

# TOWN OF BENTONIA, MISSISSIPPI

## MUNICIPAL ORDINANCES 2022

### **ARTICLE 4. REMOVAL AND ABATEMENT OF JUNKED AND ABANDONED VEHICLES**

#### **Section 4.0 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) Automobile junkyard means 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.

(B) Junked vehicle means any motor vehicle which: (1) 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 (2) Remains inoperable for continuous period of more than 120 days.

(C) Property means any real property within the Town which is not a street or highway. Street or highway means 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.

(D) Vehicle means 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.

#### **Section 4.1 Application of Article.**

(A) Nothing in this article shall affect more restrictive ordinances or any ordinance that permits immediate removal of a vehicle.

#### **Section 4.2 Location or Presence within Town Deemed Public Nuisance: exceptions.**

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

(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;

- (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.

**Section 4.3 Penalty for violation of article.**

(A) Upon conviction for violation of any provisions of this article relating to the maintaining of a public nuisance, as described in this article or in permitting or allowing such public nuisance to exist, such violator shall be guilty of a misdemeanor and, upon conviction, shall be fined in an amount not exceeding \$500.00 or be imprisoned in the Town jail for a period not exceeding 90 days, or by both.

(B) Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this article.

**Section 4.4 Removal with Permission of Owner or Occupant.**

(A) If within ten days after receipt of notice from the chief of police, his designees, the building official or his designees to abate the nuisance, as provided in this section, 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 from the premises. The giving of such permission shall be considered compliance with the provisions of this Article.

**Section 4.5 Disposal of Junked Vehicles; Redemption.**

(A) If such public nuisance is not abated by the owner or occupant after notice is given in accordance with this article, official action shall be taken by the Town to abate such nuisance. Junked vehicles or parts thereof shall be impounded until lawfully claimed or disposed of in accordance with Miss. Code 1972, § 63-23-1--63-23-11.

(B) Vehicles so impounded shall be held for 60 days and thereafter shall be disposed of with all rights of owner being forfeited. Any time prior to the expiration of the 60 days, the record title holder shall be allowed to possess the vehicle upon the payment of all costs including towing, storage and other such administrative costs once determined.

**Section 4.6 Additional Authority to Impound Vehicles.**

(A) Members of the police department are hereby further authorized to remove a vehicle and impound from a street under the circumstances enumerated in this subsection.

- (1) When a vehicle upon a street is so disabled as to constitute an obstruction of traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

- (2) When any vehicle is left unattended upon a street or is so parked illegally as to constitute a definite hazard or obstruction of the normal movement of traffic.
- (3) When any vehicle is parked illegally including, but not limited to, being parked in each location beyond the time period allowed by law, in any area where a sign or notice indicates that such activity may result in removal of the vehicle.

(B) Whenever any officer removes a vehicle from a street or impounds such vehicle as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner of such vehicle, such officer shall immediately give or cause to be given a notice in writing to such owner of the fact of such removal and the reason therefor and of the place on which such vehicle has been removed.

**Section 4.7 Authority to Enforce Article.**

(A) The Chief of Police, his designees, the building official or his designees may enter upon private property for the purposes specified in this article 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 article. The Mayor and Aldermen shall have the authority to issue all orders necessary to enforce this article.