

AN ORDINANCE TO PROHIBIT THE STORAGE OF  
INOPERABLE MOTOR VEHICLES UPON PRIVATE PREMISES;  
ESTABLISHING AN EMERGENCY; AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION,  
ARKANSAS:

Section 1. Definitions. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given therein. When not inconsistent with the context, words used in the present tense include the future tense. Words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Person" includes any individual, firm, corporation, partnership, association or any other entity owning, holding title to, or having legal control of any real property within the City of Marion, Arkansas.

(b) "Inoperable motor vehicle" is any motor vehicle placed on blocks or one which is capable of being licensed, but does not have a current valid license plate, or has one or more wheels removed or is not in proper condition to be legally operated on the streets of the City because of a lack of proper mufflers, tires, headlights or other mechanical defects, or because of a lack of integral part of assembly or is not capable of self-locomotion.

(c) "Repair" includes, but is not limited to, work being performed on the body of the motor vehicle or the mechanical components of the vehicle or the restoration of the motor vehicle which is not completed within seven (7) days of the time the vehicle first met the definition of "inoperable motor vehicle."

Section 2. The owner or any person in control of any lot, lots or other real property within the City of Marion shall, from and after the effective date of this Ordinance, be required to keep the lot, lots or other real property free of inoperable motor vehicles. This Ordinance shall not apply to "repairs"

which are completed within seven (7) days of the time the vehicle first met the definition of "inoperable motor vehicle."

Section 3.

(a) This Ordinance shall not apply to any lot, lots or other real property within the City of Marion which is zoned commercial and is used in the automotive repair business.

(b) This Ordinance shall not apply to persons who obtain a permit from the City of Marion or to persons who have not more than one motor vehicle which is stored in an enclosed garage. The persons may obtain a permit to maintain not more than one inoperable motor vehicle on real property in the City of Marion, subject to this Ordinance, in the following situations:

(1) One motor vehicle used in racing that meets the definition of "inoperable motor vehicle" solely because it does not have a current valid license plate;

(2) One motor vehicle which is being repaired on real property owned or rented by the person owning the vehicle;

(3) Any permit issued pursuant to subsection (b) above shall only be valid for a period of six (6) months from the date the permit is issued.

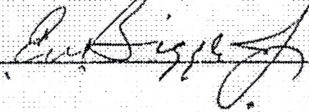
Section 4. Penalties. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. No fine assessed hereunder shall be suspended.

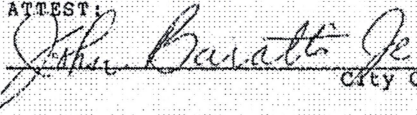
Section 5. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6. If any part, section or paragraph of this Ordinance shall be held to be unconstitutional or invalid, for any reason, such unconstitutionality or invalidity shall not affect the remaining portions of this Ordinance.

Section 7. Emergency Clause. It having been found and determined by the City Council of the City of Marion, Arkansas, that inoperable motor vehicles are unsightly and unsanitary and create a traffic and health hazard, an emergency is hereby declared to exist, and this Ordinance being necessary for the preservation of the public health, safety and well-being of the citizens of the City of Marion, Arkansas, shall become effective immediately upon its passage and approval.

PASSED AND APPROVED on this 23 day of July, 1991.

  
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Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk