

## **Chapter 8.24 - ABANDONED VEHICLES, HOUSEHOLD FURNISHINGS OR MACHINERY**

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### **8.24.010 Purpose of provisions--Accumulation declared nuisance when.**

The accumulation and storage of abandoned, wrecked or junked vehicles, major household furnishing or appliances or machinery, or parts thereof, on public or private property within the city are found to create a condition tending to reduce the value of property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute attractive nuisances creating a hazard to health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare; and the presence of such items on public or private property within the city, except as expressly hereinafter permitted, is declared to constitute and be a public nuisance which may be abated as such in accordance with the provisions of this chapter.

### **8.24.020 Definitions.**

The words and terms herein provided are defined as follows:

- A. "*Abandoned, wrecked and junked*" means, with reference to vehicles, an unsightly motor vehicle which meets any one of the following qualifications:
  - 1. It does not carry a current valid state registration and license plate;
  - 2. It cannot be safely operated under its own power.
- B. "*Machinery*" means all articles of industrial, farm or domestic machinery or equipment, and any and all metal or wooden machinery, motors, equipment and tools.
- C. "*Major household furnishings and appliances*" means all articles usually referred to as major household furnishings and appliances used in housekeeping, including, but not limited to, chairs, tables, davenport, beds, refrigerators, stoves, washers, driers, furnaces, and grease, oil and paint containers of five gallon or over capacity.
- D. "*Motor vehicles*" means any vehicle propelled or drawn by power other than muscular power, designed to travel on the ground by wheels, treads, runners or slides and to transport persons or property or pull machinery, including, but not limited to, automobiles, trucks, trailers, motorcycles and tractors.
- E. "*Person*" Means any individual, corporation or partnership.

### **8.24.030 Prohibited acts--Designated.**

It is unlawful for any person to place, allow, discard, maintain, park or store any abandoned, wrecked or junked vehicle, major household furnishing or appliance or machinery, or parts thereof, as herein defined, upon any public street, alley, sidewalk or other public property within the city of Arco.

**8.24.040 Exceptions to applicability.**

It is unlawful for any person, whether he be owner, tenant, occupant or lessee of any private property or premises, to place, allow, discard, maintain, park , store or permit to be placed, allowed, discarded, maintained, parked or stored upon said property or premises for a period of time exceeding thirty days any abandoned, wrecked or junked vehicle, major household furnishing or appliance or machinery, or parts thereof, as herein defined; provided, however, that the provisions of this paragraph shall not apply to any property or premises where said vehicle, furnishing, appliance or machinery, or parts thereof is housed within a building or fence so as to not be visible from the street or other public or private property, or stored or parked in a lawful manner in connection with or incidental to a business or commercial enterprise which is the primary or principal use of said property or premises.

**8.24.050 Removal required--Notice--City to perform work when-- Procedure--Costs.**

Any member of the police department of the city may order any such abandoned, wrecked or junked vehicle, major household furnishing or appliance or machinery, or parts thereof, removed within thirty days. Notice of such order shall be placed upon the vehicle, furnishing, appliance, machinery, or part thereof, and a copy of such notice shall be served upon any adult person occupying the premises on which such item is located, and upon the owner of the item, if known. If there is no occupant or owner, a notice affixed to the building or upon any other prominent object upon the premises shall constitute notice to such owner or occupant of the premises and the owner of such occupant is only temporarily absent, such notice shall be by certified mail. If removal is not accomplished within the time and in the manner prescribed by the order or notice, the police department, by direction of the mayor and council, may seek an order from the appropriate state court, directed to the owner or the occupant to show cause why the item of abandoned, wrecked or junked vehicle, major household furnishing or appliance or machinery, or parts thereof, should not be removed. Upon obtaining an order, the police department may cause such item of abandoned, wrecked or junked vehicle, major household furnishings or appliance or machinery, or part thereof, to be removed at the expense of the owner and placed in an impounding yard where it shall be offered for sale to the highest and best bidder at public auction after two publications in the official newspaper of the city. The proceeds of the sale shall be used to pay expenses of removal and impounding and of sale, and if the proceeds are not sufficient thereof, the balance shall immediately become due and owing from the owner, or from the occupant of the premises if not paid by such owner.

**8.24.060 Violation--Penalty.**

Any person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and punishable as set forth in Section 1.28.010 of this code.