

CITY OF CLAY, ALABAMA

ORDINANCE NO. 2005 - 56

AN ORDINANCE REGULATING THE EXTERIOR STORAGE OF NONOPERATING VEHICLES, MACHINERY, IMPLEMENTS, EQUIPMENT AND OTHER PERSONAL PROPERTY; SETTING FORTH PENALTIES FOR VIOLATION THEREOF; AND REPEALING ALL CITY ORDINANCES INCONSISTENT THEREWITH WITHIN THE CITY OF CLAY, ALABAMA.

WHEREAS, the City Council of the City of Clay has determined that nonoperating vehicles, machinery, implements, equipment and other personal property which are stored, or allowed to remain, on premises within the City are a public safety hazard, are detrimental to the property of others and causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located; and

WHEREAS, any existing city ordinance pertaining thereto to does not sufficiently address the current needs of the citizens of the City of Clay.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clay as follows:

Section 1. No person in charge of or in control of premises located within the City of Clay, whether as owner, lessee, tenant, occupant or otherwise shall allow any unused, partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle(s) and any other vehicle(s), machinery, implement(s), and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured to remain on such property longer than ten (10) days.

Section 2. Any person in charge of or in control of premises located within the City

of Clay, whether as owner, lessee, tenant, occupant or otherwise which is found in violation of this ordinance shall be served a notice of such violation containing therein the nature of the violation and a time within which said violating vehicle(s), machinery, implement(s), and/or equipment and personal property shall be repaired or removed. The notice contemplated herein shall be deemed served by posting said notice on the premises in a conspicuous place on said premises.

Section 3. In the event any person in charge of or in control of premises located within the City of Clay, whether as owner, lessee, tenant, occupant or otherwise has failed or refused to repair or remove said violating vehicle(s), machinery, implement(s), and/or equipment and personal property on or before the date set forth in the notice provided for in Section 2 above, a complaint and/or warrant for the violation of this ordinance shall be issued by the law enforcement personnel acting on behalf of the City or by any other person designated by the City, requiring the owner, lessee, tenant, occupant or other entity so charged to appear before the District Court of Jefferson County, Alabama or the Municipal Court for the City of Clay, as the case may be, to answer the charge(s).

Section 4. Any person, firm or corporation violating any provision of this ordinance shall be fined not more than five hundred dollars (\$500.00) and sentenced to not more than thirty (30) days in the county and/or city jail for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

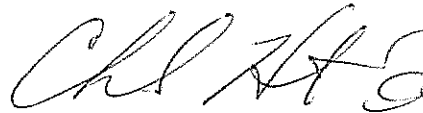
Section 5. This ordinance shall not apply with regard to any vehicle, machinery, implement(s), and/or equipment and personal property in an enclosed building or so located

upon the premises as not to be visible from any public place or from any surrounding private property. This ordinance shall further not apply with regard to any vehicle, machinery, implement(s), and/or equipment and personal property on the premises of a business enterprise operated in a lawful place and manner when the keeping or maintenance of such vehicle, machinery, implement(s), and/or equipment and personal property is necessary to the operation of such business enterprise; or with regard to a vehicle, machinery, implement(s), and/or equipment and personal property in an appropriate storage place or depository maintained in a lawful place and manner by the city or any other public agency or entity.

Section 6. All ordinances and provisions therein inconsistent with the provisions of this ordinance are hereby repealed upon the effective date of this ordinance.

Section 7. This ordinance shall become effective upon adoption and publication as required by law.

ADOPTED AND APPROVED THIS 20th DAY OF June, 2005.



Charles D. Hart, Mayor

ATTEST:



Bobby Christmas, City Clerk