

An ordinance of the Village of Ansley, Nebraska to specifically define dismantled, wrecked, junked and inoperable motor vehicles and equipment as defined herein as nuisances; to provide for abatement of said nuisances; to provide that any person who shall violate or refuse to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor; to provide the penalty therefor; to remove paragraph 9 of Section 4-302 of the Municipal Code of the Village of Ansley, Nebraska, 1981, from said Section 4-302 and to redefine the specific nuisance provided for therein as provided for herein with a separate abatement procedure as provided for herein; to define abandoned motor vehicles and equipment and procedure for selling said vehicles and equipment; to repeal all ordinances in conflict with this ordinance; to provide when this ordinance shall go into effect; and to provide for the publication of this ordinance in pamphlet form and by posting a copy in three public places in the Village of Ansley, Nebraska.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA THAT:

**Section 1. Storage of Dismantled, Wrecked, Junked and Inoperable Motor Vehicles or Equipment as Nuisance.** It is expressly found and determined that the storage or accumulation of unlicensed, dismantled, partially dismantled, wrecked, junked or inoperable motor vehicles or equipment as defined herein left upon private or public property, in places other than authorized appropriate areas, tends to interfere with the enjoyment of property, reduce the value of private property, and invite plundering and vandalism, create fire hazards, extend and aggravate urban blight, and result in a serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the Village and is hereby declared to be a nuisance. No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicles or equipment of any kind which is in a wrecked, dismantled, inoperable, junked or partially dismantled condition on private or public property for a period of time in excess of 15 days; provided, this section shall not apply to any vehicle or equipment located on private property and enclosed within a building, or to any vehicle held in connection with a business enterprise, lawfully operated within the Village in a non-residential zoning area.

**Section 2. Definitions.** The following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) Motor vehicle is any vehicle which is designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go carts, golf carts, campers and trailers.
- (b) Equipment is any machine designed for or adapted and used for agricultural, horticultural, livestock, grazing, forestry, commercial or industrial purposes or for construction.
- (c) Junked motor vehicle is any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded.
- (d) Inoperable motor vehicle shall mean a motor vehicle which cannot be started and driven.

- (e) Junked equipment is any equipment the condition of which is wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded.
- (f) Inoperable equipment shall mean equipment which cannot be started or driven or is not in working condition.

### Section 3. Abatement.

- A. When any lot owner, or owner of any tract of land, or occupant of a lot or tract of land, permits a nuisance to exist, such owner and any occupant shall be notified of the existence of such nuisance by the Village Marshal, and if the nuisance is not abated within five days from the service of the notice, the owner or occupant shall be guilty of creating a nuisance. The notice may be served by personally handing a copy thereof to each owner, or owner's duly authorized agent, or to the occupant, or to the occupant's duly authorized agent, or by leaving at the usual place of residence of the owner or occupant, or in the event the owner is a nonresident of the Village, and his residence is known, notice may be served upon him by certified mail. Service of notice by certified mail shall be deemed complete when the notice is delivered to the owner by the United States mail.
- B. Upon failure of the owner or occupant to so abate the nuisance within five days of notice being given, in addition to or in lieu of filing charges for violation of this ordinance, the Village Marshal may cause any junked motor vehicle or equipment to be towed from the property, at the expense of the owner of said motor vehicle or equipment, to a private lot, garage, storage yard, or other similar facility. Any stored vehicle or equipment shall not be released from storage except upon payment by the owner of the vehicle or equipment to the person or persons in charge of the lot, garage, storage yard, or other similar facility of the cost of towing and storage, which fees shall be established from time to time by the Chairman and Board of Trustees, but initially shall be as provided herein. A receipt for such fees shall be issued to the owner of the vehicle or equipment.

In order to recover the cost of towing, impounding and storage, the Village shall charge the owner of such property the actual cost of towing, plus \$4.00 per day for storage upon Village property, or the actual cost of storage at a private facility.

- C. Whenever a nuisance exists as defined in this ordinance, the Village may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case.

**Section 4. Violation; Penalty.** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this ordinance, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

Section 5. **Abandoned Property Sale or Disposal.** Motor vehicles and equipment which are not claimed by the owners within 15 days of impoundment shall be determined to be abandoned property and shall be sold by the Village. The Village shall make an inquiry concerning the last registered owner of the vehicle or equipment as follows:

(a) Abandoned vehicle with number plates affixed, to the jurisdiction which issued such number plates; or

(b) Abandoned vehicle with no number plates affixed, to the Department of Motor Vehicles.

The Village shall notify the last registered owner, if any, that the vehicle or equipment in question is an abandoned vehicle or equipment and that, if unclaimed, it will be sold at public auction after five days from the date such notice is mailed. If the agency described in (a) and (b) of this section also notifies the Village that a lien or mortgage exists, or if the Village otherwise determines that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle or equipment shall be required to pay the cost of removal and storage of such vehicle.

Title to the abandoned vehicle or equipment, if unclaimed, shall vest in the Village five days from the date such notice is mailed, or if the last-registered owner cannot be ascertained, when notice of such fact is received.

Any proceeds from the sale of an abandoned vehicle or equipment less any expenses incurred by the Village shall be held by the Village without interest, for the benefit of the owner of such vehicle or equipment for a period of two years. If not claimed within such two-year period, such proceeds shall be paid into the general fund of the Village.

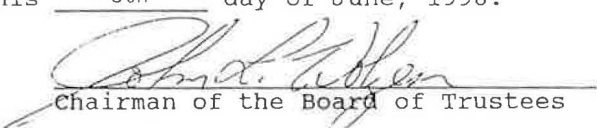
Section 6. That paragraph 9 of Section 4-302 of the Municipal Code of the Village of Ansley, Nebraska, 1981, is removed therefrom and redefined as a specific nuisance as provided for herein with a separate abatement procedure which is provided for herein.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 8. This ordinance shall be in full force and take effect from and after its passage, approval and publication as required by law.

Section 9. This ordinance shall be published in pamphlet form and by posting a copy in three public places in the Village of Ansley, Nebraska.

Passed and approved this 8th day of June, 1998.

  
Chairman of the Board of Trustees

Attest:

  
Village Clerk