

CHAPTER 30

JUNKED VEHICLES, TRAILERS AND SEMITRAILERS; AND OUTDOOR STORAGE OF MOTOR VEHICLES

Sec. 30.1. PURPOSE OF CHAPTER.

The purpose of this chapter is to protect the health, welfare and safety of the citizens of the City of Ames and to preserve the value of property owned by these citizens by the prevention of the storage of junked vehicles, trailers and semitrailers within the corporate limits of the city, except in places authorized; to provide for the removal of vehicles in violation of the provisions of this chapter; and for the enforcement and penalties for violation hereof.

Sec. 30.2. DEFINITIONS.

For the purposes of this chapter, the following words, terms and phrases shall have the meanings set forth:

(1) "Enclosed structure" means any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property and contents thereof and being of a permanent nature.

(2) "Junked" means any vehicle, trailer or semitrailer stored for 48 hours within the corporate limits of Ames, Iowa, whether currently licensed or not, which because of any one of the following characteristics constitutes a threat to the public health, welfare, and/or safety;

(a) Any vehicle, trailer, or semitrailer which is rendered inoperable because of a missing or broken windshield or window glass, fender, door, bumper, hood, steering wheel, driver's seat, trunk, fuel tank, two or more wheels, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or any component or structural part;

(b) Any vehicle, trailer or semitrailer which has become the habitat of rats, mice, snakes or any other vermin or insects;

(c) Any vehicle, trailer or semitrailer which contains stored gasoline or other fuel, paper, cardboard, wood or other combustible materials, garbage, refuse, solid waste, debris, etc.;

(d) Any vehicle, trailer or semitrailer used for storage purposes or harborage, cage or dwelling for animals of any kind;

(e) Any other vehicle, trailer or semitrailer which because of its defective or obsolete condition in any other way constitutes a threat to the public health or safety of the citizens of Ames, Iowa;

(f) Any vehicle which contains gasoline or any flammable fuel and is inoperable.

(3) "Nuisance" means whatever is injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property.

(4) "Inoperable" means not capable of being used or operated.

(5) "Stored" means a vehicle, trailer or semitrailer left upon private property for 48 hours.

(6) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(7) "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(8) "Vehicle" means an automobile, truck, motorcycle, or other trackless self-propelled vehicle designed primarily to transport persons or property over public streets and highways.

Sec. 30.3. STORAGE OF JUNKED VEHICLES, TRAILERS OR SEMITRAILERS.

It is hereby declared that the storage of any junked vehicles, trailers or semitrailers on private property within the corporate limits of Ames, Iowa, for 48 hours, is unlawful, unless exempt by Section 30.9 of this chapter, and constitutes a threat to the health, welfare and safety of the citizens thereof, and is declared to be a nuisance.

Sec. 30.4. LIABILITY FOR VIOLATION.

The registered owner of any vehicle, trailer or semitrailer shall be prima facie liable for any violations of this chapter. In the absence of any known or ascertainable owner, the occupant, lessee or owner of the property upon which said vehicle, trailer or semitrailer is stored shall be prima facie liable for the violation.

Sec. 30.5. NOTICE OF VIOLATION.

Upon discovery of any junked vehicle, trailer, or semitrailer stored upon private property within the corporate limits of the city, the city manager or designee shall:

- (1) Cause written notice to be sent by certified mail to the last known registered owner of the vehicle, trailer or semitrailer and the owner or the owner's agent of the property upon which said vehicle is located;
- (2) Cause written notice to be affixed to the vehicle, trailer or semitrailer;
- (3) The notice shall describe, if ascertainable, the year, make, model and location of the vehicle, trailer or semitrailer and shall state that:

(a) The vehicle, trailer or semitrailer is declared junked under the provisions of Chapter 30 of the Municipal Code of the City of Ames, Iowa;

(b) The owner of said vehicle, trailer or semitrailer or in the absence of any known or ascertainable owner, the owner of the property upon which said vehicle, trailer or semitrailer is stored, must remove or repair the vehicle, trailer or semitrailer or otherwise comply with the provisions of Chapter 30 of the Municipal Code of the City of Ames, Iowa, within ten (10) days of notification, or said vehicle, trailer or semitrailer may be towed;

(c) Failure to comply with the provisions of said Chapter 30 constitutes a municipal infraction;
(Ord. No. 3003, Sec. 41, 2-23-88)

(d) Any person holding an ownership interest in this property may file a written request for a hearing before the city manager or designee within ten (10) days of the date of this notice.

Sec. 30.6. PROCEDURE FOR HEARING.

