ORDINANCE #58

AN ORDINANCE OF THE CITY OF LAKEWOOD, TENNESSEE, DECLARING CERTAIN JUNKED MOTOR VEHICLES TO BE A PUBLIC NUISANCE AND PROHIBITING THE ABANDONMENT OF SAME; PROVIDING AUTHORIZATION FOR THE CITY MANAGER OR OTHER DESIGNATED CITY OFFICIAL TO SERVE AN ORDER TO REMOVE SUCH VEHICLES: PROVIDING FOR REMOVAL AND DISPOSAL OF SUCH VEHICLES BY THE CITY OF LAKEWOOD, DECLARING EXEMPTIONS FOR CERTAIN VEHICLES: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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WHEREAS, there are now present in the City of Lakewood, Tennessee a substantial number of wrecked, dismantled, junked, abandoned and/or discarded motor vehicles, which motor vehicles tend to impede the orderly flow of vehicular traffic, invite plundering, create fire and other safety and health hazards, interfere with the comfort and well being of the public, and create, extend and aggravate urban blight.

WHEREAS, the above described conditions are found to be detrimental to the public health, safety and welfare, and to be and constitute a public nuisance.

Now, therefore, Be It Ordained by the City of Lakewood, Tennessee as follows:

SECTION 1. A junked motor vehicle is any motor vehicle the condition of which is any one or more of the following: (1) Wrecked; (2) Dismantled; (3) Inoperative; (4) Abandoned; or (5) Discarded. A motor vehicle, for all purposes hereunder, is defined as any vehicle which is self propelled and any device in, upon or by which any person or property is or may be transported or drawn from one location to another, except devices moved only by human power or used exclusively upon stationary rails or tracks.

SECTION 2. The location or presence of any junked motor vehicle on a lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the City of Lakewood, Tennessee, shall be deemed a public nuisance, and it shall

be unlawful for any person or other legal entity to cause, maintain or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding a motor vehicle or vehicles on the property of another, or to suffer, permit or allow the same to be placed, located, maintained or to exist upon real property belonging to such party. However, this section shall not apply to the following:

(1) Any junked motor vehicle in a completely enclosed building.

(2) Any junked motor vehicle in an appropriate storage place or depository maintained in an officially designated place and manner by the City of Lakewood.

SECTION 3. Whenever any junked motor vehicle is found within the City of Lakewood in violation of this ordinance, the City Manager or his duly authorized representative shall cause the owner or occupant of the premises on which such vehicle is located to be served with an order to remove such vehicle within ten (10) days after service of such order. It shall be unlawful for the owner or occupant of the premises to fail, neglect or refuse to obey such order within ten (10) days after service of same.

SECTION 4. If the premises on which a junked motor vehicle is located contrary to this ordinance are unoccupied and the owner or agent thereof cannot be found, or by permission of the owner of the premises, the City Manager or his duly authorized representative shall abate such public nuisance by entering upon the property and impounding and taking into custody the motor vehicle in question, and disposing of same in accordance with and as authorized by sections 59-1601 to 59-1609, inclusive, of Tennessee Code Annotated. Such impoundment and disposition shall not relieve any person or party from liability for penalty upon conviction for violating other provisions of this ordinance, but is in addition to any other penalty.

SECTION 5. The provisions of this ordinance shall not apply to the following:

(1) Motor vehicles in operable condition and specifically adapted or contructed for racing or operation on privately owned drag strips or raceways.

(2) Motor vehicles retained by the owner for bona fide antique collection purposes rather than for salvage or transportation.

(3) Motor vehicles stored, with the permission of the property owner, by a member of the armed forces of the United States who is on active duty assignment.

SECTION 6. Any person, corporation or other legal entity violating this ordinance, upon conviction thereof, shall be fined not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00) for each offense, and each day of continued violation shall constitute a separate offense.

SECTION 7. That in the event any part of this ordinance shall be declared invalid for any reason, the remainder of said ordinance shall remain in full force and effect and not be affected thereby.

SECTION 8. That all ordinances or parts of ordinances in conflict with this ordinance shall be and are hereby repealed, but only to the extent that this ordinance shall conflict with same.

SECTION 9. That this ordinance is hereby declared to be an emergency ordinance, and shall be in full force and effect from and after its passage and approval, the public welfare requiring it.

O. L. Ferrell
MAYOR

5/2/74
Passed First Reading

Mrs C. J. Wooden
RECORDER

5/16/74
Passed Second Reading

6/6/74
Passed Third Reading