

## Chapter 34

### STORAGE OF JUNK, ABANDONED VEHICLES, BUILDING MATERIALS, ETC.

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#### Section 34-1. Definitions

The following words or term when used herein shall be deemed to have meaning set forth below:

- a. The term “junk” shall include, without limitation, parts of machinery or electronics; motor vehicle parts; used tires; furniture; appliances, remnants of wood, metal, or any other castoff material of any kind whether or not the same could be put to any reasonable use.
- b. The term “junk automobile” shall include, without limitation, any motor vehicle which is not licensed for use upon the highways of the state of North Dakota for a period in excess of 60 days, and shall include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 60 days, provided that there is excepted from this definition unlicensed, but operative vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.
- c. The term “abandoned vehicle” shall include, without limitation, any vehicle which has remained on private property for a period of forty-eight (48) continuous hours, or more without the consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant has been revoked.
- d. The term “building materials” shall include, without limitations, lumber, brick, concrete, or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts, or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- e. The term “person” shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

- f. The term “trash” and “rubbish” shall include paper; tin or aluminum cans, wares, or cuttings; boxes; plastic; glass; straw; shavings; logs or branches; accumulated yard waste; barrels; containers once containing edible, drinkable, or useable materials; dead animals or parts thereof; and discarded edible, drinkable or perishable items.
- g. The term “hazard to the public” shall include an attractant and safety hazard to persons under the age of 18; attracts criminal activity; is a wildlife attractant; causes a strong odor discernible off of the property; or likely to contain bacteria, viruses, or organisms which threatens the public health.

Sec. 34-2. Storage of junk, junk automobiles, etc.; Contrary to public health and safety; Nuisance.

It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk automobiles, abandoned vehicles, building materials and the maintenance of blighted structures upon any property within the City of Carrington constitutes a public nuisance and tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, and is contrary to the public peace, health, safety and general welfare of the community.

Sec. 34-3. Storage unlawful.

It is an infraction for any person to store, or permit the storage or accumulation of trash, rubbish, junk, junk automobiles or abandoned vehicles on any property in the City except within a completely enclosed building or upon the business premises of a duly licensed junk dealer.

Sec. 34-4. Dismantling automobiles unlawful.

It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, whether or not the same be a junk automobile, an abandoned vehicle, or otherwise, or any appliance or machinery, except in a completely enclosed building, or upon the business premises of a duly licensed junk dealer.

Sec. 34-5. Storage of building materials unlawful.

It is an infraction for any person to store or permit the storage or accumulation of building materials on any property, except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located on said property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the City of Carrington. Storage of building materials is permitted in accordance with a building permit and specific restrictions provided therein.

Sec. 34-6. Removal of junk, junk automobiles, or abandoned vehicles; Notice to property owner.

City of Carrington Police Department, with consultation of the Public Works and the Fire Department shall be responsible for enforcing this Chapter. After conducting an investigation,

the city may remove or cause to be removed any junk, junk automobile or abandoned vehicle, or parts of either, from any public or private property now owned by the City of Carrington after having notified, in writing, the owner or occupant of such property of its intention to do so at least 14 days prior to such removal. Such notice shall identify the property to be removed and the real property upon which it is located and shall state further that if it is not removed by the owner within 14 days, it will be removed by the city and the cost thereof will be assessed against the real property described in the notice. The notice shall also provide the owner or occupant may request a hearing within 10 days of receipt of the notice. The notice may be served personally upon the owner or occupant of the property; or may be posted in a conspicuous place upon vacant or unoccupied property; or may be served by regular mail addressed to the same person and to the same address as is designated to receive the real estate tax notice for the property. If service of the notice is by mail, three additional days shall be allowed for mailing time. If such junk or junk automobiles, or parts of either, have not been removed by the owner within the time specified, it shall be removed by the city and disposed of in accordance with the law. Such removal by the city shall not excuse or relieve any person of the obligation imposed by this ordinance to keep his property free from storage or accumulation of junk, junk automobiles or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

Sec. 34-7. Hearing by the city council.

The owner or occupant may request a hearing in front of the city council by filing with the city auditor, a notice of appeal, in writing. Such appeal must be filed within ten (10) days of receipt of the notice for removal and before the deadline within which the owner is otherwise required to remove the junk, junk automobile, and/or abandoned vehicle. Upon receipt of such notice, the proceedings shall be stayed and the city will set a hearing date and time to conduct the hearing. Notice must be provided to the owner or occupant at least 5 days prior to the hearing. Formal rules of evidence shall not apply. The city shall have the burden of proof by the clear weight of evidence that the conditions of which it complains constitute junk or junk automobiles and is hazardous to the public. The City shall present its case and the owner or occupant shall have an opportunity to present its case. At the conclusion of the testimony, the City Council will either uphold or overturn the decision. The decision of the City Council shall be final.

Sec. 34-8. Transfer to other property of junk, junk automobiles, and abandoned vehicles.

In the event that any junk, junk automobiles or abandoned vehicles are identifiable and are moved or transferred from one parcel of real property to another and it is reasonable to believe that after an investigation the same persons owns or has dominion or control of the junk, junk automobiles, or abandoned vehicle after receipt of the notice provided for in §34-6 of this article, a new notice shall not be required. The identifiable junk, junk automobiles or abandoned vehicles may be removed by the city as provided in §34-6 of this article and the costs assessed against the property upon which it was located at the time the notice was given.

Sec. 34-9. Impounded Vehicles; disposal

Any junk or abandoned vehicle impounded by the City shall be disposed of in accordance with N.D.C.C. 23.1-15 and any amendments thereto.

Sec. 34-10. Violations; Penalty.

The cost of removal of any junk, junk automobiles and abandoned vehicles may be assessed against the property where said junk, junk automobiles and abandoned vehicles are located at the time the notice was issued. Such removal of any of the provisions of this article is an infraction, and upon conviction, punishable by a fine of not to exceed one thousand dollars (\$1,000.00) in the discretion of the court. Each day any person, firm, association or corporation shall violate any of the provisions of this article shall constitute a separate offense. In the event an individual has a second offense within one year, the City Prosecutor may charge the matter as a B misdemeanor.