

APPEAL TO THE APPELLATE COURT OF ILLINOIS
FIFTH JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

CITY OF MADISON

Plaintiff/Petitioner

Reviewing Court No: 5-18-0453

Circuit Court No: 2018OV400153

Trial Judge: HONORABLE JUDGE SLEMER

v.

KEVIN LINK

Defendant/Respondent

E-FILED
Transaction ID: 5-18-0453
File Date: 11/14/2018 10:06 AM
John J. Flood, Clerk of the Court
APPELLATE COURT 5TH DISTRICT

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CHAPTER 90: ABANDONED, INOPERABLE OR WRECKED VEHICLES

Section

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Cross-reference:

Exterior storage of non-operating vehicles, see § 95.47

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, off-road vehicles and wagons.

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

PUBLIC AND PRIVATE PROPERTY. Any real property within the city which is not a street or highway, whether owned by a government entity or a person, as defined above.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is opened to the use of the public for the purpose of vehicular travel, including alley ways.

(Ord. 1546, passed 1-30-2001)

§ 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)

§ 90.07 IMPOUNDMENT.

(A) *Vehicle in public place.* The Chief of Police or any member of his or her Department designated by him or her is hereby authorized to remove or have removed any vehicle left at any public or private place with the city, which reasonably appears to be a violation of this chapter or appears to be lost, stolen or unclaimed. The motor vehicles shall be impounded, towed and hauled away until lawfully claimed or disposed of in accordance with ILCS Ch. 625, Act 5, §§ 4-203 *et seq.*

(B) *Vehicle in private place.* Any person, firm or corporation issued a seven-day municipal notice to remove a vehicle located in a private place under § 90.05, shall have 14 days from the issuance of said notice to request a hearing to determine liability under Chapter 36 of this code. If no hearing is requested within 14 days or if a hearing is requested, held and a final determination of liability is made under Chapter 36, The Chief of Police or any member of his or her department designated by him or her is authorized to remove or have removed any such vehicle. The motor vehicles shall be impounded, towed and hauled away until lawfully claimed or disposed of in accordance with ILCS Ch. 625, Act 5, §§ 4-203 *et seq.*

(Ord. 1546, passed 1-30-2001; Am. Ord. 1606, passed 3-25-2003)

§ 90.99 PENALTY.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not exceeding \$750. Each day a violation is continued or is permitted to continue shall constitute a separate offense and shall be punishable as set forth herein. A violator of this chapter shall also be responsible for the costs of impoundment, towing and hauling away.

(Ord. 1546, passed 1-30-2001)

Δ motion. 6-14-18

Demand for Immediate Dismissal with Prejudice for Ticket # 2018ov400153

Madison city has **knowingly** issued this ticket without justification, based on the following evidence:

1. I have already answered for the vehicles this ticket concerns in court, due to a prior ticket that was both adjudicated and dismissed; the previous ticket was concerning the exact same vehicles and ordinance code violation.
2. The city's attorneys have been previously advised in writing regarding the lack of factual evidence surrounding this case.
3. I have given a clear, typewritten statement to Madison city and it's attorneys that I neither own the vehicles nor do I have authority over any individual who parks vehicles in front of or near my property.
4. I have given a clear, and filed statement to Madison city and it's attorneys affirming that I **had not** authorized any individual to illegally park vehicles in front of or near my property.
5. Madison city did not follow the standard procedure required by the city ordinance that I allegedly violated; including but not limited to issuing the ticket without due notice.

This evidence establishes a sound basis for the dismissal of ticket 2018ov400153 with prejudice.

If Madison city continues to pursue a ticket they knowingly issued on false grounds, it should be considered both malicious and a crime; if this were the case, any city representative who knowingly participated in maliciously pursuing a meritless ticket would be a criminal.

Respectfully,



The Defendant

City

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City

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Cameron Sheraden Sullivan II.JPG
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Corey Jackson II Decatur II.JPG
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