

ORDINANCE NO. 519

AN ORDINANCE RELATING TO JUNK AND JUNKED AND ABANDONED VEHICLES, AND PROVIDING PENALTIES THEREFOR.

WHEREAS, the City Council of the City of Las Animas has determined that the open accumulation and storage of junked vehicles, or junk is hereby found to create a condition tending to reduce the value of private property, to promote vermin, deterioration and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating hazard to the health and safety of minors, and to be injurious to the health, safety and general welfare of the people of the City of Las Animas; and

WHEREAS, The City Council of the City of Las Animas, Colorado has determined, and does hereby declare, that the accumulation and storage of junked vehicles or junk, whether on public or private property, constitutes a public nuisance which may be abated in accordance with the provisions of this ordinance:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Las Animas, Colorado:

Section 1. ACCUMULATED JUNKED VEHICLES AND JUNK - UNLAWFUL. It shall be unlawful for any owner or occupant of any real property within the confines of the City of Las Animas,

C-LINE #62038  
CLEAR TOPPER

Colorado, to permit junked vehicles or junk to accumulate and remain upon said real property.

Section 2. DEFINITIONS. For the purposes of this ordinance, the following definitions shall apply:

(a) "Junked vehicle" shall mean any vehicle formerly used for transportation on public streets and highways which does not have lawfully affixed thereto an unexpired license plate, or which vehicle is in one or more of the following conditions: 1. Inoperative. 2. Wrecked, dismantled or partially dismantled. Failure of such vehicle to have unexpired license plate lawfully affixed thereto shall constitute prima-facia evidence that such vehicle is a junked vehicle pursuant to this ordinance. Junked vehicles shall also be deemed to include major parts thereof, including, but not limited to, vehicular bodies or portions thereof, engines, transmissions or differentials.

(b) "Junk" shall be construed to include, but not be limited to, used lumber, scrap metals, scrap materials, discarded furniture, fixtures, appliances, and all wrecked, abandoned, demolished, dismantled or non-operable machinery, trailers and other goods that are so worn or deteriorated as to make them unusable in their existing condition.

Section 3. EXEMPTIONS. The term "junked vehicle" as used in this ordinance shall not include: Vehicles in possession of a licensed junk dealer; vehicles within a fully enclosed building; vehicles exempt from registration under the laws of the State of Colorado and specifically including those vehicles

exempted by C.R.S. 42-3-103, as the same may be now or hereafter amended, ~~vehicles more than twenty five (25) years old~~; vehicles defined and registered as "collector's items", C.R.S. 42-15-101 et seq., as the same may be now or hereafter amended; and special interest vehicles. Special interest vehicles shall include, but shall not be limited to, racing vehicles, stock cars, classic and antique cars, all of which special interest vehicles shall be maintained in good operating condition. Further, junked vehicles shall not include vehicles enclosed within, and screened from public view by means of, a suitable privacy fence of minimum height of five feet eleven inches (5' 11") tall which cuts off the view of anyone passing by. PROVIDED, HOWEVER, that no more than two (2) vehicles shall be exempt from the provisions of this ordinance by reason of the fencing exemption herein set forth.

Section 4. PRIVATE AND PUBLIC PROPERTY. It shall be unlawful to deposit, accumulate, store, keep, abandon, or to allow the deposit, accumulation, storage, keeping, or abandonment of junk upon private or public property within the City of Las Animas in areas other than those zoned for such activities.

Section 5. ABATEMENT OF CONDITION.

(a) The City Police Chief shall designate one or more City of Las Animas employees who shall inspect all premises and

places within the City as often as necessary to determine whether junk vehicles or junk exist. Any such employee so designated shall have the right to enter upon private premises for the purposes of carrying out the duties assigned to him. Upon such employees determination that junk vehicles or junk exists in violation of this Ordinance, such employee shall issue and serve a written notice to the owner or occupant of the real property upon which the said condition is found to exist that such condition shall be abated by removal, enclosure, fencing as allowed in this Ordinance, or, in the case of junk vehicles, by repair or licensing so as to bring said junk vehicle without the definition of junk vehicle herein contained, within thirty (30) days from the date of such notice.

(b) Said Notice of Abatement shall also state that the person upon which the notice is served may appeal the Order of Abatement to the City Council Ordinance Committee of the City of Las Animas, Colorado. The Notice of Appeal must be filed within the thirty (30) day period which is commenced by the receipt of said notice, must be in writing, and shall be filed with the City Clerk of the City of Las Animas, Colorado. The City Clerk shall promptly forward said Notice of Appeal to the City Council Ordinance Committee within fifteen (15) days after receipt of such Notice of Appeal by the City Clerk. The City Council Ordinance Committee of the City of Las Animas is hereby

authorized to grant variance to any Order of Abatement upon the finding by said Board of appropriate circumstances therefor. The Ordinance Committee must approve or deny the variance within ten (10) days after receipt of the notice of appeal. If the Ordinance Committee denies the variance, the owner or occupant of said premises shall have ten (10) days from such denial to abate the condition. The Chief of Police or designated officer issuing the Order of Abatement shall represent the City of Las Animas before the City Council Ordinance Committee.

