

**BILL NO. 17-006**

**ORDINANCE NO. 4745**

**FIRST READING 02.21.2017**

**SECOND READING 03.07.2017**

**AN ORDINANCE REVISING SECTION 19-32 OF THE REVISED ORDINANCES OF THE CITY OF HANNIBAL, NUISANCE DECLARED**

**WHEREAS**, the City Council has previously determined that damaged, disabled or unlicensed vehicles constitute a nuisance to the Citizens of the City of Hannibal, and that it is within the reasonable police powers of the City of Hannibal to regulate and address such nuisance issues, and

**WHEREAS**, the current ordinance provides for a period of time of seven (7) days to remove the said nuisance after notice, but that the practice of the Hannibal Police Department has been to give ten (10) days' notice in other similar matters, and

**WHEREAS**, the council believes that for consistency in the application of justice that it is appropriate to conform section 19-32 so that it's time period matches that of other similar notice periods enforced by the City of Hannibal.

**NOW THEREFORE, THE CITY COUNCIL MAKES THE FOLLOWING AMENDMENTS TO CHAPTER 19 OF THE ORDINANCES OF THE CITY OF HANNIBAL:**

**SECTION ONE:** Existing Section 19-32 is hereby revoked and a new Section 19-32 is enacted in its place.

**SECTION TWO:** Section 19-32 is enacted as follows:

Sec. 19-32. - Nuisance declared.

(a) No damaged, disabled or unlicensed vehicles, or parts thereof, shall be allowed on any property.

(b) No damaged, disabled or unlicensed vehicle shall be allowed to remain on any street or highway for more than 48 hours.

(c) No commercial vehicle shall be kept, parked, or stored on any residential property; except commercial vehicles making local deliveries or providing local service are exempt from the provisions of this section.

(d) No construction or commercial-grade equipment shall be kept or stored on any residential property; except that equipment used to provide local service is exempt from the provisions of this section.

(e) The owner, lessee, renter, or resident of any residential property shall, upon notice, remove any such vehicle or equipment located on said residential property within ten (10) days of posting or other service of the notice.

(f) Persons found in violation hereof shall be subject to the penalties set forth in this article. Each day the violation continues shall constitute a separate offense.

(g) Violation of this section shall be subject to prosecution in municipal court. Any person who violates this section shall, upon conviction, be punished as provided in this Code. If a damaged, disabled, unlicensed, or a commercial vehicle, or commercial-grade equipment is found on the same property in further violation of this section, the building inspector or other designated city official may, without further notification, proceed to prosecution, notwithstanding any requirement of notification contained in the International Property Maintenance Code. If a damaged, disabled, unlicensed, or commercial vehicle, or construction or commercial-grade equipment is found on the same street, highway, or property in further violation of this section, the designated city official may, without further notification, proceed to prosecution.

(Ord. No. 4570, § 2, 4-5-2011)

**SECTION THREE:** It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

**SECTION FOUR:** All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

**SECTION FIVE:** That this Ordinance shall be in full force immediately upon its adoption and approval.

ADOPTED this 7<sup>th</sup> day of March, 2017

APPROVED this 7<sup>th</sup> day of March, 2017



James R. Hark, Mayor

ATTEST:



Angelica N. Zerbonia, MRCC - City Clerk