

**CITY OF OAK GROVE, KENTUCKY
ORDINANCE NO. 2015- 06**

**AN ORDINANCE BY THE CITY OF OAK GROVE, KENTUCKY
PROHIBITING ABANDONMENT OF VEHICLES: RESTRICTING THE DISPOSITION
OR KEEPING OF WRECKED, NON-OPERATING, OR DISCARDED VEHICLES ON
THE STREETS OR PRIVATE PROPERTY; PROVIDING FOR IMPOUNDING OF
CERTAIN VEHICLES; AND IMPOSING PENALTIES ORDINANCE.**

WHEREAS, in the City of Oak Grove, Kentucky, vehicles are or may in the future be abandoned in the streets and other places within the City; and

WHEREAS, there are or may in the future be dismantled, partially dismantled, wrecked, junked, non-operating or discarded vehicles left about the City other than in junk yards or other appropriate places; and

WHEREAS, such conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards and other safety and health hazards to children as well as adults; interfere with the comfort and well-being of the public; and, create, extend, and aggravate urban blight; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated, or prohibited;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK GROVE KENTUCKY, AS FOLLOWS:

SECTION I - DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless the context clearly indicates that a different meaning is intended:

"City" shall mean the City of Oak Grove.

"Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, but not limited to, automobile, truck, trailer, recreational vehicle, all-terrain vehicle, motorcycle and tractor.

"Person" shall mean every natural person, firm, co-partnership, association, corporation, or organization of any kind.

"Abandoned vehicle" shall mean any vehicle which the owner thereof, including any person having a security interest therein, has deserted and left unclaimed on any street, lot or parcel of ground, public or private, within the limits of the city for a period of time.

"Junk vehicle" shall mean:

- (1) *Vehicle in any inoperative condition.* Any style of vehicle used or useful for the conveyance of persons or property that is unable to move under its own power due to defective or missing parts; or a vehicle that has no motor vehicle registration or an expired motor vehicle registration and therefore cannot legally be operated on the public way.
- (2) *Vehicle unfit for further use.* Any style or type of vehicle used for the conveyance of person or property that is in a dangerous condition, has defective or missing parts or in such condition as to be unfit for further use as a conveyance.

"Vehicle parts" shall mean any portion or parts of any vehicle as detached from the vehicle as a whole.

"Street or Highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

SECTION II – ABANDONED OR JUNKED VEHICLE PROHIBITED.

- (A) *Abandonment of vehicles.* No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause the vehicle reasonably to appear to have been abandoned.
- (B) *Leaving of wrecked, non-operating vehicle on street.* No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the city.
- (C) The presence of any junk vehicle, related refuse or rubbish from the vehicles or vehicle parts, on any lot or parcel of land, public or private, within the limits of the city, shall be deemed a public nuisance.
- (D) *Exceptions and exemptions.*

- (1) Any vehicle on the premises of a business enterprise operating in a lawful manner and having obtained the requisite occupational license.
 - (A) The vehicle is necessary to the operation of an enterprise dealing in motor vehicles, so long as no more than 12 junk cars are present.
 - (B) The enterprise is a motor vehicle junkyard. However, nothing in this section shall authorize the maintenance of a public or private nuisance as defined under other provisions of the law; or
 - (C) Competitive vehicle strictly for off street use. Two competitive vehicles allowed per residential lot not to be parked on the street, must be stored inside or in the rear yard of structure.
- (2) Any vehicle in a designated depository in a lawful place and manner by the city.
- (3) Any vehicle in an enclosed building.

SECTION III – ENFORCEMENT.

- (A) The Police Department shall be responsible for enforcing the provisions of this ordinance for vehicles on private or on public way.
- (B) The Code Enforcement Officer shall be responsible for enforcing the provisions of this ordinance for vehicles located on private property.

SECTION IV – NOTICE.

