

#D8

AN ORDINANCE PROHIBITING THE MAINTAINING OF  
DISMANTLED OR INOPERABLE MOTOR VEHICLES  
ON ANY PROPERTY IN THE TOWN OF GREENWOOD,  
CREATING EXCEPTION THEREFROM, AND PRESCRIBING  
PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the maintaining of dismantled or inoperable motor vehicles creates the possibility that such motor vehicles may be used for unlawful purposes and may become a haven for vermin in addition to creating a danger to life and property;

WHEREAS, it is, in the opinion of the individual members of Town Council of The Town of Greenwood necessary and in the best interest of the residents and property owners of The Town of Greenwood to enact an Ordinance which will eliminate the keeping or storing of dismantled or inoperable motor vehicles within the corporate limits of The Town of Greenwood.

NOW THEREFORE, BE IT ORDAINED by the Town Council of The Town of Greenwood in Council met, in the manner following, to wit:

Section 1. For the purposes of this Ordinance the following definitions shall be applicable unless the context clearly indicates to the contrary:

(a) Dismantled Motor Vehicle means any motor vehicle from which any major component has been removed so that it cannot be operated or is in such a state of disrepair as to be incapable of being operated.

(b) Inoperable Motor Vehicle means any motor vehicle which has been wrecked so as to be incapable of being operated or which has no registration plates or which has expired registration plates, prohibiting it from being legally operated on public streets of The Town of Greenwood.

(c) Motor Vehicle means any self-propelled land vehicle which can be used for the transportation of people or materials, including, but not limited to, automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snow mobiles, dune buggies and other on-road vehicles.

(d) Person means and includes an individual, natural person, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization or any other group acting as a unit, with a manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver or other representative appointed according to law.

(e) Street means any avenue, boulevard, alley, road, street or other public thoroughfare within the corporate limits of The Town of Greenwood.

Section 2. It is the purpose of this Ordinance to eliminate the storing, keeping or maintaining of dismantled or inoperable motor vehicles on private property within the

corporate limits of The Town of Greenwood; PROVIDED HOWEVER, that the provisions of this Ordinance shall not be applicable to any motor vehicle stored within an enclosed building or on the premises of a duly licensed business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a storage place or depository maintained in a lawful place and manner for seasonal use vehicles such as snow mobiles, motorcycles, motor scooters and non-motorized campers. Such business enterprises shall also include auto junk yards, auto repair and auto body shops.

Section 3. This Ordinance is declared to be remedial and shall be construed to secure the beneficial intent and purposes thereof which are to eliminate dangerous conditions detrimental to public good and to protect the public health, safety and general welfare of the property owners and residents of The Town of Greenwood.

Section 4. It shall be unlawful for the owner of any property or the tenant of any owner to store or maintain or to permit the storing or maintaining of any dismantled or inoperable motor vehicle on private property within the corporate limits of The Town of Greenwood where the storing or maintaining of such motor vehicles is prohibited and the storing or maintaining of any dismantled or inoperable motor vehicles in The Town of Greenwood where the storing or

maintaining and such motor vehicles is prohibited is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of The Town of Greenwood and a common and public nuisance.

Section 5. It shall be unlawful for any person owning or having custody or possession of any dismantled or inoperable motor vehicle to store or maintain or to permit the storing or maintaining of a dismantled or inoperable motor vehicle to continue on private property within The Town of Greenwood where the storage or maintenance of such motor vehicles is prohibited for more than a period of ten (10) days after receipt of notice requiring such removal, and where storing or maintenance of such motor vehicles is prohibited the storage or maintenance on private property of such motor vehicles is declared to be a common and public nuisance and may be abated or removed and penalties imposed as provided in this Ordinance.

Section 6. The Code Enforcement Officer on routine inspection or upon receipt of a complaint may investigate any property where the maintaining or storing of a dismantled or inoperable motor vehicle is located and record the make, model, style and identification numbers of such motor vehicle or motor vehicles.

Section 7. Whenever the Code Enforcement Officer finds or is notified that any dismantled or inoperable motor vehicle has been stored or permitted to remain on private property where the storage or maintaining of such motor vehicles is prohibited, the Code Enforcement Officer shall send by certified mail with return receipt requested and postage prepaid a notice to the owner of record of the property as shown on the tax assessment records of the Town to remove the dismantled or inoperable motor vehicle within ten (10) days following receipt of such notice. Such notice shall contain the following information:

- (a) The nature of the complaint;
- (b) Description and location of the motor vehicle;
- (c) A statement that the motor vehicle or motor vehicles shall be removed from the premises, within ten (10) days following date of receipt of the notice;
- (d) A statement that removal from the location specified in the notice to another location where such storage or maintenance is not permitted is prohibited and shall subject the person to such additional penalties;
- (e) A statement of penalties for non-compliance with such notice.

Section 8. Upon failure of the property owner to remove the said motor vehicle as specified in the notice, the Code Enforcement Officer be and he is hereby authorized to proceed to institute an action in the corporate name in any court of competent jurisdiction in the State of Delaware to have the said motor vehicles removed.

Section 9. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than Twenty-Five dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) or imprisoned for a term of not more than twenty (20) days, or both, and shall pay the costs of prosecution. For the purposes of this Ordinance, each day or part thereof that a violation continues shall be deemed to be a separate offense.

Section 10. In addition to any other remedy provided for in this Ordinance and because the purpose of this Ordinance is to safeguard and protect the public health, safety and general welfare of the property owners and residents of The Town of Greenwood, the Code Enforcement Officer is hereby authorized to bring an action in the court of competent jurisdiction to enjoin any violation of any provision of this Ordinance.

Adopted: \_\_\_\_\_

8/3/93