

AN ORDINANCE PROVIDING FOR THE IMPOUNDING AND  
DISPOSITION OF ABANDONED MOTOR VEHICLES IN THE CITY OF  
ARCADIA.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF  
ARCADIA, MISSOURI, as follows:

SECTION 1. DEFINITIONS. Except where otherwise  
indicated by context, the following definitions shall  
apply in the interpretation and enforcement of this  
Ordinance.

- A. "Vehicle" is any machine propelled by power  
other than human power designed to travel along  
the ground by use of wheels, treads, runners,  
or slides, including but not limited to  
automobiles, trucks, trailers, motorcycles,  
tractors, buggies, and wagons, or any part  
thereof.
- B. "Damaged or Disabled Vehicle" is any vehicle  
which is not registered or improperly  
registered with the State of Missouri; has been  
inoperable for more than 72 hours or is in such  
a state of repair as to be inoperable, except  
those on the premises of a duly licensed  
automobile repair or sales business; or in a  
duly licensed automobile junking yard.

SECTION 2. DAMAGED OR DISABLED VEHICLES ARE NUISANCES.  
Any damaged or disabled vehicle, part thereof, or junk,

located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats or other vermine; or any vehicle, part thereof, or junk allowed to remain unmoved on any street or highway for 48 hours, is a public nuisance.

SECTION 3. UNLAWFUL TO MAINTAIN. It shall be unlawful for any person to create or maintain a nuisance as defined in Section 2.

SECTION 4. NOTICE. Whenever the Chief of Police or his duly authorized representative determines that any vehicle or junk is a nuisance as defined herein, he shall cause written notice to be served upon the owner of the vehicle or junk, if he can be located, or the person in custody of such vehicle or junk, by registered mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Section 2 hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Ordinance, and state that the nuisance shall be abated within seven days of receipt of such notice.

SECTION 5. PROCEEDINGS WHEN OWNER OR CUSTODIAN CANNOT BE LOCATED. When the owner or custodian of any nuisance as defined in Section 2 cannot be located by reasonable search, the notice shall be attached to the property briefly stating facts deemed to constitute the property

#3

a nuisance and stating that the nuisance shall be abated within seven days of the date notice was posted, or if the vehicle is on public property, within two (2) days of the date notice was posted.

SECTION 6. DUTY OF THE OWNER OR CUSTODIAN. Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement.

SECTION 7. DISPOSITION. If not removed within the times specified in the notice (provided for by Section 4), the vehicle or junk shall be transported to a storage area by or at the direction of the Chief of Police or his duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least ninety (90) days, and the person entitled to possession thereof may redeem the property by payment to the city of the actual cost of its removal and a reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the ninety (90) day period, the Chief of Police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof, and any excess held in escrow or returned to him. If the money is unclaimed after the expiration of another 90 day period, it shall be paid over into the city general fund.

SECTION 8. ENTRY ONTO PRIVATE PROPERTY. The Chief of Police or his duly authorized representative may enter upon private property for inspection or for the purpose



# 4  
of removing any vehicle or junk in accordance with this ordinance. If any person refused to allow entry onto his private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.

SECTION 9. NOTICE OF SALE. Prior to the sale of any such property, the Chief of Police shall cause to be posted in the City Hall, place of storage and at least one other public place in the City, a notice of sale stating:

- A. that the City is selling abandoned property
- B. the color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property
- C. the terms of the sale
- D. the date, time and place of the sale

This notice shall be published not less than ten or more than twenty days prior to the date of the sale.

SECTION 12. CERTIFICATE OF SALE. At the time of payment of the purchase the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the City Clerk of the City of Arcadia, Missouri. A certificate of sale shall be substantially as follows:

"Certificate of Sale"

This is to certify that under the provisions of Ordinance No. \_\_\_\_\_ of the City of Arcadia, Missouri code entitled "An Ordinance Providing for the

# 3

Impounding and Disposition of Abandoned Motor Vehicles",  
and pursuant of due notice of time and place of sale, I  
did on the \_\_\_\_\_ day of \_\_\_\_\_, 1993, sell  
at public auction to \_\_\_\_\_ for the  
sum of \$\_\_\_\_\_ cash, he being the highest and best  
bidder, and that being the highest and best sum bid  
therefor, the following described personal property to-  
wit:

and in consideration of the payment of the said sum of  
\$\_\_\_\_\_ receipt whereof of hereby  
acknowledged, I have this date delivered to said  
purchaser of the foregoing property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
NOTE: The City of Arcadia, Missouri assumed no  
responsibility as to the condition of title of the above  
described property. In case this sale shall for any  
reason be invalid, the liability of the City is limited  
to the return of the purchase price.

SECTION 13. DELIVERY OF VEHICLE. Upon such sale being  
consummated the Chief of Police shall deliver the  
vehicle and the Certificate of Sale to the purchaser.  
Such sale and conveyance shall be without redemption.

SECTION 14. TOWING AND STORAGE CHARGES. In the  
enforcement and the execution of the provisions of this

ordinance, the Chief of Police shall charge and collect the following charges:

- A. \$35.00 for towing.
- B. \$5.00 per day for storage.

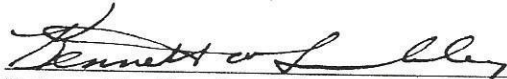
SECTION 15. PENALTY CLAUSE. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than Three Hundred Dollars (\$300.00), or thirty (30) days confinement, or both. Each successive day of violation may be construed as a separate offense. The expenses of the Chief of Police in serving notices and abating or removing nuisances shall be billed as costs.

SECTION 16. SEVERANCE CLAUSE. That if any section, sentence, phrase or clause of this ordinance shall be held to be invalid for any reason by a court of competent jurisdiction, the invalidity of such section, sentence, phrase or clause shall not impair the validity of the remaining sections, sentences, phrases or clauses of this ordinance; the Board of Aldermen hereby declare s that it would have passed the remaining portions of this Ordinance had it known that such section, sentence, phrase or clause would be held invalid.

SECTION 17. REPEALING CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith, shall be, and the same are hereby repealed; and this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

#67

WHEREUPON, this ordinance was read three times and approved by vote of the Board of Aldermen of the City of Arcadia, Missouri, on this 30TH day of JUNE, 1993.

  
Kenneth W. Lumbley, Mayor

ATTEST:

  
Joyce Callisto, City Clerk

