

BILL NO. 6-2-86-3ORDINANCE NO. 6-2-86-3

AN ORDINANCE FOR THE REGULATION, PROHIBITION AND SUPPRESSION OF TRASH, JUNK, JUNKYARDS, SALVAGE YARDS, WRECKED, DAMAGED OR DISABLED VEHICLES AND PARTS THEREOF AND DECLARING THE SAME TO BE PUBLIC NUSIANCES.

WHEREAS, trash, junk, junkyards, salvageyards, wrecked, damaged or disabled vehicles or parts thereof present a hazard to children and their safety, harbor tall grass, weeds and other vegetation, create a fire hazard and provide breeding and nesting places for mosquitoes, flies, rodents, rats, and other vermin; and

WHEREAS, the City of Craig is a small residential community without sufficient area for the safe establishment of places for the keeping of trash, junk, junkyards, salvage-yards, wrecked, damaged, and disabled vehicles and the parts thereof,

NOW

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRAIG, MISSOURI, AS FOLLOWS;

1). Definitions; the following definitions shall apply in the interpretation and enforcement of this Ordinance;

A. "JUNK": means any old iron, steel, brass, copper, tin, lead, or other base metal; old refrigerators, stoves, furnaces, water heaters, or other appliances; old cordage, ropes, rags, fibers or fabrics; old rubber; bottles or other glass; bones; paper; lumber or brush; wrecked, damaged or disabled vehicles or parts thereof; scrap, salvage, and other waste or discarded material, whether or not it might be prepared to be used again in the same or some other form; and any or all of the foregoing collected or accumulated for the purpose of sale, resale, dismantling, wrecking, salvaging, parting, or holding.

B. "JUNKYARD" or "SALVAGE-YARD": means a yard, lot, or lots, parcels, or place covered or uncovered, where junk as defined above is collected, kept, held, accumulated or rests.

C. "TRASH": means all items enumerated in Section A. "JUNK" above and in addition thereto any garbage or refuse, filth, debris, offal, ash heaps, rubbish, tin cans, board, sticks, dead animals, cinders, soot, broken ware, rags, old china, manure, saw dust, old wearing apparel, old or broken furniture, appliances, and other waste or discarded material, whether or not it might be prepared to be used again in some other form; and any or all of the foregoing collected or accumulated, or placed, or permitted to be thrown, placed or remain upon any lot, property, grounds, streets, public property, alleys, waterways, lakes, or streams.

D. "VECHICLE": means any machine propelled by power other than human power, designed to travel along the ground by use of wheels,

treads, runners, or slides, including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons, or any part thereof.

E. "WRECKED, DAMAGED, OR DISABLED VEHICLE": means any vehicle, as defined above, which has been inoperable for more than 72 hours; or is in such a state of repair or disrepair as to be inoperable; or is not registered or improperly registered with the State of Missouri; or is not currently licensed by the State of Missouri.

2). NUISANCE. Any and all trash, junk, junkyards, salvage-yards, wrecked, damaged or disabled vehicles and parts thereof within the City of Craig are hereby declared to be a public nuisance.

3). UNLAWFUL TO MAINTAIN. It shall be unlawful for any person to create or maintain a nuisance as defined in this Ordinance.

4). NOTICE. Whenever the ~~Mayor of Craig~~ *Mayor of Craig* or his duly authorized representative determines that any trash, junk, junkyard, salvage-yard, or wrecked, damaged or disabled vehicle is a nuisance as defined herein, he shall cause written notice to be served upon the owner of the vehicle or trash, junk, junkyard, salvage-yard, wrecked, damaged or disabled vehicle, or the owner, tenant, occupant or other person or persons managing the maintenance, occupancy, rental or use of the real property wherein the trash, junk, junkyard, salvage-yard, or wrecked, damaged or disabled vehicle is located, if he can be located, or the person in custody of such vehicle or trash, junk, junkyard, salvage-yard, wrecked, damaged or disabled vehicle, by registered mail or by personal service. The notice shall state that the trash, junk, junkyard, salvage-yard, wrecked, damaged or disabled vehicle is deemed to be a nuisance within the provisions of this Ordinance, and shall briefly state facts deemed to constitute such trash, junk, junkyard, salvage-yard, wrecked, damaged or disabled vehicle a nuisance within the terms of this Ordinance, and state that the nuisance shall be abated within seven days from receipt of such notice, or if the nuisance is on public property within two days from receipt of such notice.

