

ORDINANCE NO. 98-07

AN ORDINANCE REGULATING INOPERABLE MOTOR VEHICLES IN THE CITY OF GASSVILLE, ARKANSAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GASSVILLE, ARKANSAS;

SECTION 1. Definitions

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

Antique motor vehicle: A vehicle twenty-five (25) years old or older that is being restored to the point that an antique license plate can be obtained.

City officials: Gassville Mayor and the Gassville 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.

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.

Race car: A vehicle being constructed or modified for the purpose of racing on a sanctioned drag strip or race course.

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 Gassville.

SECTION 3. Notice of violation-removal of vehicle

A. Public Property: When City Officials observe or find an inoperable motor vehicle stored on open 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. Private Property: When City Officials 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 Gassville 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 Municipal Court.

Exception for a vehicle being repaired, or being prepared as a race car: Nothing in this ordinance shall prevent a person from keeping in the open on private property one (1) inoperable motor vehicle for the purpose of making repairs (including antique motor vehicles), or modifying a vehicle for a race vehicle. In either of these situations, the owner of the vehicle shall obtain a permit within thirty (30) calendar days from the City's Recorder/Treasurer or their agent for the sum of five dollars (\$5). This permit will be issued for a three (3) month period, can be renewed for one (1) additional three (3) month period for the sum of fifteen dollars (\$15), if necessary to complete construction or repairs.

SECTION 4. Licensed Businesses

Nothing in this ordinance is to be interpreted as preventing a licensed business from dealing with any inoperable motor vehicle, as long as that business is located in a commercial zoned area.

SECTION 5. Storage of inoperable motor vehicles

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

SECTION 6. 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) or more than one hundred dollars (\$100) per day. Each day that such violation occurs shall be considered a separate offense.

SECTION 7. Repealer Clause

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. Emergency Clause

It 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: _____
Danny Smith, Mayor

ATTEST: _____
Wanda Watson, Rec./Treas.

DATE: October 20, 1998