

ORDINANCE #550

AN ORDINANCE PROHIBITING THE KEEPING, PARKING, STORING OR MAINTAINING OF INOPERABLE VEHICLES ON PUBLIC AND PRIVATE PROPERTY; PROHIBITING THE ABANDONMENT OF VEHICLES ON PUBLIC PROPERTY; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING ORDINANCE NUMBER 500 OF THE CITY OF WESTMORELAND.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTMORELAND, KANSAS:

Section 1: Definitions. As used herein, unless the context clearly indicates otherwise:

- (a) Abandoned means left unattended on public right-of-way or other public property for at least 72 hours, or left on private property without the express or implied permission of the owner.
- (b) Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, or unable to perform the function for which it was originally constructed. A vehicle shall be deemed inoperable where such vehicle or parts thereof has or have been placed upon jacks, blocks or other supports, or where one or more parts of the vehicle necessary for its lawful operation are absent, or where the vehicle lacks a current registration plate.
- (c) Unattended means unoccupied and not owned by a property owner and/or resident of the area where the vehicle is parked.
- (d) Vehicle means, without limitation, any automobile, truck, tractor, or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

Section 2: It shall be unlawful for any person to park, store, leave, keep, maintain, or permit any inoperable vehicle of any kind, whether attended or not, for a period of time in excess of thirty (30) days upon any private property.

Section 3: It shall be unlawful for any person to park, store, leave, keep, maintain, or permit any inoperable vehicle of any kind, whether attended or not, upon any public street, alley, highway or thoroughfare within the City for a period of time in excess of seventy-two (72) hours.

Section 4: It shall be unlawful for any person to abandon a vehicle of any kind on a public street, alley, highway, thoroughfare, public right-of-way, or other public property for a period of time in excess of 72 hours.

Section 5: The provisions of this Ordinance shall not apply to:

- (a) Any motor vehicle which is enclosed in a garage or other building;
- (b) The parking or storage of an inoperable vehicle for a period of 30 consecutive days, or less, upon private property;
- (c) The parking or storing of not more than three inoperable vehicles upon private property behind fencing of sufficient size, strength and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children. The covering of a vehicle with a tarp or car cover shall not be sufficient to avoid the penalties provided by this Ordinance:

- (d) A person conducting a business enterprise in compliance with existing zoning regulations, except that such person shall keep any inoperable vehicle(s) within a building or garage which may be secured during non-business hours, or within a fenced enclosure of sufficient size and strength to prohibit ready access to such vehicle(s) by children and which may be secured during non-business hours

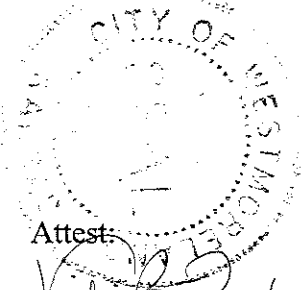
Section 6: Any person, firm, partnership, corporation, or business entity violating any of the provisions of this Ordinance shall be deemed guilty of a Class B misdemeanor, and may be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00), or sentenced to a jail term of not more than six (6) months, or both.

Section 7: The provisions of this Ordinance shall not be deemed to repeal the provisions of any other Ordinance authorizing the civil abatement of nuisances, and nothing in this Ordinance shall be deemed to require resort to any civil abatement procedures prior to or in conjunction with prosecution under the provisions of this Ordinance.

Section 8: Ordinance Number 500 of the City of Westmoreland is hereby repealed.

Section 9: This Ordinance shall take effect and be in force from and after its passage and publication in the City's official paper.

The above and foregoing Ordinance passed and adopted by the Governing Body of the City of Westmoreland, Kansas, this 12th day of May, 2016.



Signed Mark A. Goodenow
Mark A. Goodenow, Mayor

Attest:

Vicki B. Zentner
Vicki B. Zentner, City Clerk

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