

Chapter 51 -- Junk Yards, Abandoned and Nonoperative Motor VehiclesSubchapter A -- Junk Yards

51.010. Junk yards prohibited. The operation of salvage and junk yards within the City of Sarcoxie, Missouri, is hereby declared to be inconsistent with the health and welfare of the citizenry and, accordingly, the licensing and establishment of any salvage or junk yards from and after this date is hereby declared unlawful. "Salvage" or "junk yards" is defined as a place where motor vehicles are dismantled, where parts of motor vehicles are sold from existing motor vehicles, or where more than two nonoperating motor vehicles are kept or stored.

(Amended by Ordinance 598, Passed and Effective 5/4/81)

Subchapter B -- Abandoned Vehicles

51.100. Determination. In interpretation and enforcement of this article, the phrase "abandoned vehicle" shall mean:

1. Any motor vehicle left unattended upon the right-of-way of any public road, highway or other public property for more than forty-eight (48) hours;
2. Any motor vehicle left standing upon any road, street, highway or bridge if such vehicle is left in a position or under such circumstances as to obstruct or hinder the normal movement of traffic;
3. Any motor vehicle which has been reported stolen or taken without consent of the owner;
4. Any motor vehicle for which the person driving such vehicle is arrested for an alleged offense for which the officer is required to take the person into custody;
5. Any motor vehicle which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking tickets;
6. Any motor vehicle left unattended on any real property owned by another without the consent of the owner or person in possession of the real property for forty-eight (48) hours, or, if less, only if such vehicle, in the judgment of a law or code enforcement officer constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession, as provided in Section 304.157 RSMo. (1986); or
7. Any motor vehicle which is deemed abandoned under Section 577.080 RSMo. (1986) or any other state law or local ordinance.

51.110. Abandonment prohibited. No person shall abandon or permit the abandonment on public or private property within the City of any motor vehicle owned by

him or under his control or in his possession at the time of abandonment.

51.120. Removal of abandoned vehicles. Any vehicle deemed abandoned, as defined herein, may be removed by a service station, towing operator, salvage dealer or motor vehicle repair shop to a place of safety upon authorization of the chief of police, or his designee. The owner of a vehicle under this article shall be responsible for the payment of all reasonable charges for towing and storage of the vehicle.

51.130. Liability Limited. Neither the City, the Chief of Police, any law enforcement officer, nor anyone having custody of a vehicle under his direction shall be liable for any damage to such vehicle occasioned by removal authorized by this Article other than damages occasioned by gross negligence or by willful or wanton acts or omissions.

51.140. Procedure of redemption or disposition. To provide for a uniform system of redemption by the owner, or disposition by the lien holder in possession of any vehicle within this Article, the City hereby adopts and incorporates herein, those procedures of Sections 304.155 RSMo. (Supp. 1988) and 304.157 RSMo. (1986) or any amendment thereto, for those motor vehicles removed and stored pursuant to Section 51.020-6, dealing with the report, notification and disposition of vehicles within this article.

#### Subchapter C -- Nonoperable Motor Vehicles

51.200. Determination. In interpretation and enforcement of this article, the phrase "nonoperable vehicle" shall mean:

1. Any motor vehicle located upon a public highway, street or right-of-way which is dismantled or wrecked for a period of forty-eight (48) hours so that said vehicle is incapable of independent operation.
2. Any motor vehicle which does not display a valid license and correct inspection certificate, if such are required by the state in which the vehicle is registered in order to operate upon public streets for a period of thirty (30) days.
3. Any motor vehicle which is deemed to be a nuisance pursuant to the Sarcoxie City Code.

51.210. Nonoperable motor vehicles prohibited. No person shall leave any nonoperable motor vehicle on any public street, highway or right-of-way in the City; and no nonoperable vehicle shall be stored in the open on any private property in the City.

51.220. Duty of owners of property. No person owning, in charge of or in control of any real property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any nonoperable vehicle to remain on such property. It shall be the duty of any such persons to notify the police department of the presence of such a vehicle on such property.

51.230. Duty of owner of vehicle. When any motor vehicle is nonoperable, as defined in this article, then the person in charge or control, whether as owner, tenant, occupant, lessee or otherwise, of the property on which motor vehicle is situated, shall remove and dispose of such motor vehicle through a private contractor by private means.

51.240. Removal of nonoperable vehicles. Any motor vehicle deemed nonoperable pursuant to this article may be removed, transported and stored upon compliance with the following procedure:

1. By the owner of such real property upon where said vehicle is located, provided, however, the owner of the vehicle is given ten (10) days' written notice addressed to him at his last known address (which if not known to such person in charge shall be obtained from the police department) to remove such vehicle and pay such reasonable charges that have been incurred by the owner of such real property.

2. By the City of Sarcoxie in those instances where the vehicle is located upon public property, roads, streets or right-of-way, provided, however, that the owner is given forty-eight (48) hours' notice to remove such vehicle. For purposes of this section, the affixing of a sticker upon the vehicle, which informs the owner, or possessor, that unless said vehicle is removed from public streets, it may be removed without further notice to him, shall be deemed sufficient notice, regardless of whether such notice is subsequently removed, altered, defaced or destroyed.

3. By the City of Sarcoxie when a vehicle is so disabled as to constitute an obstruction to traffic, and the person in charge of the vehicle is, by reason of physical injury incapacitated to such an extent as to be unable to provide its custody or removal.

51.250. Removal of vehicle without notice, when. If, in the opinion of the Chief of Police of the City of Sarcoxie, or a code enforcement officer of the City of Sarcoxie, a motor vehicle which falls within this article is deemed, due to its location or condition, to be an immediate threat to the health, safety and welfare of the citizens, and thereby constituting a nuisance, the City may remove the same without prior notification to the owner. Upon such removal, the owner shall be provided with then (10) days' written notice at his last known mailing address of the located of the vehicle, and the right of the owner to secure repossession of the vehicle upon payment of all costs of removal and storage.

51.260. Liability limited. Neither the City of Sarcoxie, nor its employees or agents acting under the direction of the Chief of Police, or a code enforcement officer shall be liable for any damage to such vehicle occasioned by removal authorized by this article other than damages occasioned by gross negligence or by willful or wanton acts or omissions.

51.270. Procedure of redemption or disposition. To provide a uniform system of redemption by the owner, or disposition by the lien holder in possession of any vehicle

within this article, the City hereby adopts and incorporates herein, those procedures of Section 304.155 RSMo. (Supp. 1988), or any amendment thereto, dealing with the report, notification and disposition of vehicles within this article.

51.280. Exceptions. This article shall not apply to any vehicle on private property which is in an enclosed building or a vehicle on the premises at a business enterprise operated in a lawful manner, when necessary to the operations of such business enterprise, or a vehicle lawfully stored by the City.