

PUBLIC NOTICE

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ORDINANCE NO. 208

AN ORDINANCE PROVIDING FOR THE DISPOSAL OF, OR REPAIR OF INOPERABLE ABANDONED VEHICLES

BE IT ORDAINED BY THE MAYOR
AND COUNCIL OF THE CITY OF
BARNES, KANSAS THAT ORDINANCE
NO. 208 READS AS FOLLOWS:

**SECTION ONE: FINDING OF
GOVERNING BODY.** The governing
body finds that junked, wrecked,
dismantled, inoperative, discarded or
abandoned vehicles in and upon real
property within the city a matter
affecting the health, safety and general
welfare of the citizens of Barnes,
Kansas for the following reasons:

(a) Such vehicles serve as a breeding
ground for flies, mosquitoes, rats and
other insects and rodents;

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

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

(d) They constitute a fire hazard in
that they block access for fire equipment
to adjacent building structures.

SECTION TWO: DEFINITIONS.
Definitions of terms as used in this
article shall be as follows:

(a) 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;

(b) Vehicle means any automobile,
truck, tractor or motorcycle which as
originally built contains an engine at any
other time.

SECTION THREE: PROHIBITIONS.
Except as provided in section four of
this article, it shall be unlawful for any
person, partnership, corporation or their
agent, either as owner, lessee, tenant of
occupant of any lot or land within the
city to park, store of deposit or permit to
be parked, stored or deposited thereon,
an inoperable vehicle or vehicles unless
it is enclosed in a garage or other
building, or properly fenced from public
view.

**SECTION FOUR: TEMPORARILY
DISABLED VEHICLE.** The provisions of
section three shall not apply to any
person or agent with no more than two
vehicles inoperable for a period of 30
consecutive days or less; provided, that
for \$25.00 a permit per vehicle shall be
purchased extending the time to restore
the vehicle or vehicles for a period of six
months. The permit shall be purchased
from the city clerk giving the owner time
to restore the vehicle or vehicles to an
operable condition. Each permit
provided for in this section shall cover
only one vehicle, shall not be
transferable, and shall not be
renewable.

SECTION FIVE: PRESUMPTIONS.
Any one of the following conditions shall
raise the presumptions that a vehicle is
inoperable:

(a) Absence of an effective
registration plate upon such vehicle;

(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.

**SECTION SIX: ADMINISTRATIVE
PROCEDURE.** Whenever an informal
complaint is made to the city clerk or
notice is given to such officer of the
existence of an apparent violation of this
article, he or she shall within seven days
thereafter cause to be served upon the
person in possession or the owners of
the real property upon which such
inoperable vehicle is locate a written
notice. Such notice shall inform such
person of the violation and direct that he
or she take action within seven days
after receipt of such notice to comply
with the provisions of this article or
prosecution will be commenced for
violation thereof. In the event such
person fails to comply with the
provisions of this article within such time
the city clerk shall notify the city attorney
who shall commence prosecution under
this article

SECTION SEVEN: PENALTY. Any
person, partnership or corporation
violating the provisions of this article
shall, upon conviction thereof, be fined
in an amount not to exceed \$100. Each
day during or on which a violation
occurs or continues shall constitute a
separate offense.

This Ordinance shall take effect and
be in force from and after its publication
in the Linn-Palmer Record.

Passed by the City Council the 2nd
day of June, 1997.

Approved by the Mayor

Daniel A. Hargrave
Mayor

Neva Goodman
Clerk