Any notice required to be served may be served by the ~~Mayor of Craig~~ *Mayor of Craig* or his authorized representatives, by delivering a copy of the notice to the person being notified personally or by leaving a copy of the notice at his dwelling house or his usual place of abode with some person of his family over the age of fifteen (15) years of age or by registered mail or by any other method authorized by the Missouri Law or procedure.

5). PROCEEDINGS WHEN OWNER OR CUSTODIAN CANNOT BE LOCATED. When the owner or custodian of any nuisance as defined in this Ordinance cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within seven days of the date notice was posted, or if the nuisance is on public property, within two days of the date notice was posted.

6). DUTY OF THE OWNER OR CUSTODIAN. Any person receiving the notice

provided for above shall comply with the provisions of the notice requiring abatement.

7). DISPOSITION. If not removed within the times specified in the notice (provided for above), the vehicle or trash, junk shall be transported to a storage area by or at the direction of the ~~Mayor~~ ^{Mayor} ~~of Craig~~ or his duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least ninety-days, and the person entitled to possession thereof may redeem the property by payment to the ~~CITY~~ of the actual cost of its removal and a reasonable storage fee. If the vehicle, trash or junk is unredeemed after the expiration of the ninety-day period, the ~~Mayor of Craig~~ may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle, trash or junk shall be applied to the expenses charged to the owner or person in charge thereof, and any excess held in escrow or returned to him.

8). NOTICE OF SALE. Prior to the sale of any such property, the ~~Mayor~~ shall cause to be posted in the city hall, place of storage and at least one other public place in the city, a notice of sale stating:

- A. that the city is selling abandoned property
- B. a description of the property, including the color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property
- C. the terms of the sale
- D. the date, time, and place of the sale.

This notice shall be published not less than ten or more than twenty days prior to the date of the sale.

9). EXPENSE OF ABATEMENT. In any case wherein the owner or occupant of the real property or the owner of the property which constitutes the nuisance or other persons herein specified as being responsible for a nuisance as defined herein fails to abate the nuisance within the time period specified, after proper notice, and thereafter the city incurs expenses and costs in abating the same, said expenses and costs shall be assessed against the owner or occupant of the real property and against the owner or possessor, or custodian of the property constituting said nuisance and a special tax bill may be issued against said properties for said expenses and costs.

10). ENTRY ONTO PRIVATE PROPERTY. The ~~Mayor~~ or their duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle, trash, or junk in accordance with this Ordinance. If any person refuses to allow entry onto his private property, the ~~Mayor~~ may obtain a warrant from the proper official and proceed in accordance therewith.

11). INJUNCTION. In addition to the remedies provided for in this Ordinance or by law the city Attorney is hereby authorized to apply to any Court of competent jurisdiction for a temporary or permanent injunction to restrain any person from violating any provisions of this Ordinance.

12). PENALTY. Any person who shall create or maintain a nuisance as defined in this Ordinance shall be guilty of a misdemeanor punishable by a fine of not less than Five Dollars nor more than One Hundred Dollars; and each and every day any of the provisions hereof are violated, shall be a separate offense and such offender shall be subject to the penalty as herein provided for such offense.

13). NONEXCLUSIVITY OF REMEDIES. The remedies set forth herein are not meant to be exclusive but are in addition to any other remedies allowed by law.

14). Provided further, that nothing herein shall prohibit any duly and properly licensed place of business in existence at the time of enactment of this Ordinance.

15). RESTORATION OF VEHICLES. Nothing within the other provisions of this Ordinance shall prohibit an individual from maintaining at his residence or place of business not more than one disabled vehicle for the purpose of restoration or repair; however, the privilege allowed by this section is limited to no more than one disabled vehicle at any one residence or place of business and further that no vacant lot shall constitute a residence or a place of business. Provided further any disabled vehicles permitted by this section, to come within this exception, shall be kept free of tall grasses, weeds and other vegetation, standing water, mosquitoes, flies, rodents, rats, and other vermin, and shall be locked or otherwise secured to prevent hazard to children.

Read three times and passed this 2 day of June, 1986.

FB Gates
Mayor

ATTEST:

Debra Sue Schmidt
City Clerk