

ORDINANCE NO. 318-16

AN ORDINANCE DEFINING INOPERABLE MOTOR VEHICLES, OPEN STORAGE,
AND PUBLIC AND PRIVATE PROPERTY; PROHIBITING THE KEEPING OF
INOPERABLE MOTOR VEHICLES ON PUBLIC AND PRIVATE
PROPERTY; PROCEDURE FOR ENFORCEMENT,
EXCEPTION, AND PENALTY

BE IT ORDAINED BY THE CITY COUNCIL OF STEPHENS, ARKANSAS,
in regular session assembled, that:

Section 1: Definitions.

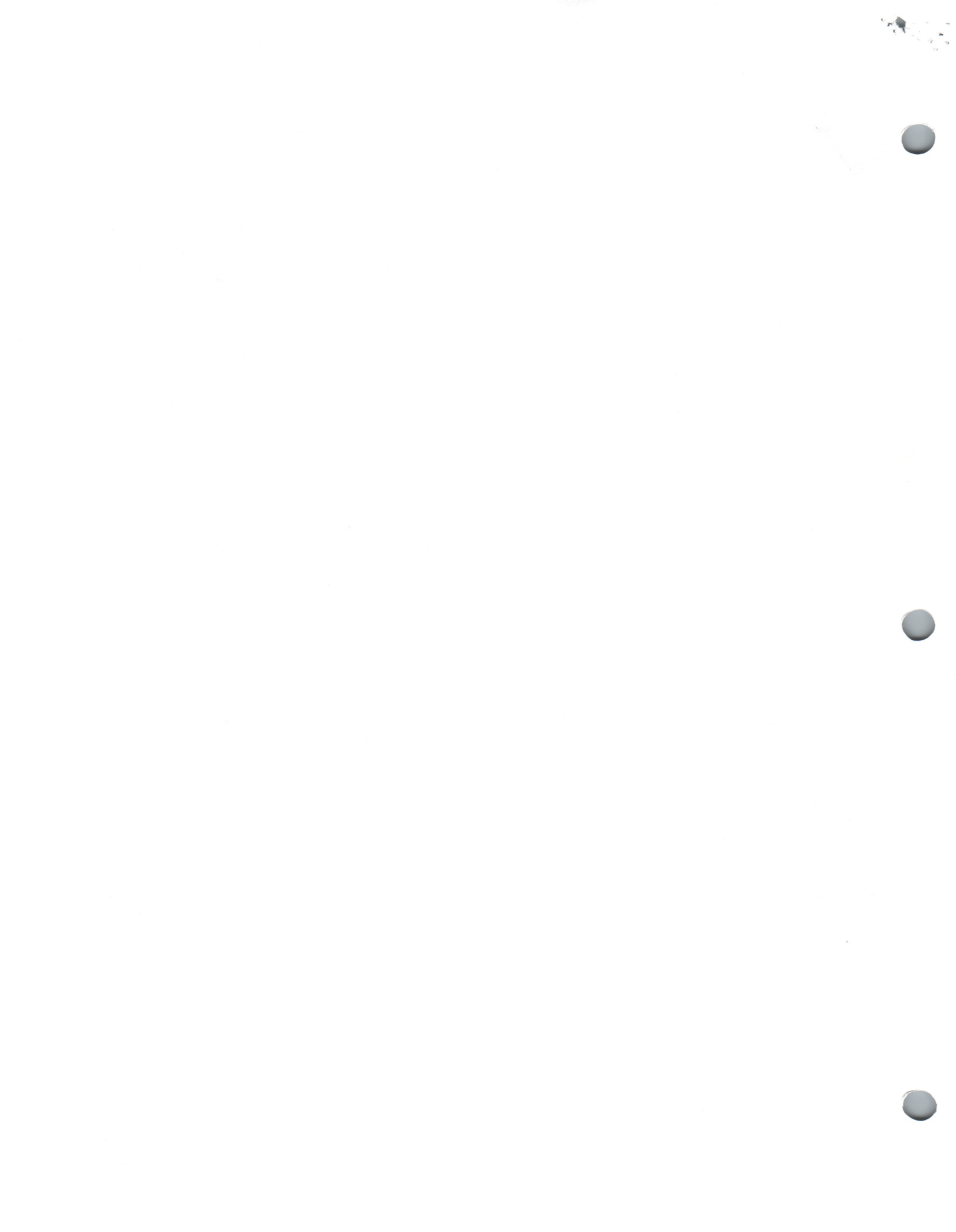
- (a) Inoperable motor vehicle. An inoperable motor vehicle, for the purpose of this ordinance, shall be interpreted to mean any vehicle placed on blocks or one that does not have current, and valid license plates, or has one or more wheels removed, or is not in proper condition to be legally operated on the streets of the city because of lack of proper mufflers, tires, headlights or other mechanical defects or because of lack of an integral part of assembly, or is not capable of self-locomotion. This should also include motorized objects such as boats, lawn mowers, all-terrain vehicles, golf carts, etc.
- (b) Open storage. Open storage, for the purpose of this ordinance, shall be interpreted to include a carport which has at least two (2) open sides.
- (c) Public property. Public property, for the purpose of ordinance, shall be construed as any street, alley, right-of-way or property that is owned or under the control and supervision of the municipality.
- (d) Private Property. Private property, for the purpose of this ordinance, shall be interpreted to mean any and all other that is not classified as public.
- (e) Residential vs. Business property. Business property is that property that is being used/owned by a person or persons having a licensed business. Residential property is all property not used/owned by a person or persons with a licensed business. Businesses are not included in the stipulations of this ordinance.

