

AN ORDINANCE DEALING WITH ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES.

Section 1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Junked motor vehicle shall mean any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

Motor vehicle shall mean any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

Private property shall mean any real property within the city which is privately owned and which is not public property.

Public property shall mean any street or highway, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Automobile graveyard shall mean any establishment, area or place of business maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or parts thereof.

Junk shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrapped ferrous or non-ferrous material.

Junkyard shall mean an establishment, area or place of business maintained, operated or used for the storing, keeping, buying or selling of junk or for the operation of an automobile graveyard or for the maintenance of an automobile salvage yard wherein wrecked cars are kept for the sale of parts thereof or otherwise dealing in junk or for a garbage dump or sanitary fill.

Section 2. Maintenance of dismantled, etc., motor vehicles prohibited; nuisance declared; exception

(a) No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article.

(b) This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to condition specifically adopted or designed for operation on drag strips or raceways or any vehicle retained and actually used by the owner for antique show purposes.

Section 3. Notice to remove.

(a) Whenever it comes to the attention of the City Marshall that any nuisance, as defined in section 2, exists in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying him of the existence of the nuisance and requesting its removal in the time specified in this article.

(b) The City Marshall shall give notice of removal of the nuisance to the owner or occupant of the private property where it is located, at least thirty (30) days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his last known address.

(c) The notice of removal of the nuisance shall contain the request for removal within the time specified in this article, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

Section 4. Responsibility for removal.

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city, the owner or occupant of the private property where same is located shall be liable for expenses incurred.

Section 5. Hearing.

(a) The person to whom a notice of removal under this article is directed, or his duly authorized agent may file a written request for hearing before the board of aldermen within the thirty (30) day period of compliance prescribed in Section 3(b) for the purpose of defending the charges by the city.

(b) The hearing provided for in subsection (a) shall be held as soon as practicable after the filing of the request and the person to whom the notice is directed shall be advised of the time and place of such hearing at least three (3) days in advance thereof. At any such hearing, the city and the person to whom the notice has been directed may introduce such witnesses and evidence as either party deems necessary.

Section 6. Removal of motor vehicle from property.

If the violation described in the notice provided for in section 3 has not been remedied within the thirty (30) day period of compliance, or in the event that a notice requesting a hearing under section 5 is timely filed, a hearing is had, and the existence of the violation is affirmed by the board of aldermen, the City Marshall shall have the right to take possession of the junked motor vehicle and remove it from the premises.

Section 7. Notice of removal.

Within forty-eight (48) hours of the removal of any vehicle as provided in section 6, the City Marshall shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle

was removed, that such vehicle has been impounded and stored for

Reasonable precautions should be taken by the operator of any junkyard or automobile graveyard to prevent the same from becoming infested with rats or other rodents or by insects or other pests which may endanger the health and safety of the community.

Section 13. Violation of this Ordinance may be punished by a fine of not more than Five Hundred Dollars and by confinement in the City jail for not more than 30 days.

Section 14. This Ordinance shall be in full force and effect from and after its passage.

READ THREE TIMES AND PASSED THIS THE 8th DAY OF December, 1987.

Robert L. Grass  
Mayor Robert L. Grass

ATTEST:

JoAnn E. Donze  
City Clerk JoAnn E. Donze

Aldermen	<u>aye</u>	<u>nay</u>	<u>abstain</u>	<u>absent</u>
Francis Bader	X			
Henry Coffman	X			
Robert Schultz	X			
Stephen Schwent	X			

I, JoAnn E. Donze, Clerk of the City of St. Mary, MO., do hereby certify that the foregoing ordinance was duly passed and adopted by the Board of Aldermen of the City of St. Mary at a regular meeting thereof assembled this the 8th day of December, 1987.

JoAnn E. Donze  
City Clerk JoAnn E. Donze

violation of this article. The notice shall give the location of where the vehicle is stored and the costs incurred by the city for removal.

#### Section 8. Disposition of vehicles.

(a) Upon removing a vehicle under the provisions of section 6, the city shall after ten (10) days cause such vehicle to be appraised. If the vehicle is appraised at seventy-five dollars (\$75.00) or less, the City Marshall shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The City Marshall may thereafter summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over seventy-five dollars (\$75.00), the City Marshall shall give notice of public sale not less than five (5) days before the date thereof the proposed sale.

(b) The notice of public sale provided for in subsection (a) shall state:

- (1) The sale is of abandoned property in the possession of the city;
- (2) A description of the motor vehicle, including make, model, license number and any other information which will accurately identify the vehicle;
- (3) The terms of the sale;
- (4) The date, time and place of the sale.

(c) Any motor vehicle sold as provided in subsection (a) shall be sold to the highest and best bidder. At the time of payment of the purchase price, the City Marshall shall execute a certificate of sale in duplicate, the original of which shall be given to the purchaser and the copy thereof shall be filed with the city clerk, limited to the return of the purchase price.

#### Section 9. Redemption of impounded vehicles.

The owner of any motor vehicle seized under the provisions of this article may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the city clerk of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, not to exceed thirty-five (\$35.00) plus three dollars (\$3.00) per day for storage for each vehicle redeemed.

#### Section 10. Liability of owner or occupant.

Upon failure of the owner or occupant of property on which abandoned vehicles have been removed by the city to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of such expenses.

#### Section 11. Screening required.

No automobile graveyard or junkyard shall be established within fifty (50) feet of any highway, street or alley within the city limits unless such auto wrecking yard or junkyard is screened from said highway, street or alley by a tight board or other screen fence not less than ten (10) feet high, or of sufficient height to screen the wrecked or disabled automobiles or junk kept therein from the view of persons using such highway, street or alley on foot or in vehicles in the ordinary manner.

#### Section 12. Pest control.