\_

<small>First</small>	<small>Middle</small>	<small>Last</small>
<input type="checkbox"/> Plaintiff-Appellant	<input type="checkbox"/> Petitioner-Appellant	
OR		
<input type="checkbox"/> Defendant-Appellant		<input type="checkbox"/> Respondent-Appellant



Enter the Case Number given by the Appellate Clerk: \_\_\_\_\_

In 3, identify every order or judgment you want to appeal by listing the date the trial court entered it.

**3. List the date of every order or judgment you want to appeal:**

August 23, 2018  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

In 4, state what you want the appellate court to do. You may check as many boxes as apply.

**4. State your relief:**

- reverse the trial court's judgment (*change the judgment in favor of the other party into a judgment in your favor*) and  send the case back to the trial court for any hearings that are still required;
- vacate the trial court's judgment (*erase the judgment in favor of the other party*) and  send the case back to the trial court for a new hearing and a new judgment;
- change the trial court's judgment to say: \_\_\_\_\_

order the trial court to: Dismiss 2018 ov 400153 case  
with prejudice

other: \_\_\_\_\_

and grant any other relief that the court finds appropriate.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Fill in your address and telephone number.

[Signature]  
Your Signature

Kevin Link  
Your Name

35 Dublin Dr.  
Street Address

Granite City, IL 62040  
City, State, ZIP

618-931-0244  
Telephone

**Additional Appellant Signature**

All appellants must sign this form. Have each additional appellant sign the form here and enter their name, address, and telephone number.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Telephone

**GETTING COURT DOCUMENTS BY EMAIL:** If you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.

- I agree to receive court documents at this email address during my entire case.

\_\_\_\_\_  
Email

Enter the Case Number given by the Appellate Clerk: \_\_\_\_\_

**PROOF OF SERVICE**

In 1a, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In 1b, check the box to show how you sent the document, and fill in any other information required on the blank lines.

**CAUTION:** If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In 1c, fill in the date and time that you sent the document.

In 2, if you sent the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank.

1. I sent this document:

(a) To: Name: John T. PAPA  
First Middle Last

Address: 1326 Niedringhaus Ave. Granite City, IL  
Street, Apt # City State ZIP

Email address: \_\_\_\_\_ 62040

b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:  
2350 Madison Ave Granite City, IL 62040  
Address of Post Office or Mailbox

Third-party commercial carrier, with delivery paid for at:  
\_\_\_\_\_  
Name (for example, FedEx or UPS) and office address

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

Mail from a prison or jail at:  
\_\_\_\_\_  
Name of prison or jail

c. On: 9-18-18  
Date

At: 5  a.m.  p.m.  
Time

2. I sent this document:

a. To: Name: \_\_\_\_\_  
First Middle Last

Address: \_\_\_\_\_  
Street, Apt # City State ZIP

Email address: \_\_\_\_\_

b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:  
\_\_\_\_\_  
Address of Post Office or Mailbox

Third-party commercial carrier, with delivery paid for at:  
\_\_\_\_\_  
Name (for example, FedEx or UPS) and office address

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

**Exhibit F (3 of 4)**

Enter the Case Number given by the Appellate Clerk: \_\_\_\_\_

Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
*Date*

At: \_\_\_\_\_  a.m.  p.m.  
*Time*

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email address: \_\_\_\_\_

b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
*Name (for example, FedEx or UPS) and office address*

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
*Date*

At: \_\_\_\_\_  a.m.  p.m.  
*Time*

If you are serving more than 3 parties or lawyers, fill out and file 1 or more *Additional Proof of Service* forms with this *Notice of Appeal*.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/ Kevin Link  
*Your Signature*

Kevin Link  
*Print Your Name*

5-18-0453

5-18-0453

E-FILED  
Transaction ID: 5-18-0453  
File Date: 11/13/2018 7:07 PM  
John J. Flood, Clerk of the Court  
APPELLATE COURT 5TH DISTRICT

