

ORDINANCE NO. 100-5

AN ORDINANCE RELATING TO ABANDONED MOTOR VEHICLES

WHEREAS an estimated 170,000 motor vehicles are abandoned each year in the United States;

WHEREAS, abandoned vehicles produce scenic blight which degrades the environment and adversely affects the proper maintenance and continuing economic development of Scott County;

WHEREAS, abandoned vehicles constitute a public nuisance, detrimental to the welfare and convenience of the inhabitants of Scott County;

WHEREAS, the Scott County Fiscal Court declares that it is the policy of Scott County to prohibit the abandonment of vehicles and to enforce such prohibition with adequate penalties pursuant to the Fiscal Court's authority under KRS 67.083;

NOW, THEREFORE,

Be it ordained and enacted by the Fiscal Court, for the County of Scott, Commonwealth of Kentucky, that:

Section 1. Definition of abandoned motor vehicle.

"Abandoned" when used in conjunction with the term vehicle, means:

(a) Any vehicle located on public premises which does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate permitting its operation upon the highways of the State of Kentucky, or

(b) Any vehicle which is parked or located on public premises continuously without being moved for a period of seven (7) days, except before legal or temporary residence of the owner, or

(c) Any vehicle parked or located on public premises illegally or in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway, or

(d) Any vehicle that is over five (5) years old and mechanically inoperable, and is left unattended on private premises in a location which is visible from public premises for more than thirty (30) days, or

(e) Any vehicle that has remained on private premises without the consent of the owner of person in control of such premises, for more than forty-eight (48) hours, or

(f) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left unattended on private premises in

a location visible from public premises or left unattended on private premises. This definition shall not apply to a motor vehicle or part thereof which is enclosed within a building or fence in a lawful manner or where the motor vehicle or part thereof is not visible from the street, road, or public park or a motor vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junk yard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this ordinance.

Section 2. No person shall abandon a motor vehicle for more than the length of time specified in Section 1 hereof; and any person whose property lies within the unincorporated area of the county or any person upon whose property a motor vehicle is abandoned may file a complaint with the county judge.

Section 3. Any law enforcement officer who has probable cause to believe that a property owner has allowed an abandoned motor vehicle to remain on his property in violation of this Ordinance may issue a citation to such property owner ordering him to appear before the county court.

Section 4. Penalties.

(1) If the county court finds that a property owner has violated the provisions of Section 3 of this Ordinance, the court shall fine him not less than ten dollars nor more than one hundred dollars, or shall imprison him in the county jail for not less than ten days nor more than thirty days, or both, and each day that a violation continues shall constitute a separate offense for which a citation may be issued and a fine or sentence imposed.

(2) If the county court finds that a person has violated the provisions of Section 2 of this ordinance, the court shall fine him not less than ten dollars nor more than one hundred dollars, or shall imprison him in the county jail not less than ten days nor more than thirty days or both, and each day that a violation continues shall constitute a separate offense for which a fine or sentence may be imposed.

Section 5. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

Submitted:

/s/ Virgil F. Pryor
SCOTT COUNTY ATTORNEY

Passed for first reading Aug. 17, 1973

Passed for final reading and adoption August 23, 1973.