Section 2: Keeping on public property prohibited. It shall be unlawful for any person, persons, firm, company or corporation to maintain, store or keep upon any public property, any junked, wrecked, inoperable or unlicensed vehicle as defined in this ordinance.

Section 3: Keeping on private property limited. It shall be unlawful for any person to keep, maintain or store junked, wrecked, inoperable or unlicensed vehicles, as defined in this ordinance, upon private property, primarily in areas of the yard that are facing city streets or highways, in the open within the corporate limits of the city for a period of more than three (3) days. All entrances into the home must be kept clear of all vehicles as well in case of an emergency.

Section 4: Penalty. Any violation of this ordinance shall be deemed a misdemeanor and Upon conviction shall be punishable by a fine of not less than twenty-five Dollars (\$25.00) Nor more than fifty Dollars (\$50.00), and each day such violation occurs shall be considered a separate offense.

Section 5: Procedure when vehicle found on public property. Whenever officers of the police department, street department, fire department or any other designated persons, observe any such vehicle as defined in this ordinance, placed or stored in the open upon public property, they shall file a written report with the police department, setting forth the location of said vehicle, its make or



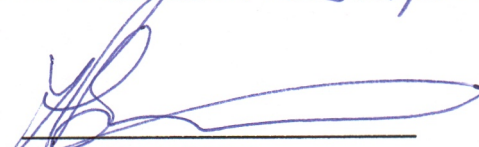
model, the license number and the name of the owner, if known. The police department shall notify the owner in writing to remove the vehicle within twenty-four (24) hours and in the event said vehicle is not removed, the police department is hereby authorized and directed to remove said vehicle and impound the same in accordance with the laws governing abandoned motor vehicles. In the event said motor vehicle obstructs the movement of traffic or constitutes a traffic hazard, the police department shall immediately remove said vehicle. The primary responsibility for the enforcement of this section is placed upon the police department.

Section 6: Dealers excepted. Nothing in this ordinance is to be interpreted as preventing any licensed business dealing in any manner with any type of automobile from operating in a properly zoned area.

Section 7: Exception for vehicle being repaired or prepared by drag racing; permit. It is hereby further provided that nothing in this ordinance is to be interpreted as preventing a person from keeping upon his private property one such inoperable motor vehicle, as defined in this ordinance, for the purpose of making minor repairs or preparing and/or modifying a vehicle for the purpose of racing the same upon sanctioned drag strips or race-courses. In either of the situations mentioned above, the owner of said vehicle shall be permitted to obtain a permit from the City Inspector or other designated persons allowing him to keep such an automobile upon his property for a period of three (3) months for the purpose stated aforesaid. Said permit may be extended for an additional three (3) months where necessary to complete construction or repairs.


Section 8: This matter constitutes an attractive nuisance for children and provides harborage for rats, insects, snakes, and other animals which constitute a hazard to the public health, safety, and this ordinance shall take full force and effect immediately after passage.

PASSED AND APPROVED this 18 day of July, 2016



Mayor Harry Brown

Attest:



Recorder / Treasurer

