

JUNK VEHICLE ORDINANCE

ORDINANCE NO. 23-03

AN ORDINANCE OF THE ALDERMEN AND MAYOR OF EUPORA, MISSISSIPPI, AMENDING THE JUNK VEHICLE ORDINANCE.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF EUPORA, COUNTY OF WEBSTER, STATE OF MISSISSIPPI, AS FOLLOWS:

SECTION 1: NAME

This Ordinance shall be known and cited as the City of Eupora Junk Vehicle Ordinance.

SECTION 2: PURPOSE

The purpose of this Ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, motorcycles, boats, house trailers, or tractor trailers, or new or used parts thereof upon the premises of any type of property, public or private, within the City of Eupora, Mississippi; to thereby avoid injury and hazards to children and other persons attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and/or property owners.

SECTION 3: DEFINITIONS

When used in this Ordinance the following words and terms shall have the meaning set forth in this Section, unless other provisions of this Ordinance specifically indicate otherwise:

JUNK VEHICLE: Any motor vehicle which does not have a current and valid Mississippi certificate of inspection and motor vehicle registration plate or is in a condition to be considered inoperable. For the purpose of this Ordinance, a trailer, camper or boat without a current registration shall be considered a junk vehicle.

JUNKYARD: Any land used, in whole or in part, for commercial or industrial storage, dismantling, and/or sale of wastepaper, rags, scrap metal, motor vehicle, machinery, or other junk outside an enclosed building.

RESPONSIBLE PARTY OR PERSON: As used in this Ordinance, the term "responsible party or person" means any individual, business or entity responsible for creating, causing, maintaining or permitting the nuisance activity, premises, conditions or conduct encompassed by the terms of this Ordinance; and includes, but is not limited to, the real or personal property owner, tenant, lessee, possessor, or occupant of real property, the president or other officer of the corporation, a business owner or manager of a business.

SECTION 4: REGULATIONS

1) No responsible party or person shall park, store, or place upon any public right-of-way or public property, or upon any premises or property, public or private, within the City of Eupora, any motor vehicle, motorcycle, boat, house trailer, or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building, except as follows:

- a) Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
 - b) Vehicles or trailers that are temporarily inoperable because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property not to exceed seven (7) days.
 - c) Not more than one vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked, repaired, or maintained in the front or side street or viewable yard area of any premises.
- 2) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any other property for a period in excess of twenty-four (24) hours, except:
- a) Such as shall be accomplished within fully enclosed buildings or behind opaque fences properly maintained and landscaped; and
 - b) Will not constitute a nuisance or annoyance to adjoining property owners or occupants.

Any such work within such 24-hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work; but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition. Nothing herein contained shall be construed to permit the parking and/or repair or maintenance of said vehicles in any front yard or side yard.

3) No responsible party or person shall at any time engage in any activity for or on behalf or others, whether for profit or gratis, relative to the performance, storage, parking, repair, redesign, modification, or dismantling work or operation upon any vehicle or parts thereof upon any public right-of-way or public property or upon any property, public or private, without a proper privilege license for such activity and meeting any zoning requirements. The City Clerk is instructed not to issue any privilege licenses for salvage yards, junkyards, etc. until ninety (90) days from the effective date of this Ordinance.

4) Within one (1) year from the effective date of this Ordinance, all existing junkyards, recycling and salvage operations, vehicle salvage yards, vehicle repair shops, wrecker services, automobile dealers, or any other business or enterprise storing any vehicle where junk or wrecked vehicles are stored shall be screened from view from adjacent properties by opaque fencing and landscaping. All new junkyards, recycling and salvage operations, vehicle salvage yards, vehicle repair shops, wrecker services, automobile dealers, or any other business or enterprise storing any vehicle shall have erected and have in place proper screening prior to obtaining a privilege license.

5) In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Chief of Police of the City of Eupora is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not more than seven (7) days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the Ordinance are still substantially observed.

SECTION 5: NUISANCE DECLARED

Violations of the regulations of this section relating to junk vehicles are hereby declared to be and constitute a nuisance. A junk vehicle is any vehicle which does not have a valid license plate and/or which is wrecked, dismantled, partially dismantled, abandoned, and/or has been inoperable for a continuous period of ten (10) days. Any parking, storage, placement, or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and penalties herein provided.

SECTION 6: ENFORCEMENT PROCEDURES

1) COMPLIANCE OFFICER DESIGNATED: The Chief of Police of the City of Eupora or the Acting Chief on duty thereunder of the City of Eupora, Mississippi, and any other official of the City of Eupora specifically designated and named by the Board of Aldermen and Mayor of the City of Eupora, Mississippi, to enforce the provisions of this Ordinance, be and are hereby designated as Compliance Officers for the purpose of enforcing the terms of this Ordinance.

