

TITLE 6
CHAPTER 5

JUNKED, ABANDONED VEHICLES

SECTION:

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6-5-1: JUNKED VEHICLES PROHIBITED:¹ It shall be unlawful to park, store or leave, or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind for a period of time in excess of seventy two (72) hours, which is in a rusted, wrecked, junked or partially dismantled or inoperative or abandoned condition, whether attended or no, upon any public or private property within the City, unless the same is completely enclosed within a building or unless it is in connection with a business enterprise, lawfully licensed by the City and properly operated in the appropriate business zone, pursuant to the zoning laws of the City.² For the purposes of this section, vehicles shall include: any motor vehicle, boat, aircraft, recreational vehicle, or trailer. Proceedings for a violation of this Chapter, except Section 6-5-3, shall be civil in nature. (Ord. 27, 2008)

6-5-2: ACCUMULATION A NUISANCE: The accumulation and storage of one or more of such vehicles as described in Section 6-5-1 herein on public or private property shall constitute rubbish and unsightly debris and a nuisance, detrimental to the health, safety and welfare of the inhabitants of the City. It shall be the duty of the owner of the private property, or the lessee or other person in possession of the private property upon which such vehicle is located to remove the same from the City or to have the same housed in a building where it will not be viewed from the street.

6-5-3: SERVICING ON STREETS: It shall be unlawful to disassemble, construct, reconstruct, repair and/or service motor vehicles of any kind in or upon any street, road, alley or public thoroughfare in the City or in the yard of any resident, except for emergency service; provided, that said emergency service shall not extend over a period of seventy two (72) hours except when required to be made n a street, road, alley or public thoroughfare, in which case said emergency service shall not extend over a period of two (2) hours, and does not interfere with or impede the flow of traffic. The violation of this Section shall also constitute a public nuisance, and a misdemeanor, which shall be punishable upon conviction by a fine not exceeding two hundred dollars (\$200.00), or by imprisonment in the City jail for a term not exceeding thirty (30) days, or by both such fine and imprisonment.

6-5-4: NOTICE OF VIOLATION: It shall be the duty of the Chief of Police to give written notice to the registered owner of any motor vehicle which is in violation of this Chapter, as described in Section 6-5-1 of this Chapter, or to give notice to the owner or lessee of the private land upon which such motor vehicle is situated, giving notice that said vehicle be removed from the City within seventy two (72) hours, or that within seventy two (72) hours the same be housed within a building where it will not be visible from the street. Said notice may be given by personal service or by registered mail, with return receipt requested.

6-5-5: IMPOUNDMENT, FEES: As an alternate procedure, the Chief of Police may, after giving the notice required by 6-5-4 hereof, and after waiting seventy two (72) hours, cause the vehicle to be removed by a City truck or by a commercial tow truck to a commercial garage or an automobile wrecking yard, or any other suitable place for storage of the vehicle as may be designated by the Chief of Police, and within forty eight (48) hours after the removal and storage of such vehicle by the Chief of Police, he shall give notice in the manner prescribed in Section 6-5-4 hereof to the registered owner of such vehicle, and also to the owner, lessee or person in possession of the land from which the vehicle was removed, that said vehicle has been impounded

¹ Title 10 of this Code
See Chapter 4 of this Title

and stored for violation of this Chapter, and said notice shall include the location of the place where the vehicle is stored, the costs incurred by the City for the removal or towing, and the storage charges accruing, which shall not exceed five dollars (\$5.00) per day, and that if said charges are not paid in full to the City Recorder within ten (10) days immediately following the giving of such notice, that said vehicle shall be deemed to have been abandoned, and will thereafter be discarded as junk or may, in the discretion of the Chief of Police, be sold as an abandoned vehicle in the manner prescribed by Chapter 4 of this Title, which relates to the impounding and disposing of abandoned vehicles.

6-5-6: RELEASE OF IMPOUNDED VEHICLES: If any vehicle is impounded and stored by the Chief of Police, under the provisions of this Chapter or any other ordinance of the City or pursuant to any other lawful authority of the Police Department, said vehicle shall not be released by the appointed keeper thereof until all charges connected with the removal, towing and storage of such vehicle have been fully paid, as evidenced by the City Recorder's paid receipt.

6-5-7: PENALTY: If the notice is given, as provided in Section 6-5-3 hereof, and the person upon whom said notice and demand is made shall fail to remove said vehicle or shall fail to cause the same to be housed in a building where it will not be visible from the street, then said person shall be in violation of this Chapter, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00).

Amended by Ord. 27, 2008 effective January 14, 2009