

ORDINANCE NO. 599

AN ORDINANCE RELATING TO INOPERABLE VEHICLES AND OTHER PERSONAL PROPERTY INCLUDING, BUT NOT LIMITED TO LUMBER, FURNITURE, INOPERABLE APPLIANCES, BRICK, CEMENT, TRASH AND DEBRIS; PROHIBITING CERTAIN PLACEMENT OF STORAGE OF SOME ON PRIVATE PROPERTY; PRESCRIBING DUTIES FOR CERTAIN OFFICERS AND PRESCRIBING PENALTIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SYRACUSE, HAMILTON COUNTY, KANSAS:

SECTION 1. FINDING OF GOVERNING BODY. The Council finds that junked, wrecked, dismantled, inoperative, discarded or abandoned vehicles in and upon property within the City is a matter affecting the health, safety and general welfare of the citizens of Syracuse, Kansas, for the following reasons:

(a) such vehicles serve as a habitat ground for flies, mosquitoes, snakes, rats and other insects, reptiles and rodents;

(b) such vehicles are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, mounting on blocks, jacks or supports and because they are a ready source of fire and explosion;

(c) such vehicles encourage pilfering, theft, and vandalism, and constitute a blighting influence upon the area in which they are located, thereby causing a loss in property value to surrounding property;

(d) such vehicles constitute a fire hazard in that such vehicles often block access for fire equipment to adjacent building and structures.

Further the Council finds that assorted junk and other personal property including, but not limited to lumber, furniture, inoperable appliances, brick, cement, trash and debris located within the City is a matter affecting the health, safety and general welfare of the citizens of Syracuse, Kansas, for the following reasons:

(a) such junk and other personal property including, but not limited to lumber, furniture, inoperable appliances, brick, cement, trash and debris serve as a habitat ground for flies, mosquitoes, snakes, rats and other insects, reptiles, and rodents;

(b) it is a danger to persons, particularly children, because of abrasive surfaces, broken glass, sharp protrusions or because they are a ready source of fire;

(c) they constitute a blighting influence upon the area in which they are located thereby causing a loss in property value to surrounding property;

(d) it constitutes a fire hazard in that they are often readily flammable and often obstruct fire equipment from taking proper measures to prevent fires to surrounding buildings and structures.

SECTION 2. DEFINITIONS.

Inoperable – means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

Vehicle – means any automobile, bus, truck, tractor, combine, motorcycle, and any other self propelled means of conveyance, which as originally built contained an engine, or motor, regardless of whether it contains an engine or motor at any other time.

Junk and personal property including, but not limited to lumber, furniture, inoperable appliances, brick, cement, trash and debris – means any substances or accumulation of substances which are stored in an unsightly, unorganized or haphazard manner; or in any manner outside of its normally intended use; or stored in any manner that adversely affects the health, safety, or general welfare of the citizens of the City of Syracuse, Kansas.

SECTION 3. PROHIBITIONS. Except as provided in Section 4, 5, 6 and 7, it shall be unlawful for any person, persons, partnership, corporation or their agents, either as owner, lessee, tenant or occupant of any lot or land within the City to park, store or deposit, or permit to be parked, stored or deposited thereon, any inoperable vehicle unless it is enclosed in a garage or other building. It shall be

unlawful for any person, partnership or corporation or their agent, either as owner, lessee, tenant or occupant of any lot or land within the City to accumulate, store or deposit, or permit to be accumulated, stored or deposited thereon any junk and or personal property, including, but not limited to lumber, furniture, inoperable appliances, brick, cement, trash and debris as more particularly defined in Section 2 hereof.

SECTION 4. TEMPORARILY DISABLED VEHICLES. The provisions of Section 3 of this ordinance shall not apply to any person, partnership or corporation or their agent with only one inoperable vehicle, that displays a valid and effective current registration tag, for a period of 30 consecutive days or less.

