

**Abandoned, Nuisance, Wrecked, Dismantled
Or Inoperative Motor Vehicles**

Definitions.

For the purpose of this section, unless apparent from the context, certain words and phrases used in this section shall be defined as follows:

Abandoned or Nuisance Vehicle means any vehicle which is left unattended or stored on any public or private property in the same or substantially same place for a longer period of 24 hours.

Inoperable Vehicle means any vehicle which is not in operating condition due to damage, removal or inoperability of one or more tires and/or wheels, the engine or any other essential part required for the operation of the vehicle, or which does not have affixed thereto a valid state license plate, or which constitutes a health, safety, fire or traffic hazard.

Private property means any real property within the city which is not public property.

Private Driveway means a surface improved by concrete, asphalt, gravel, rock, or similar material which is contiguous with or adjacent to a street or alley.

Public Property means any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means any other publicly owned property or facility.

Removal Agency means any public body, private or nonprofit organization authorized by the city to remove and salvage abandoned or inoperable vehicles.

Vehicle means any conveyance which is designed to travel along the ground or in the water and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, trucks, tractors, trailers, pull trailers, go-carts, golf carts, boats, campers, and trailers.

Storing, parking or leaving vehicles declared nuisance.

The presence of an abandoned, unattended, discarded, wrecked, burned, dismantled, inoperable, junked, or partially dismantled vehicle or parts thereof on public or private property is hereby declared a nuisance, which may be abated as such in accordance with the provisions of this article. It is unlawful to keep or place any of such vehicles or vehicle parts:

1. Upon public streets or property except on an emergency basis; or

2. Upon the private property of any person owning, in charge of, or in control of any real property within the city, whether as an owner, tenant, occupant, lessee, or otherwise, for longer than seven days unless it is within a fully enclosed building or structure. A tarpaulin, tent or other similar temporary structure shall not be deemed to satisfy the requirements of this section.

In no event shall an inoperable vehicle that constitutes an imminent health, safety or fire hazard be kept or located on any premises.

Exceptions.

This article shall to apply to the following:

1. Operative vehicles parked on private driveways;

2. One inoperable vehicle kept on private property without being shielded from public view if licensed and parked on a private driveway. If this inoperable vehicle is in a state of externally visible disrepair or disassembly, it shall not be kept on the private driveway longer than 14 days.

3. Filling stations, automobile repair shops or other motor vehicle related business in compliance with applicable city ordinances may place inoperable vehicles being repaired or offered for sale on the premises.

Removal

Whenever an abandoned, nuisance or inoperable vehicle is found on public property within the city, it is authorized to place written notice on the vehicle that it will be removed to a garage or place of safety unless the owner remove the vehicle from public property within 24 hours of the giving of notice. After the expiration of the 24 hour period, the vehicle may be removed by a removal agency to a garage or place of safety. Nothing in this section precludes the immediate removal of a vehicle that constitutes an imminent hazard or is impeding the removal of snow.

Disposition of unclaimed vehicles

The removal agency shall have the rights and obligations conferred upon it by SDCL ch. 32-36 in regard to titling or disposition of such unclaimed abandoned or inoperable vehicle, except that, if not otherwise provided by law, it shall have a possessory lien upon any vehicle removed under the provisions of this article for the costs or reasonable charges in taking custody of and storing such vehicles.

Modification of state law

Whenever any vehicle is left unattended on any public road, highway, or highway right of way of this state, for a longer period than 24 hours, without notifying the sheriff or highway patrol office of the county or a peace officer of the municipality where said vehicle is parked, it shall be deemed an abandoned vehicle and subject to the provisions of sections 32-30-13 through 32-30-18, inclusive, or in the alternative, the city of Crooks may elect to proceed subject to the provisions of sections 32-36-2 through 32-6-10, inclusive, as if the abandoned vehicles as defined herein were included in SDCL 32-36-2, definition of terms.

Notice to Remove-- Issuance, Time, Costs, Assessments.

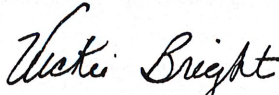
Whenever an abandoned, nuisance or inoperable vehicle is found on private property within the city, the city shall give written notice to the person creating, permitting, or maintaining such vehicle to remove the vehicle or correct the nuisance. Such notice may be served by first class mail. Likewise, such notice may also be served by conspicuously posting a copy of such notice upon the premises where the vehicle is located. Such notice will describe the vehicle to be removed or corrected and require removal or correction thereof within seven days. If at the end of such seven days the nuisance has not been removed or corrected, the city shall cause the correction or removal and disposition. All costs incurred by the city for the removal and disposition of the nuisance or for correcting the nuisance shall be assessed, levied and collected as a special assessment, against the premises from which it was removed, in the manner provided by law for the levy and collection of other special assessments, payable in one sum or up to five equal annual installments as the city may decide.

Adopted this 14th day of July, 1997.

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Second Reading	July 14, 1997
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R.E. BARNEY BERNARDS, Mayor

ATTEST:


VICKIE BRIGHT
Municipal Finance Officer

(Municipal Seal)