



City of Grand Island

Tuesday, April 09, 2002

Council Session

Item F3

#8730 - Consideration of Amendment to Chapter 17 of the Grand Island City Code Relative to Junked Vehicles

The Code Compliance Office is encountering a substantially increased number of junked vehicles in our community in early 2002. In order to make enforcement of the junked vehicle code simpler and more efficient, we are proposing several changes. Enclosed with this week's issue of the "Blues" is a memo which discusses at length the proposed elimination of the special interest vehicle exception to the code, explaining that this exception is rarely properly used and has been the subject of an increasing amount of abuse. The revisions to the junked vehicle code which are proposed with this ordinance include:

a Elimination of the distinction between vehicles which are currently licensed and those which are unlicensed found in §17-39. The existing code allows licensed junked vehicles to be stored outdoors for a period of up to sixty days, while unlicensed vehicles must be placed within an enclosure immediately. As a practical matter, it is impossible for the Code Compliance Officer to determine with any certainty the length of time that a licensed vehicle has been stored outdoors and frankly, the distinction is one which seldom comes up in the course of enforcement action. Because the distinction between licensed and unlicensed vehicles is an impediment to efficient enforcement of the code and as a practical matter rarely comes up, we are proposing that the distinction be eliminated.

b Elimination of the exception for storing inoperative special interest vehicles outdoors. The reasons for proposing elimination of this exception are discussed at length in the memorandum sent to the Council with this week's issue of the "Blues", but may be summarized as the exception is virtually never asserted for the reasons which appear on the face of the ordinance and is being abused by persons claiming that vehicles previously used in such events as demolition derbies and dirt track racing are special interest vehicles. Additionally, the exception is being asserted frivolously on an increasing basis by persons simply claiming to have an interest in restoring vehicles which have no collectible or restoration interest.

c Substituting the term "building" for the terms "enclosure" with the meaning remaining the same, that is, a structure with four walls and a roof erected in compliance with the City Code. This would eliminate the increasing number of claims by persons that a screening fence constitutes an enclosure within the meaning of the code.

d There are some additional minor changes to the code intended to make the language more consistent and understandable.

CJC/sp

Staff Contact: Charlie Cuypers

ORDINANCE NO. 8730

An ordinance to amend Chapter 17 of the Grand Island City Code; to amend Sections 17-39, 17-40, 17-41, and 17-43 pertaining to Junked Vehicles; to repeal Sections 17-39, 17-40, 17-41, and 17-43 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 17-39 of the Grand Island City Code is hereby amended to read as follows:

§17-39. Definitions

The following definitions are applicable to all Code sections pertaining to junked or inoperable vehicles:

(1) Junked Vehicle means any vehicle as defined in Chapter 22 of the City Code which is in storage and is inoperable or totally or partially wrecked or dismantled, or which does not display valid license plates.

~~(A) is not currently licensed, and which is inoperable or which is totally or partially wrecked or dismantled; or~~

~~(B) is currently licensed, and has been inoperable or totally or partially wrecked or dismantled for a continuous period of more than 60 days.~~

(2) Special Interest Vehicle means any vehicle which is designed for, or being used for, some purpose other than normal street use, including, but not limited to antique autos, drag racers, show vehicles, and recreational vehicles.

~~(3) Enclosure means a garage or other building with four walls and a roof erected in compliance with the city building codes.~~

~~(2) Building means a structure with four walls and a roof erected in compliance with the city building codes.~~

~~(3)(4) Storage means placement, maintenance, or keeping for any length of time in excess of seventy-two hours.~~

~~(4)(5) Wrecked means a vehicle that has been damaged to such an extent that such vehicle, if operated on the streets or highways, would be in violation of one or more state statutes, city ordinances, or city code sections pertaining to the condition of vehicles being operated on the alleys, streets or highways.~~

~~(5)(6) Dismantled means lacking any vehicle part, the absence of which, if such a vehicle were operated on the streets or highways, would cause such vehicle to be in violation of one or more state statutes, city ordinances, or city code sections pertaining to the condition of vehicles being operated on the alleys, streets or highways.~~

~~(6)(7) Inoperable means having one or more parts necessary for the operation of a vehicle either not attached to such vehicle or in non-working condition, including but not limited to a fully charged battery and all tires fully inflated.~~

SECTION 2. Section 17-40 of the Grand Island City Code is hereby amended to read as follows:

§17-40. Junked Vehicles; Public Nuisances

The storage of any junked vehicle or any vehicle parts on any tract of land within the City of Grand Island shall be deemed a public nuisance and may be abated pursuant to Section 20-15 of the Grand Island City Code upon

Approved as to Form ? _____
April 4, 2002 ? City Attorney

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written request by the ~~Director of the Department of Health,~~ Grand Island Police Department, ~~the Building Department Director,~~ or the Code Compliance Officer to the City Attorney pursuant to Section 20-15 of the Grand Island City Code. It shall be unlawful for any owner, owner's duly authorized agent or person in possession, charge or control, or the occupant of such a tract to cause, maintain, or permit such public nuisance to exist on said property, except in a manner as set forth below.

SECTION 3. Section 17-41 of the Grand Island City Code is hereby amended to read as follows:

§17-41. Storage of Junked Vehicles

~~(A)~~ Junked vehicles and vehicle parts, whether junked, salvaged, or new, may be stored:

(1) On any tract being used as a junk or auto salvage yard, which is in full compliance with all city code sections pertaining to such businesses, including zoning.

(2) On any tract being lawfully used for a business activity related to junked vehicles, such as an automotive body shop, so long as the junked vehicles and parts are stored in an area that is screened from adjoining property and the public right-of-way by a sight-obscuring fence at least six feet in height, or such junked vehicles and junked parts are removed from the premises within fourteen days of becoming junked; provided, that junked vehicles being displayed for sale as whole units by a licensed automobile dealer are not subject to this screening requirement.

(3) On any other tract, so long as such junked vehicles and such vehicle parts are placed within ~~an~~ building enclosure.

~~(B) Junked vehicles which are special interest vehicles may be stored on any tract so long as they are kept in enclosures or are kept within outdoor storage areas that are maintained in such a way that they do not constitute a health hazard and which are screened from ordinary public view by means of a fence, hedge, or other similar means.~~

SECTION 4. Section 17-43 of the Grand Island City Code is hereby amended to read as follows:

§17-43. Storage of Damaged Vehicles

No automobile repair shop, ~~or automobile body shop,~~ or dealer may store any customer, inventory, or owned vehicles on the public right-of-way or streets, but shall be required to store such vehicles on the business premises.

SECTION 5. Sections 17-39, 17-40, 17-41, and 17-43 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 6. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

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Enacted: April 9, 2002.

Ken Gnadt, Mayor

Attest:

RaNae Edwards, City Clerk