

ORDINANCE NO. 50

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ENNIS, MONTANA, CONCERNING REMOVAL OF ABANDONED, WRECKED OR JUNKED VEHICLES, DECLARING ABANDONED, WRECKED OR JUNKED VEHICLES OR PART(S) THEREOF ON PRIVATE PROPERTY TO BE PUBLIC NUISANCES: PROHIBITING STORAGE THEREOF; AUTHORIZING THE TOWN MARSHAL OF THE TOWN OF ENNIS, TO ABATE SUCH NUISANCES AFTER NOTICE BY SAID MARSHAL OR BY PUBLIC NOTICE; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE: FOR A SAVINGS CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, The accumulation and storage of abandoned, wrecked or junked vehicles or part(s) thereof on private property, which vehicles are in the nature of rubbish and unsightly debris, constitutes a nuisance detrimental to the health, safety and welfare of the community; and

WHEREAS, such conditions tend to 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 and prohibited; and

WHEREAS, the Town Council desires to adopt an ordinance to provide for the removal of such vehicles either by the landowner or person in possession where the vehicle is stored or by the owner of the vehicle, and thereby to enhance the esthetic value of parts of the community now affected.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENNIS, MONTANA;

Section 1. Abandoned, wrecked or junked vehicles or part(s) thereof; unlawful to leave on private property.

(a) It shall be unlawful to park, store, or leave or permit parking or storing of any licensed or unlicensed motor vehicle or any kind or part(s) thereof, for a period of time in excess of 72 hours which is ~~rested~~, wrecked, junked, partially dismantled or inoperative, or abandoned condition, whether attended or not, upon any private property within the city limits, unless same is completely enclosed within a building, or unless it is in connection with a business enterprise lawfully situated and licensed for same.

(b) The accumulation and storage of two or more of such vehicles or part(s) thereof as hereinbefore defined, on private property shall constitute a nuisance, detrimental to the health, safety and welfare of inhabitants of the city, and it shall be the duty of the registered owner of such vehicle or part(s) thereof, and it shall also be the duty of the owner of the private property, or lessee or other person in possession of private property upon which such vehicle or part(s) thereof is located, to remove such vehicle or part(s) thereof is located, to remove same from the city limits, or to have the same housed in a building where it will not be visible from the street.

Section 2. Notice to owner of vehicle or land.

(a) It shall be the duty of the Town Marshal to give written notice to the registered owner of any motor vehicle or part(s) thereof which is in violation of this ordinance as described above, or to give such notice to the owner or lessee of private land upon which said motor vehicle or part(s) thereof is situated, giving notice that said vehicle or part(s) thereof violates this ordinance, and demanding that said motor vehicle or part(s) thereof be removed from the city limits within 72 hours from the time of service of notice, or that within 72 hours same may be housed in a building where it will not be visible from the street. Said notice may be given by personal service, or by certified mail, with a return receipt requested.

(b) Written notice required by this Section shall be deemed to have been given; i.e. constructive notice when the registered owner of the motor vehicle or part(s) thereof, or the owner, lessee or other person in possession of private property concerned herein either (1) refuses to accept the prepaid United States mail certified letter from the City and same is returned

from the post office marked "refused; or (2) the said person to be notified is present in the city but the notification letter is returned marked "unclaimed" by the post office, in which event notice by the Town may be made by affixing the letter in a conspicuous place at the main entrance or to the front door of the residence of such person.

Section 3. Public notice by Town Clerk.

(a) After diligent search and inquiry by the Town Marshal, no written notice as above shall be required where the registered owner of such vehicle or part(s) thereof or the owner of the private property or lessee or other person in possession of private property upon which such vehicle or part(s) thereof is located cannot be found or determined, but instead a public notice shall be posted by the Town Clerk in three public places in the Town of Ennis, Montana for five (5) consecutive days.

(b) Such public notice shall include among other information, "Public Notice: To Whom It May Concern", date, legal description of the situs, address of the same, a full description of the motor vehicle or part(s) thereof, when available - the last known owner of the vehicle and/or owner of the realty or last known person in possession of the situs, and the date from or approximate period of time during which said nuisance has existed.

Section 4. Removal of vehicle by Town, its agent, or contractor; costs.

In the event that any of the aforesaid persons, whether an individual, firm or corporation, fails neglects, or refuses to remove the abandoned, wrecked or junked vehicle or part(s) thereof or house same in the building as provided in the second paragraph of Section 1 above and abate said nuisance after the required notice, the Town, its agent or contractor may remove the vehicle or part(s) thereof at the cost not to exceed \$25.00 and a minimum of \$5.00 as determined by the Town; which cost shall, if in the best interests of the Town as determined by the Mayor, be collected from the registered owner of such vehicle or part(s) thereof or the owner of the private property or lessee or other person in possession of private property upon which such vehicle or part(s) thereof is located. Ownership of any vehicles or part(s) thereof removed by the Town, its agent or contractor shall upon such removal be vested in the Town, its agent or contractor as applicable.

Section 5. Authority of Mayor to contract.

The Mayor is authorized to enter into a written agreement with an auto wrecking service for the removal of abandoned, wrecked or junked vehicles or part(s) thereof under this Section wherein the consideration for the services of said service shall be the vehicles or part(s) thereof at no expense to the Town. In the event a qualified and suitable wrecking service is not available to contract with or act as the Town's agent or contractor as provided for herein, the Mayor is authorized to contract with the lowest responsible bidder to provide for the removal from private property of abandoned, wrecked or junked vehicles or part(s) thereof under this Ordinance.

Section 6. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 7. That should any provisions of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole, or any part thereof, other than the part so declared to be invalid.

Section 8. This Ordinance shall be in full force and effect from and after thirty (30) days from its final adoption.

FINALLY ADOPTED AND APPROVED at a regular session of the Town Council of the Town of Ennis held on the 2<sup>nd</sup> day of August, 1972.

Robert L. Storey  
MAYOR

ATTEST:

Helen M<sup>e</sup> Callough  
TOWN CLERK