

ORDINANCE No. O-2021-12

AN ORDINANCE REPEALING AND REPLACING ORDINANCE O-694, AN ORDINANCE TO PROVIDE FOR THE IDENTIFICATION, REMOVAL AND OF ABANDONED OR INOPERABLE BOATS, MOTOR VEHICLES, AND/OR TRAILERS; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WARD, ARKANSAS

SECTION 1: DEFINITIONS

- i. **Abandoned Motor Vehicle:** Any motor vehicle which is left on public or private property, as defined in this section, for a period of more than 72 hours, regardless of whether wrecked or inoperable by someone other than the lawful owner of said property
- ii. **Antique Vehicle (A.C.A. 27-15-2209):** A motor vehicle that is forty-five (45) years old or older.
- iii. **Boat:** Any vessel initially designed for carrying cargo or passengers upon water, whether currently seaworthy or not, and regardless of size or design. This shall include but not be limited to barges, canoes, motorboats, rafts, rowboats, and sailboats
- iv. **City:** City of Ward, Arkansas
- v. **City Official:** Mayor (or designee), Police Chief (or designee), Code Enforcement Officer
- vi. **Enclosure:** A building, wall or fence that conceals a vehicle from all adjoining property at ground level
- vii. **Historic or Special Interest Vehicle (A.C.A. 27-15-2201):** A motor vehicle of age that is essentially unaltered from the original manufacturer's specifications and that, because of its significance, is being collected, preserved, restored, or maintained by a hobbyist as a leisure pursuit.
 - a. "Historic or special interest vehicle" shall include a motor vehicle sometimes referred to by the classification of:
 - i. Antique. or
 - ii. Horseless carriage, or
 - iii. Classic; or
 - iv. Muscle car era.
- viii. **Inoperable Motor Vehicle:** Any motor vehicle, in which one or more of the following apply for longer than 72 hours:
 - a. Placed on blocks; or.
 - b. Has one or more wheels removed; or,

- c. Is not in proper condition to be legally operated on public streets to include current registration; or,
 - d. Lacks an integral part of assembly; or,
 - e. Is dismantled or partially dismantled; or,
 - f. Wrecked; or,
 - g. Has one or more flat tires; or,
 - h. Is not capable of self-locomotion.
- ix. **Motor Vehicle:** Any self-propelled land vehicle designed to travel along the ground without the use of rails. This shall include but not be limited to automobiles, buses, campers, go-karts, golf carts, lawn tractors, mopeds, motorcycles, motor home, tractors, trailers, and tucks.
 - x. **Open Storage:** Storage in the open, with no covering or walls.
 - xi. **Person:** An individual, as well as firms, corporations and voluntary associations, unless plainly inapplicable.
 - xii. **Public Property:** Any street, alley, right-of-way, or property that is owned or under the control and supervision of the municipality.
 - xiii. **Private Property:** Any property that is not classified as public.
 - xiv. **Trailer:** Any free-wheeling object designed or intended to be pulled or towed behind a motor vehicle. This shall include but not be limited to boat trailers, camper trailers, cargo trailers, farm implantation trailers, golf cart trailers, horse trailers, and utility trailers.
 - xv. **Vehicle:** For the purposes of this Ordinance, the term "Vehicle" shall apply to any motor vehicle, boat, or trailer as described above.

SECTION 2: INOPERABLE MOTOR VEHICLE

- i. **Public Property:** It shall be unlawful for any person to maintain, store or keep an inoperable motor vehicle
- ii. **Private Property:** It shall be unlawful for any person to maintain, store or keep in the open, an inoperative motor vehicle on private property for more than fifteen (15) days without a permit issued by the City of Ward.

SECTION 3: NOTICE OF VIOLATION – REMOVAL OF VEHICLE

- i. **Public Property:** When a City Official observes or finds an inoperative vehicle stored on open public property, the Code Enforcement Officer will place a notice on the vehicle requiring the vehicle to be removed from the premises within twenty-four (24) hours. In the event the vehicle is not removed within the time period allocated, the City is authorized to remove and impound the vehicle in accordance with application law and City Ordinances. In the event

the vehicle obstructs the movement of traffic or constitutes a traffic hazard, the City may immediately have the vehicle removed. The owner of the vehicle is responsible for any and all expenses to remove and impound the vehicle.

- ii. **Private Property:** When a City Official receives a complaint of an inoperable motor vehicle being stored in the open on private property, or when a City Official observes an inoperable vehicle being stored in the open on private property, the Code Enforcement Officer;
 - a. Shall make every reasonable attempt to locate the owner of the vehicle, or the person responsible for placing the vehicle on private property.
 - b. Shall serve a written notice to that owner or person responsible for placing the inoperable vehicle on private property has fifteen (15) calendar days to remove the vehicle, obtain a permit (Section 6) or appeal the notice to the Ward City Council (Section 4).
 - c. If the inoperable vehicle is not removed, a permit obtained, or an appeal filed within the fifteen (15) calendar day period, that person shall be issued a citation for violation of this Ordinance with a mandatory court appearance.
 - d. The City of Ward will not remove inoperable or abandoned vehicles from private property without a court order.

SECTION 4: APPEAL TO THE CITY COUNCIL: A person who wishes to appeal their Notice may do so by following the steps below.

- i. Provide a written request (email request is acceptable) to the City Clerk before the end of the 15-day time period.
- ii. The City Clerk will acknowledge the request, in writing (email response is acceptable) and advise of the next City Council meeting
- iii. The City Clerk will ensure the request is placed on the agenda for the next City Council meeting
- iv. ALL additional enforcement actions will cease until the Notice is heard by the City Council.

SECTION 5: EXCEPTION – PRIVATE PROPERTY: The provisions of Section 2 and 3 or this Ordinance shall not apply to

- i. Any vehicle parked or stored in a building (i.e. garage) or carport, or other such shelter on private property; or,

- ii. Any vehicle held in connection with a business enterprise lawfully licensed to do business with the City for repair, sales, and/or servicing motor vehicles which is operating within the proper zone pursuant to Ward's Zoning Regulation.
- iii. It is lawful for a person to make necessary repairs on a vehicle in the open on private property so long as a permit is obtained from the City (Section 6) or repairs are completed within fifteen (15) days.

SECTION 6: PERMITTING

- i. Permits are issued to allow the repair of a vehicle on private property.
- ii. Permits will be issued in 30, 60, and 90-day time periods and can be renewed only once per year.
- iii. Permits will be issued for the repair on only one (1) vehicle at a time unless otherwise noted on the permit.

SECTION 7: PENALTY CLAUSE:

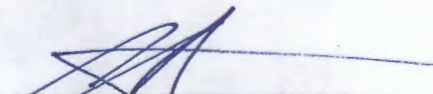
- i. Any person violating this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100 for the initial violation at the discretion of the court plus court costs.
- ii. Each day the violation continues after the Judge's ruling is subject to an additional fine of \$50.00 per day

SECTION 8: SEVERABILITY: If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions.

PASSED AND ADOPTED THIS 15th DAY OF November, 2021

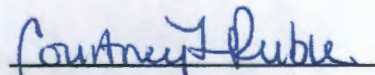
YEAS: 4 NAYS: 1

APPROVED:



Charles Gastineau, Mayor

ATTEST:



Courtney Ruble, City Clerk

