

ORDINANCE NO. 5-17-94

AN ORDINANCE TO RESTRICT THE ABANDONMENT OF VEHICLES ON PROPERTY LOCATED WITHIN THE TOWN LIMITS OF NEWTON AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

SECTION ONE. DEFINITIONS - As used in this article, the following definitions shall apply:

Property: Any real property within the town which is not a street or highway.

Vehicle: 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 TWO. ABANDONMENT ON STREET - GENERALLY; PRESUMPTION - No person shall abandon any vehicle within the town. It shall be presumed that any vehicle which has been left at any place on a street or highway within the town for a period of seventy-two (72) hours consecutively is an abandoned vehicle.

SECTION THREE. SAME - LEAVING OF WRECKED, NONOPERATING VEHICLE ON STREET - No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway within the city.

SECTION FOUR. WRECKED, ETC., VEHICLES ON PRIVATE PROPERTY - No person in charge or control of any property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle to remain on such property longer than five (5) days; and no person shall leave any such vehicle on any property within the town for a longer time than five (5) days; except that this section shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; a vehicle positioned out of view of traffic traversing streets and highways; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town. Such dismantled or wrecked vehicles which are stored or maintained in order to sell or salvage the parts from such vehicles must be located behind a blinded fence.

SECTION FIVE. IMPOUNDING AND DISPOSITION - AUTHORITY AND DUTIES OF POLICE - The Chief of Police or any member of his department designated by him is authorized to remove or have removed any vehicle left at any place within the town which reasonably appears to be in violation of this article or lost, stolen, or unclaimed. Any vehicle so taken up and removed shall be stored in a suitable place provided by the town to protect it from deterioration. A permanent record giving the date of the taking of each vehicle, the place where found and taken, and a description of the vehicle shall be kept by the Chief of Police.

SECTION SIX. SAME - REDEMPTION BY OWNER - The owner of any vehicle taken up and stored as herein provided may redeem the same at any time prior to its sale by paying the reasonable expense of taking the vehicle in charge, its maintenance and storage and the cost of publication.

SECTION SEVEN. SAME - SALE - At least every six (6) months, the Chief of Police shall sell at public auction to the highest bidder for cash the vehicles herein authorized to be removed and taken up and which shall have been taken up and stored for a period of three (3) months or more, the sales to be made after notice of the time and place therefor shall have first been given by publication once a week for two (2) successive weeks in a newspaper of general circulation published in the town (or, if there is no such newspaper, by posting such notice in a conspicuous place at the town hall or police station). The first publication (or posting of notice as the case may be) shall be at least twenty (20) days before the sale. Each vehicle shall

be sold separately and a notation in the storage record book shall be made of the amount received for each vehicle. The person making the sale shall have the right to reject any and all bids if the amount bid be unreasonably low and shall have the right to continue the sale from time to time if no bidders are present. After deducting and paying all expenses incurred in the removal, taking up, storing, maintaining and selling, of the vehicles, the balance if any shall be paid into the general fund of the town.

SECTION EIGHT - PUNISHMENT FOR VIOLATION - In addition to the remedies provided in this article, any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not less than \$10.00 nor more than \$100.00 nor imprisoned for more than six (6) months in the town jail.

SECTION NINE. - VOID OR INVALID SECTION - Should any section or provision of this ordinance for any reason be held void or invalid, it shall not affect the validity of any other section or provision of this ordinance which is not in itself void or invalid.

SECTION TEN - ORDINANCES IN CONFLICT - All ordinances in conflict with this ordinance are repealed as of the date when this ordinance becomes effective.

SECTION ELEVEN - EFFECTIVE DATE - This ordinance shall become effective within the time provided by statute after the same has been duly approved and published as required by law.

ADOPTED and APPROVED this the 17 day of May, ~~1989~~ 1994

APPROVED

BY: Trudy G. Hender
Its Mayor
James E. Hutto
Allen C. Hutto
Mary Palmer
Sammy Byrd

ATTEST:

James T. Hutto
Clerk

I, the undersigned, the duly authorized Clerk of the Town of Newton, Alabama, hereby certify that the foregoing ordinance was posted in three public places, to-wit:

Town Hall

Post Office

Graceville Oil (GOCO)

in the Town of Newton, Alabama, for five consecutive days beginning the 18th day of May, ~~1989~~ 1994.

DATED this the 18th day of May, ~~1989~~ 1994.

James T. Hutto
Town Clerk