

CHAPTER 12

INOPERABLE VEHICLES

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Sec. 12-101. Statement of purpose.

In order to promote public health, safety and welfare, the Governing body of the City finds it necessary to substantially restrict the placement of vehicles as defined herein on real property and to require the removal of vehicles which may:

A. Constitute breeding grounds for flies, mosquitoes and other insects, rats, mice and other rodents, and skunks;

B. Constitute a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports, and the danger of fire or explosion;

C. Impair fire protection by blocking access for fire suppression equipment to adjacent buildings or structures;

D. Encourage pilfering and theft; or

E. Constitute a blighting influence upon the area in which they are located, thereby causing a diminution in value of the surrounding property.

(Ord. 2000-04, Adop. 2/29/00; Ord. 7571, Adop. 12/30/97; Ord. 7284, Adop. 9/19/89)

Sec. 12-102. Definitions.

Where used in this article, the following words and phrases have the meanings respectively ascribed to them by this section:

“Building Official” means the duly appointed building official of the City, or his or her designated representative.

“Car Cover” means a cover specifically designed to cover a vehicle, or a tarp which is earth-toned or of neutral color. Acceptable covers should completely screen the vehicle to

the bumper line from view by having no frayed edges and no holes larger than the size of a quarter; holes in car covers and tarps may be patched from the inside.

“Collector” means the owner of one or more Special Interest Vehicles or Street Rod Vehicles who acquires, collects, purchases, trades or disposes of such vehicles or parts therefor for such persons own use, in order to restore, preserve and maintain such vehicle or vehicles for historic interest.

“Garage” means a completely enclosed structure or part of a structure used or intended to be used for the parking, storage and repair of vehicles unless otherwise disallowed by ordinance, constructed per applicable city code at time of construction.

“Inoperable” means junked, totaled , fully or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. Any of the following conditions shall raise a presumption that a vehicle is inoperable.

1. The absence of a current registration plate upon any vehicle other than a personal interest vehicle;
2. The placement of the vehicle or parts thereof upon jacks, blocks or other supports, other than a properly registered trailer (trailer must meet all required regulations); or
3. The presence of any of the conditions listed in Section 12-101 A through E.

“Occupant” means a person vested with a legal right to control the possession or use of real property regardless of whether such person holds any title to such property.

“Owner” means a person vested with a legal or equitable title to real property.

“Person” means any natural person, corporation, partnership, co-partnership, association, firm or other legal entity.

“Personal Interest Vehicle” means any vehicle as described below:

1. **“Parts Car”** means a motor vehicle generally not in operable condition which is owned by a collector to furnish parts which will enable the collector to restore, preserve and maintain a Special Interest Vehicle, Street Rod Vehicle, Restoration Vehicle or Antique Vehicle;
2. **“Special Interest Vehicle”** means a motor vehicle which is at least 20 years old and which may or may not have been altered or modified from the original manufacturers specifications. "Special Interest Vehicle" also means any vehicle manufactured before 1949 that when altered or modified is referred to as a "Street Rod";

- a. **“Antique Vehicle”** means any vehicle that is at least 35 years old;
- b. **“Sport or Racing Vehicle”** means any vehicle in operable or inoperable condition specifically adapted or designed for operation on drag strips, raceways or streets, equipped with performance modifications or appearance modifications including but not limited to custom paint, special body additions, spoilers, custom wheels, etc.;
- c. **“Restoration Vehicle”** means any motor vehicle in which any or all major components are to be restored to original or working condition to enable the motor vehicle to perform in the manner for which it was designed;
- d. **“Fix-up or Repair Vehicle”** means any motor vehicle that is normally used for daily use, but that is temporarily unable to perform its normal function. Such vehicle must bear a current registration plate;

“Real Property” means any real property within the city which is not a street or highway.

“Residential Property” means any real property which is set aside for residential use pursuant to applicable land use regulations, or upon which is located a structure designed for residential occupancy, regardless of whether such structure is in fact occupied as a residence.

“Vehicle” means any automobile, truck, tractor, motorcycle, trailer, recreational vehicle, farm machinery, motor home, travel trailer, or boat designed as a motorized conveyance, or designed to be towed by a motorized conveyance, regardless of whether it contains an engine or any other item necessary for such operation or use.

(Ord. 2000-04, Adop. 2/29/00; Ord. 7571, Adop. 12/30/97; Ord. 7284, Adop. 9/19/89)

Sec. 12-103. Nuisances unlawful.

