

Ordinance Number 145

AN ORDINANCE PROHIBITING THE STORAGE OF JUNKED MOTOR VEHICLES WITHIN THE CORPORATE LIMITS OF THE TOWN OF BUFFALO, IOWA, AND DECLARING THE STORAGE OF SAID JUNKED MOTOR VEHICLES TO BE A NUISANCE AND PROVIDING FOR THE ABATEMENT THEREOF AND PRESCRIBING PENALTIES FOR VIOLATIONS.

Be it ordained by the Council of the Town of Buffalo, Iowa:

Section 1. Purpose. The purpose of this Ordinance is to protect the health, welfare, and safety of the citizens of Buffalo, Iowa, by prevention of the storage of junked motor vehicles upon private property, except in places authorized; to provide for the abatement thereof, and for the enforcement and penalties for the violation thereof.

Section 2. Definitions. For the purpose of this Ordinance the following terms are defined:

1. "Storage" shall mean the leaving of a motor vehicle upon private property for more than one month.

2. "Junked" or "obsolete" motor vehicle shall mean any motor vehicle stored within the corporate limits of Buffalo, Iowa, not licensed for the current year as required by law, and which because of any one of the following characteristics, constitutes a threat to the public health and safety:

(1) Any vehicle with a broken or cracked windshield, window, headlight, or tail light, or any other cracked or broken glass.

(2) Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe, or decorative piece.

- (3) Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.
- (4) Any vehicle which contains gasoline or any other flammable fuel.
- (5) Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Section 3. Nuisance. It is hereby declared that the storage of obsolete or junked motor vehicles within the corporate limits of Buffalo, Iowa, unless excepted by Section 10 of this Ordinance, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of sections 657.1 and 368.3 of the 1966 Code of Iowa.

Section 4. Owner of motor vehicle prima facie liable. If any junked motor vehicle is stored upon private property in violation of this Ordinance, the owner of said motor vehicle shall be prima facie liable for said violation. In the absence of any known or ascertainable owner of said motor vehicle, the owner of the property upon which said motor vehicle is stored shall be prima facie liable for said violation.

Section 5. Notice. Upon discovery of any kind of junked motor vehicle stored upon private property within the corporate limits of this town, the Marshal shall within five days notify in writing the owner of said motor vehicle, or, in the absence of any known or ascertainable owner, the owner of the property upon which it is stored that: (1) the motor vehicle constitutes a nuisance under the provisions of this Ordinance; (2) that the owner must remove or repair the motor vehicle in accordance with the terms of Section 6 of this Ordinance; and (3) that failure to remove or repair

the motor vehicle will be sufficient cause for its removal by the Town.

Section 6. Duty of owner to remove or repair. The owner of a junked or obsolete motor vehicle which violates the provisions of this Ordinance, or, in the absence of any known or ascertainable owner, the owner of the property upon which it is stored must within ten days after receipt of written notice from the Marshal remove the motor vehicle to an auto salvage yard or junk yard, or repair the defects which cause such motor vehicle to violate the provisions of this Ordinance.

Section 7. Abatement. If the owner of a junked motor vehicle, or, in the absence of any known or ascertainable owner, the owner of the property upon which it is stored shall fail to remove or repair the motor vehicle in accordance with the terms of Section 6 of this Ordinance, the Marshal, or any other delegated police officer, shall abate such nuisance by causing the motor vehicle to be towed to the municipal impounding lot or to any other place of safe keeping, and the cost of the towing and storage shall be charged to the owner of the motor vehicle, or, in the absence of any known or ascertainable owner, to the owner of the property upon which it is stored.

Section 8. Auction Sale. All junked motor vehicles impounded by the police shall be sold to the highest bidder at a public auction, the time and place of which shall be duly published in a newspaper of general circulation within the Town not less than seven days before the auction. All revenues derived from the sale of junked or obsolete motor vehicles shall accrue to the Town of Buffalo, Iowa.

Section 9. Penalty. Anyone violating any of the provisions of this Ordinance by failing to remove or repair a junked or obsolete motor vehicle stored on private property shall be deemed guilty of a misdemeanor and, upon conviction, be subject to imprisonment not exceeding thirty days, or a fine not exceeding \$100.00.

Section 10. Exceptions. The provisions of this Ordinance shall not apply to junked or obsolete motor vehicles stored within:
(1) a fully enclosed fence or wall of at least eight feet in height, constructed so as to prevent unauthorized entrance and access to the motor vehicle; (2) a garage or other enclosed structure; or
(3) an auto salvage yard or junk yard duly licensed by Buffalo, Iowa.

Section 11. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 12. Severability clause. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 13. When effective. This Ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the Council of the Town of Buffalo, Iowa this 6
day of July, 1970.

Attest: Lewis M. Adams Jr.
Lewis M. Adams Jr. Clerk

Signed Warren C. Moore
Warren C. Moore Mayor