

CHAPTER 8 OFFENSES AND NUISANCES

ARTICLE 8-4 JUNKED VEHICLES*

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Sec. 8-4-1 Definitions

In this article:

Director.

- (1) The director of the department designated by the city manager to enforce and administer this article; or
- (2) The director's authorized representative.

Junked vehicle. A vehicle that is self-propelled and:

- (1) Does not have lawfully attached to it:
 - (a) An unexpired license plate; and
 - (b) A valid motor vehicle inspection certificate; and
- (2) Is:
 - (a) Wrecked, dismantled, partially dismantled or discarded; or
 - (b) Inoperable and has remained inoperable for more than:
 - (i) Seventy-two (72) consecutive hours, if the vehicle is on public property; or
 - (ii) Thirty (30) consecutive days, if the vehicle is on private property.

(Ordinance 2006-17, sec. 1, adopted 3/28/06; 1957 Code, sec. 8A-1; Ordinance 2008-37, sec. 16, adopted 9/9/08)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-2 Declaration of nuisance

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors; and
- (6) Produces urban blight adverse to the maintenance and continuing development of the municipality;

and is hereby declared a public nuisance.

(Ordinance 2006-17, sec. 1, adopted 3/28/06; 1957 Code, sec. 8A-2)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-3 Offenses; penalty

- (a) A person commits an offense if the person maintains a public nuisance described by [section 8-4-2](#).
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00).
- (c) The court shall order abatement and removal of the nuisance on conviction.

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-4 Removal by city authorized; procedures; disposal

- (a) Pursuant to this article, the director has the authority to cause the abatement or removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance if:
- (1) Notice is provided as required by [section 8-4-5](#).
 - (2) A public hearing as provided under [section 8-4-6](#) is held before the removal of the public nuisance.
 - (3) An order, as provided under [section 8-4-7](#), is issued by a municipal court judge.
- (b) The procedures under this section shall be administered by regularly salaried, full-time employees of the municipality, except that any authorized person may remove the nuisance.
- (c) A person authorized to administer the procedures under this section may enter private property to:
- (1) Examine a public nuisance;
 - (2) Obtain information to identify the nuisance; and
 - (3) Remove or direct the removal of the nuisance.
- (d) The relocation of a junked vehicle that is a public nuisance to another location in the same municipality or county, after a proceeding for the abatement or removal of the public nuisance has commenced, has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.
- (e) A junked vehicle or part of a junked vehicle removed under the authority of this section is prohibited from being reconstructed or made operable after removal.
- (f) A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor demolisher, or a suitable site operated by the municipality.
- (g) Within five (5) days after the date of the removal of any junked vehicle or part of a junked vehicle:
- (1) Notice of removal, identifying the junked vehicle or part of a junked vehicle, shall be given to the state department of transportation; and
 - (2) On receipt of notice of removal, the state department of transportation shall immediately cancel the certificate of title issued for the junked vehicle.

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-5 Notice

- (a) Not less than ten (10) days' notice must be personally delivered or sent by certified mail with a five-day return requested to:
- (1) The last known registered owner of the nuisance;
 - (2) Each lienholder of record of the nuisance; and
 - (3) The owner or occupant of:
 - (A) The property on which the nuisance is located; or
 - (B) The property adjacent to the public right-of-way if the nuisance is located on a public right-of-way.
- (b) The notice must state:
- (1) The nature of the nuisance and its location;
 - (2) That the nuisance must be abated or removed within ten (10) days; and
 - (3) That any request for a hearing as provided for in [section 8-4-6](#) must be made to the clerk of the municipal court before said ten-day period expires.
- (c) If the post office address of the last known registered owner of the nuisance is unknown:

- (1) Notice may be placed on the junked vehicle; or
- (2) If the owner is located, notice may be personally delivered.

(d) If a notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

(Ordinance 2006-17, sec. 1, adopted 3/28/06; 1957 Code, sec. 8A-5)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-6 Civil hearing

(a) A junked vehicle hearing shall be conducted by a municipal court judge if requested by the director or by a person for whom notice is required under [section 8-4-5](#).

