

AN ORDINANCE RELATING TO WRECKED, JUNKED, DISMANTLED, AND ABANDONED MOTOR VEHICLES, PROHIBITING THE STORAGE, REPAIRING OR DISMANTLING THEREOF ON CERTAIN PRIVATE PROPERTIES AND/OR UPON THE STREETS OF THE CITY OF WALTON: DECLARING THE SAME TO BE A NUISANCE: PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED by the Governing Body of the City of Walton, Harvey County, Kansas.

Section 1: UNLAWFUL ACTS: It shall be unlawful, without prior authorization of the Governing Body, to park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, for a period of time in excess of 72 hours upon any private property and/or upon any street, alley, highway, or thoroughfare within the City of Walton, unless the same is completely enclosed within a building or unless it is in connection with a business enterprise properly operated by you whose present occupation is the repairing or rebuilding of otherwise dismantled or inoperable vehicles.

Section 2: NUISANCES: Any motor vehicle parked, stored, left or permitted to be parked, stored or left in violation of the provisions of Section 1 hereof shall constitute rubbish and unsightly debris and a nuisance detrimental to the health, safety and welfare of the inhabitants of the City of

Walton; and it shall be the duty of the registered or other owner of such vehicle, and it shall also be the duty of the owner of the private property or of the lessee or other person in possession of the private property upon which such vehicle is located, to either remove the same from the City of Walton or to have the same housed in a building where it will not be visible from the street or other private property.

Section 3: NOTIFICATION: It shall be the duty of the mayor to give written notice to the registered or other owner of any motor vehicle which is in violation of this Ordinance, or in the alternative to give such notice to the owner, lessee or occupant of the private property upon which such motor vehicle is situated, to the effect that the parking, storing or leaving or permitting of the parking, storing, or leaving of such vehicle is in violation of this Ordinance, and requiring that said vehicle be removed from the premises within 72 hours or that within 72 hours the same be housed in a building where it will not be visible from the street or adjoining private property.

Said notice shall be given by personal service or by registered or certified mail.

In the case of a motor vehicle abandoned on the streets of the City of Walton, said notice shall be attached to the vehicle in a conspicuous manner.

Section 4: FAILURE TO COMPLY: If notice is given as provided in Section 3 hereof and the person upon whom said notice and demand is made shall fail to meet the requirements of said notice, then said persons shall be in violation of this Ordinance.

Section 5: IMPOUNDMENT AND DISPOSITION: Notwithstanding-

ing the provisions of Section 4 hereof, and regardless of whether or not the person or persons mentioned herein have been charged with a violation of this Ordinance, the city council, after the giving of the notice required by Section 3 hereof, and if the requirements of such notice have not been complied with upon the expiration of said 72-hour period, shall cause the vehicle or vehicles to be removed to such suitable place for storage as may be designated by the mayor.

Within 72 hours after the removal and storage of any such vehicle, the city council shall give notice in the manner prescribed in Section 3 hereof to the registered owner or other owner of such vehicle, if known, or to the owner, lessee or person in possession of the land from which the vehicle was removed, and by said notice shall advise that the vehicle has been impounded or stored for violation of this Ordinance.

The notice shall advise that said vehicle shall be deemed to have been abandoned and thereafter will be sold or otherwise disposed of after 72 hours have elapsed from the time of said notice.

Section 6: **RELEASE FROM IMPOUNDMENT:** After any vehicle is impounded and stored, as aforesaid, the same shall not be released until all charges connected with the removal, towing and storage of such vehicle have been paid.

Section 7: **PENALTIES:** Any person violating the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$50.

Section 8: **EFFECTIVE DATE:** This Ordinance shall take effect on the day of its publication, as provided by law, in The Newton Kansan, the official city paper.

PASSED AND ADOPTED this 2nd day of July, 1973.

Ded Lambert
Mayor

Attest:

Lail Reuser
City Clerk

(Seal)