

(First Published in The Tiller & Toiler, \_\_\_\_\_, 20\_\_ ) It

ORDINANCE NO. 453a

AN ORDINANCE INCLUDING ABANDONED OR INOPERABLE BOATS AND BOAT TRAILERS, VEHICLE TRAILERS, TO BE INCLUDED AS JUNKED MOTOR VEHICLES ON PRIVATE PROPERTY IN ROZEL.

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BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROZEL, KANSAS:

Ordinance 453 as effective June 22, 2015 is hereby amended to read as follows:

SECTION 1. Section 2 of Ordinance 453: DEFINITIONS as used in this ordinance, unless the context clearly indicates otherwise:

a) Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed. Inoperable also includes vehicles that are not tagged with a current registration or tag under state law but are parked in the street.

b) Vehicle means without limitation, any automobile, truck, tractor, boat, boat trailer, or trailer of any kind, or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time, or which is to be used to transport boats but appears to be abandoned or which is parked in the street for more than 30 days.

SECTION 2: Section 3 of Ordinance 453 is hereby amended to read as follows:

NUISANCES. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city. a) A motor vehicle nuisance is any motor vehicle, boat, trailer, or boat trailer, which is not currently registered or tagged

pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or is parked in violation of city ordinance or incapable of moving under its own power; or in a junked, wrecked or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or in operable 1) Absence of a current registration plate upon the vehicle 2) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports: 3) uninflated tires on the vehicle or trailer, 4) the absence of one or more parts of the vehicle or trailer necessary for the lawful operation of the vehicle upon street or highway, or 5) a trailer of any kind is parked on the city streets for more than 30 days.

b) The provisions of this article shall not apply to 1) any motor vehicle, boat or trailer which is enclosed in a garage or other building; 2) to the parking or storage of a vehicle inoperable for a period of 30 consecutive days or less; or 3) To any person conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size , strength and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children. However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance

SECTION 3. Section 11 of Ordinance 453 is hereby amended to read as follows:

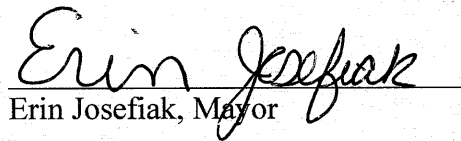
DISPOSITION OF VEHICLE; RECOVERY OF VEHICLE. a) Disposition of any motor vehicle removed and abated from private property pursuant to this article, shall be as provided by K.S.A. Supp.8-1102, as amended.

b) Any person attempting to recover a motor vehicle impounded as provided in this article, shall show proof of valid registration and ownership of the motor vehicle before the motor vehicle shall be released. In addition, the person desiring the release of the motor vehicle shall pay all reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to the release of the motor vehicle.

SECTION 4: Sections 2, 3 and 11 of Ordinance No. 453 are repealed. All other sections of original Ordinance No. 453 dated June 22, 2014 remain the same.

SECTION 5: These Amendments in this ordinance shall take effect and be in force from and after its passage and publication in the Larned Tiller & Toiler, the official City newspaper.

PASSED, APPROVED AND ADOPTED by the City Council of Rozel, Kansas, on March 8, 2021.

  
Erin Josefiak, Mayor

ATTEST:

  
Helen Thorne, City Clerk

(Published in compliance with K.S.A. 12-3007(b) on \_\_\_\_\_, 2021

**SUMMARY OF ORDINANCE NO. 453a**

This ordinance is published pursuant to KSA 12-3007(b), and amends three sections of original Ordinance 453 which sets forth definitions of certain types of property in the city limits that are considered “junked” vehicles and thus subject to regulation. The ordinance now includes abandoned, unregistered or untagged boats and boat trailers.

A copy of the ordinance is available free of charge for viewing at the city offices by contacting the city clerk at any time during office hours. The number is (620) 527-4399.

The city’s officially designated website URL is:

[http://www.rozelcity.com/ordinances\\_resolutions](http://www.rozelcity.com/ordinances_resolutions) A reproduction of this entire ordinance is available at that site for at least one week following summary publication in the official county newspaper.

The ordinance was adopted on March 8, 2021.

Pursuant to KSA 53-601, as amended, as city attorney, I declare and certify the foregoing is true and correct and legally accurate and sufficient.

Ronald D. Smith  
City Attorney, Rozel