Whenever the Code Enforcement Officer and/or Police Department deem a violation to this ordinance exists, they shall issue a notice hereinafter stated, and such notice shall:

- (1) Be in writing.
- (2) Placed on the vehicle or residence.
- (3) Specify the violation and its location.
- (4) Request the violation to be abated.
- (5) Advise such that he/she has 5 days to abate the violation or make contact with the Code Enforcement Officer/Police Department to remedy and ask for an extension on the violation.

SECTION V -- REMOVAL AND DISPOSITION.

- (1) Upon failure to timely abate the violation the Code Enforcement Officer/Police Department is authorized, empowered and directed to remove and dispose of the abandoned/junk vehicle and/or vehicle parts. Any person designated by the Code Enforcement Officer/Police Department to remove, transport or store any abandoned/junk vehicle or the city if it does so, shall have a lien against same for the reasonable charges for the fine, towing, transporting and/or storing.
- (2) The person designated by the city to remove the vehicle or the city itself may sell the vehicle for the same charges if the same have not been paid during the impoundment period. The sale shall be advertised and conducted in accordance with KRS Chapter 424.
- (3) However, all requirements of KRS Chapter 376 regarding notice and sale for towing and storing charges shall be satisfied and the city not be liable to any person towing or storing of abandoned/junk vehicles.

SECTION VI -- RISK OF LOSS

The owner of any abandoned/junk vehicle removed and disposed of pursuant to this ordinance shall be solely liable for any loss or damage to the vehicle, including any contents within, while being removed or as a result of any subsequent sale or other disposition. However, the person removing the vehicle shall exercise ordinary care to prevent damage and loss thereto during transportation and during the impoundment period.

SECTION VII - RECLAMTION.

The owner of any interest in any abandoned/junk vehicle that has been removed, transported or stored pursuant to this ordinance may, prior to the sale thereof, present sufficient proof of ownership thereof or security interest therein to the Code Enforcement Officer/Police Department shall order the release of the vehicle to the person upon providing proof of compliance with applicable laws and payment of all charges and expenses of removal, transportation, storage, sale and any fine incurred.

SECTION VIII – REMOVAL OF VEHICLE BEFORE CITY REMOVAL.

Removal of any abandoned/junk vehicle prior to time for city removal shall be considered compliance with the provisions of this ordinance.

SECTION IX -- SEPARABILITY.

It is the intention of the City Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provisions of this ordinance be declared invalid or unconstitutional, all other provisions hereof shall remain valid and enforceable.

SECTION X – PENALTY

(A) The provisions of this chapter may be enforced by the Code of Ordinance Enforcement Board established in section 37.30 of the KRS, or in the alternative, the Christian County District Court, as a violation. The decision on where the ordinance will be enforced shall be at the city's discretion.

(B) Any person violating any provisions of this chapter shall be charged with a violation in the event this chapter is enforced through the Code of Ordinance Enforcement Board. If charged and enforced through the Code of Ordinance Enforcement Board, the offense shall be a civil offense. A first offense under this chapter shall result in a fine of not greater than One-Hundred Dollars (\$100.00). The second event shall result in a fine of not greater than Two-Hundred Dollars (\$200.00). All other offenses shall result in a fine of not greater than Three-Hundred Dollars (\$300.00). Each day that a violation continues shall constitute a separate offense.

First Reading this 3rd day of March, 2015.

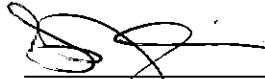
Second Reading this 17th day of March, 2015.

APPROVED:



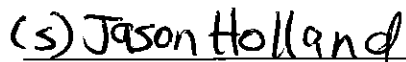
Bea Burt, Mayor
City of Oak Grove, Kentucky

ATTEST:



Theresa Jarvis, City Clerk
City of Oak Grove, Kentucky

PREPARED BY:



Jason E. Holland
905 South Main Street
Post Office Box 540
Hopkinsville, Kentucky 42241
City Attorney for Oak Grove, Kentucky

PUBLISHED: In the Kentucky New Era, the 27 day of March, 2015.