

AN ORDINANCE DECLARING THE LOCATION OR PRESENCE OF  
JUNKED VEHICLES WITHIN THE CITY OF DURANT A PUBLIC  
NUISANCE; PROHIBITING ABANDONMENT OF VEHICLES;  
RESTRICTING THE DISPOSITION OR KEEPING OF WRECKED,  
NON-OPERATING, OR DISCARDED VEHICLES ON STREETS  
OR PRIVATE PROPERTY; PROVIDING FOR IMPOUNDING  
OF CERTAIN VEHICLES; AND IMPOSING PENALTIES.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Durant, Mississippi  
as follows:

Section 1.

Statement of Purpose and Findings of Fact.

The Mayor and Board of Aldermen of the City of Durant make the following findings  
of fact:

1. The State of Mississippi authorizes the Mayor and Board of Aldermen of the City of Durant to adopt regulations to secure the general health, safety and welfare of the citizens of the municipality; and
2. Certain vehicles in the City of Durant are or may in the future be abandoned on public streets, rights-of-way, private property and other places within the City, and such conditions tend to impede traffic in the streets, or interfere with the enjoyment of and reduce the value of private property; invite plundering, create fire hazards, and other safety and health hazards to children as well as adults; and
3. There are or may in the future be wrecked, dismantled, partially dismantled, abandoned, or junked vehicles left about the City other than in junkyards, automobile graveyards or other appropriate places, and such conditions interfere with the comfort and well being of the public, and they create, extend, and aggravate urban blight; and adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated, or prohibited; and
4. The purpose of this ordinance is to declare the location or presence of junked vehicles within the City of Durant a public nuisance, to prohibit the abandonment of vehicles in the City of Durant, and to restrict the disposition or keeping of wrecked, non-operating, or discarded vehicles on public streets and rights-of-way or private property within the City, and to provide for impounding of certain vehicles, and to impose penalties for the violation thereof.

Section 2.

Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. Automobile Junkyard: 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; it is allowed only in an — 1 Zone by exception.
2. Junked Vehicle: Any motor vehicle which:
  - (a) 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
  - (b) remains inoperable for a continuous period of more than 120 days.
3. Person: Any person, firm, partnership, association, corporation, company, or organization of any kind.
4. 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.
5. Street or highway. 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.
6. Property: Any real property within the City which is not a street or highway.

### Section 3.

#### Location or Presence of Junked Vehicles Within The City Deemed Public Nuisance, Exceptions.

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

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; or
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, and are so situated as not to cause any substantial devaluation of property within the area, and are so fenced or otherwise protected as not to become an attractive nuisance for children.

#### Section 4.

##### Abatement or Removal Order: Contents: Service of Notice.

1. Notice to owner or occupant of real property:

Whenever such public nuisance exists in the City in violation hereof, the Chief of Police, who shall administer this ordinance, his designees, shall give not less than ten (10) days notice to the owner of the real property or the occupant, if any, of the premises whereon such public nuisance exists, to abate or remove the same, stating the nature of the public nuisance on private property and that it must be removed and abated within ten (10) days; and further that a request for a hearing must be made before expiration of said ten (10) day period by the aggrieved person; such notice to be mailed by certified or registered mail with a 5-day return receipt requested, to the owner or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

2. Notice of nuisance on public Property.

Whenever such public nuisance exists in the City in violation hereof, the Chief of Police, his designees, shall give not less than a ten (10) day notice, stating the nature of the public nuisance on the public property or on a public right-of-way and that it must be removed and abated within ten (10) days; and further that a request for a hearing must be made before expiration of said ten (10) day period; such notice to be mailed by certified or registered mail with a 5-day return receipt requested, to the owner or the occupant of the public premises or to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

3. Public Hearing before the Mayor and Board of Aldermen:

A public hearing prior to the removal of the vehicle or part thereof as a public nuisance is to be held before the Mayor and Board of Aldermen of the City of Durant, when such a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located within ten (10) days after service of notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

not exceeding ninety (90) days or by both; each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 10.  
Severability.

The provisions of this ordinance shall be separable and the invalidity of any of its sections shall not affect the remaining sections.

Section 11.  
Effective Date.

This ordinance shall take effect one (1) month after passage and publication of this ordinance.

Section 12.  
Proof of Publication.

The Clerk is directed to cause this ordinance to be published one time in the *Holmes County Herald* and to obtain proof of publication thereof.

UPON MOTION of Alderman Parkinson, duly seconded by Alderman Ferguson the aforesaid Resolution was put to a roll call vote with the Aldermen voting as follows:

Alderman of Ward One Voted:	Yea [ <input checked="" type="checkbox"/> ] Nay [ <input type="checkbox"/> ]
Alderman of Ward Two Voted:	Yea [ <input type="checkbox"/> ] Nay [ <input type="checkbox"/> ]
Alderman of Ward Three Voted:	Yea [ <input checked="" type="checkbox"/> ] Nay [ <input type="checkbox"/> ]
Alderman of Ward Four Voted:	Yea [ <input checked="" type="checkbox"/> ] Nay [ <input type="checkbox"/> ]
Alderman of Ward Five Voted:	Yea [ <input checked="" type="checkbox"/> ] Nay [ <input type="checkbox"/> ]

ADOPTED AND APPROVED, this the 17<sup>th</sup> day of January, A.D., 2006 at the Regular Meeting of the Mayor and Board of Aldermen of the City of Durant, Mississippi.

Attest:

Linda McDonald  
LINDA McDONALD, Clerk

Johnny Pritchard  
JOHNNY PRITCHARD, Mayor  
(S E A L)