

CITY OF LIEBENTHAL

ORDINANCE NO. 109

**AN ORDINANCE PROHIBITING THE PARKING AND STORAGE OF JUNK AND / OR INOPERATIVE VEHICLES AND BUILDING MATERIALS WITHIN THE CITY LIMITS OF LIEBENTHAL, KANSAS:**

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

Section 1. JUNK AND SALVAGE MATERIALS DECLARED TO AFFECT GENERAL WELFARE; REASONS. The governing body of the City of Liebenthal, Kansas, finds that junked, wrecked, dismantled, inoperative and abandoned vehicles and the storage and accumulation of iron, steel and other salvage materials, and tires, dilapidated or defunct machinery and equipment of any kind, and building and construction materials of any kind, in and upon private real property within the City is a matter affecting the health, safety and general welfare of the citizens of the City of Liebenthal, Kansas, for the following reasons:

(a) Such properties and conditions serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;

(b) They are dangerous to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or supports and because they are a ready source of fire and explosion;

(c) They encourage pilfering and theft, and constitute a blighting influence upon the area in which they are located, thereby causing a loss in property value to surrounding property;

(d) They constitute a fire hazard in that they block access for fire equipment to adjacent buildings and structures.

Section 2. DEFINITIONS. Building and construction materials as used herein mean litter, refuse, salvage material, loose lumber and construction materials, provided, that building and construction materials to be used within six 6 months for construction on the premises where properly authorized by a building permit, may be kept if stored at least eighteen (18) inches off the ground and not closer than forty-eight (48) inches to the wall or fence.

Inoperable means a condition of being junked, wrecked, wholly or partially, dismantled, discarded, abandoned or unable to perform the functions or purposes for which a vehicle was originally constructed.

Salvage material means materials which are obtained from construction and building jobs, including blocks of lumber, splinters, planks, stakes, bits of brick, rocks and cement blocks, which are the residue and residuals of a construction project.

Vehicle means any automobile, truck, tractor, or motorcycle which as originally designed contained an engine regardless of whether it now or at any other time contained an engine.

Section 3. UNLAWFUL TO ACCUMULATE JUNK OR OTHER SALVAGE MATERIALS. Except as hereinafter provided, it shall be unlawful for any person, partnership, corporation or their agent either as owner, lessee, tenant or occupant of any lot or parcel of land within the City of Liebenthal, to park, store, or deposit or permit to be parked, stored or deposited thereon, any inoperable motor vehicle, including any wrecked, junked, dismantled vehicle, to permit the accumulation of iron, steel, or other salvage materials, building and construction materials of any kind thereon unless the same are enclosed in a garage or other building.

## Section 4. SAME\_\_ EXCEPTIONS.

(a) The provisions of the foregoing section shall not apply to any person, firm, corporation or partnership or their agent with one (1) vehicle inoperable for a period of thirty (30) consecutive days or less.

(b) The provisions of section 3 shall not apply to any person, firm or corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using adjacent thoroughfares and to prohibit ready access to such vehicles by children, provided however, that nothing herein shall be construed to authorize the construction of any fence or screen where such construction is prohibited by ordinance.

Section 5. CONDITIONS RAISING PRESUMPTION THAT VEHICLE IS INOPERATIVE. Any one of the following conditions shall raise the presumption that a vehicle is inoperable:

(a) Absence of a legally sufficient and valid registration plate upon such vehicle,

(b) Placement of the vehicle or parts thereof upon jacks, blocks, chairs or other supports,

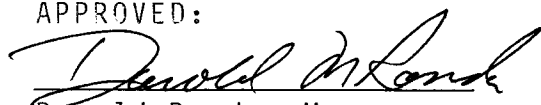
(c) Absence of any (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways of the City of Liebenthal and the state of Kansas.

Section 6. VIOLATIONS\_\_ COMPLAINT: NOTICE, FAILURE TO COMPLY. Upon the making of a formal or informal complaint to the City Council or if notice is given to the City Council of the existence of an apparent violation of this section; after inspection, the City Council or a representative member thereof shall within 10 days thereafter cause to be served upon the person in possession of or the owner of the real property upon which above said illegal property is located, a notice in writing advising said owner or occupant of the existence of the condition in violation of this ordinance. Such notice shall further direct such person to take action within seven (7) days thereafter following the receipt of such notice to comply with the conditions of this ordinance, and that upon his failure or refusal to do so, he will be prosecuted under this ordinance. In the event of the failure of the person so notified to comply with the provisions of this ordinance, it shall be the duty of the city attorney to commence prosecution, criminally or civilly, for violation of this ordinance.

Section 7. PENALTIES. Any person, firm or corporation violating any of the provisions of this act shall upon conviction be guilty of a misdemeanor and shall be fined in an amount not to exceed \$1000.00, if criminal proceedings are pursued; or be civilly liable in an amount not to exceed \$1,000.00, if civil proceedings are pursued. Each day during which a violation occurs or continues shall constitute a separate offense or violation. The City may at its election proceed civilly or criminally, or both, to enforce this ordinance.

Section 8. This ordinance shall take effect upon its publication.

APPROVED:

  
Darold Randa- Mayor

ATTEST:

  
city clerk

10-1-14