

**CITY OF LAKEVIEW
BAXTER COUNTY ARKANSAS
ORDINANCE 23-01**

AN ORDINANCE TO REPEAL ORDINANCE 99-10 AND RECREATE SAME REGULATING INOPERABLE OR IMPROPERLY STORED VEHICLES IN THE CITY OF LAKEVIEW, BAXTER COUNTY, ARKANSAS.

WHEREAS, existing ordinances need to be reviewed from time to time to ensure conformity with ever changing conditions as well as current statutes; and

WHEREAS, the City desires to maintain an appealing atmosphere for the entire community, both residential and commercial.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakeview, Baxter County, Arkansas:

SECTION I – Storage of Vehicles

- A. It shall be unlawful for any individual to maintain, store or keep an inoperable and/or improperly stored motor vehicle on public property.
- B. It shall be unlawful for any individual to maintain, store or keep an inoperable and/or improperly stored motor vehicle on private property for more than fifteen (15) calendar days.

SECTION II – Definitions

- A. The term “Inoperable and/or Improperly Stored Vehicle” means;
 - 1. Any vehicle, whether on public or private property and in view of the general public from which, for a period of at least fifteen (15) days, the engine, wheels, or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated such that the vehicle is incapable of being driven under its own power.
 - 2. Any vehicle on private property and in view of the general public which
 - a) Does not maintain current and valid vehicle registration, license plates or license renewal stickers affixed in the manner prescribed in the Arkansas Vehicle Code.
 - b) Is in violation of any provision of the Arkansas Vehicle Code which would prohibit the vehicle from being driven.
 - 3. The term “Inoperable and/or Improperly Stores Vehicle” does not include:
 - a) Vehicles kept within a building when not in use.
 - b) Operable historic vehicles over 25 years of age.
 - c) Vehicles on the premises of a place of business engaged in the wrecking or scrapping of motor vehicles.

- d) Vehicles which have been rendered temporarily incapable of being driven under their own power in order to perform ordinary servicing or repair operations.
- B. Owner as used in this ordinance shall mean a person who holds legal title to a vehicle, or the right to possession of a vehicle.
- C. Antique motor vehicle shall be defined as a vehicle at least 25 years of age that is being restored to the point that an antique vehicle registration can be obtained and an appropriate license plate can be affixed to said vehicle.

SECTION III – Exceptions

- A. Nothing in this ordinance shall prevent an individual from keeping in the open on private property, one (1) vehicle for the purpose of making repairs, including antique motor vehicles for a period in excess of thirty (30) calendar days. The Code Enforcement Official has the authority to extend this period if in his/her opinion conditions so warrant.
- B. This ordinance does not apply to operable motor vehicles in front of the residence of the owner or a guest.
- C. Nothing in this ordinance is to be interpreted as preventing a bona-fide business from dealing with any inoperable and/or improperly stored vehicle as long as such business is properly located in an appropriately zoned area.

SECTION IV – Notice of Violation – Removal of Vehicle

- A. When an inoperable and/or improperly stored motor vehicle is on public property, a notice shall be placed on the vehicle requiring the owner to remove said vehicle within twenty-four (24) hours. If the vehicle is not removed the Police Department is authorized to remove and impound the vehicle. In the event the vehicle is obstructing the movement of traffic or constitutes a traffic hazard, the Police Department shall immediately have the vehicle removed. In either case, the cost to remove the vehicle and associated storage costs, if necessitated, shall be borne by the owner of the vehicle.
- B. If city officials receive a complaint of an inoperable and/or improperly stored vehicle on private property, the City shall make a reasonable attempt to locate the owner and shall serve written notice that a complaint has been filed and give that person fifteen (15) calendar days to remove the vehicle. If not removed within the time specified, such person shall be found in violation of this ordinance and a citation will be issued.

PENALTIES – Any person, firm or corporation who willfully violates any provision of this Ordinance shall be cited with a misdemeanor and upon conviction shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred-fifty Dollars (\$250.00) together with the costs of such prosecution. Each day during which violation continues shall be deemed to be a separate offense.

SEVERABILITY – The invalidity or unconstitutionality of the provisions of this Ordinance shall not affect any other section hereof, but shall remain in full force and effect.

PASSED, ADOPTED AND APPROVED this 19th day of September, 2023 by the Lakeview City Council comprised of Ralph Edge, Lindley Reubin, Carl Hill, Janet Castillo, Bill Svehla and Brenda Newell on motion by Cncl. Castillo, 2nd by Cncl. Newell with a roll call vote of 6 Yeas and 0 Nays.

Attest:



Kim Wallace, Recorder/Treasurer



Dennis A. Behling, Mayor