

## ORDINANCE NO. 2097

AN ORDINANCE TO AMEND SECTIONS 18-2, 18-2.1, AND 18-3 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR CHANGES OF DEFINITION AND REMOVAL OF JUNK VEHICLES.; TO REPEAL ORIGINAL SECTIONS 18-2, 18-2.1, AND 18-3, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:

**Section 1.** That Sections 18-2, 18-2.1, and 18-3 of the Lexington City Code are hereby amended to read as follows:

### **Sec. 18-2 Storage of Dismantled, Wrecked, Junked and Inoperable Motor Vehicles as Nuisance.**

It is expressly found and determined that the storage or accumulation of unlicensed, dismantled, partially dismantled, wrecked, junked or inoperable motor vehicles left upon private property, in places other than junk yards or other appropriate areas, tends to interfere with the enjoyment of property, reduce the value of private property, and invite plundering and vandalism, create fire hazards, extend and aggravate urban blight, and result in a serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the City and is hereby declared to be a nuisance. No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicles of any kind which is in a wrecked, dismantled, inoperable, junked or partially dismantled condition for a period of time in excess of 15 days; provided, this section shall not apply to any vehicle located on private property and enclosed within a building, or to any vehicle held in connection with a business enterprise, lawfully operated within the City in a non-residential zoning area.

### **Sec. 18-2.1 Definitions.**

The following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) Motor vehicle is any vehicle which is designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go carts, golf carts, campers and trailers.
- (b) Junked motor vehicle is any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded.

(c) Inoperable motor vehicle shall mean a motor vehicle which cannot be started and driven.

**Sec. 18-3 Abatement.**

- A. Whenever any lot owner, or owner of any tract of land, or occupant of a lot or tract of land, permits a nuisance to exist, such owner and any occupant shall be notified of the existence of such nuisance by the City Manager, and if the nuisance is not abated within five days from the service of the notice, the owner or occupant shall be guilty of creating a nuisance. The notice may be served by personally handing a copy thereof to each owner, or owner's duly authorized agent and to the occupant, or by leaving at his usual place of residence, or in the event the owner is a nonresident of the City, and his residence is known, notice may be served upon him by certified mail. Service of notice by certified mail shall be deemed complete when the notice is delivered to the owner by the United States mail.
- B. Upon failure of the owner or occupant to so abate the nuisance within five days of notice being given, in addition to or in lieu of filing charges for violation of this Chapter, the City Police Department may cause any junked motor vehicle to be towed from the property, at the expense of the owner of said motor vehicle. Such towed vehicle shall thereafter be handled pursuant to Article IX, of Chapter 16 of the Lexington City Code.

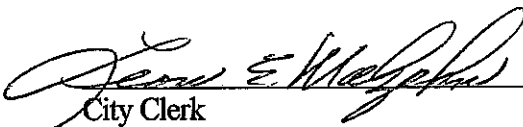
**Section 2.** That original Sections 18-2, 18-2.1, and 18-3, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

**Section 3.** That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 14 day of April, 1998.

  
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Mayor

Attest:

  
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City Clerk