2) COMPLIANCE ORDER; CONTENTS: Whenever the Compliance officer determines that any property is maintained in violation of one or more of the provisions of this Ordinance, he or she shall serve on one or more of the responsible parties a written Compliance Order which contains:

- a) The date and location of the violation
 - b) The section of the Ordinance violated and a brief description of the violation;
 - c) The actions required to correct the violation(s) or abate the conditions(s);
 - d) The time period after which the City will enter the property to abate the conditions or issue a misdemeanor violation citation if compliance is not achieved;
 - e) The time period for abatement shall be at least ~~seven (7) days~~ ten (10) days, unless it is determined by the Compliance Officer that the conditions constitute an imminent threat to the public health, safety or welfare or is a flagrant violation of the terms of this ordinance. The Compliance officer may grant an extension of time upon good cause, provided the responsible party signs a written agreement to abate the nuisance within a certain time period.
 - f) That a citation will be issued charging the responsible party or parties with a misdemeanor violation or the terms of this Ordinance if abatement is not achieved within the time set forth in the Compliance
- 3) **NOTICE OF VIOLATION:** In addition to the following processes and procedures for issuance of a code violation as stated in Section 6 of this ordinance, an orange sticker shall be placed on the vehicle if accessible to the Police officer or Code Enforcement Officer. The orange sticker shall serve as the written violation / compliance order notice to the property owner. The time frame for removal of the vehicle or any other corrective action shall be from ten (10) days of the placement of the orange sticker.
- 4) **ABATEMENT OF JUNK VEHICLES:** The requirements for a vehicle declared a nuisance shall be as follows:
- a) If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, official action shall be taken by the City of Eupora to abate such nuisance. Junked vehicles or parts thereof shall be impounded until lawfully claimed or disposed of in accordance with MCA 1972, §63-23-1 - 63-23-11.
 - b) Vehicles so impounded shall be held for ninety (90) days and thereafter shall be disposed of with all rights of ownership being forfeited. Any time prior to the expiration of said ninety (90) days the record title holder shall be allowed to redeem said vehicle upon the payment of all costs including towing, storage, and other such administrative costs as may be determined.
- 5) **CITATION: ORDER TO APPEAR:** ~~If the responsible party or parties fail to abate the conditions set forth in the Compliance Order issued by the Compliance Officer, the Compliance Officer shall issue a misdemeanor citation charging the responsible party or parties with violation of the terms of this ordinance. Said citation shall be in writing and of a form and content approved by the Municipal Court. The citation shall be an order and summons to appear before the Municipal Court at a time and date established by the citation. The Compliance Officer shall file a copy of the Citation with the Municipal Court Clerk and the Municipal Court Clerk shall enter the Citation on the Court docket. Failure of the responsible party or parties to appear before the Municipal Court at the time and date set forth on the Citation shall constitute prima facie evidence of contempt of court and will be subject to judicial action by the Municipal Court.~~

SECTION 7: SEVERABILITY CLAUSE

The procedures provided in this Ordinance shall be cumulative and in addition to any other procedure or legal remedy provided for in the Ordinance of the City of Eupora or by state law for the abatement of nuisance related activities, premises, conditions, or conduct. **Nothing in this ordinance shall affect ordinances that permit the immediate removal of a vehicle left on public property which constitutes and obstruction to traffic.** Nothing in this Ordinance shall be deemed to prevent the City from commencing a civil or criminal proceeding to abate a nuisance under applicable civil, criminal, or municipal code provisions as an alternative or alternatives to the proceedings set forth in this Ordinance. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void of unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 8: PENALTY

Any person, firm or corporation who is convicted of a violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00 (one hundred dollars) and not more than \$1,000.00 (one thousand dollars). Each day that a violation continues to exist shall constitute a separate offense and such penalty may be issued upon such violation.

SECTION 9: EFFECTIVE DATE

This Ordinance shall be published in the manner and for the time provided by Law in the Webster Progress Times, a newspaper published weekly in the City of Eupora, Webster County, Mississippi, and shall take effect after adoption and publication as provided by law.

The above amended Ordinance was first reduced to writing and considered at the recessed meeting of The Mayor and Board of Aldermen of the City of Eupora, Mississippi on October 16, 2023. On motion duly made for the adoption of said Ordinance by Alderman _____ and seconded by Alderman _____, a vote was taken as follows:

- Alderman Shaw: _____
- Alderman Tabb: _____
- Alderman Newton: _____
- Alderman Gibbs: _____
- Alderman Gary: Acting Mayor pro-tempore