

**AMENDMENT TO JUNK CAR ORDINANCE**  
**November 9, 2000**

Section 9-4 Motor vehicles; abandoned, junked vehicles described, declared nuisance.

- (A) A motor vehicle shall be deemed to be abandoned or to be junked motor vehicle in the following circumstances:
  - (1) When it is partially or completely dismantled or wrecked; or
  - (2) When it is incapable of self-propulsion or of being moved in the manner for which it was originally intended; or
  - (3) When it has been abandoned, or inoperable, or is damaged, and worth less than fifty dollars (\$50.00); or
  - (4) When it is a junked vehicle and has been so abandoned for a period of not less than thirty (30) days; or
  - (5) When it has been abandoned and does not display a current license plate.
- (B) A motor vehicle shall be deemed to constitute an attractive nuisance or to constitute a health and safety hazard for the purposes of this division, in the following instances:
  - (1) When it is an attractive nuisance for children; or
  - (2) When it is, or is reasonable likely to become, a breeding place for rats, vermin or snakes, or contributes to general circumstances which are inimical to the health or safety of human beings; or
  - (3) When it constitutes or is reasonable likely to constitute a fire and safety hazard and a source of fire and explosion, and is otherwise detrimental to the safety of human beings, especially of children, and of property.
- (C) It is hereby declared that all such vehicles described in subsections (a) or (b) of this section which have remained on privately owned property for as long as thirty (30) days, are a hazard to health and safety and constitute an attractive nuisance for children and a public nuisance.

Section 9-5 Same; declaration of nuisance prerequisite to removal; appeal from declaration.

- (A) No vehicle described in Section 1 shall be removed from privately owned property without the written request of the owner, lessee or occupant of such premises, unless the City Manager or his designate has declared it to be an attractive nuisance for children or to

constitute a public nuisance as hereinabove provided. Such findings and declaration of the City Manager or his designate may be appealed to the Mayor and Council under the following prescribed procedure:

The owner or other person having an interest in the ownership or right of possession of such abandoned or junked motor vehicle which has been declared by the City Manager or his designate to constitute a public nuisance or an attractive nuisance for children shall have the right of appeal from such declaration or decision, to the Mayor and Council; provided, that a notice of appeal in writing is served upon the City Manager, stating the grounds for such appeal, within seven (7) days after notice is given of such decision or declaration from which the appeal is taken. The decision of the Mayor and Council upon such appeal shall be final.

- (B) The finding and declaration of the City Manager or his designate and the approval or confirmation of such declaration and finding by the Mayor and Council, upon appeal, if any appeal has been taken, shall constitute the finding and declaration that the existence of such conditions by the presence of such junked or abandoned motor vehicle on privately owned property has become an attractive nuisance for children, a condition inimical to the health of human beings, or a fire hazard or source of fire and explosion, so that such conditions constitute a health or safety hazard, and constitute a public nuisance which may be abated by the removal of such abandoned or junked motor vehicle from such privately owned property and the disposal thereof in the manner herein provided.

Section 9-6 Same: Notice of Owner.

When any junked or abandoned vehicle is to be removed from privately owned property, it shall be the duty of the City Manager, or such officer as he may designate, to give written notice of such proposed removal and of a hearing to the registered owner of such vehicle at this last known address according to the latest registration certificate or certificate of title on file with the Department of Motor Vehicles, if such information is available upon reasonable inquiry. If the junked or abandoned vehicle in question has no license plate, or other identification, or is in such state of disrepair as not to enable the City Manager

to ascertain its ownership from registration records, it shall be deemed sufficient notice if the City Manager causes to be published in one issue of a newspaper published in the county, a description of the vehicle, the address from which it will be removed, the date after when the vehicle will be removed and where it will be stored.

Section 9-7 Lien for nuisance vehicle; towing, storage, etc; charges; payment of charges prerequisite to release.

All towing, storage, advertising and other charges incurred by the City or imposed upon the owner or operator of the vehicle in connection with a vehicle towed or impounded under the provisions of this division, shall constitute a lien upon such vehicle, and no such impounded vehicle shall have been paid.

Section 9-8 Redemption of impounded vehicle.

The owner of any vehicle removed pursuant to this division may regain possession of the vehicle by paying to the City all reasonable costs incidental to the removal and storage of such vehicle as provided in this division.

Section 9-9 Keeping abandoned, junked, nuisance vehicle prohibited.

It shall be unlawful for any person to allow to remain, for a period of more than thirty (30) days, any abandoned or junked motor vehicle as described in Section 1 or any motor vehicle constituting a public nuisance or attractive nuisance as defined in Section 2 on any property which he owns, controls, leases or occupies.

Section 9-10 Applicability of division.

Nothing in this division shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of such enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.