

ORDINANCE NUMBER 173

AN ORDINANCE PROHIBITING ABANDONMENT OF VEHICLES; RESTRICTING THE DISPOSITION OR KEEPING OF WRECKED, NON OPERATING, OR DISCARDED VEHICLES ON STREETS OR PRIVATE PROPERTY; PROVIDING FOR IMPOUNDING OF CERTAIN VEHICLES; AND IMPOSING PENALTIES.

WHEREAS, in the City of Buffalo, Iowa, vehicles are or may be in the future be abandoned in the streets and other places within the City; and

WHEREAS, there are or may in the future be dismantled, partially dismantled, wrecked, junked, non operating or discarded vehicles left about the City other in junk yards or other appropriate places; and

WHEREAS, such conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards and other safety and health hazards to children as well as adults; interfere with the comfort and well-being of the public; and create, extend, aggravate urban blight; and

WHEREAS, adequate protection of the public health, safety, and welfare requires that such conditions be regulated, abated, or prohibited;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUFFALO, IOWA:

SECTION 1. DEFINITIONS The following definitions shall apply to the interpretation and enforcement of this Ordinance:

(a) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

(b) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery, and shall include without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, and implements.

(c) "Street or Highway" shall mean the entire width between the boundary lines of every public way publicly maintained for purposes of vehicular travel.

(d) "Property" shall mean any real property within the City which is not a street or a highway.

SECTION 2. ABANDONMENT OF VEHICLES. No person shall abandon any vehicle within the City and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause such vehicle reasonably to have been abandoned.

SECTION 3. LEAVING OF WRECKED, NON-OPERATING VEHICLE ON STREETS. No person shall leave any partially dismantled non-operating, wrecked, or junked vehicle on any street or highway within the City.

SECTION 4. DISPOSITION OF WRECKED OR DISCARDED VEHICLES. No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than 48 hours; and no person shall leave any such vehicle on any property within the City for a longer time than 72 hours; except that this Ordinance shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

SECTION 5. IMPOUNDING. Such vehicles shall be impounded by being stored in a safe place and shall be restored to the owner of such car upon payment of a fee to be determined by Police Chief of the City of Buffalo, Iowa. Said charge shall not be less than the towing charge incurred by the removal of said vehicle from its abandoned location to the area where it is impounded. In the event a vehicle is stolen,

lost or unclaimed it shall be disposed of in accordance with Sections 321-85 through 321.91 1976 Code of Iowa or as amended

SECTION 6 PENALTIES Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) or be imprisoned in the county jail for a period of not exceeding 30 days or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 7. SEPRABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 8. ORDINANCES REPEALED. All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Passed this 7th day of June 1976.

Approved this 7th day of June 1976.

Signed: Harold E. McCullough
Harold E. McCullough Mayor

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