

**AN ORDINANCE PROHIBITING ANY DAMAGED OR DISABLED MOTOR VEHICLE OR OTHER JUNK FROM BEING LEFT OR PERMITTED TO REMAIN UPON ANY STREET OR PRIVATE PROPERTY; DECLARING THE ABOVE TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCE AND PROVIDING A PENALTY**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GALENA, MISSOURI, AS FOLLOWS:

Section 1. Definitions:

(a) Person: Any person, firm, partnership, association, corporation or other organization of any kind.

(b) Vehicle: 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.

(c) Junk. Any metal, glass, paper, rags, wood, machinery parts, cloth or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

(d) Street or Highway: The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

(e) Property: Any land owned by the city or located within the city limits, not including streets and highways.

(f) Damaged or Disabled Vehicle: Any vehicle that is not registered or is improperly registered with the State of Missouri; or, any vehicle that has been inoperable for more than 72 hours or is in such a state of repair as to be inoperable, except any vehicle on the premises of a duly licensed automobile repair or sales business; or in a duly licensed automobile junking yard.

Section 2. Damaged or disabled vehicles-nuisance. Any damaged or disabled vehicle, part thereof or junk, located on any property, street or highway that presents a hazard to children, or harbors tall grass, weeds or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats or other vermin, or obstructs traffic, or any vehicle, part thereof or junk allowed to remain unmoved on any street or highway for 48 hours is a public nuisance.

Section 3. Unlawful to maintain such nuisance. It shall be unlawful for any person to create or maintain a nuisance as defined in Section 2.

Section 4. Notice. Whenever the Chief of Police or his duly authorized representative determines that any vehicle or junk is a nuisance as defined herein, he shall cause written notice to be served upon the owner of the vehicle or junk, if he can be located, or the person in custody of such vehicle or junk, by registered mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Section 2 hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this ordinance, and state that the nuisance shall be abated within seven days from receipt of such notice.

Section 5. Proceedings when owner or custodian cannot be located. When the owner or custodian of any nuisance as defined in Section 2 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 vehicle is on public property, within two days of the date notice was posted.

Section 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. Failure to comply with this provision is unlawful.

Section 7. Disposition. If not removed within the times specified in the notice, the vehicle or junk shall be transported to a storage area by or at the direction of the Chief of Police or his duly authorized representative at the expense of the owner or person in custody thereof. It then shall be stored for a period of at least 90 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 or junk is unredeemed after the expiration of the 90 day period, the Chief of Police 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 or junk shall be applied to the expenses charged to the owner or person in charge thereof.

Section 8. Notice of sale. Prior to the sale of any such property, the Chief of Police shall cause to be posted in city hall, the 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) 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 10 nor more than 30 days prior to the date of the sale.

Section 9. Entry onto private property. The Chief of Police or his duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this ordinance. If any person refuses to allow entry onto his private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.

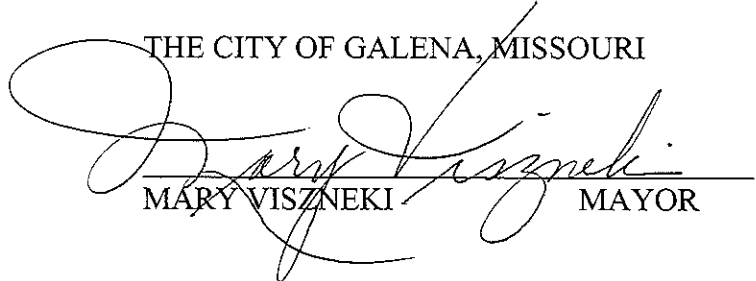
Section 10. Penalty. Any person violating any of the provisions of this ordinance shall be punished by a fine not to exceed \$500.00, or by incarceration in jail for a time not to exceed three months, or by both such fine and incarceration. Each day of any violation of this ordinance shall be deemed a separate offense.

Section 11. Chief of Police. In the absence of the Chief of Police or in the event of his failure or refusal to act hereunder for any reason, the Mayor shall possess and exercise the powers and duties of the Chief of Police hereunder.

Section 12. Effective Date. This ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this 16th day of April, 1996, with the following aldermen voting "AYE": Dee Carter, John Coones III and Nina Stults

and the following aldermen voting "NAY": None

THE CITY OF GALENA, MISSOURI  
  
MARY VISZNEKI MAYOR

ATTEST:

  
LOUISE CUMMINGS CITY CLERK