

BILL NO: 723

ORDINANCE NO: 723

AN ORDINANCE PROHIBITING ANY WRECKED, DAMAGED, DEMOLISHED, DISABLED, DISASSEMBLED, INOPERATIVE, OR CURRENTLY UNLICENSED VEHICLES FROM BEING LEFT OR PERMITTED TO REMAIN UPON ANY STREET OR PRIVATE PROPERTY; DECLARING THE ABOVE TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCE; PROVIDING A PENALTY; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND SETTING AN EFFECTIVE DATE. IF THIS CHAPTER SHOULD CONFLICT IN ANY WAY WITH THE PROVISIONS LAID OUT IN THE MISSOURI REVISED STATUTES IN ANY SHAPE, MEANS OR LETTER, THEN THE MISSOURI REVISED STATUTES SHALL PREVAIL.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREEN CITY, MISSOURI, AS FOLLOWS:

Section 1. Definitions:

- (a) Person: Any person, firm, partnership, association, corporation or other organization of any kind.
- (b) Vehicles: For the purposes of this ordinance, the terms "vehicle" or "automotive vehicle" will include any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, including but not limited to automobiles, cars, trucks, trailers, motorcycles, tractors, buggies and wagons, or any part thereof.
- (c) Junk: Any metal, glass, paper, rags, wood, machinery parts, cloth or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

- (d) Street or Highway: The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.
- (e) Property: Any land owned by the city or located within the city limits, not including streets and highways.
- (f) Wrecked, damaged, demolished, disabled, disassembled, inoperative, or currently unlicensed vehicles: Any vehicle that is not registered or is improperly registered with the State of Missouri; or any vehicle that has been inoperable for more than 72 hours, or is in such a state of repair as to be inoperable.

Exceptions to section (f):

(1) Vehicles of the type described above may be parked or stored on a property or in a storage facility if the vehicle is in a completely enclosed private garage or building or is completely enclosed within a locked fenced area and is not visible from adjacent public or private property.

(2) Vehicles with a state license plate that has been expired less than one month.

(3) Vehicles of the type described above are permitted at the site of any duly licensed business engaged in motor vehicle sales or vehicle repair.

(4) Vehicles that are manufactured solely for off-road use, or that do not require a state issued license plate if operated on public roads.

Section 2. Damaged or disabled vehicles-nuisance. Any damaged or disabled vehicle, parts thereof or junk, located on any property, street or highway that presents a hazard to the public, or harbors tall grass, weeds or other vegetation, or creates a fire hazard, or affords a

breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin, or any vehicle or junk allowed to remain unmoved on any property, street or highway for 48 hours is a public nuisance.

Section 3. Unlawful to maintain such nuisance. It shall be unlawful for any person to create or maintain a nuisance as defined in Section 2.

Section 4. Notice. Whenever the chief of police or his duly authorized representative determines that any vehicle or junk is a nuisance as defined herein, he shall cause written notice to be served upon the owner of the vehicle or junk, if he/she can be located, or the person in custody of such vehicle or junk, by registered mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Section 2 hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this ordinance, and state that the nuisance shall be abated within seven days from receipt of such notice.

Section 5. Proceedings when owner or custodian cannot be located. When the owner or custodian of any nuisance as defined in Section 2 cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within seven days of the date notice was posted, or if the vehicle is on public property, within two days of the date notice was posted.

Section 6. Duty of the owner or custodian. Any person receiving the notice provided for above shall comply with the provision of the notice requiring abatement. Failure to comply with this provision is unlawful.

Section 7. Disposition. If not removed within the times specified in the notice, the vehicle, parts thereof or junk shall be transported to a storage area by or at the direction of the chief of police or his duly authorized representative at the expense of the owner or person in custody thereof. Said property shall then be stored for a period of at least 90 days, and the person entitled to possession thereof may redeem the property by payment to the city of the actual cost

of its removal and a reasonable storage fee. If the vehicle or junk is unclaimed after the expiration of the 90 day period, the chief of police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle, or junk shall be applied to the expenses charged to the owner or person in charge thereof.

Section 8. Notice of sale. Prior to the sale of any such property, the chief of police or his duly authorized representative shall cause to be posted in city hall, the place of storage and at least one other public place in the city, a notice of sale stating:

- (a) the city is selling abandoned property;
- (b) the color, make, year, motor number and serial number, if available, and any other information necessary for an accurate identification of the property;
- (c) the terms of the sale; and,
- (d) the date, time and place of the sale. This notice shall be published not less than 10 days nor more than 30 days prior to the date of the sale.

Section 9. Entry onto private property. The chief of police or his duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this ordinance. If any person refuses to allow entry onto his private property, the chief of police or his duly authorized representative may obtain a warrant from the proper official and proceed in accordance therewith.

Section 10. Penalty. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be subject to punishment in the form of a fine of up to \$500.00 or incarceration in the Sullivan County Jail for a period of up to 30 days, or both such fine and incarceration.

Section 11. Conflicts. All ordinances or parts of ordinances conflicting with provisions of this ordinance are hereby repealed.

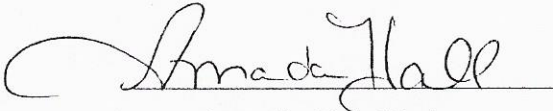
Section 12. Effective Date. This ordinance shall be in full force and effect from and after its passage.

**PASSED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR ON THIS
4th DAY OF MAY, 2010.**



Garry Billington, Mayor

ATTEST:



Amanda Hall, City Clerk