CHAPTER 6-07
ABANDONED VEHICLES

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SECTION 6-07-001-0001 DEFINITIONS:

In this Chapter, unless the context otherwise requires:

A. "ABANDONED" means unclaimed or discarded. Evidence that a vehicle is without current licenses or tabs for a period of fifteen (15) successive calendar days on private property, and without any repairs during that period, shall be prima facia evidence of intent to abandon.

B. "JUNKED" means dismantled, inoperable, not used for transportation, unsalvageable, stripped or scrapped. Evidence that a vehicle is inoperable and without repairs necessary to result in its operability for a period of fifteen (15) successive calendar days on private property shall be prima facia evidence of its junked status.

C. "PRIVATE PROPERTY" means land within the corporate limits of Flagstaff owned by any person, firm, partnership or corporation other than the United States, the State, the County, the City of Flagstaff, or other public agency, including streets, rights of way, easements and open spaces not dedicated to the general public for unrestricted public use.

D. "UNSHELTERED" means outside a covering specifically manufactured for use as a vehicle cover, carport, garage or other building, or otherwise within public view from a public right of way.

E. "VEHICLE" means any vehicle, trailer or semi-trailer of a type subject to registration under Title 28 of the Arizona Revised Statutes. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Amended, 05/04/93)

SECTION 6-07-001-0002 UNSHELTERED STORAGE OF AN ABANDONED OR JUNKED VEHICLE PROHIBITED:

The unsheltered storage, parking, standing or placement of an abandoned or junked motor vehicle for a period of fifteen (15) days or more on any private property except where permitted by Title 10 of this Code relating to zoning, is hereby declared to be a nuisance and dangerous to the public safety. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Amended, 05/04/93)

SECTION 6-07-001-0003 EXEMPTION OF CERTAIN VEHICLES:

A vehicle eligible for licensing pursuant to A.R.S. Section 28-341 et seq., Horseless Carriages, Classic Cars, and Historic Cars, or A.R.S. Section 28-380, Street Rods, shall not be considered an abandoned or junked vehicle and seized pursuant to this Chapter while such vehicle is stored or maintained on the vehicle owner's private property. (Ord. 1802, 05/04/93)

SECTION 6-07-001-0004 ABATEMENT OF NUISANCE:

The owner, owners, tenants, lessees, and occupants of any private property upon which such storage is made and also the owner or owners of such abandoned or junked vehicles shall jointly and severally abate said nuisance by removal of the vehicle from the premises, by providing sheltered storage within the meaning of this Chapter, or by making such repairs as are necessary to operate the vehicle. The last registered owner of record shall be presumed to be the owner of the vehicle unless an affidavit has been filed that the vehicle was stolen pursuant to A.R.S. Section 28-1421, a stolen report has been accepted by a local law enforcement agency or title has been transferred pursuant to A.R.S. Section 28-314. (Ord. 1802, 05/04/93)

SECTION 6-07-001-0005 NOTICE OF REQUEST FOR VOLUNTARY ABATEMENT AND REMOVAL BY CITY:

Any owner, tenant, lessee, occupant or other person who fails, neglects or refuses to abate such nuisance shall be notified in writing by certified mail, return receipt requested, by the City Manager or his representative to abate said nuisance within ten (10) days from the date of receipt of such written notice or said vehicle may be removed from the private property by the City in accordance with A.R.S. Section 28-1401 et seq. If the notice is returned unclaimed or addressee unknown, the notice of the request to abate said nuisance and removal by the City shall be published once in a newspaper of general circulation in the county in which the vehicle was found and a copy of the notice of request to abate said nuisance and removal by the City shall be posted on the vehicle. (Ord. 1802, 05/04/93)

SECTION 6-07-001-0006 REMOVAL BY CITY:

When any such owner, tenant, lessee, occupant or other person to whom notice as aforesaid has been mailed fails, neglects or refuses for more than ten (10) days from the date of receipt of said notice to abate said nuisance, the City Manager or his designee may remove said abandoned motor vehicle from said premises, and dispose of same according to the provisions of the A.R.S. Section 28-1401 et seq. The City Manager, or the City Manager's designee, may, upon request from any such owner, tenant, lessee, occupant or other person to whom notice as aforesaid has been mailed, grant an extension of the time required for abatement for purposes of repair, removal or sheltering of the vehicle. Such extension shall be confirmed in writing. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Enacted, 05/04/93)

SECTION 6-07-001-0007 PENALTY:

It shall be unlawful for any person to knowingly fail, neglect or refuse to abate any nuisance set forth in Section 6-07-001-0002. A person who is convicted of a violation of this Chapter is guilty of a Class 1 Misdemeanor and shall be sentenced to a fine of not less than twenty-five ($25.00) and not more than two hundred and fifty dollars ($250.00). The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Chapter. (Ord. 1802, 05/04/93)

(Ord. No. 1802, Enacted, 05/04/93)

SECTION 6-07-001-0008 ADDITIONAL POWERS:

The powers described herein relating to removal of abandoned vehicles from private property are in addition to those powers vested in the City of Flagstaff by Arizona Revised Statutes Title 28, Chapter 8, Article 5, relating to removal of abandoned and junked vehicles from public property, and Arizona Revised Statutes, Title 28, Chapter 6, Article 14 relating to removal of illegally stopped vehicles on a

public way, and to any other police powers vested in the City by Statute. (Ord. 1802, 05/04/93)
(Ord. No. 1802, Ren&Amd, 05/04/93, 6-07-001-0007)