

JUNK VEHICLE ORDINANCE

ORDINANCE NO. 23-03

AN ORDINANCE OF THE ALDERMEN AND MAYOR OF THE CITY OF EUPORA, MISSISSIPPI, AMENDING THE JUNK VEHICLE ORDINANCE.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF EUPORA, COUNTY OF WEBSTER, STATE OF MISSISSIPPI, AS FOLLOWS:

SECTION 1: NAME

This ordinance shall be known and cited as the City of Eupora Junk Vehicle Ordinance.

SECTION 2: PURPOSE

The purpose of this Ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, motorcycles, boats, house trailers, or tractor trailers, or new or used parts thereof upon the premises of any type of property, public or private, within the city of Eupora, Mississippi; To thereby avoid injury and hazards to children and other persons attracted to such vehicles or trailers;: the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and or property owners.

SECTION 3: DEFINITIONS

In this ordinance the following words and terms shall have the meaning set forth in this section, unless other provisions of this ordinance specifically indicate otherwise:

INOPERABLE VEHICLE: any vehicle that cannot be driven upon the public streets for reasons, including but not limited to being unlicensed, in the state of disrepair, or incapable of being moved under its own power.

JUNK VEHICLE: motor vehicle which does not have a current and valid Mississippi certificate of inspection and motor vehicle registration plate or is in a condition to be considered inoperable. For the purpose of this ordinance a trailer camper or boat without a current registration shall be considered a junk vehicle.

JUNKYARD: any establishment or place of business which is maintained, operated, or used for the storing, keeping, buying or selling junk, or for a place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

RESPONSIBLE PARTY OR PERSON: used in this ordinance, the term “responsible party or person” means any individual, business or entity responsible for creating, causing, maintaining or permitting the nuisance activity, premises, conditions or conduct encompassed by the terms of this ordinance; And includes, but is not limited to, the real or personal property owner, tenant, lessee, possessor, or occupant of real property, the president or other officer of the corporation, a business owner or manager of a business.

SECTION 4: REGULATIONS

1. No responsible party or person shall park, store, or place upon any public right-of-way or public property, or upon any premises or property, public or private, within the City of Eupora, any motor vehicle, motorcycle, boat, house trailer, or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building, except as follows:
 - a. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
 - b. Vehicles or trailers that are temporarily inoperable because of minor mechanical failure but which are not in any manner dismantled and have substantially all main component parts attached, which may remain upon such private property not to exceed ten (10) days.
 - c. Not more than one vehicle in fully operating condition, such as stock car or modified car, that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored in no event shall any such vehicle be parked, repaired, or maintained in the front or side streets or viewable yard area of any premises

2. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property, or on any other property for a period in excess of 24 hours, except:
 - a. Such as shall be accomplished within fully enclosed buildings or behind opaque fences properly maintained and landscaped, and out of view; and
 - b. Will not constitute a nuisance or annoyance to adjoining property owners or occupants.

Any such work within such 24-hour period heretofore allowed shall not, however, consist of any major repair, redesigning, modifying or dismantling work; But only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition. Nothing herein contained shall be construed to permit the parking and or repair or maintenance of said vehicles in any front yard or side yard or viewable area.

3. No responsible party or person shall at any time engage in any activity for or on behalf of others, whether for profit or gratis, relative to the performance, storage, parking, repair, redesign, modification, or dismantling work or operation upon any vehicle or parts thereof upon any public right-of-way or public property or upon any property, public or private, without a proper privilege license for such activity and meeting any zoning requirements. The city clerk is instructed not to issue any privilege license for salvage yards, junk yards, et cetera until all zoning requirements have been satisfied by the property owner.
4. Within one (1) year from the effective date of this ordinance, all existing junkyards, recycling and salvage operations, vehicle salvage yards, vehicle repair shops, wrecker services, automobile dealers, or any other business or enterprise storing any vehicle where junk or wrecked vehicles are stored shall be screened from view from adjacent properties by opaque fencing and/or landscaping. All new junkyards, recycling and salvage operations, vehicle salvage yards, vehicle repair shops, wrecker services, automobile dealers, or any other business or enterprise storing any vehicle shall have erected and have in place proper screening prior to obtaining a privilege license.
5. The foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Chief of Police or Code Enforcement Officer of the City of Eupora is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not more than ten (10) days provided no adjoining property owner or occupant is unreasonably affected thereby and the spirit and purpose of the ordinance are still substantially observed.

SECTION 5: NUISANCE DECLARED

Violations of the regulations of this section relating to junk vehicles are hereby declared to be and constitute a nuisance. A junk vehicle is any vehicle which does not have a valid license plate and/or is wrecked, dismantled, partially dismantled, abandoned, and/or has been inoperable for a continuous period of ten (10) days. Any parking, storage, placement, or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and penalties herein provided.

