

CHAPTER 13

JUNK, ABANDONED VEHICLES AND SALVAGE YARDS

ARTICLE I. IN GENERAL

Secs. 13-1--13-15. Reserved.

ARTICLE II. INOPERATIVE VEHICLES

Sec. 13-16. Findings of the governing body.

The council finds that junked, wrecked, dismantled, inoperative, discarded or abandoned vehicles in and upon streets, highways and other public and private real property within the city is a matter affecting the health, safety and general welfare of the citizens of the city for the following reasons:

- (1) Such vehicles serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (2) They are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mountings on blocks, jacks or supports, and because they are a ready source of fire and explosion;
- (3) They encourage pilfering and theft and constitute a blighting influence upon the area in which they are located, thereby causing a loss in property value in surrounding property;
- (4) They create a public safety hazard when placed in streets, roadways, highways or upon public property; and
- (5) They constitute a fire hazard in that they block access for the fire department to adjacent buildings and structures. (Ord. No. 1043, § 1, 9-21-87)

Sec. 13-17. Definitions as used in this article.

Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

Vehicle means any automobile, truck, tractor, farm machinery, motorcycle, motorized bicycle or other device designed or used for transportation of persons or property which, as originally built, contained an engine, regardless of whether it contains an engine at any other time.

Absence of an effective registration plate means where a registration plate is completely missing from the vehicle or otherwise invalid or where a vehicle is (1) parked or stored in a residential zoning district so that it is visible from a public or private street, or adjacent property and (2) the license plate of such vehicle is screened from view by an adjacent structure or vegetation, or by a cover, tarp or similar object, the vehicle shall be deemed to be an inoperable vehicle subject to the provisions of Section 13-22 below.

Visible means that the shape of a vehicle is recognizable as a vehicle even if it is covered. (Ord. No. 1043, § 1, 9-21-87; Ord. No. 1271, § 1, 5-20-96)

Sec. 13-18. Prohibitions.

Except as provided in section 13-20, it shall be unlawful for any person, partnership, corporation, or his, her or its agent, either as owner, lessee, tenant or occupant, of any lot or land within the city, whether public or private, to park, store or deposit, or permit to be parked, stored or deposited thereon, an inoperable vehicle, unless it is enclosed in a garage or other building. (Ord. No. 1043, § 1, 9-21-87; Ord. No. 1491, §1, 11-22-04)

Sec. 13-19. Repealed. (Ord. No. 1491, §2, 11-22-04)

Sec. 13-20. Screening.

The provisions of section 13-18 shall not apply to any person, firm or corporation, or his, her or its agent, who is licensed to do business and who is conducting a business enterprise concerned with the repair, sale or storage of vehicles, which is in compliance with existing zoning regulations; or any person, firm or corporation or their agent who is in compliance with existing zoning regulations and who places such vehicles on private property behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children; provided, however, that nothing in this section shall authorize the maintenance of a public nuisance. (Ord. No. 1043, § 1, 9-21-87)

Sec. 13-21. Presumptions.

Any one (1) of the following conditions shall be deemed prima facie evidence that a vehicle is inoperable:

- (1) The absence of an effective registration plate upon such vehicle;
- (2) The placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports;
- (3) The absence or condition of disrepair of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways, including properly inflated tires; and

- (4) The placement of materials or property within the vehicle which would preclude the lawful operation of the vehicle upon the streets or highways.

Provided, however, that the presumption in Subsection (1) of this Section may be rebutted if the property owner, vehicle owner or resident can furnish proof that the vehicle has a license plate and current registration as required for operation of the vehicle on public streets and highways, or that the vehicle has a non-highway vehicle title issued solely because the vehicle was not manufactured for street use. Such proof shall be provided to an authorized officer of the City within seven (7) days from the date when a notice of violation was first given to the property owner, vehicle owner or resident. (Ord. No. 1043, § 1, 9-21-87; Ord. No. 1271, § 1, 5-20-96; Ord. No. 1491, §3, 11-22-04)

Sec. 13-22. Administrative procedures for inoperable vehicles on private real property.

- (a) Whenever a violation of this article is believed to exist on private real property within the city, the code officer or his designee shall as soon as practical thereafter cause to be served upon a person responsible pursuant to Section 13-18, a written notice of violation, directing action be taken within seven (7) days to comply with this article, or prosecution will commence for violation thereof. (Ord. No. 1491, §4, 11-22-04)
- (b) Upon failure to comply with notice duly given, or if a similar violation of this article occurs on the same lot or land within the city within one (1) year following service of notice of violation, the code officer or his designate may request the city attorney or city prosecutor to commence prosecution without service of any additional notice. Each and every day the violation continues shall be a separate offense. (Ord. No. 1043, § 1, 9-21-87; Ord. No. 1491, §4, 11-22-04)
- (c) Failure to receive a notice of violation shall not be a defense to prosecution. (Ord. No. 1491, §4, 11-22-04)

Sec. 13-23. Administrative procedures for inoperable vehicles on public real property.

- (a) In the event of an apparent violation of this article on public property within the city, including, but not limited to, streets, highways, roadways, parking lots or rights-of-way, a notice shall be placed upon the vehicle, stating that such vehicle must be removed within five (5) days of the date of such notice or prosecution will be commenced against the registered owner of such vehicle for a violation of this article.
- (b) Upon failure to comply with the notice duly given, or if a similar violation of this article by the same vehicle occurs on the same lot or land, or in the vicinity thereof, within the city within one (1) year following service of a notice of violation, the code officer or his designee may request the city attorney or city prosecutor to commence prosecution for such violation without service of any additional notice. Each and every day the violation continues shall be

a separate offense. In addition to any other penalty prescribed for a violation of this section, the municipal court shall have the authority to authorize the city to have the vehicle reasonably removed; and all expense incurred as a result of such removal and storage of such vehicle shall be borne by the registered owner of such vehicle. (Ord. No. 1043, § 1, 9-21-87; Ord. No. 1491, §5, 11-22-04)

Secs. 13-24--13-25. Reserved.

ARTICLE III. SALVAGE YARDS

GENERALLY

Sec. 13-26. Storage of salvage materials.

It shall be unlawful for any person to store or maintain on any open lot or parcel of ground within the fire district, any iron and steel parts or salvage, inoperable motor vehicles or parts therefrom, tires, dilapidated or defunct machinery and equipment of any kind, building and construction materials of any kind and all other materials or matters tending to create a health or fire hazard; provided, that such persons maintaining inventories of steel or other materials used in the regular course of their business and operation shall maintain such inventories on such open lots or parcels of ground in bins or racks or other suitable storage devices, to be approved by the fire chief or his authorized representative, so that the fire and police departments may have access to such premises for ingress and egress, which premises, including the shoulders and right-of-way of all public streets shall be kept free and clear of any and all obstructions for emergency fire and police equipment. (Code 1976, § 9-302)

Secs. 13-27--13-34. Reserved.