

Junk Vehicle Ordinance

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AN ORDINANCE OF THE BOARD OF MAYOR AND SELECTMEN OF THE CITY OF WEST POINT, MISSISSIPPI TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF WEST POINT, CLAY COUNTY MISSISSIPPI, A MUNICIPAL CORPORATION, BY THE REGULATION OF THE OUTDOOR PARKING, STORAGE, REPAIR AND MAINTENANCE OF MOTOR VEHICLES, MOTORCYCLES, BOATS, TRACTOR TRAILERS, HOUSE TRAILERS AND NEW OR USED PARTS OF JUNK THEREFROM, WITHIN RESIDENTIAL DISTRICTS OF THE CITY OF WEST POINT; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

BE IT ORDAINED by the Board of Mayor and Selectmen of the City of West Point, Mississippi, the following, to wit:

Section 1: Name

This ordinance shall be known and cited as the City of West Point Junk Vehicle Ordinance.

Section 2: Purpose

The purpose of this ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, motorcycles, boats, house trailers, or tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the City of West Point; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and residential property owners.

Section 3: Responsible Party or Person Defined

As used in the above and foregoing Ordinance, the term Responsible Party or Person means any individual, business or entity responsible for creating, causing, maintaining or permitting the nuisance activity, premises, condition or conduct encompassed by the terms of this Ordinance; and includes, but is not limited to, the real or personal property owner, tenant, lessee, possessor, or occupant of real property, the president or other officer of the corporation, a business owner or manager of a business.

Section 4: Regulations

- a) No Responsible Party or Person shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the City of West Point, any motor vehicle, motorcycle, boat, house trailer, or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the City of West Point, county, or State of Mississippi, except for the following:
 - 1) Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
 - 2) Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 7 days.
 - 3) Not more than one vehicle in fully operating condition, such as stock care or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked, repaired, or maintained in the front or side street yard area of any such residential premises.
- b) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except:
 - 1) Such as shall be accomplished within fully enclosed buildings;

- 2) Will not constitute a nuisance or annoyance to adjoining property owners or occupants; and
- 3) Does not violate any provision of the Zoning Ordinance and Development Code of the City of West Point, Mississippi.

Any such work within such 24-hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition. Nothing herein contained shall be construed to permit the parking and/or repair or maintenance on said vehicles in any front yard or side yard.

- c) No Responsible Party or Person shall at any time engage in any activity for or on behalf of others, whether for profit or gratis, relative to the performance any storage, parking, repair, redesign, modification, or dismantling work or operation upon any vehicle or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose of which they are the owner, co-owner, tenant or co-tenant.
- d) In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Building Inspector of the City of West Point is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed 7 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the ordinance are still substantially observed.

Section 5: Nuisance Declared

Any parking, storage, placement, or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and penalties herein provided for.

Section 6: Enforcement Procedures

- a) **Compliance Officer Designated.** The City Building Inspector, all sworn Police Officers of the City of West Point, Mississippi, and/or any other City official specifically named by the Board of Mayor and Selectmen to enforce the provisions of this Ordinance, be and are hereby designated as Compliance Officers for the purpose of enforcing the terms of the above and foregoing Ordinance.
- b) **Compliance Order; contents.** Whenever the Compliance Officer determines that any property is maintained in violation of one or more of the provisions of this Ordinance, he or she shall serve on one or more of the responsible parties a written Compliance Order which contains:
 - 1) The date and location of the violation;
 - 2) The section of the code violated and a brief description of the violation;
 - 3) The actions required to correct the violation(s) or abate the condition(s);
 - 4) The time period after which the City will enter the property to abate the conditions or issue a misdemeanor violation citation if compliance is not achieved;
 - 5) The time period for abatement shall be at least seven (7) days, unless it is determined by the Compliance Officer that the conditions constitute an imminent threat to the public health, safety or welfare or is a flagrant violation of the terms of this ordinance. The Compliance Officer may grant an extension of time upon good cause, provided the responsible party signs a written agreement to abate the nuisance within a time certain.
 - 6) That a citation will be issued charging the responsible party or parties with a misdemeanor violation of the terms of this Ordinance if abatement is not achieved within the time set forth in the Compliance Order.
- c) **Citation; Order to Appear.** If the responsible parties or parties fail to abate the conditions set forth in the Compliance Order issued by the Compliance Officer, the Compliance Officer shall issue a misdemeanor citation charging the responsible party with violation of the terms of this Ordinance. Said citation shall be in writing and of a form and content approved by the Municipal Court. The citation shall be an order and summons to appear before the Municipal Court at a time and date established by the Municipal Court and said time and date shall be written on the citation. The Compliance Officer shall file a copy of the Citation with the Court Clerk and the Court Clerk

shall enter the Citation on the Court docket. Failure of the Responsible Party or Parties to appear before the Municipal Court at the time and date set forth on the Citation shall constitute *prima facie* evidence of Contempt of Court and subject to judicial action by the Municipal Court.

Section 7: Severability Clause

The procedures provided in this Ordinance shall be cumulative and in addition to any other procedure or legal remedy provided for in the Ordinance of the City of West Point or by state law for the abatement of nuisance related activities, premises, conditions or conduct. Nothing in this Ordinance shall be deemed to prevent the City from commencing a civil or criminal proceeding to abate a nuisance under applicable civil, criminal or municipal code provisions as an alternative or alternatives to the proceedings set forth in this Ordinance. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part of portion thereof.

Section 8: Penalty

Any person, firm or corporation who is convicted of a violation of any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00 and not more than \$1,000.00, or by imprisonment in the county jail for not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

Section 9: Effective Date

This ordinance shall take effect from and after its adoption and publication as required by law.

The above and foregoing Ordinance was previously reduced to writing, proposed and introduced for the consideration of the Board of Mayor and Selectmen of the City of West Point, Mississippi and was voted upon Section by Section and upon the Ordinance as a whole. Selectman John Cummings moved that the Ordinance be adopted and that motion was seconded by Selectman James Watson. Whereupon, the Mayor called for a roll-call vote and the vote was as follows:

Selectman Linda Hannah voted AAye@
Selectman Homer L. Ryland voted AAye@
Selectman John Cummings voted AAye@
Selectman Tommy Bryan voted AAye@
Selectman James Watson voted AAye@

The Mayor therefore declared the motion carried and the Ordinance adopted on this the 8th day of July, 2003 by the Board of Mayor and Selectmen of the City of West Point, Mississippi in lawful session assembled.

Kenneth D. Dill, Mayor

(SEAL)

Dewel G. Brasher, Jr., City Clerk