

ORDINANCE 16-02

AN ORDINANCE TO REVISE THE ABATEMENT PROCESS AND DEFINITIONS FOR JUNKED AND ABANDONED VEHICLES AS STATED IN CHAPTER TWELVE (12) ARTICLE ONE (1) SECTION 12-2 (b), PAGE 90 AND CHAPTER 20 ARTICLE 20 SECTION 20-164 PAGE 170 OF THE CURRENT CITY CODE BOOK, CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA.

Current Code (s)

Chapter 12, Article 1, Section 12-2 (b), page 90

Chapter 20, Article 22, Section 20-164, Page 170

Revised Code (s)

JUNKED AND ABANDONED VEHICLES

Chapter 13, ARTICLE 3, Section 12-7 / 12-14

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Section 12-7 Definitions relating to abandoned or junked vehicles.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind. "Private property" means any real property within the corporate limits of the city which is not public property as described herein.

"Public property" means any property owned or controlled by the city, the county, the state, or any public entity thereof, or the United States Government within the city limits, and shall include all streets and highways.

"Vehicle" means any machine propelled by other than human muscle and shall include without limitation any airplane, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, or self-propelled farm or construction equipment. "Dismantled, junked, abandoned, unserviceable, or inoperable vehicle" shall be deemed to include the major parts thereof including bodies, engine transmissions, frames and rear ends, or any vehicle which does not have current and valid license tags.

Section 12-8 Keeping vehicles.

It is unlawful and an offense for any person to deposit, store, keep or permit to be deposited, stored or kept upon public or private property, in the open, a dismantled, unserviceable, inoperable, junked or abandoned vehicle or any vehicle legally or physically incapable of being operated, for a period exceeding 7 Calendar Days, unless such vehicle is completely enclosed within a building, or stored in connection with a business lawfully established pursuant to the zoning ordinances of the city, or stored on property lawfully designated under the zoning ordinances of the city as a place where such vehicles may be stored.

Section 12-9 Accumulation a Nuisance.

The accumulation or storage of one or more vehicles as described in Section 8.20.020 of this chapter shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city. It is the duty of the owner or person in control of such vehicle, or the owner of the private property, lessee or person in possession or control of the property upon which such vehicle is located to cause to be removed or remove the vehicle from such property, or have the vehicle housed in a building where it will not be visible from the street or other private property. Such removal or enclosure shall be made within 7 Calendar Days after notice, as set out in Section 13.4 of this chapter, has been given to the owner or person in control of the vehicle or the owner, lessee or person in control of the property upon which such vehicle is located. The 7 Calendar Day time limit may be extended by the code enforcement official in the case of obvious hardship.

Section 12-10 Notice.

The code enforcement official upon complain of any citizen or on his or her own determination, shall cause notice to be posted on such abandoned, junked, unserviceable, inoperable, or dismantled vehicle, that the vehicle is a nuisance and shall be removed within 7 Calendar Days. When such abandoned, junked, unserviceable, inoperable, or dismantled vehicle is located upon private property, Notice shall also be provided in writing to the property owner as shown by the most current tax roll of the county treasurer, as well as any lessee or occupant(s) as shown by the current utility records of the city.

Section 12-11 Removal.

Upon any failure of the owner or person in control of the vehicle or the owner, lessee, or person in control of the property upon which the vehicle may be located, to remove the vehicle or place it in an enclosed building within 7 Calendar Days hours after notice has been placed on the vehicle, code enforcement official shall notify, in writing, the police department of the city which shall promptly cause the vehicle to be removed and impounded in accordance with the police department's impound procedures. The wrecker service where the vehicle is impounded shall cause notification of the vehicle owner and lien holder of its impoundment as provided by state law. Chapter 20, Article 22, Section 20-165

Section 12-12 Regaining possession.

The owner or person in control of any vehicle or vehicles so removed within thirty days (30) days from the same is seized and removed may regain possession thereof by obtaining an impound release from the police department in accordance with the police department's impound procedures. All costs owing for impound towing and storage fees shall be paid to the wrecker service where the vehicle is impounded. Should the vehicle go unclaimed, the wrecker service shall dispose of such in accordance with state law. Chapter 20, Article 22, Section 20-166

Section 12-13 Penalties / Compliance with notice

Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in Chapter 20, Article 22, Section 20-166 of this Code. Each day that any violation is committed shall constitute a separate offense.

Section 12-13 Appeals

An Appeal of any dismantled, unserviceable, inoperable, junked or abandoned vehicle public nuisance determination may be made to the Mayor of the City of Krebs, Oklahoma, or his designee, by filing a written notice with the City Clerk, City of Krebs, 100 East Washington, Oklahoma, 74554, Seven Days from the date notice was affixed to the vehicle. Said written appeal shall stay enforcement of any action. As soon as thereafter possible, and upon not less than ten (10) days' notice to the appealing party, the City Mayor, or his designee, shall consider this matter in its entirety.

PASSED AND APPROVED THIS 16th DAY OF February, 2016.



W. Kay Scott
W. Kay Scott, Clerk/Treasurer

CITY OF KREBS

By: Bobby Watkins
Bobby Watkins, Mayor