

Ordinance No. 2021-02A

AN ORDINANCE TO REGULATE UNREGISTERED, WRECKED OR JUNKED VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF CHEROKEE VILLAGE, PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE ORDINANCE AND FOR OTHER PURPOSES

WHEREAS, the number of vehicles that are unregistered, wrecked or junked and that are kept within the City limits of the City of Cherokee Village, Arkansas, has increased over the years; and

WHEREAS, the City Council of the City of Cherokee Village, Arkansas has determined that the keeping of junked, abandoned, dilapidated, or discarded motor vehicles inside the corporate limits of the City presents an immediate threat to the health, safety, and welfare of the citizens of Cherokee Village, Arkansas.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS that:

SECTION 1. For the purpose of the interpretation and application of this ordinance, the following words and phrases shall have the indicated meanings:

- (1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.
- (2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.
- (3)
 - (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including, but not limited to, automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.
 - (b) "Junk vehicle" shall mean a vehicle of any age that is unregistered or is damaged or defective, including, but not limited to, any one or combination of any of the following ways that either makes the vehicle immediately inoperable or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power, if self-propelled, or while being towed or pushed, if not self-propelled:
 - (i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels;
 - (ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.
 - (iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle;

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

SECTION TWO.

(1) It shall be unlawful for any person to park and/or in any other manner place and leave unattended on any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) It shall be unlawful for any person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, to allow any non-operating, wrecked, junked, or partially dismantled vehicle to remain on the property longer than ten (10) days.

(3) It shall be unlawful for any person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, to allow any vehicle which has been unregistered for more than thirty (30) days to remain on such property.

SECTION THREE.

(1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(b) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(c) The person has obtained a hobbyist permit for the junk vehicle from the City. A hobbyist permit is available for the restoration or repair of a junk vehicle and is valid for one (1) year. No more than two (2) hobbyist permits will be issued for an address at any one time. The junk vehicle must be located at the address of the hobbyist

permit holder. The fee for each hobbyist permit shall be \$50.00 per junk vehicle. The junk vehicle must be located on a driveway or at the rear of the property only. The junk vehicle must be registered and proof of registration presented before the hobbyist permit will be issued.

(2) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the City.

SECTION FOUR. The Code Enforcement Officer of the City shall upon the complaint of any citizen, or acting on his or her own information, investigate complaints of junked vehicles on private property.

SECTION FIVE. Any person violating the provisions this ordinance shall be subject to a penalty of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each separate violation of this ordinance. Each day the violation of this ordinance continues shall be considered a separate violation.

SECTION SIX. Each section, subsection, paragraph, sentence and clause of this ordinance is declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other provision of the ordinance.

SECTION SEVEN. All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

EMERGENCY CLAUSE. It being necessary for the continued orderly administration of the City of Cherokee Village and to control the accumulation of junked and abandoned vehicles within the City, such administration and regulation being necessary for the preservation of the health, welfare and safety of the citizens of the City, the City Council of the City of Cherokee Village, Arkansas, recognizes and declares an emergency to exist, and this Ordinance, being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety and welfare of the City of Cherokee Village, Arkansas, shall be in full force and effect from the date of its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS

DATE 9/17/21

APPROVED: Russell Stokes, Jr.
Russell Stokes, Jr., Mayor

ATTEST: Deborah Weichinger
Deborah Weichinger, Clerk