

CITY OF AURORA

ORDINANCE NO 210

AN ORDINANCE ENTITLED ABANDONED, JUNKED, DISMANTLED, OR INOPERATIVE MOTOR VEHICLES.

BE IT ORDAINED BY THE CITY OF AURORA, SOUTH DAKOTA:

SECTION 1: DEFINITIONS

- (1) "Abandoned motor vehicle" means any motor vehicle, as defined in this section, which is left unattended on any public street, alley, public place or parking lot within the city for a longer period than twenty-four hours without notifying the City Office and making arrangements for the parking of such motor vehicle.
- (2) "Antique/collectible vehicle" means any motor vehicle having special value because of its age or characteristics and does not meet the junked motor vehicle definition.
- (3) "City" means the City of Aurora.
- (4) "Inoperable vehicle" means any motor vehicle, as herein defined, which has not physically moved twenty-five feet in a two month period, or which is not in operating condition due to damage or removal or inoperability of one or more tires and wheels, damage or removal or inoperability of the engine or other essential parts required for the operation of the vehicle, or which does not have lawfully affixed thereto a valid state license plate, or which constitutes an immediate health, safety, fire or traffic hazard.
- (5) "Junked motor vehicle" means any motor vehicle which does not have lawfully affixed thereto a valid state license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperable or discarded.
- (6) "Motor vehicle" means any vehicle which is designed to travel along, or on the ground or water and which is propelled by power other than muscular power and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, trailers, boats and farm equipment.
- (7) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (8) "Private property" means any real property within the city, which is privately owned, and which is not public property as defined in this section.
- (9) "Public property" means any street, alley or highway, or boulevard which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means any other publicly owned property or facility.

SECTION II: STORING PARKING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLES ON PUBLIC PROPERTY PROHIBITED.

Storing, parking or leaving abandoned, wrecked, dismantled, inoperable, junked or partially dismantled motor vehicle declared nuisance- Exceptions:

- a. The presence of an abandoned, wrecked, dismantled, inoperable, junked or partially dismantled motor vehicle or parts thereof on private property is a public nuisance, which may be abated as such in accordance with the provisions of SDCL Ch. 21-10. This section shall not apply to any motor vehicle fully enclosed within a building on private property or to any motor vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the laws of the city.
- b. A motor vehicle in operable condition, although not legally licensed, specifically adopted or designed for operation on drag strips or raceways, may be kept on private property if kept in a fully enclosed structure during non-racing seasons.
- c. No person shall park, store, leave or permit the parking, storing or leaving of any abandoned, wrecked, dismantled, inoperable, junked or partially junked motor vehicle of any kind, whether attended or not, upon any public property or right-of-way within the city.

SECTION III: ENFORCEMENT

1. Administrative proceedings.
 - a. If a nuisance exists, a notice of violation shall be issued to the offender, to the concerned property owner and to the person in possession of the property whereon the offense was committed, directing abatement.
 - b. Notice may be served upon the offender, the concerned property owner and the person in possession of the property whereon the offense was committed by personal service, by registered mail, or by posting notice in a conspicuous place within the City limits of the City of Aurora, South Dakota, and by publication for a period of one week in the legal newspaper of the City of Aurora.
 - c. Within 7 days after completion of the notice hereinabove mentioned in sub-paragraph b, an appeal may be filed by the offender, the concerned property owner or the person in possession of the property whereon the offense was committed with the City Council. Within 15 days after filing, appeal shall be heard before the City Council. All persons who fail to protest within 7 days shall be deemed to have waived all objections.
 - d. Abatement shall be accomplished within 7 days after notification of the decision of the City council, unless the offender, concerned property owner or the person in possession of the property whereon the offense was committed can show cause why more time is needed. Notification to the City council shall be mailed by registered or certified mail or personal service or personal delivery.
 - e. If the abatement is not completed within the time hereinabove mentioned in sub-paragraph d, the City shall abate the nuisance and file an account with the City council, which account shall specify the sum expended in abating said nuisance.
 - f. At least seven days after filing of the account hereinabove mentioned in sub-paragraph e, the City Council shall hold a hearing. Notice announcing the time of the City Council meeting shall be mailed by registered or certified mail to the concerned property owner, to the person in possession and to the offender at least seven days prior to said hearing.
 - g. The City Council shall hear the matter and if the account is accepted, the amount hereof shall become a lien upon the property whereon the offense was committed.

- h. Penalties. Violation of this ordinance is a misdemeanor punishable by a fine not to exceed \$200.00 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment. Each violation shall be a separate and distinct offense.
- i. The City Superintendent or City Finance Officer shall cause an account to be kept against each owner of real property for the abatement of said real property as herein provided and shall certify said account showing the account, the description of the property and the owner thereof to the County Auditor the description of the real property and the owner thereof to the County Auditor who shall thereupon add such assessment as a special assessment together with the regular assessment to the County Treasurer to be collected as municipal taxes for general purposes. Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes.

SECTION IV:

All ordinances, parts of ordinances, or resolutions in conflict herewith are hereby expressly repealed.

SECTION V:

This ordinance shall be in full force and effect twenty (20) days from and after its passage, approval, and publication as provided by law.

Fred Weekes, Mayor

ATTEST:

Patricia Solsaa, City Finance Officer

| First Reading: April 5, 2004
| Second Reading: May 3, 2004
| Vote: Yeas: 4 Neas: 0
| Adopted: May 3, 2004