

ORDINANCE 200

THE REGULATION OF ABANDONED & INOPERABLE VEHICLES

Section 1. Purpose

The City Council of Bird Island determines and declares that motor vehicles that are or may in the future be abandoned, junked or inoperable in the streets and other places within the City, and such conditions tend to impede traffic in the streets and interfere with the enjoyment of and reduce the value of private property, invite plundering, create safety and health hazards to the public, and interfere with the comfort and well-being of the public and creates, extends and aggravates area blight; and adequate protection of the public health, safety and welfare requires that the conditions shall be regulated, abated or prohibited.

Section 2. Definitions

- A. Person. "Person" shall mean any person, firm, partnership, associations, corporation, company or organization of any kind.
- B. Vehicle. "Vehicle" shall have the meaning given a motor vehicle or vehicle in Minn. Stat. 169.01, Subds. 2 & 3, as amended.
- C. Abandoned Vehicle. "Abandoned Vehicles" shall have the definition given in Minn. Stat. 168B 011, Subd. 2, as amended.
- D. Junk Vehicle. "Junk Vehicle" shall have the definition given in Minn. Stat. 168B 011, Subd. 3, as amended.
- E. Unauthorized Vehicle. "Unauthorized Vehicle" shall have the definition given in Minn. Stat. 168B 011, Subd. 4, as amended.
- F. Street or Highway. "Street" or "Highway" shall have the definition given in Minn. Stat. 169.01, Subd. 29, as amended.
- G. Private Property. "Private Property" shall mean any property which is not duly dedicated for public use.
- H. Vital component parts. "Vital Component Parts" shall mean those parts of a vehicle essential to its mechanical functioning.
- I. Inoperable Vehicle. "Inoperable Vehicle" shall have the same meaning as "Junk Vehicle" and shall include a vehicle that is not displaying a current license valid for the vehicle, or not equipped for lawful operation on a public street or highway, or lacking in its vital component parts.

Section 3. Regulations

- A. **Abandonment of Vehicles.** It is unlawful for any person to abandon any vehicle within the City, as set forth in Minn. Stat. 168B 04, Subd. 2.
- B. **Parking of Inoperable Vehicles on Street.** It is unlawful for a person to leave on any street or highway within the City for a period greater than forty-eight hours, a vehicle in that person's ownership, possession, or charge that is an inoperable or junk vehicle.

a. **Exceptions.** This Section shall not apply to a vehicle left due to an emergency or accident provided that such a vehicle shall not be allowed to remain for more than twenty-four hours or in a manner that unduly interferes with the flow of traffic or otherwise endangers the health, safety or welfare of the public.

C. **Inoperable Vehicles on Private Property.** It is unlawful for any person in charge or control of any private property within the City whether as owner, tenant, occupant, lessee, or otherwise, to allow an inoperable or junk vehicle to remain on the property longer than forty-eight hours; and it is unlawful for any person in possession, control, or care of an inoperable or junk vehicle to leave a vehicle on any private property within the City for a longer period than forty-eight hours.

a. **Exceptions.** This Section shall not apply to vehicles within a closed building or to a vehicle on the premises of a business or enterprise operated in a lawful place and manner when necessary to the operation of the business or enterprise, except that a vehicle may be considered unauthorized after the time limits set forth in Minn. Stat. 168B 041, as amended.

Section 4. Penalties for Violation

- A. Any person found to be in violation of this Ordinance shall be given 30 days written notice to comply. If still in violation following the 30 days, a \$100 fine will be issued each day the violation is allowed to continue. This fine amount may be changed by simple resolution of the City Council. Any fines remaining unpaid may be assessed against the property and the County Auditor shall be instructed to add it to the taxes.
- B. The City shall have all authority to impound and sell any vehicle in violation of this Ordinance, as permitted by State law.
- C. The City shall have authority to punish a violation of this Ordinance as a petty misdemeanor.

Section 5. Repeal

Any Ordinance or section of any Ordinance inconsistent with this Ordinance is hereby repealed.

Section 6. Effective Date

This Ordinance becomes effective upon its passage and publication according to law.

Passed by the City Council of Bird Island this 9th day of October, 2006.

Paul Heyl, Mayor

Deb Lingl, Administrator