It shall be unlawful for a person to cause, maintain, permit or allow the creation or maintenance of any vehicle nuisance within the city limits. A vehicle nuisance is any inoperable vehicle, as defined in this chapter, that is placed, parked, or stored on any real property owned or occupied by such person within the city limits, except as permitted in Section 12-104. *(Ord. 2000-04, Adop. 2/29/00; Ord. 7571, Adop. 12/30/97)*

Sec. 12-104. Storage of inoperable and personal interest vehicles prohibited; exceptions.

a. Inoperable vehicles may be placed, parked or stored on a residential property only under the following circumstances:

- 1. One inoperable vehicle owned by the resident of the property may be located on a residential property for a period not to exceed 30 consecutive days;

2. No more than two personal interest vehicles may be stored in an outside location and covered with a car cover (as defined in this section) or completely screened by a six foot solid fence or by the natural terrain. Personal interest vehicles may not be located within the required front yard or required side yard and not within the view of the motoring public. There is no limit to the number of vehicles that may be stored when completely enclosed within a garage;

3. If the property on which the vehicle is stored does not contain a required rear yard (such as a corner lot) then the personal interest vehicle may be stored in the required side yard and covered with a car cover; and

4. Fix-up or repair vehicles must, if unable to be repaired within 30 days, be placed in the rear yard and covered with a car cover as defined in this section for a period not to exceed 180 days.

b. Inoperable vehicles may be placed, parked or stored on any zone other than residential property only in conformity with Section 27-2.16 of the City Code.
(Ord. 7284, Adop. 9/19/89)

Sec. 12-105. Administration.

a. The Building Official is authorized to investigate alleged violations of this article, with or without complaints from the public, and to implement and establish investigation and enforcement procedures consistent with all of the provisions hereof.

b. The Building Official is authorized to enter upon and inspect any property, public or private, to ascertain compliance with the provisions of this article. Such inspections may be conducted with or without notice; provided, that owners or occupants of private property shall be notified in advance of an inspection when it is reasonably practical to do so.

(Ord. 7284, Adop. 9/19/89)

Sec. 12-106. Removal and Disposition of Inoperable Vehicles.

a. When the Building Official determines that an inoperable vehicle is placed, parked or stored in violation of this article, or that the location or condition of such vehicle endangers public safety, health, or welfare, he or she may order such vehicle to be repaired, removed or the violation otherwise cured within a time period specified in such order.

b. Any order issued pursuant to this section shall be personally delivered to the owner or occupant, if known, of the property upon which such vehicle is located. If such order cannot with the exercise of reasonable diligence be so delivered, then service shall be made by leaving a copy of the order in some conspicuous place upon the property and mailing a notice that such copy has been left upon property to such individual or individuals by first class mail. Nothing in this subsection "b" shall be construed to prevent the Building

Official from promptly removing a vehicle which, in his or her judgment, poses an immediate threat of serious injury or death.

c. In the event the owner or occupant of residential property fails or refuses to comply with an order to remove or make safe a vehicle nuisance, the Building Official may remove and dispose of such vehicle (or may contract with some third party to remove and dispose of the vehicle). Inoperable vehicles removed by the Building Official and treated as impounded vehicles may be sold or otherwise disposed of by law. Proceeds from the disposition of an inoperable vehicle by the City shall be applied against the cost of removal and disposition; any excess shall be refunded to the registered owner of the vehicle, if known, or to the owner of the property from which it was removed, if known. If neither the owner of the vehicle nor the owner of the property can be located, such proceeds shall be deposited to the City's general fund; provided, that the owner of the vehicle or of the property from which it was removed may apply for the refund of any excess proceeds from the disposition thereof within one year from the date of impoundment. Any unreimbursed costs attributable to removal and disposition of an inoperable vehicle by the City may be certified to the County Clerk and levied as a special assessment against the real property from which such vehicle was removed. The City Clerk shall certify the same to the County Clerk for extension on the tax rolls of the County against such real property in the same manner as other special assessments.

In the event a third party removes and disposes of such vehicle the City shall prepare a statement of cost incurred in the abatement. The City shall give notice to the owner or agent by restricted mail of the total cost of such abatement or removal incurred by the city. Such notice shall state that payment of such costs is due and payable within thirty (30) days following receipt of such notice. If the cost of such removal or abatement and notice is not paid within the thirty (30) day period, the cost shall be assessed and charged against the lot or parcel of ground on which the nuisance was located.

(Ord. 7284, Adop. 9/19/89)

Sec. 12-107. Penalties.

Violation of section 12-103 of the City Code is a class C misdemeanor. Any person convicted of such an offense shall be liable for the following minimum punishments:

	Fine	Imprisonment
First conviction	\$ 50.00	No minimum
Second conviction	\$100.00	No minimum
Third conviction	\$200.00	10 days
Fourth conviction	\$300.00	20 days
Fifth or subsequent conviction	\$500.00	30 days

(Ord. 7284, Adop. 9/19/89)