The hearing shall be held as soon as practicable after the filing of the request and the persons to whom notices are directed shall be advised of the time and place of said hearing at least three days in advance thereof. At any such hearing, the city manager or designee and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary. If the existence of the violation is affirmed by the city manager or designee, the parties adversely affected by this hearing shall have no longer than seven days from the date of final order to comply with said order.

Sec. 30.7. REMOVAL OR REPAIR OF VEHICLES, TRAILERS OR SEMITRAILERS.

(1) The owners of a junked vehicle, trailer or semitrailer which violates the provisions of this chapter, or in the absence of any known or ascertainable owner, the owner of the property upon which said vehicle, trailer or semitrailer is stored, shall, within ten (10) days following the effective date of notice from the city manager or designee, remove the vehicle, trailer or semitrailer to an auto salvage yard, junk yard or demolisher duly licensed by the city, or repair the defect which caused said vehicle, trailer or semitrailer to violate the provisions of this chapter, or to otherwise comply with this chapter.

(2) If the owner of record of a junked vehicle, trailer or semitrailer, or in the absence of any known or ascertainable owner, the owner of the property on which said vehicle, trailer or semitrailer is stored, fails to comply with the terms of this section, the city manager or designee may declare the vehicle, trailer or semitrailer to be junked and shall direct the removal of said vehicle, trailer or semitrailer.

(3) Disposal of vehicles, trailer, or semitrailers. All junked vehicles, trailers or semitrailers which are towed by the city pursuant to this chapter shall be impounded until lawfully claimed and all towing, storage and administrative fees paid or shall be disposed of pursuant to the provisions of Section 321.89 and 321.90 of the 1983

Sec. 30.8. PENALTIES FOR OFFENSES PERTAINING TO JUNKED VEHICLES AND OUTDOOR STORAGE OF MOTOR VEHICLES.

A violation of any provision of Chapter 30, Junked Vehicles, Trailers, and Semi-trailers; and Outdoor Storage of Motor Vehicles, shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation.

(Ord. No. 3003, Sec. 42, 2-23-88; Ord. 3497, Sec. 46, 8-25-98)

Sec. 30.9. EXEMPTIONS.

The provisions of this chapter shall not apply to:

(1) Vehicles, trailers or semitrailers stored within a garage or other enclosed structure or which are kept concealed and enclosed behind an opaque wall at least six feet in height, or completely covered by a tight fitting opaque cloth vehicle cover or tight fitting cloth tarpaulin;

(2) Vehicles, trailers or semitrailers stored upon the premises of a duly authorized salvage yard or junk yard and meeting the requirement of the Ames Municipal Code.

Sec. 30.10. OUTDOOR STORAGE OF MOTOR VEHICLES.

In as much as it is found that the storage of motor vehicles, which are not deemed to be junked, out of doors can detract from the beneficial use and enjoyment of neighboring properties, certain special regulations are established as follows:

(1) No person shall keep, store or display one or more motor vehicles out of doors on property zoned for residential use, or permit the parking out of doors of a motor vehicle on residentially zoned property under their ownership, possession or control for more than fifteen (15) days without movement and use of said vehicle as an operating motor vehicle.

(2) No person shall store or display one or more motor vehicles out of doors on property zoned for commercial use, or permit the parking out of doors of a motor vehicle on commercially zoned property under their ownership, possession or control for more than one year without movement and use of said vehicle as an operating motor vehicle.

(3) The provision of subsection (2) notwithstanding the keeping, parking or storage, out of doors, of any wrecked or demolished motor vehicle, or motor vehicle stripped for parts, at the same commercially zoned site for more than one hundred eighty days is prohibited.

(4) The following shall be exempt from the regulations of this section:

(a) vehicles kept in a garage or other enclosed structure or which are kept concealed and enclosed behind an opaque wall at least six feet in height, or completely covered by a tight fitting opaque cloth vehicle cover or tight fitting cloth tarpaulin.

(b) vehicles kept in commercial automobile salvage yards lawfully established and existing prior to January 1, 1982.

(c) A "motor home", pickup truck with camper top, converted bus or van, or similar recreational vehicle, which is currently licensed for operation on the public highways.

(d) a motor vehicle currently licensed for operation on the public highways and lawfully parked off the streets while the owner or other person in lawful possession and control thereof, if a resident of this city, is out of the city for more than fifteen (15) days but not more than one hundred eighty days.

(e) Vehicles which are immobilized pursuant to an immobilization order of the District Court.

(Ord. No. 3353, Sec. 1, 10-24-95)

Sec. 30.11. SEVERABILITY.

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

(Ord. No. 2907, Sec. 1, 9-25-84)