

**CITY OF COLLINSVILLE, OKLAHOMA
ORDINANCE NUMBER 990**

AN ORDINANCE REPEALING AND REPLACING PART 2, CHAPTER 34, ARTICLE II, DIVISION 4, SECTIONS 34-88 THROUGH 34-97 OF THE MUNICIPAL CODE OF THE CITY OF COLLINSVILLE AND ESTABLISHING AND ADOPTING SECTIONS 34-88 THROUGH SECTION 34-96 RELATING TO JUNKED AND ABANDONED VEHICLES, PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF COLLINSVILLE, TULSA COUNTY, STATE OF OKLAHOMA, AS FOLLOWS:

SECTION 1: An ordinance repealing and replacing Part 2, Chapter 34, Article II, Division 4, Sections 34-88 through 34-97 of the Collinsville Municipal Code and establishing and adopting Sections 34-88 through 34-96 relating to Junked and abandoned vehicles.

Section 34-88 DEFINITIONS RELATING TO ABANDONED OR JUNKED VEHICLES.

As used in this chapter, the following terms shall have the meanings respectfully ascribed to them in this section:

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“Private property” means any real property within the corporate limits of the city which is not public property as described herein.

“Public property” means any property owned or controlled by the city, the county, the state, or any public entity thereof, or the United States Government within the city limits, and shall include all streets and highways.

“Vehicle” means any machine propelled by other than human muscle and shall include without limitation any airplane, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, or self-propelled farm or construction equipment.

“Dismantled, junked, abandoned, unserviceable, or inoperable vehicle” shall be deemed to include the major parts thereof including bodies, engine transmissions, frames and rear ends, or any vehicle which does not have current and valid license tags.

Section 34-89 KEEPING VEHICLES

It is unlawful and an offense for any person to deposit, store, keep or permit to be deposited, stored or kept upon public or private property, in the open, a dismantled, unserviceable, inoperable, junked or abandoned vehicle or any vehicle legally or physically incapable of being operated, for a period exceeding one hundred sixty-eight (168) hours, unless such vehicle is completely enclosed

within a building, or stored in connection with a business lawfully established pursuant to the zoning ordinances of the city, or stored on property lawfully designated under the zoning ordinances of the city as a place where such vehicles may be stored.

Section 34-90 ACCUMULATION A NUISANCE

The accumulation or storage of one or more vehicles as described in Section 34-88 of this chapter shall constitute a nuisance detrimental to the health, safety and welfare of the inhabitants of the city. It is the duty of the owner or person in control of such vehicle, or the owner of the private property, lessee or person in possession or control of the property upon which such vehicle is located to cause to be removed or remove the vehicle from such property, or have the vehicle housed in a building where it will not be visible from the street or other private property. Such removal or enclosure shall be made within one hundred sixty-eight (168) hours after notice, as set out in Section 34-91 of this chapter, has been given to the owner or person in control of the vehicle of the owner, lessee or person in control of the property upon which such vehicle is located. The one hundred sixty-eight (168) hour time limit may be extended by the code enforcement official in the case of obvious hardship.

Section 34-91 NOTICE

The code enforcement official upon complaint of any citizen or on his or her own determination, shall cause notice to be posted on such abandoned, junked, unserviceable, inoperable, or dismantled vehicle, that the vehicle is a nuisance and shall be removed within one hundred sixty-eight (168) hours. When such abandoned, junked, unserviceable, inoperable, or dismantled vehicle is located upon private property. Notice shall also be provided in writing to the property owner as shown by the most current tax roll of the county treasurer, as well as any lessee or occupant(s) as shown by the current utility records of the city.

Section 34-92 REMOVAL

Upon any failure of the owner or person in control of the vehicle or the owner, lessee, or person in control of the property upon which the vehicle may be located to lessee, or person in control of the property upon which the vehicle may be located to remove the vehicle or place it in an enclosed building within one hundred sixty-eight (168) hours after notice has been placed on the vehicle, code enforcement official shall notify, in writing, the police department of the city which shall promptly cause the vehicle to be removed and impounded in accordance with the police department's impound procedures. The wrecker service where the vehicle is impounded shall cause notification of the vehicle owner and lien holder of its impoundment as provided by state law.

Section 34-93 REGAINING POSSESSION

The owner or person in control of any vehicle or vehicles so removed may regain possession thereof by obtaining an impound release form the police department in accordance with the police department's impound procedures. All costs owing for impound towing and storage fees shall be paid to the wreck service where the vehicle is impounded. Should the vehicle go unclaimed, the wrecker service shall dispose of such in accordance with state law.

Section 34-94 PENALTIES

Any individual, firm or corporation found to be in violation of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-11 of this code. Each day that any violation is committed shall constitute a separate offense.

Section 34-95 APPEALS

An appeal of any dismantled, unserviceable, inoperable, junked or abandoned vehicle public nuisance determination may be made to the City Manager of the City of Collinsville, Oklahoma, or his/her designee, by filing a written notice with the City Clerk, City of Collinsville, 106 N. 12th Street, Collinsville, OK 74021, within 168 hours (seven days) from the date notice was affixed to the vehicle. Said written appeal shall stay enforcement of any action. As soon as thereafter possible, and upon not less than ten (10) days' notice to the appealing party, the City Manager or his/her designee, shall set a hearing on the matter and any decision made shall be considered a final decision. Any party aggrieved by the final decision of the City Manager or his/her designee may seek relief by filing a suit in the Tulsa County District Court within twenty (20) days from the date of the Order. The final decision of the City Manager or his/her designee shall not be stayed unless a Restraining Order is issued by a Court of competent jurisdiction after hearing and presentation of evidence showing good cause for a stay of enforcement.

Section 34-96 IMMEDIATE REMOVAL OF VEHICLE OBSTRUCTING TRAFFIC

Nothing contained in this division shall affect the provisions of the Collinsville Municipal Code permitting immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

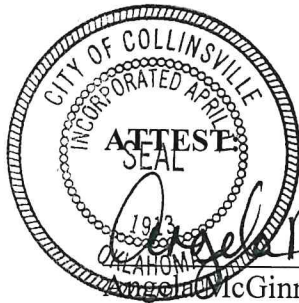
SECTION 2: The provisions of this ordinance are severable and if any part or parts of this ordinance are held to be invalid, then the decision of the court so holding shall not affect the remaining provisions.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are expressly repealed.

SECTION 4: This ordinance shall become effective upon passage and publication.

PASSED, APPROVED AND ADOPTED, this 4th day of April, 2022.

CITY OF COLLINSVILLE, OKLAHOMA



By: Larry Shafer
Larry Shafer, Mayor

Angela McGinnis
Angela McGinnis, City Clerk

APPROVED AS TO FORM:

Ken Ray Underwood
Ken Ray Underwood, City Attorney