

**ORDINANCE #2000-2**

**AN ORDINANCE DECLARING THE LOCATION OR PRESENCE OF  
JUNKED VEHICLES WITHIN THE CITY OF STARKVILLE A PUBLIC  
NUISANCE; PROHIBITING ABANDONMENT OF VEHICLES;  
RESTRICTING THE DISPOSITION OR KEEPING OF WRECKED,  
NON-OPERATING, OR DISCARDED VEHICLES ON STREETS  
OR PRIVATE PROPERTY; PROVIDING FOR IMPOUNDING  
OF CERTAIN VEHICLES; AND IMPOSING PENALTIES.**

**BE IT ORDAINED** by the Mayor and Board of Aldermen of the City of Starkville, Mississippi as follows:

**Section 1.     Statement of Purpose and Findings of Fact.**

The Mayor and Board of Aldermen of the City of Starkville make the following findings of fact:

1.   The State of Mississippi authorizes the Mayor and Board of Aldermen of the City of Starkville to adopt regulations to secure the general health, safety and welfare of the citizens of the municipality; and

2.   Certain vehicles in the City of Starkville are or may in the future be abandoned on public streets, rights-of-way, private property and other places within the City, and 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; and

3.   There are or may in the future be wrecked, dismantled, partially dismantled, abandoned, or junked vehicles left about the City other than in junkyards, automobile graveyards or other appropriate places, and such conditions interfere with the comfort and well being of the public, and they create, extend, and aggravate urban blight; and adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated, or prohibited; and

4.   The purpose of this ordinance is to declare the location or presence of junked vehicles within the City of Starkville a public nuisance, to prohibit the abandonment of vehicles in the City of Starkville, and to restrict the disposition or keeping of wrecked, non-operating, or discarded vehicles on public streets and rights-of- way or private property within the City, and to provide for impounding of certain vehicles, and to impose penalties for the violation thereof.

**Section 2.     Definitions.**

The following definitions shall apply in the interpretation and enforcement of this ordinance:

A. Automobile Junkyard: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts; it is allowed only in an M- 1 Zone by exception.

B. Junked Vehicle: Any motor vehicle which:

(a) is inoperative and which does not have lawfully affixed thereto both an unexpired license plate and a valid motor vehicle safety inspection certificate and which is wrecked; dismantled; partially dismantled; or abandoned; or

(b) remains inoperable for a continuous period of more than 120 days.

C. Person: Any person, firm, partnership, association, corporation, company, or organization of any kind.

D. Vehicle: 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, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon.

E. Street or highway. 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.

F. Property: Any real property within the City which is not a street or highway.

Section 3. Location or Presence of Junked Vehicles Within The City Deemed Public Nuisance, Exceptions.

The location or presence of any junked vehicle or junked vehicles on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of Starkville shall be deemed a public nuisance and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his/her or their vehicle or vehicles on the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon his/her or their own real property; provided however that this section shall not apply to the following exceptions:

- 1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or automobile junkyard; or

- (3) unlicensed inoperable vehicles stored on private property provided, however, that the vehicles and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view, and are so situated as not to cause any substantial devaluation of property within the area, and are so fenced or otherwise protected as not to become an attractive nuisance for children.

Section 4. Abatement or Removal Order: Contents: Service of Notice.

(a) Notice to owner or occupant of real property:

Whenever such public nuisance exists in the City in violation hereof, the Chief of Police, who shall administer this ordinance, his designees, the Building Official or his designees, shall give not less than ten (10) days notice to the owner of the real property or the occupant, if any, of the premises whereon such public nuisance exists, to abate or remove the same, stating the nature of the public nuisance on private property and that it must be removed and abated within ten (10) days; and further that a request for a hearing must be made before expiration of said ten (10) day period by the aggrieved person; such notice to be mailed by certified or registered mail with a 5-day return receipt requested, to the owner or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(b) Notice of nuisance on public Property.

Whenever such public nuisance exists in the City in violation hereof, the Chief of Police, his designees, the Building Official or his designees, shall give not less that a ten (10) day notice, stating the nature of the public nuisance on the public property or on a public right-of-way and that it must be removed and abated within ten (10) days; and further that a request for a hearing must be made before expiration of said ten (10) day period; such notice to be mailed by certified or registered mail with a 5-day return receipt requested, to the owner or the occupant of the public premises or to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(c) Public Hearing before the Mayor and Board of Aldermen:

A public hearing prior to the removal of the vehicle or part thereof as a public nuisance is to be held before the Mayor and Board of Aldermen of the City of Starkville, when such a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located within ten (10) days after service of notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

Section 5. Removal with Permission of Owner or Occupant.

If within ten (10) days after receipt of notice from the Chief of Police, his designees, the Building Official or his designees to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission to the Chief of Police, his designees, or the Building Official, for removal of the junked motor vehicle or parts thereof from the premises, the giving of such permission shall be considered compliance with the provisions of Section 3.

Section 6. Disposal of Junked Vehicles, Redemption.

(a) If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this ordinance, official action shall be taken by the City of Starkville to abate such nuisance. Junked vehicles or parts thereof shall be impounded until lawfully claimed or disposed of in accordance with Sections 63-23-1 through 63-23- 11 *Mississippi Code Annotated* 1972.

(b) Vehicles so impounded shall be held for ninety (90) days and thereafter shall be disposed of with all rights of ownership being forfeited. Anytime prior to the expiration of said ninety (90) days, the record title holder shall be allowed to redeem said vehicle upon the payment of all costs including towing, storage, and other such administrative costs as may be determined.

Section 7: Authority to Enforce.

The Chief of Police, his designees, the Building Official or his designees may enter upon private property for the purposes specified in this ordinance to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this ordinance. The Mayor and Board of Aldermen of the City of Starkville shall have authority to issue all orders necessary to enforce such ordinance.

Section 8. Application.

Nothing in this, Article shall affect ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

Section 9. Penalty.

Upon conviction for violation of any provisions of this article relating to the maintaining of a public nuisance as described herein or in permitting or allowing such public nuisance to exist, such violator shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City Jail for a period not exceeding ninety (90) days or by both; each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 10. Severability.

The provisions of this ordinance shall be separable and the invalidity of any of its sections shall not affect the remaining sections.

Section 11. Effective Date.

This ordinance shall take effect one (1) month after passage and publication of this ordinance.

Section 12. Proof of Publication.

The Clerk is directed to cause this ordinance to be published one time in the Starkville Daily News and to obtain proof of publication thereof.

**UPON MOTION** of Alderman Cliff Ivy, duly seconded by Alderman Rob Roberson, the aforesaid Resolution was put to a roll call vote with the Aldermen voting as follows:

Alderman Marie Lee	Voted: Yea
Alderman Sean Koehn	Voted: Yea
Alderman Cliff Ivy	Voted: Yea
Alderman Rob Roberson	Voted: Yea
Alderman Marco Nicovich	Voted: Yea
Alderman Roy A'. Perkins	Voted: Yea
Alderman Vic Zitta	Voted: Yea

**ADOPTED AND APPROVED**, this the 15<sup>th</sup> day of February, A.D., 2000 at the Regular Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

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MACK RUTLEDGE, Mayor  
City of Starkville, Mississippi

VIVIAN E. COLLIER, Clerk  
City of Starkville,  
Mississippi

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