

ORDINANCE NO. 493

AN ORDINANCE PROVIDING FOR IMPOUND LOTS FOR WRECKER SERVICES, TOWING COMPANIES, AND/OR AUTO BODY REPAIR SHOPS, TO INCLUDE NEW OR USED VEHICLE DEALERS PROVIDING TOWING AND/OR STORAGE SERVICES.

WHEREAS, it has been determined that the storage of certain damaged, disabled, abandoned or wrecked vehicles or parts of the same under certain conditions constitute a nuisance.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAVEN, KANSAS:

Section 1. Any wrecker service, tow service, and/or auto body repair facility within the corporate limits of the City of Haven shall be required to maintain an impound lot for the purpose of temporary storage of certain dead, damaged, disabled, abandoned, or wrecked vehicles, or parts of the same. This Ordinance shall not apply to a properly licensed salvage yard.

Section 2. Any such facility annexed into the City of Haven after the passage of this Ordinance shall comply with this Ordinance within 60 days.

Section 3. These vehicles or parts of vehicles shall be placed in such impound lot within 72 hours, and shall not be parked or placed outside of such lot except inside of an enclosed building or while in the immediate and constant process of repair of such vehicle.

Section 4. Any impound lot shall have a solid (opaque) fence, no less than 6 feet high, which shall completely enclose said impound area. Gates shall not exceed twenty (20) feet wide each and will remain closed when not in use. The fence and gates shall be constructed of a material, manufactured to be used as fencing, that is consistent with and/or complimentary to the neighboring structures. An impound lot shall not exceed five thousand (5000) square feet.

Section 5. Violation of this Ordinance shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than \$25.00 nor more than \$500.00. Each day of noncompliance with the provisions of this Ordinance shall be deemed a separate violation.

Section 6. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED AND APPROVED THIS 19th day of September, 1994.

Mayor

ATTEST:

City Clerk