

ORDINANCE NO. 2019-817

ORDINANCE REGULATING INOPERABLE MOTOR VEHICLES
IN THE CITY OF MONTICELLO, ARKANSAS

WHEREAS, inoperable motor vehicles constitute a potential threat to the health, appearance and general welfare to the City of Monticello, its inhabitants and its property owners;

AND WHEREAS, it a reasonable use and exercise of the police power of the City of Monticello to promote and maintain the health, appearance and general welfare of the City and of its inhabitants;

AND WHEREAS, it is therefore, a reasonable and proper use of the City's police powers to regulate inoperable vehicles in the City of Monticello.

BE IT ORDAINED by the City Council of Monticello, Arkansas, as follows:

SECTION 1: DEFINITIONS.

As used in this ordinance, the following words shall have these definitions:

City Officials: Monticello Mayor and the Monticello Police Department.

Enclosure: A building, wall or fence that conceals a vehicle from all adjoining property at ground level.

Inoperable motor vehicle: An inoperable motor vehicle shall be defined as any one or more of the following which may apply: (a) any vehicle placed on blocks, or (b) has one or more wheels removed, or (c) is not in proper condition to be legally operated on the public streets, or (d) lacks an integral part of assembly, or (e) is not capable of self-locomotion, or (f) have extensive exterior body damage or missing or partially or totally disassembled essential body parts, to include but not be limited to fenders, doors, engine hood, bumper or bumpers, windshield or windows; or (g) missing or partially or totally disassembled essential interior parts, to include but not be limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever; or (h) a vehicle, that in its environment has caused or contributed to vegetation that has grown up around, in or through the vehicle or caused the collection of pools of water in the vehicle and the accumulation of other garbage or debris in and around the vehicle.

Open Storage: Open storage is storage in the open with no covering or walls. This includes a carport which has at least two (2) sides open.

Person: This term applies to individuals, as well as firms, corporations and voluntary associations, unless plainly inapplicable.

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

Private property: Any property that is not classified as public.

SECTION 2. INOPERABLE MOTOR VEHICLE.

A. Public Property: It shall be unlawful for any person to maintain, store or keep an inoperable motor vehicle on public property.

B. Private Property: It shall be unlawful for any person to maintain, store, or keep in the open an inoperable motor vehicle on private property for more than thirty (30) calendar days without a permit, after a complaint has been filed with the City of Monticello.

SECTION 3. NOTICE OF VIOLATION-REMOVAL OF VEHICLE.

A. Public Property: When City Officials observe or find an inoperable vehicle stored on public property, the City Officials shall place a notice on the vehicle requiring the owner of the vehicle to remove it within twenty-four (24) hours. In the event that the vehicle is not removed, the City is authorized to remove and impound the vehicle, in accordance with the laws governing abandoned motor vehicles. In the event that the motor vehicle obstructs the movement of traffic or constitutes a traffic hazard, the City shall immediately have the vehicle removed.

EXCEPTION: The above section does not apply to operable motor vehicles in the front of a residence by the resident or their guest.

B. When City Officials observe or receive a complaint of an inoperable motor vehicle being stored in the open on private property, City Officials shall make a reasonable attempt to locate the owner of the motor vehicle, or the person responsible for placing the vehicle upon private property. City Officials shall serve a written notice to that person that a complaint has been filed, and that person has thirty (30) calendar days in which to remove the vehicle, apply for a permit, or file an appeal with the Monticello City Council. If the vehicle is not removed, a permit

obtained, or an appeal filed within the thirty (30) day period, that person shall be charged with a violation of this ordinance and scheduled to appear in District Court

SECTION 4. REMOVAL AND SANCTIONS.

A. Removal: If the violation described in the notice has not been remedied within the time provided for in the notice, or in the event that a notice requesting a hearing is timely filed and the existence of the violation is affirmed by the City Council after hearing, pursuant to the police powers of the City of Monticello to do all things whatsoever necessary for promoting or maintaining the general welfare of the City of Monticello or its inhabitants, said vehicle shall be removed. Any tow trucks or vehicles used for such removal shall be covered by insurance in the form and extent which shall be approved by City Officials.

B. Expense of Disposal Charge to Owner: All costs and expenses incurred in carrying out the provisions of this ordinance, including the removal of said vehicles, shall be the responsibility of the owner.

SECTION 5. LICENCED BUSINESSES.

Nothing in this ordinance is to be interpreted as preventing a licensed business from dealing with any inoperable motor vehicle on its premises.

SECTION 6. STORAGE OF INOPERABLE MOTOR VEHICLES.

Inoperable motor vehicles that are stored in an enclosure are not in violation of this ordinance.

SECTION 7. PENALTY CLAUSE.

Any person violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) per day. Each day that such violation occurs shall be considered a separate offense.

SECTION 8. EMERGENCY CLAUSE.

It is has been determined that this ordinance is necessary and vital to the health, welfare and safety of the public. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

APPROVED: George Chase
MAYOR

ATTEST: [Signature]
CITY ATTORNEY

DATE: 5.28.19