

4-11 JUNK, TRASH AND INOPERABLE VEHICLES.

4-11.1 Determination. It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private property within the City tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in criminal activity, and therefore is contrary to the public peace, health, safety and general welfare of the community.

4-11.2 Open Storage Yards. It shall be unlawful for any person to store, or permit the storage or accumulation of trash or junk on any private premises in the City within public view except on premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or at a storage place or depository maintained in a lawful place and manner. It shall be unlawful for any person to store or permit storage or accumulation of building materials on any private premises except in a completely enclosed building; or except where such building materials are part of the stock in trade of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise; or except when such materials are being used in the construction of a structure on the private premises in accordance with a valid building permit issued by the City.

4-11.3 Vacant Structures. It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the City.

4-11.4 Inoperable and Infrequently Operated Vehicles. No owner or person having charge, custody, control, or use of real property in the City shall engage in the following:

- (A) Placing, parking or storing an inoperable vehicle within open view.
- (B) Placing, parking or storing an infrequently operated vehicle within open view except by permit as provided in this Section.
- (C) Placing, parking or storing more than two (2) inoperable vehicles regardless of whether in open view or not.

4-11.5 Permits for Keeping Infrequently Operated Vehicles. Every owner, or person having charge, custody, control or use of real property in the City shall, if desiring to place, park or store an infrequently operated vehicle upon his or her premises, apply to the City Manager for a permit. A permit shall not be issued until the applicant pays a permit fee as provided in this Chapter 6 of this Code. Permits for race cars shall be valid from April 1 to October 1. Permits for all other vehicles shall be valid for thirty (10) days. A permit shall state a date of expiration. It may be renewed upon payment of another permit fee.

4-11.6 Fees. The schedule of fines applicable to offences under this Section is set forth in Section 6-4 of Chapter 6 of this Code.

4-11.7 Investigation of Premises. Any City enforcement officer on routine inspection or upon receipt of a complaint may investigate a suspected violation of this Chapter.

4-11.8 Notice of Removal. Whenever an enforcement officer finds building material, trash, or junk on a private premises in violation of this Chapter, the officer shall personally serve the owner of the premises or any adult occupant of the premises with a notice of removal; or if the owner or occupant cannot be reasonably located at such premises within twenty-four (24) hours, the officer shall cause a notice of removal to be mailed to the owner of the premises as shown on the tax assessment records of the City. The notice of removal shall contain the following information:

- (A) Name and address of the owner of the premises.
- (B) Nature of complaint.
- (C) Description and location of the items on the premises in violation of this Chapter.

- (D) The statement of such items are to be removed from the premises within ten (10) days of the date of notification.
- (E) Statement that removal from the location specified in the notice to another location upon which storage is not permitted is prohibited and shall subject the person to additional penalties.

4-11.9 Vehicle Violations. Whenever an enforcement officer finds a vehicle kept or stored in violation of any provision of this Chapter, the officer shall cause a notice to be served upon any person having charge, custody, control, use or ownership of the premises by personal service or by certified mail. The notice shall state the nature of the violation, the description of the offending vehicle(s), a statement that the vehicle(s) must either be removed, screened from open view; or otherwise brought into compliance with this Section within ten (10) days, and a statement of penalties for noncompliance. In addition, the officer shall affix a sticker in a conspicuous place upon the vehicle(s). The sticker shall contain the same information as the written notice.

4-11.10 Penalties. Violation of this Section shall subject the violator to the following penalties:

- (A) Violation shall constitute a misdemeanor punishable by a fine of not more than Five Hundred (\$500) Dollars and jail imprisonment of not more than ninety (90) days.
- (B) Violations shall also, alternatively, constitute a civil infraction carrying a maximum civil fine of up to Five Hundred (\$500) Dollars.
- (C) This Section shall also be enforceable by a suit for injunction, abatement of nuisance, damages, or other legal remedy appropriate and provided by law.
- (D) Each separate vehicle and each day of violation shall constitute a separate offense.
- (E) If a condition in violation of this Section is not removed or corrected within ten (10) days after mailing or giving personal notice pursuant to Section 4-11.8, the City Manager or his or her duly authorized representative is hereby authorized and empowered to arrange and pay for the removal of or correction of such condition, either by a Department of the City or by others. For such purpose, the City Manager or his or her duly appointed representative is hereby authorized and empowered to enter upon the premises of any such public or private land within the City at reasonable times and under reasonable conditions to accomplish the appropriate corrective action.
- (F) In addition to any other penalty imposed pursuant to this Section, violators shall be chargeable with the actual cost incurred by the City in the removal of any building materials, inoperable vehicle(s), trash or junk, together with an additional charge of twenty (20%) percent of such removal costs reimbursing the City for incidental expenses necessitated by the removal and abatement of the nuisance. The total cost so determined shall constitute a lien against the premises and shall be charged and billed to the owner of the premises. If any sum so billed is not paid within a period of thirty (30) days, such sum shall become a lien against the premises, or the City may file suit for collection of such charges against the owner of the premises.
- (G) In addition to any other penalty for violation of this Chapter, a person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to the payment of a civil fine of not less than Fifty (\$50) Dollars, plus costs and other sanctions for each infraction.

4-11.11 Exclusion. This Section shall not apply to licensed junk yards, car dealers, or licensed auto parts dealers.