

AMENDMENT TO ORDINANCE 75-1

AN AMENDMENT TO AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES OR PARTS THEREOF THAT ARE IN DILAPIDATED OR INOPERABLE CONDITION EITHER ON ONE'S OWN PROPERTY OR ON THE PROPERTY OF ANOTHER AND FIXING A PENALTY FOR THE VIOLATIONS THEREOF:

1. On the 18th day of February 1975, the Fiscal Court of Marshall County adopted an Ordinance prohibiting abandonment of motor vehicles and parts thereof in a dilapidated or inoperable condition.

2. As a result of the judicial reform Act concerning the court system in the Commonwealth of Kentucky, amendments to the Ordinance are required in order that Ordinance 75-1 have full force and effect of the law. Therefore:

Be it ordained and enacted by the Fiscal Court of the County of Marshall, Commonwealth of Kentucky; THAT:

Section I, of Ordinance 75-1 shall remain as follows:

Definitions. As used in this chapter unless the context requires otherwise, "abandoned motor vehicle" means a motor vehicle or part thereof in a dilapidated and apparently inoperable condition and left unattended on private property for more than seven (7) consecutive days. This definition shall not apply to a motor vehicle or part thereof which is enclosed within a building or fence in a lawful manner or where the motor vehicle or part thereof is not visible from the street, road, or public park, or a motor vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junk yard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this Ordinance.

Section II, of Ordinance 75-1, be amended as follows:

Abandonment of Motor Vehicles on property of another prohibited. No person shall abandon for any length of time a motor vehicle on private property of another person. Any person whose property lies within the unincorporated area of the county and on whose property a motor vehicle is abandoned may file a complaint with the County Attorney.

Section III, of Ordinance 75-1 shall remain as follows:

Abandonment of motor vehicle on person's own property prohibited. The county fiscal court finds that the practice of some property owners within the unincorporated area of the county of allowing abandoned motor vehicles to remain on their property, constitutes a detriment of the welfare and convenience of the residents of the county. Such motor vehicles detract from the appearance of the county and affects the economic development of the county. Therefore, it is the public policy of this county to prohibit the keeping of abandoned motor vehicles on private property within the unincorporated limits of the county, and such vehicles are declared to be public nuisances.

Section IV of Ordinance 75-1 be amended as follows:

Any law enforcement official who has probable cause to believe that a property owner has allowed an abandoned motor vehicle to remain on his property in violation of this chapter, may issue a citation to such property owner ordering him to appear before the Marshall District Court.

Section V of Ordinance 75-1 be amended as follows:

Penalty. If the Marshall District Court finds that a property owner has violated the provisions of this chapter, the Court shall fine him not less than \$25.00, nor more than \$500.00 or shall imprison him in the County Jail for not less than 10 days nor more than 30 days, or both, and each day that a violation continues, will constitute a separate offense for which a citation may be issued and a fine or sentence imposed.

SUBMITTED:


DONALD E. THOMAS
MARSHALL COUNTY ATTORNEY

Introduced at a regular meeting of the Marshall County Fiscal Court held on the 2 day of May, 1995; advertised in Marshall County and adopted by the Fiscal Court of Marshall County at a regular meeting on 15th day of May, and on the same occasion signed in open session by the County Judge as evidence of his approval, attested under seal by the Clerk of Marshall County and declared to be in full force and effect.


MIKE MILLER-COUNTY JUDGE/EXEC.

ATTEST:


JAMES R. ENGLISH
MARSHALL COUNTY COURT CLERK