

AMENDMENT TO CHAPTER 12, ARTICLE 4

ARTICLE 4 – Storage of Abandoned Vehicles, Junk Vehicles, Building Materials, Junk, Maintenance of Blighted Structures, etc.

Sections:

- 12.0401 Definitions
- 12.0402 Certain practices declare nuisances
- 12.0403 Liability of owners, occupants, lessees, etc., generally
- 12.0404 Removal of junked automobile from private property by general inspector or law enforcement
- 12.0405 Abatement Required

12.0401 Definitions

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them by this section:

Abandoned Vehicle: Without limitation, any vehicle which has remained on private property for a period of forty-eight continuous hours or more without consent of the owner or occupant of the property or for a period of forty-eight continuous hours or more after the consent of the owner or occupant has been revoked. Or any unsheltered vehicle that does not appear to be in good, safe, operating condition for a period of 30 days or more.

Blighted Structure: Without limitation, any dwelling, garage, or outbuilding; any factory, shop store, warehouse; or any other structure or part of a structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling nor useful for the purpose for which it may have been intended.

Building Materials: Without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement nails, screws, insulation, shingles, or any other materials used in constructing any structure.

Junk: Without limitation, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast off material of any kind whether or not such material could be put to any reasonable use.

Junk Automobiles: Without limitation, any motor vehicle which is not licensed or use upon the highways of the state for a period in excess of sixty days and also includes, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty days; provided, that

there is excepted from this definition unlicensed but operative vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.

Trash and Rubbish: Any and all forms of debris not herein otherwise classified.

Section 12.0402 Certain Practices Declared Nuisances

It is hereby determined that the following conditions tend to result in blighted and deteriorated neighborhood, increase in criminal activity, spread of vermin and disease and are contrary to the public peace, health, safety, and general welfare of the community:

- (a) Storing or permitting the storage or accumulation of trash or rubbish.
- (b) Storing or permitting the storage of or accumulation of junk, junk automobiles or abandoned vehicles on any private property within the city, except within a completely enclosed building and in compliance with the provision of this Code and other city ordinances; provided, that this shall not be construed to preclude the storage or accumulation of junk, junk automobiles or abandoned vehicle upon the business premises of a duly licensed junk dealer, junk buyer in used auto parts, or dealer in second hand goods or junk gatherer so long as such premises are operated and maintained in compliance with the provisions of this Code and other city ordinances.
- (c) Dismantling, cutting up, removing parts from or otherwise disassembling any automobile, whether it is a junk automobile, abandoned vehicle or any appliance or machinery, except in a completely enclosed building or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.
- (d) Keeping or maintaining any blighted or vacant structure, house, mobile home, dwelling, garage, outbuilding, factory, shop, store or warehouse, unless such a structure is kept in such a manner that does not create a health and safety risk to the community, is securely locked, the windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by unauthorized persons or such structure is in the course of construction accordance with a valid building permit issued by the city and such construction is completed within a reasonable time.
- (e) Storing or permitting the storage or accumulation of building materials on any private property, except in a completely enclosed building or where such building materials are part of the stock in trade of a business located on such property or when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the city and such construction is complete within reasonable time.

Such conditions are hereby declared to be nuisances.

Section 12.0403 Liability of Owners, Occupants, Lessees, etc., generally

All persons maintaining or permitting the maintenance of any condition declared to be a nuisance as identified and defined under this chapter, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

Section 12.0404 Removal of Junked Automobile from Private Property by General Inspector or Law Enforcement

The general inspector or the law enforcement department may remove or cause to be removed any junk automobile or parts of either from any unenclosed private property after having notified in writing the owner or occupant of such property of its intention to do so at least forty-eight hours proper to such removal. Such notice shall be served personally upon the owner or occupant of the property if occupied or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles or parts of either shall be removed to the automobile pound and disposed of in accordance with law. Such removal by the law enforcement department or general inspector shall not excuse or relieve any person of the obligated imposed by this article to keep his property free from storage or accumulation of junk automobiles or abandoned vehicles, parts of junk automobiles or abandoned vehicles or parts of either nor from the penalties for violation thereof.

Section 12.0405 Abatement Required

If the owner, occupant, lessee, agent, servant or employee allows a nuisance to exist or fails to abate a nuisance, such individual, upon conviction shall be fined nor more than \$500.00 for each infraction and a separate infraction shall be deemed committed if the infraction has not been abated within 30 days or as otherwise specified by the court. In the event the owner, occupant, lessee, agent, servant, or employee fails to abate the nuisance after the second conviction, such charge shall be enhanced to a class B misdemeanor with a maximum penalty of 30 days jail and/or a fine of up to \$1,500.00.