

ORDINANCE #274

AN ORDINANCE RELATING TO INOPERABLE VEHICLES; PROHIBITING CERTAIN PLACEMENT OR STORAGE OF SAME ON PRIVATE PROPERTY; PRESCRIBING DUTIES FOR CERTAIN OFFICERS AND PRESCRIBING PENALTIES.

[Repealing and replacing Ordinances 272, 236, and 210]

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCFARLAND, KANSAS:

SECTION 1. Finding of Governing Body. The council finds that junked, wrecked, dismantled, inoperative, discarded or abandoned vehicles in and upon real property within the city is a matter affecting the health, safety and general welfare of the citizens of McFarland, Kansas, for the following reasons: (a) Such vehicles serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents; (b) They are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or supports and because they are a ready source of fire and explosion; (c) They encourage pilfering and theft, and constitute a blighting influence upon the area in which they are located thereby causing a loss in property value to surrounding property; (d) They constitute a fire hazard in that they block access for fire equipment to adjacent buildings and structures.

SECTION 2. Definitions. Inoperable - means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. Vehicle - means any automobile, truck, tractor, motorcycle, or other self-propelled machine, which as originally built contained an engine, regardless of whether it contains an engine at any other time. Person - means an individual, partnership, corporation, association and any other organization or entity, and the agent of any of them.

SECTION 3. Prohibitions. Except as provided in Sections 4 and 5 it shall be unlawful for any person, either as the vehicle owner or as owner, lessee, tenant or occupant of any lot or land within the city to park, store or deposit, or permit to be parked, stored, or deposited thereon, an inoperable vehicle unless it is in or under a garage or other structure designed for vehicle storage.

SECTION 4. Temporarily Disabled Vehicle. The provisions of Section 3 of this ordinance shall not apply to any person with one vehicle inoperable for a period of 30 consecutive days or less. The City Council may extend this time period in its discretion on a case-by-case basis. A vehicle may not be moved from one property to another to extend this period.

SECTION 5. Screening. The provisions of Section 3 of this ordinance shall not apply to any person who is conducting a business enterprise in compliance with existing zoning regulations and who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children: Provided, however, that nothing in this section shall authorize the maintenance of a public nuisance.

SECTION 6. Presumptions. Any one of the following conditions shall raise the presumption that a vehicle is inoperable: (a) absence of an effective registration plate upon such vehicle, (b) placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports, (c) absence of one or more parts of the vehicles necessary for the lawful operation of the vehicle upon public streets and highways, (d) moving a vehicle for which a complaint has been received to another location in the City of McFarland.

SECTION 7. Administrative Procedure. Whenever an informal complaint is made to the City Clerk, or any member of the Governing Body of said City, or notice is given to such officers of the existence of an apparent violation of this ordinance, the City Clerk or Mayor shall within seven (7) days thereafter cause to be served upon the person in possession or the owner of the real property upon which such inoperable vehicle is located a written notice. Such notice shall inform such person of the violation and direct that action be taken within seven (7) days after receipt of such notice to comply with the provisions of this ordinance or prosecution will be commenced for violation thereof in the event such person fails to comply with the provisions of this ordinance within such time the City Clerk shall notify the City Attorney who shall commence prosecution under this ordinance.

SECTION 8. Penalty. Any person violating the provisions of this ordinance shall, upon conviction thereof, be fined in an amount not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned. Each day during or on which a violation occurs or continues shall constitute a separate offense.

SECTION 9. Authority. This ordinance is adopted by authority of and under the provisions of Article 12, Section 5 of the Kansas Constitution.

SECTION 10. Effective Date. This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

SECTION 11. Repeal. Ordinance 272, 236 and 210 are hereby repealed. (Ordinance 272 previously replaced Ordinance 236 which previously replaced 210)
Passed and Approved this 9th day of **March** 2023.

John Walker, Mayor

I, the undersigned, hereby certify that I am the duly appointed, qualified City Clerk of the City of McFarland, Kansas; that the foregoing Ordinance was passed by the Council and approved by the Mayor of said City on the 9th day of **March** 2023; a record of the final vote on its passage being shown on page of the 9th day of 2023 proceedings of the Governing Body of said City; and that it was duly published in the Signal-Enterprise, the official paper of said City, on the 16th day of **March**, 2023.

Dorine Schley, City Clerk
(Seal)