(c) If the condition leading to the Order of Abatement above described is not abated as directed in such order, and if no appeal of said Order of Abatement is lodged with the proper authority as above described within thirty (30) days of the service of said Order of Abatement, or if no variance is granted by the Ordinance Committee, the condition leading to such Order of Abatement shall be deemed a nuisance and such nuisance shall be abated as herein set forth.

Section 6. PENALTY.

If the owner or occupant of any premises upon which junk vehicles or junk exists fails or refuses to have such condition abated as directed in the Order of Abatement above described within thirty (30) days after the date of service of such notice, or if no appeal of such Order of Abatement is lodged with the proper authorities as herein above described, or if no

C-LINE #620888  
CLEAR TOPPER

variance is granted by the Ordinance Committee, the owner or occupant shall be punished as provided in Section 1 - 6 of the Las Animas City Code. Each day said condition remains unabated shall constitute a separate offense under this ordinance.

Section 7. REMOVAL BY THE CITY

If for any reason a violator of this ordinance can not be cited into Municipal Court, the condition shall be abated as set forth in Subsections (a) and (b) below.

(a) If the owner or occupant of any premises upon which junk vehicles exist fails or refuses to have such condition abated as directed in the Order of Abatement above described within thirty (30) days after the date of service of such notice, or if no appeal of such Order of Abatement is lodged with the proper authorities as herein above described or if no variance is granted by the Ordinance Committee, the Chief of Police is authorized to remove and store said vehicle by contract or otherwise at owner's expense in such manner as he may deem in the best interest of the City of Las Animas.

(b) If the owner or occupant of any premises upon which junk, other than junked vehicles exists, fails or refuses to have any such condition abated as directed in the Order of Abatement above described within thirty (30) days after the date of service of such notice, or if no appeal of such Order of Abatement is lodged with the proper authorities as herein above described, or if no variance is granted by the Ordinance Committee, the Chief of Police shall notify the Director of

Public Works and the Chairman of the Ordinance Committee. The Director of Public Works shall cause such junk to be removed from said premises by City labor and notify the City Clerk and the Chairman of the Ordinance Committee of the charge to said property owner or occupant.

Section 8. AUTHORIZATION. The Chief of Police is hereby authorized to dispose of junked vehicles in storage by contract or otherwise in such manner as he may deem in the best interest of the City after ten (10) days storage.

Section 9. ASSESSMENTS. The City Clerk shall assess any expense incurred by the City in carrying out the provisions of Sections 5, 6, and 7 above, plus five percent (5%) for administrative costs, against the owners of each lot or tract from which the junk was removed. The amount so assessed shall be a lien in the several amounts assessed against each lot or tract of land until the same is paid and shall have priority over all other liens except general taxes and prior special assessments, and shall be due and payable at the time of the assessment by the owners of the property. Such assessment shall be paid within thirty (30) days from the time the assessment is made.-

Section 10. COLLECTION OF ASSESSMENTS. In case any assessment due and payable under this article is not paid within thirty (30) days from the time the assessment is made, the City Clerk shall certify the same to the County Treasurer, to be placed upon the tax list of the current year, and to be collected with ten percent (10%) penalty thereon to defray the cost of collection.

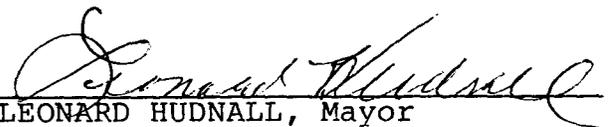
Section 11. ABANDONED VEHICLES. It shall be unlawful for any person to abandon any vehicle on any public right-of-way or public parking lot, or upon any private property without the consent of the owner or occupant of such private property. The Chief of Police is hereby specifically empowered to cause the removal and disposal of such abandoned vehicles pursuant to the provisions of C.R.S. 42-4-1102 and 42-4-1103 as the same may be now or hereafter amended.

Section 12. SERVICE OF NOTICE. In addition to those methods of service set forth in this Ordinance, any notice required by any provision of this Ordinance may be served by registered or certified mail, return receipt requested, delivered to addressee only. Service shall be complete on the date the addressee signs the return receipt or refuses to accept delivery of such notice. The addressee's refusal shall be presumed from the return of the letter evidencing a notation by the postal authorities that service was refused.

Section 13. REPEALER. Sections 13-3, 13-4, 13-5 and 13-6 of the Las Animas City Code are hereby repealed.

Introduced, read, passed on first reading, and ordered published this 3<sup>rd</sup> day of Feb., 1987.

Adopted on second reading, and ordered published by title only this 3<sup>rd</sup> day of March, 1987.

  
LEONARD HUDNALL, Mayor

ATTEST:

  
LILA M. MAUPIN, City Clerk

C-LINE #62038  
CLEAR TOPPET