Kevin Link	)	Appeal from <b>Madison County</b>
Appellant	)	Circuit Number <b>18ov400153</b>
	)	Trial Judge <b>Ronald R. Slemer</b>
vs.	)	Date of Notice of Appeal <b>9-18-18</b>
	)	Date of Judgment <b>6-14-18</b>
City of Madison	)	Date of Post-judgment Motion Order <b>8-23-18</b>
Appellee	)	Supreme Court rule which confers jurisdiction upon the reviewing court: <b>301</b>

**MOTION TO SUPPLEMENT RECORD IN APPEAL**

Now comes appellant Kevin Link, and moves the court for an order directing the Circuit Court Clerk of Madison county to prepare a supplemental record in appeal, and in support of states:

1. Appellant sought the including of two trial court records to be included in the record in appeal. See attached request as exhibit A.
2. The Circuit Court Clerk denied that request and required the appellant to limit the record to the case being appealed.
3. Appellant sought a stipulation from the attorney to the appellee, but no response has been made. Letter attached as exhibit B.
4. The trial court does not meet regularly as its a municipal level court, and timely filing of items here is crucial.
5. The two other trial records appellant asks be included are vital to this appeal.
6. Case Number #2017ov400976 deals with the exact same property, and exact same vehicle as in this matter, which case was dismissed.
7. Case number #2018ov400152 deals with the exact same property, and the exact same vehicle, however, the defendant there was the occupant of the property and owner of the vehicle, which case was also dismissed.
8. As appellant will argue finding him liable under these facts is a travesty of justice, having these cases included in a supplemental record in appeal is necessary.

Wherefore, appellant Kevin Link, asks this court to issue its order directing the Circuit Court Clerk of Madison county to prepare promptly a supplemental record on appeal including case files #2017ov400976 and #2018ov400152 that appellant be given 28 days to prepare and submit his brief from the date of preparation and submission of said supplemental record on appeal, and for further relief as necessary.

Respectfully submitted

Kevin Link,  
PO Box # 22  
Granite City, IL 62040

Dated: 11-13-18

Kevin Link  
Kevin Link, Appellant

**Exhibit G**



**§ 90.02 DECLARATION OF NUISANCE.**

It is hereby declared that any and all abandoned, discarded, inoperable or wrecked motor vehicles, whether on public or private property and in view of the general public within the city are nuisances. (Ord. 1546, passed 1-30-2001)

**§ 90.03 ABANDONMENT OF VEHICLES.**

No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for a time and under circumstances as to cause the vehicle reasonably to appear to have been abandoned. (Ord. 1546, passed 1-30-2001) Penalty, see § 90.99

**§ 90.04 LEAVING VEHICLES ON STREET.**

No person shall leave any abandoned, discarded, inoperable, wrecked, dismantled or junked motor vehicle on any street or highway within the city. No repair work will be performed on any motor vehicle while on any street or highway within the city. This section shall not apply to the driver of any motor vehicle which is disabled, while on a street or highway within the city, to an extent that it is impossible to avoid leaving the disabled vehicle. The motor vehicle is to be removed from the mainly traveled portion of a street or highway and to the curb of the street or highway and, at which place, necessary emergency repairs may be performed on the motor vehicle. Disabled motor vehicles shall be removed from the curb of the street or highway within 24 hours from the time that the vehicle became disabled. (Ord. 1546, passed 1-30-2001) Penalty, see § 90.99

**§ 90.05 DISPOSITION OF VEHICLES.**

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned, discarded, inoperable, wrecked, partially dismantled or junked motor vehicle to remain on the property longer than seven days following the issuance of a municipal notice to remove same. (Ord. 1546, passed 1-30-2001) Penalty, see § 90.99

**§ 90.06 EXCEPTIONS.**

The provisions of this chapter shall not apply to any motor vehicle that is left within a building when not in use, to operable historic vehicles over 25 years of age, to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles or to a motor vehicle located in a storage place or depository licensed and maintained for the purposes within the city. (Ord. 1546, passed 1-30-2001)