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Ordinance #91
An Automobile - Personal Property Ordinance

BE IT HEREBY ORDAINED:

Article I - Automobiles, Personal Property - When a Nuisance

Unsheltered storage of old, used, stripped, junked and other automobiles not in good, safe operating condition, and of any other vehicles, machinery, implements and /or equipment and personal property of any kind which is no longer safe for the purposes for which it was manufactured, for a period of thirty, (30) days or more (except in a licensed junk yard) within the City of McVile, and any motor vehicle, animal and article of personal property which constitutes an obstruction to, hazard, or detriment to public traffic, snow removal operations, public safety and public health, or which may be abandoned or unclaimed within the City, is hereby declared to be a nuisance and shall be abated in the manner prescribed in this article.

Special Notes:

Anhydrous Ammonia tanks are not allowed in the platted sections of the City of McVile for safety issues.

Parking of Semi Truck/trailer vehicles are not allowed in the platted section of the City of McVile as their size, weight and noise level factors shall be considered a nuisance.

Article II - Abatement Required by Owners

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this City upon which such storage is made, and also the owner, owners and/or lessees of the property involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate the nuisance by the prompt removal of the personal property in to completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the City of McVile, or otherwise to remove it to a location outside of corporate limits.

Article III - Abatement Required - Penalty for Failure

If the owners allow a nuisance to exist or fail to abate a nuisance, they, and each of them upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each infraction and a separate infraction shall be deemed committed on each day during or on which the nuisance is permitted to exist.

Article IV - Removal and Impoundment by the City

The Nelson County Sheriff's Department as part of the Contract for Policing which the City currently has, or if the City shall at any time in the future set up their own Police Department, shall remove or cause to be removed to the City in a place designated the by City selected for storage purposes, any personal property described in Article I, and may impound and retain the same until the expense of removal, storage and impounding is paid, together with the amount of any fine, costs, bail or other claims of the City against the owner, or any other person lawfully entitled to the possession thereof.

Article V - Removal and Impoundment - When Sold

If not reclaimed and redeemed by the true owner or the person lawfully entitled to the possession thereof within a period of thirty (30) days after impounding, any article of personal property described in Article I may be sold and disposed of by the Sheriff's Department for the City in the manner hereinafter provided. Notice that such property will be sold shall be published once, at least six (6) days prior to the sale, in the official newspaper. Such notice shall specify a description of the property to be sold and the time and place of the sale. Any sale may be postponed or discontinued by public announcement at the time of the sale where there are not bidders or when the amount offered is grossly inadequate or for other reasonable cause. The City may become a purchaser of any or all property at the sale. The Sheriff's Department shall give the purchaser at the sale a "certificate of purchase" of such property.


Article VI - Removal and Impoundment Proceeds

Within thirty (30) days after a sale, the person making the sale shall make out, in writing, and file with the City a full report of the sale, specifying the property sold, the amount received thereof, the amount of costs and expenses and the disposition of the proceeds of the sale. The proceeds arising from the sale shall be delivery to the City Auditor and credited to the general fund.


Article VII - Effective Date

This Ordinance shall be in full force and effect when it has been passed by the City Council, approved by it's Mayor and Auditor, and published in one issue of the official newspaper for this municipality.

ATTEST:


Renae Arneson, City Auditor

APPROVED:


Cindy Bjornstad, Mayor

First Reading: 11/4/02 Second & Final Reading: 12/2/02 Publication Date: 11/20/02