ORDINACE NO. OR102025-1

AN ORDINANCE TO ESTABLISH REGULATIONS CONCERNING PARKING AND THE STORAGE OF INOPERABLE, AND UNSIGHTLY MOTOR VEHICLES AND UNSIGHTLY VEHICLE PARTS UPON PRIVATE PROPERTY WITHIN CRAWFORDSVILLE, ARKANSAS; ASSESSING CRIMINAL PENALTY, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF CRAWFORDSVILLE, ARKANSAS:

Section 1: Definitions: For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given therein. The word "shall" is always mandatory and not merely directory.

(a) "Person" includes any individual, firm, corporation, partnership, association or any other entity owning, holding title to, or having legal control of any real property within the City of Crawfordsville, Arkansas
(b) "Repair" includes, but is not limited to, work being performed on the body of the motor vehicle or the mechanical components of the vehicle or the restoration of the motor vehicle
(c) "Inoperable motor vehicle" is any motor vehicle that can include, but not limited to:
    - Placed on blocks
    - One which is capable of being licensed, but does not have a current valid license plate
    - Has one or more wheels removed
    - Not in proper condition to be legally operated on the streets of the City because of a lack of proper mufflers, tires, headlights or other mechanical defects, or because of a lack of integral part of assembly or is not capable of self-locomotion
(d) "Unsightly motor vehicle" is any motor vehicle that is visibly in poor condition. This can include, but is not limited to:
    - Excessive rust or damage to the bodywork
    - Missing or noticeably or strikingly damaged parts such as the roof, trunk, hood, one or more bumpers, one or more headlights, one or more doors, one or more mirrors, one or more broken, shattered, missing or cracked windows
    - Unfinished repairs that leave the vehicle appearing abandoned or unattended
    - Excessive dirt or lack of maintenance
    - Leaking fluids
    - Used for storage purposes
    - Health hazard or is in such a state of disrepair or apparent abandonment so as to be unsightly to the extent if detracts from the value of adjoining properties or properties near them
(e) "Unsightly vehicle part" means a major body or mechanical part originally manufactured as part of a motor vehicle or for replacement or repair of any motor vehicle including but not limited to: Engine, battery, wheel or rim, differential, transmission, transfer case, drivetrain, hood, fender, trunk door, door, roof or panel

Section 2: No person shall park, store, or otherwise allow an inoperable or unsightly motor vehicle or unsightly vehicle part to remain in sight on any real property the person owns, leases, or otherwise controls for a period in excess of 30 days from the day any such person is notified thereof as set forth herein.

Section 3: Penalty and costs. Any violation of this ordinance shall be deemed a misdemeanor, and, upon conviction, shall be punishable by fine not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00). Each day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. The court determining guilt or innocence of any person charged with violating of this ordinance shall also assess costs incurred by Crawfordsville in administrative costs of pursuing criminal violation of this ordinance not to exceed $250.00 per each separate offense. In the event a person is convicted of, pleads guilty, or no contest, then the court shall order the guilty person to remove the inoperable motor vehicle, unsightly motor vehicle, or unsightly vehicle parts from the real property within seventy-two (72) hours from the date of such conviction or plea. If the person shall fail to abate the violation of this Ordinance within seventy-two (72) hour period, then the Court may authorize the City to remove the offending vehicle or part from the property with the costs of any towing, removal and storage to be charged against the person convicted. The cost of towing, removal and storage of any inoperable vehicle if not paid by the convicted defendant shall constitute a lien upon both the motor vehicle, unsightly motor vehicle or unsightly vehicle part and the property from which it was removed. A daily fine of Five Hundred Dollars ($500.00, and any required court costs, may be imposed for each inoperable vehicle, unsightly motor vehicle, or part that is not removed from the premises/property within seventy-two (72) hours of the conviction, or plea.

Section 4: Service of Notice:

(a) Owners, lessees, of real property or any other persons exercising control over real property containing inoperable motor vehicles, unsightly motor vehicles or unsightly motor vehicle parts accused of being in criminal violation of this ordinance shall be notified in writing thirty (30) days at their current or last known address prior to any criminal charges being filed

(b) In case any such person identified in 4(a) is unknown or his whereabouts are not known or is a nonresident of this state, then a copy of the written notice shall be posted upon the real property upon which such inoperable, unsightly motor vehicle or unsightly motor vehicle part appears

(c) This notice shall warn any such person that they will be criminally charged for violation of this ordinance unless the condition causing the vehicle to be inoperable, unsightly, or the part unsightly is cured within thirty (30) days from date of the notice, unless the city council should postpone any such charge of criminal violation upon conditions the city council may deem appropriate upon request of the effected person

Section 5: Unless satisfactory Action is Taken within thirty (30) days:

(a) the city shall cause a criminal citation or arrest warrant to be issued charging violation of Section 3 hereof

Section 6: Enforcement of lien:

(a) The lien provided for in A.C.A. 14-54-903 and any other provision of applicable state law or this city ordinance may be enforced and collected in either one of the following manners:

1) The amount of the lien on the property may be determined at a hearing before the city council after 30 days notice by certified mail addressed to the owner of the property if the name and whereabouts of the owner is known. If the name of the owner cannot be determined, then the amount will be determined 30 days after publication of notice of the hearing in a newspaper having a bona fide circulation in the county where the property is located or other posting in the 5 public locations as identified in Crawfordsville City Ordinance OR-9202021-1 and the taking of any other action required A.C.A. §4-54-93. The determination of the amount of lien by city council is subject to appeal by the property owner in the circuit court. The amount

so determined at the hearing, plus ten percent penalty for collection shall be certified by the city to the tax collector of the county and placed on the tax books as delinquent taxes, no later than thirty (30) days after the amount of the lien is determined and collected accordingly unless any appeal taken is successful. The amount, less three percent thereof, when so collected shall be paid to the city by the county tax collector

2) The city may sue the offending party in a court of competent jurisdiction and seek to obtain a judgment that may constitute a lien against property of offending party

Section 7: Severability. If any part, section, or paragraph of this ordinance be held unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the remaining portions of this ordinance.

Section 8: Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed

Section 9: Emergency Clause. It is hereby found and determined by the city council that there exists an immediate need to eliminate placement of inoperable or unsightly motor vehicles or vehicle parts on private property within the city. Therefore, in order to protect the public health, safety, and welfare, an emergency is found to exist, and this ordinance shall become effective after is passage and approval.

Adopted this 20 day of October 2025

Joe Marotti, Mayor

Attest:

Karen Williams

City Clerk