

ORDINANCE NUMBER 15-08

AN ORDINANCE REPEALING ORDINANCE 25; PROHIBITING THE PUBLIC STORAGE OF INOPERABLE VEHICLES; ESTABLISHING A PROCEDURE FOR REMOVING INOPERABLE VEHICLES; DECLARING AN EMEGENCY; AND FOR OTHER PURPOSES

WHEREAS, Ordinance Number 25 was adopted to address inoperable vehicles; and,

WHEREAS, inoperable vehicles continue to be a nuisance with the City of East Camden.

NOW, THEREFORE, BE AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST CAMDEN, ARKANSAS, THAT:

Section 1. Ordinance Number 25 is hereby repealed in its entirety.

Section 2. DEFINITIONS.

For purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Inoperable motor vehicle: Any vehicle placed on blocks or any vehicle that does not have a current, valid license plate or has one (1) or more wheels removed, or is not in proper condition to be legally operated on the streets of the city because of lack of proper mufflers, tires, headlights, or other mechanical defects or because of lack of an integral part of the assembly, or is not capable of self-locomotion.

Public property: Any street, alley., right-of-way or property that is owned or under the control and supervision of the city.

Private property: Any and all other property that is not classified as public property.

1573

Stored in the open: Any vehicle situated in any area other than a building enclosed on at least three (3) sides, whether or not visible from public property.

Section 3. ENFORCEMENT OF ORDINANCE.

The primary responsibility for the enforcement of this ordinance is placed upon the police department of the city.

Section 4. STORAGE IN OPEN ON PUBLIC PROPERTY PROHIBITED.

It shall be unlawful for any person to store an inoperable vehicle

Section 5. REPORT OF VEHICLES STORED IN OPEN ON PUBLIC PROPERTY.

Whenever any officer of the police department or fire department observes any inoperable vehicle stored in the open upon public property, such officer shall file a written report with the police department, setting forth the location of the vehicle, its make or model, the license number and the name of the owner, if known.

Section 6. NOTICE TO OWNER, REMOVAL AND IMPOUNDMENT OF VEHICLES STORED IN OPEN ON PUBLIC PROPERTY.

The police department shall notify the owner of any vehicle found stored in the open upon public property, in writing, to remove the vehicle within twenty-four (24) hours. In the event the vehicle is not removed, the police department is hereby authorized and directed to remove the vehicle and impound the same in accordance with the laws governing abandoned motor vehicles. In the event the motor vehicle obstructs the movement of traffic or constitutes a traffic hazard, the police department shall immediately remove the motor vehicle.

P. 574

Section 7. STORAGE IN OPEN UPON PRIVATE PROPERTY RESTRICTED.

It shall be unlawful for any person to store an inoperable vehicle in the open upon private property within the city for a period of more than three (3) days.

Section 8. NOTICE TO POLICE DEPARTMENT OF VEHICLES STORED IN OPEN ON PRIVATE PROPERTY.

When officers heretofore designated observe or find an inoperable motor vehicle, as defined in this division, stored in the open upon private property, the police department shall be notified.

Section 9. NOTICE TO OWNER; REMOVAL AND DISPOSAL.

The police department shall exert every effort to locate the owner of the motor vehicle or the person responsible for placing the same upon the private property and shall serve a written notice upon said person to remove the vehicle within ten (10) calendar days from the date of said notice. In the event the motor vehicle owner or the person responsible for placing the same in the open on private property cannot be located, then a written notice shall be given to the owner or occupant of the property notifying them to remove said vehicle within twenty (20) calendar days from the receipt of such notice, and a copy of said notice shall be placed upon the vehicle. Upon the expiration of twenty (20) calendar days, if the person notified has not removed said vehicle, the police department may take action necessary to remove said motor vehicle pursuant to the Abandoned Automobile Law of the State of Arkansas and the same disposed of accordingly. The police department may also, or in lieu of having the motor vehicle removed, issue a citation to such person for violation of this ordinance.

Section 10. COSTS TO CONSTITUTE LIEN ON PROPERTY; PERFECTION OF LIEN.

The cost of investigation, towing, removal and storage of said motor vehicle shall constitute a lien upon said property from which it is removed, not to exceed one hundred dollars (\$100.00), and the city attorney is

57

authorized to take the necessary legal action to establish and perfect a lien against said motor vehicle.

Section 11. DIVISION NOT TO PREVENT LICENSED BUSINESSES FROM DEALING IN AUTOMOBILES.

Nothing in this division is to be interpreted as preventing a licensed business, operating in the properly zoned area, from dealing in any manner with any type of automobile.

Section 12. VEHICLE EXEMPTED FOR PERIOD OF TIME AFTER NOTIFIED PERSON OBTAINS PERMIT.

Any person notified to remove an inoperable motor vehicle may apply to the city clerk's office for a permit allowing him to keep such automobile upon his property for a period of three (3) months for the purpose of repair or to allow time to have the automobile placed in a three-sided building. Said permit may be extended for an additional three (3) months for good cause shown to allow for the reconstruction or repair to the automobile or the construction of a three-sided building in which the inoperable automobile will be placed.

Section 13. APPEAL PROCEDURE.

(a) Any person notified by the police department to remove a motor vehicle pursuant hereto, may, within ten (10) days after service of the notice on him or the date of the notice which was placed on the inoperable vehicle, appeal the action of the police department by filing a notice of appeal with the city clerk.

(b) Said appeal shall be heard by the city council at its next regularly scheduled meeting, or at a special meeting called for that purpose.

(c) The clerk shall not accept a notice of appeal, unless there is attached thereto a five-dollar fee to cover the cost thereof, which shall not be refunded.

(d) The notice of appeal shall state the reasons for which the appeal is taken, describe the purpose for which the motor vehicle is to be retained, the location of the vehicle, the length of time the person expects to retain the vehicle in violation of this division and there is attached thereto a picture of the vehicle.

(e) Upon the filing of the notice of appeal, the police department shall be stayed from pursuing any further proceedings pursuant to the provisions of this division until the appeal is finally concluded, dismissed or heard by the city council and a decision rendered.

(f) The city council may overrule the action of the police department or grant an exception to this division and authorize the city clerk to issue a permit authorizing the person to retain said vehicle in violation of this division for such time and upon such conditions as the city council may determine.

Section 14. EMERGENCY DECLARED.

It being necessary to immediately enact this Ordinance to prohibit the nuisance of inoperable vehicles in the City of East Camden, and to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its date of passage, approval and publication.

Passed and approved this 17 day of Dec, 2015.

Angie McAdoo
HON. ANGIE MCADOO, MAYOR

ATTEST:

Ann Nordmeyer
ANN NORDMEYER,
CITY RECORDER

45-77