SECTION 5. EXEMPTION FOR LICENSED BUSINESS ENTERPRISES WITH A SCREENING FENCE. Any person, firm or corporation or their agent who is conducting a business enterprise in compliance with all other ordinances, and purchases a license as set forth in Section 6 of this ordinance, and who places such inoperable vehicles and/or junk and other personal property behind a screening fence of sufficient size, strength and density to secure such vehicles and/or junk and other personal property from sight from any street, alley, located within 100 feet of said property, and to prevent access thereto by children shall be exempted from the provisions of Section 3 of this ordinance, provided, however, that nothing in this section shall authorize the maintenance of a public nuisance.

SECTION 6. LICENSING OF CERTAIN JUNK DEALERS. Any person or persons seeking to qualify for the exemption provided for in Section 5 hereof shall be required to apply to the City Council in writing for said license after completion of the screening fence and inspection thereof by the City Council or its delegated agent to verify that said fence is in compliance with the requirements set forth in Section 5 of this ordinance and the payment of a license fee of \$100.00. Said license, if approved, shall be valid for one (1) year from the date of issuance and may be renewed from year to year so long as the annual fee is paid and the requirements of this ordinance are fully met. Said license may be revoked at any time for violation of this ordinance.

SECTION 7. CERTAIN BUSINESS ENTERPRISES. Any person, persons, partnership, corporation or their agents who are regularly engaged in a business enterprise of the repair or restoration of inoperable vehicles, belonging to others, shall be exempt from compliance with Section 3 of this ordinance for vehicles that can be and are in fact repaired or restored within 72 hours from the time they are delivered to said person.

SECTION 8. PRESUMPTIONS. Any of the following conditions shall raise the presumption that a vehicle is inoperable:

- (a) absence of an effective registration plate upon such vehicle, except for off road vehicles,
- (b) placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports,
- (c) absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways or necessary for lawful operation off road, if that is said vehicles intended use.

SECTION 9. ADMINISTRATIVE PROCEDURE. Whenever an informal complaint is made to the City Clerk, or the City Council's designated agent or notice is given to such person of the existence of an apparent violation of this ordinance, or the City determines that a violation exists, the City Clerk shall within seven (7) days thereafter cause to be served upon the person in possession or the owner of the real property upon which such inoperable vehicle and/or junk and other personal property is located a written notice. Such notice shall inform such person of the violation and direct that he or she take action within seven (7) days after receipt of such notice to comply with the provisions of this ordinance or prosecution will be commenced for violation thereof.

In the event such person fails to comply with the provisions of this ordinance within such time the City Clerk shall notify the City Attorney who may commence prosecution under this ordinance.

SECTION 10. PENALTY. Any person, partnership or corporation violating the provisions of this ordinance shall, upon conviction thereof, be fined for each offense in an amount not to exceed five

hundred dollars (\$500.00) or imprisoned not to exceed thirty (30) days or be both fined and imprisoned. Each week (7 calendar days) during or on which a violation occurs or continues shall constitute a separate offense.

SECTION 11. ADDITIONAL REMEDIES. In the event that any person, persons, partnership, corporation or their agents fail to comply with this ordinance within 7 days after receipt of a certified letter of notice of violation of this ordinance or 30 days after a notice of violation is posted on the property where said violation is occurring in a conspicuous place, then the City of Syracuse shall be allowed to enter said property, remove and dispose the property creating the violation hereof, in any way the City deems appropriate and then to assess the costs and expenses of said removal against the real estate from which said property was removed or to file suit to collect said costs and expenses from the person in possession of the real estate or both such remedies or to pursue any other legal or equitable remedies allowable by law or equity.

SECTION 12. AUTHORITY. This ordinance is adopted by the authority of and under the provisions of Article 12, Section 5 of the Kansas Constitution and the laws of the State of Kansas.

SECTION 13. SAVINGS CLAUSE. Should any Court declare any section, clause or provision of this ordinance to be invalid, such decision shall effect only such section, clause or provision so declared invalid and shall not effect any other section, clause or provision hereof.

SECTION 14. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the Syracuse Journal, the official city paper.

William J. Thomeczek
MAYOR

ATTEST:

Risa DeVaney
CITY CLERK