

TITLE II
COMMUNITY PROTECTION

ARTICLE 10
ABANDONED VEHICLES, JUNK VEHICLES, AND JUNK MACHINERY

2-10.1 DEFINITIONS.

1. "Abandoned vehicle" means any of the following:
 - a. A vehicle that has been left unattended on public property for more than forty-eight hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle inoperable, or
 - b. A vehicle that has remained illegally on public property for more than seventy-two hours, or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours, or
 - d. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten days, or
 - e. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

However, a vehicle shall not be considered abandoned for a period of five days if its owner or operator is unable to move the vehicle and notifies the police authority responsible for the geographical location of the vehicle and requests assistance in the removal of the vehicle.

2. "Junk motor vehicles and junk machinery" means any motor vehicle stored within the City not licensed for the current year as required by law or any other type of machinery in which, because of any one of the following characteristics, constitutes a threat to the public health and safety:
 - a. Any vehicle or machinery with a broken or cracked windshield, window, head light or tail light, or any other cracked or broken glass, or
 - b. Any vehicle or machinery with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, truck top, trunk handle, tail pipe, or decorative piece, or
 - c. Any vehicle or machinery which has become the habitat of rats, mice, or snakes, or any other vermin or insects, or
 - d. Any vehicle or machinery which contains gasoline or any other flammable fuel, or
 - e. Any other vehicle or machinery which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

3. "Motor vehicle" means the same as the definition for motor vehicle set forth in Section 321.1(2)(a) of the 1989 Code of Iowa.
4. "Vehicle" means the same as the definition for vehicle set forth in Section 321.1(1) of the 1989 Code of Iowa.
5. "Owner of junk motor vehicle or junk machinery" means the person who is the actual owner of the junk motor vehicle or junk machinery or person who owns, leases, rents, controls or is in possession of the property upon which said vehicle or machinery is stored or located.
6. "Police authority" means the same as police authority is defined in Section 321.89(1)(a) of the 1989 Code of Iowa.

2-10.2 ABANDONED VEHICLES.

Abandoned vehicles shall be removed, impounded and disposed of in the manner provided for in Sections 321.89 and 321.90 of the 1989 Code of Iowa.

2-10.3 JUNK VEHICLES AND JUNK MACHINERY - NUISANCE DECLARED.

It is hereby declared that storage within the corporate limits of the City of Salem, Iowa, of a junk vehicle or junk machinery upon private property of the owner of said vehicle or machinery constitutes a threat to the health and safety of the citizens of the City of Salem and is a nuisance within the meaning of Section 657.1 of the 1989 Code of Iowa. If any junk vehicle or junk machinery is stored or located upon private property in violation hereof, the owner of said vehicle or machinery shall be prima facie liable for said violation.

2-10.4 NOTICE TO ABATE.

Upon discovery of any junk vehicle or junk machinery stored or located upon private property within the corporate limits of this City in violation of this Ordinance, the City shall, within ten (10) days, notify by certified mail, the owner of said vehicle or machinery that:

- a. The vehicle or machinery constitutes a nuisance under the provisions of this Ordinance;
- b. The owner must remove or repair the vehicle or machinery in accordance with the terms of this Ordinance; and
- c. Failure to remove or repair said vehicle or machinery will be sufficient cause for its removal by the city at the owner's costs.

2-10.5 DUTY OF OWNER TO REMOVE OR REPAIR.

The owner of a junk motor vehicle or junk machinery which violates the provisions of this Ordinance shall, within ten (10) days after receipt of a written notice from the City, remove said vehicle or machinery to an auto salvage yard or junk yard duly licensed by this City, or any other City or the State of Iowa, or to a lawful place of storage within the city limits, or repair the defects which caused said vehicle or machinery to violate the provisions of this Ordinance, including licensing if a vehicle is not currently licensed as required by the laws of Iowa.

2-10.6 ABATEMENT BY CITY.

If an owner of a junk motor vehicle or junk machinery fails to remove or repair said vehicle or machinery in accordance with the terms of this Ordinance, the City shall abate such nuisance by causing said vehicle or machinery to be removed and impounded and sold or disposed of as specified in Sections 321.89 and 321.90 of the 1989 Code of Iowa and the costs of such abatement shall be charged to the owner of said vehicle or machinery.

2-10.7 EXCEPTIONS.

The provisions of this Ordinance shall not apply to a junk motor vehicle or junk machinery stored or located within:

- a. A garage or other enclosed structure; or
- b. An auto salvage yard or junk yard duly licensed by the City of the State of Iowa.

2-10.8 LIMITATION ON LIABILITY.

No person, firm, corporation, unit of government, city official or officers, garage keeper, or police authority, who disposes of an abandoned vehicle in accordance with the provisions of this Ordinance, or who abates a nuisance caused by junk vehicles or junk machinery shall not be liable for any damages by reason of the removal, sale, disposal, of such vehicle or machinery.

2-10.9 PENALTY.

Any person who abandons a vehicle in the City of Salem, Iowa, or any person who violates the provisions of this Ordinance, is guilty of a public offense and upon conviction therefor, shall be subject to a fine not to exceed \$100.00 for each day of violation, or imprisonment for a period not to exceed 30 days.

(Entire Article was contained in Ordinance No. 1990-02, passed April 5, 1990. This Ordinance repealed the then existing Article 10 entitled "Junk Vehicles and Machinery.")

TITLE II
COMMUNITY PROTECTION

ARTICLE 11
ABANDONED VEHICLES

NOTE: This Article was repealed by Ordinance No. 1990-02, passed April 5, 1990. That Ordinance provided for abandoned vehicles, see Article 10 of this Title.