

ORDINANCE NO. 1093

AN ORDINANCE AMENDING SECTIONS 8-301 AND 8-303 OF THE HORTON MUNICIPAL CODE CONCERNING SITUATIONS IN WHICH MOTOR VEHICLES CONSTITUTE NUISANCES ON PRIVATE PROPERTY.

BE IT ORDAINED by the governing body of the City of Horton, Kansas:

Section 1. Section 8-301 of the Horton Municipal Code is hereby amended as follows:

“ARTICLE 3. MOTOR VEHICLES CONSTITUTING NUISANCES ON PRIVATE PROPERTY

8-301. FINDINGS OF GOVERNING BODY. The governing body finds that junked, wrecked, dismantled, inoperative or abandoned vehicles and/or vehicles parked in a front or side yard unless on a paved or graveled driveway, affect the health, safety and general welfare of citizens of the city because they:

- (a) Serves as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (b) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports;
- (c) Are a ready source of fire and explosion;
- (d) Encourage pilfering and theft;
- (e) Constitute a blighting influence upon the area in which they are located; and/or
- (f) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.”

Section 2. Section 8-303 of the Horton Municipal Code is hereby amended as follows:

“8-303. NUISANCES UNLAWFUL; DEFINED; EXCEPTIONS. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.

(a) A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of city ordinance; or incapable of moving under its own power; or in a junked, wrecked or inoperable condition; or parked in a front or side yard unless on a paved or graveled driveway. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable;

- (1) Absence of a current registration plate upon the vehicle;
- (2) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
- (3) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

(b) The provisions of this article shall not apply to:

(1) Any motor vehicle which is enclosed in a garage or other building;

(2) To the parking or storage of a vehicle inoperable for a period of 10 consecutive days or less; or

(3) To any person conducting a business enterprise in compliance with existing zoning regulations or business who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children. However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance;

(4) No business shall keep a vehicle unfenced that is inoperable for longer than 180 days.”

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED by the governing body of the City of Horton, Kansas, this 5th day of January, 2009.

Mayor

ATTEST:

City Clerk