

CITY OF MOLENA

(35) 1/4

ORDINANCE NO. 35

AN ORDINANCE OF THE CITY OF MOLENA RELATING TO JUNKED VEHICLES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF MOLENA:

Section 1: Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junked motor vehicle means any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways, the condition of which is one or more of the following:

- (1) Wrecked.
- (2) Dismantled.
- (3) Partially dismantled.
- (4) Inoperative.
- (5) Abandoned.
- (6) Discarded.

Section 2: Deemed public nuisance.

The presence of any junked motor vehicle on public property or any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance.

Section 3: Maintenance of nuisance prohibited.

It shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any

motor vehicle on the real property of another or to suffer, permit or allow junked motor vehicles to be parked, let or maintained in his own real property.

Section 4: Exceptions.

The provisions of this article shall not apply to:

- (1) Any motor vehicle in an enclosed building.
- (2) Any motor vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise.
- (3) Any motor vehicle on property occupied and **used** for repair, reconditioning and remodeling of motor vehicles in conformance with the zoning ordinance of the city.

Section 5: Enforcement officer; right of entry.

The provisions of this article shall be administered and enforced by the city Police Chief who is hereby authorized to enter upon private or public property to examine a junked motor vehicle, or obtain information as to the identity of a junked motor vehicle or to remove or cause the removal of a junked motor vehicle declared to be a nuisance pursuant to this article. When the city has contracted with any person, such person shall be authorized to enter upon private property or public property to remove or cause the removal of a junked motor vehicle declared to be a nuisance pursuant to this article.

Section 6: Notice of nuisance, service.

- (a) When the city Police Chief shall deem such public nuisance to exist, he shall issue a notice to the parties hereinafter stated. Such notice shall:
 - (1) Be in writing.

- (2) Specify the public nuisance and its location.
- (3) Request the public nuisance to be abated within ten days from the notice.
- (b) If, after a diligent search has been made, the city Police Chief shall be unable to determine the owner of a junked motor vehicle, he may serve such notice by attaching it to the junked motor vehicle and this shall constitute service upon the owner of such junked motor vehicle.

Section 7. Appeal.

Any owner of a junked motor vehicle being dissatisfied with the decision that a junked motor vehicle is a public nuisance shall have the right to object to such decision by filing a notice with the city clerk within the ten days. Such appeal shall be heard by the municipal judge who may affirm, amend, or reverse the order and take other action deemed appropriate. The city clerk shall give written notice of the date, time and place of the hearing to the appellant.

Section 8: Removal of nuisance.

Five days after the action of the municipal court authorizing the removal of a nuisance under this article following appeal, the junked motor vehicle may be removed from the premises by the city Police Chief.

Section 9: Acts deemed compliance.

The removal of a junked motor vehicle under this article from the premises prior to the expiration of the ten days' notice shall be considered compliance with the provision of this article and no further action shall be taken against the owner of the junked motor vehicle or the owner or occupants of the premises. Written permission given to the city Police Chief for the removal of the junked motor vehicle by the owner of the same, the owner or occupant of the

premises shall be considered compliance with the provisions of this article on their part and no further action shall be taken against the person giving such permission.

This the 9th day of May, 2005.

MAYOR, CITY OF MOLENA

First Reading April 11, 2005

Adopted at
Second Reading May 9, 2005

CLERK, CITY OF MOLENA