

ORDINANCE NO. 2017-6

AN ORDINANCE ADDRESSING NON-OPERATING MOTOR VEHICLES IN THE CITY LIMITS OF THE CITY OF POTTSVILLE, ARKANSAS.

WHEREAS, there exists in the city of Pottsville a problem with non-operating motor vehicles in residential areas; and,

WHEREAS, the city of Pottsville has an interest in protecting the health and safety of residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTTSVILLE, ARKANSAS:

Section 1: It shall be illegal, after the passage of this Ordinance, to possess or maintain control over non-operating vehicles in the city limits in the city of Pottsville, unless it is designated and zoned for that specific type of business.

Section 2. That non-operating motor vehicles as used in this Ordinance means a motor vehicle with one or more of the following characteristics:

- a. the engine or motor is inoperative;
- b. the wheels all or any one of them are removed;
- c. the motor vehicle has flats on two or more tires;
- d. major operating components are missing such as: windshield glass, door glass, fenders, gauges, steering wheel, tie rods, springs, drive train, gear box, rear end, or any parts connected with the steering geometry of the motor vehicle or the seats are removed;
- e. any of the major operating components such as those listed in item A-D

above are in such damaged condition so as to make the motor vehicle useless.

Section 3. Definitions. “Motor vehicle” means a car, automobile, truck, bus, omnibus, tractor truck or other vehicle allowed to travel upon the roads of Arkansas, or subject to licensing for travel or intended as a carrier for goods and persons from point to point which uses motor power derived from a motor or engine specifically an internal combustion engine or rotary engine and a wankle or uses electricity to operate.

Section 4. It is unlawful to have a non-operating motor vehicle located in a residential area.

Section 5. That nothing in this Ordinance shall be construed so as to apply to any motor vehicle that can be started and moved under its own power or demand; motorcycles or motor bikes that are operational; antique automobiles provided the vehicle has an antique license as by law required and is operative; and temporarily disabled motor vehicles provided they are restored to running condition within 30 days from the date of disablement.

Section 6: Penalty for Violation. A violation of this Ordinance is hereby declared to be a misdemeanor and punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00). Each day a non-operating motor vehicle is upon the premises of a person it shall constitute a separate offense.

Section 7: A person shall be deemed in violation of this Ordinance if:

- a. Such person owns or has registered to him a non-operating motor vehicle that is in a prohibited area;
- b. Such person owns property that non-operating motor vehicles are placed, parked or found resting on in a prohibited area;
- c. It shall be a prima facie case that the recorded owners of the real property is

in fact the owner of the property in question;

- d. It shall be a prima facie case that the registered owner of the motor vehicle is the owner of the motor vehicle.

Section 8: It is not a violation of this Ordinance if a property owner or owner of a vehicle has the vehicle/vehicles behind a privacy fence on their property or in a garage out of sight of the general public.

PASSED AND APPROVED THIS 23 DAY OF October, 2017.



Attest.

A handwritten signature in cursive script, appearing to read "Carlin J. Jett", is written over a horizontal line.

Recorder/Treasurer
City Clerk

A handwritten signature in cursive script, appearing to read "Jerry Williams", is written over a horizontal line.

JERRY WILLIAMS
MAYOR, CITY OF POTTSVILLE