SECTION 6: ENFORCEMENT PROCEDURES

1. **COMPLIANCE OFFICER DESIGNATED:** The Chief of Police of the City of Eupora, or the acting Chief on duty thereunder, or the Director of Public Works of the City of Eupora, Mississippi, and any other official of the City of Eupora specifically designated and named by the Board of Alderman and Mayor of the City of Eupora, Mississippi to enforce the provisions of this ordinance, be and are hereby designated as compliance officers for the purpose of enforcing the terms of this ordinance.
2. **COMPLIANCE ORDERS – CONTENTS:** Whenever the compliance officer determines that any property is maintained in violation of one or more of the provisions of this ordinance, he or she shall serve on one or more of the responsible parties a written Compliance Order which contains:
 - a. The date and location of the violation.
 - b. The Section of the Ordinance violated and a brief description of the violation.
 - c. The actions required to correct the violation(s) or abate the conditions.
 - d. The time period after which the City of Eupora will enter the property to abate the conditions or issue a misdemeanor violation citation if compliance is not achieved.
 - e. The timer period for abatement shall be at least ten (10) days, unless it is determined by the Compliance Officer that the conditions constitute an immediate threat to the public health, safety or welfare of the community or is a flagrant violation of the terms of this ordinance. The Compliance Officer may grant an extension of time upon good cause, provided the responsible party signs a written agreement to abate the nuisance within a certain time period.
 - f. That the City will proceed with abatement and/or a citation will be issued charging the responsible party or parties with a misdemeanor violation of the terms of this ordinance.
3. **NOTICE OF VIOLATION:** In addition to the following processes and procedures for the issuance of a code violation as stated in Section 6 of this ordinance, an orange adhesive sticker shall be placed on the vehicle if accessible to the Compliance Officer. The adhesive sticker shall serve as the written violation / compliance order notice to the property owner.

The time frame for the abatement of the nuisance and removal of the vehicle, or any other corrective action, shall be from ten (10) days after the placement of the adhesive sticker on the subject vehicle(s).

4. **ABATEMENT OF JUNK VEHICLES:** The requirements for any vehicle declared a nuisance shall be as follows:
 - a. If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this ordinance, official action shall be taken by the City of Eupora to abate such nuisance. Junked vehicles or parts thereof shall be impounded until lawfully claimed or disposed of in accordance with MCA 1972, §63-23-1 - §63-23-11.
 - b. Vehicles so impounded by the City of Eupora shall be held for ninety (90) days and thereafter shall be disposed of with all rights of ownership being forfeited. Any time prior to the expiration of the said ninety (90) days the title holder of record shall be allowed to redeem said vehicle upon the payment of all costs including towing, storage, and other such administrative costs as may be determined by the Compliance Officer.

SECTION 7: SEVERABILITY CLAUSE

The procedures provided in this ordinance shall be cumulative and in addition to any other procedure or legal remedy provided for in the ordinance of the City of Eupora or by state law for the abatement of nuisance related activities, premises, conditions, or conduct. Nothing in this ordinance shall affect ordinances that permit the immediate removal of a vehicle left on public property which constitutes an obstruction to traffic. Nothing in this ordinance shall be deemed to prevent the city of eupora from commencing a civil or criminal proceeding to abate a nuisance under applicable civil, criminal, or municipal code provisions as an alternative or alternatives to the proceedings set forth in this ordinance. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 8: PENALTY

Any person, firm or corporation who is convicted of a violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one-hundred dollars (\$100) and not more than one-thousand dollars (\$1,000). Each day that a violation continues to exist shall constitute a separate offense and such penalty may be issued upon such violation.

SECTION 9: EFFECTIVE DATE

This ordinance shall be published in the manner and for the time provided by Law in the Webster Progress Times, a newspaper published weekly in the City of Eupora, Webster County, Mississippi, and shall take effect after adoption and publication as provided by law.

The above amended ordinance was first reduced to writing and considered at the recessed meeting of the Mayor and Board of Aldermen of the City of Eupora, Mississippi on October 16, 2023. On a motion duly made for the adoption of said ordinance by Alderman _____ and seconded by Alderman _____, a vote was taken as follows:

- Alderman Shaw _____
- Alderman Tabb _____
- Alderman Newton _____
- Alderman Gibbs _____
- Alderman Gary Acting Mayor Pro-Tempore

WEREAS, THE MAYOR AND BOARD OF ALDERMENT DECLARED THE AMENDED CITY OF EUPORA JUNK VEHICLE ORDINANCE PASSED AND ADOPTED AT THE RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMENT ON THE 16TH DAY OF OCTOBER 2023.

SIGNED: _____

GERALD GARY – MAYOR PRO-TEMPORE

ATTESTED BY: _____

GAIL NEWTON – CITY CLERK