(b) At the hearing the vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(Ordinance 2006-17, sec. 1, adopted 3/28/06; 1957 Code, sec. 8A-6)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-7 Findings of judge; court order

(a) Upon a finding that the vehicle is a junked vehicle and therefore constitutes a public nuisance, the court shall issue an order that, within ten (10) days from the date of the hearing, the junked vehicle shall be abated or removed.

(b) If persons for whom notice is required under [section 8-4-5](#) shall fail or refuse, within ten (10) days of the date of the hearing, to abate or remove the junked vehicle, the judge may order the director to have the junked vehicle removed and disposed of in the manner provided by [section 8-4-4\(f\)](#).

(c) If the information is available at the location of the nuisance, a court order requiring the removal of the nuisance must include the vehicle's:

- (1) Description;
- (2) Vehicle identification number; and
- (3) License plate number.

(Ordinance 2006-17, sec. 1, adopted 3/28/06; 1957 Code, sec. 8A-7)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-8 Criminal proceedings

(a) The director may at any time cause to be filed in municipal court a complaint for the violation of maintaining a public nuisance.

(b) Upon a finding that a defendant is in violation of this article, such defendant shall be:

- (1) Deemed guilty of a misdemeanor;
- (2) Subject to a fine not to exceed two hundred dollars (\$200.00); and
- (3) Ordered to abate and remove such nuisance within ten (10) days of the date of the order.

(c) If the defendant shall fail or refuse, within ten (10) days of the date of the order, to abate or remove the junked vehicle, the judge may order the director to have the junked vehicle removed and disposed of in the manner provided by [section 8-4-4\(f\)](#).

(d) Each day that such nuisance shall continue, after ten (10) days of the date of the order, shall constitute a separate offense.

(Ordinance 2006-17, sec. 1, adopted 3/28/06; 1957 Code, sec. 8A-8)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-9 Removal with permission of person given notice

If, within ten (10) days after receipt of notice, a person charged with maintaining a public nuisance as described under [section 8-4-3](#) gives written permission to the director for removal of the junked vehicle, the director may at his discretion accept such permission and have the junked vehicle removed and disposed

of in the manner provided by [section 8-4-4\(f\)](#). (Ordinance 2006-17, sec. 1, adopted 3/28/06; 1957 Code, sec. 8A-9)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-10 Exceptions

(a) This article may not apply to a vehicle or vehicle part:

- (1) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property;
- (2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard; or
- (3) That is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - (A) Maintained in an orderly manner;
 - (B) Not a health hazard; and
 - (C) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

(b) In this section:

Antique vehicle. A passenger car or truck that is at least twenty-five (25) years old.

Motor vehicle collector. A person who:

- (1) Owns one (1) or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Special interest vehicle. A motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

(Ordinance 2006-17, sec. 1, adopted 3/28/06; 1957 Code, sec. 8A-10; Ordinance 2008-37, sec. 17, adopted 9/9/08)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-11 Administration

This article shall be administered by regularly salaried full-time employees of the city, except that the removal of vehicles or parts thereof from property may be made by any person duly authorized by the city. (Ordinance 83-92, sec. 1, adopted 9/13/83; 1957 Code, sec. 8A-11)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-12 Immediate removal of vehicles obstructing traffic

Nothing in this article shall affect ordinances that permit immediate removal of a vehicle left on public property which constitutes a danger or obstruction to traffic. (Ordinance 83-92, sec. 1, adopted 9/13/83; 1957 Code, sec. 8A-12)

ARTICLE 8-4 JUNKED VEHICLES*

Sec. 8-4-13 Enforcement; right of entry

The director or his agent may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, to obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The municipal court shall have authority to issue all orders necessary to enforce this article. (Ordinance 83-92, sec. 1, adopted 9/13/83; 1957 Code, sec. 8A-13)