

ORDINANCE NO. 95-1

AN ORDINANCE PROVIDING FOR THE ELIMINATION OF NON-OPERATING MOTOR VEHICLES SETTING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, DEFINING OTHER MATTERS THERETO, AND DECLARING AN EMERGENCY.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAVETTE, ARKANSAS:

**SECTION 1: DEFINITIONS**

(a) Non-operating motor vehicles as used in this Ordinance means a motor vehicle which has one or more of the following characteristics:

- (1) the engine or motor is inoperative
- (2) the wheels all or any of them or removed
- (3) the motor vehicle has flats on two or more tires
- (4) major operating components are missing such as: windshield glass, door glass, fenders, gauges, steering wheel, tie rods, springs, drive train, gear box, rear end, or any parts connected with the steering geometry of the motor vehicle, the seats removed
- (5) Any of the major operating components such as those listed in item (a) (4) above are in such damaged condition so as to make the motor vehicle useless
- (6) The motor vehicle does not have a current Arkansas registration
- (7) The motor vehicle does not have a current Arkansas motor vehicle inspection sticker demonstrating the vehicle has passed a safety inspection as by law required

(b) Prima facie case: It shall be a prima facie case that a motor vehicle is a non-operating motor vehicle if it does not have a current Arkansas motor vehicle inspection sticker demonstrating the motor vehicle has passed a safety inspection as by law required.

(c) Motor vehicle means a car, automobile, truck, bus, omnibus, tractor truck, or other vehicle licensed to travel upon the roads of Arkansas, or subject to licensing for travel or intended as a carrier for goods and persons from point to point which uses motive power derived from a motor or engine especially an internal combustion engine, or rotary engine and a wankel.

**SECTION 2: Prohibiting Non Operating Vehicles.**

It is unlawful to have a non-operating motor vehicle.

**SECTION 3: Exceptions.**

(a) Any motor vehicle that can be started and moved under its

- own power on demand.
- (b) Antique automobiles, provided the vehicle has an antique license as by law required.
  - (c) Temporarily disabled motor vehicles provided they are restored to running condition within thirty (30) days from date of disablement, or of it can be demonstrated that the vehicle is being restored. Only one vehicle may qualify for the restoration exception.

**SECTION 4: Penalty for Violation.**

A violation of this Ordinance is hereby declared to be a misdemeanor and punishable by a fine of not less than Ten dollars (\$10.00) or more than One Hundred dollars (\$100.00) or by a jail sentence of one (1) to ten (10) days. Each day a non-operating motor vehicle is upon the premises of a person shall constitute a separate offense.

**SECTION 5: Violators.**

A person shall be deemed in violation of this Ordinance if:

- (a) Such person owns or has registered to him a non-operating motor vehicle that is in a prohibited area within the terms of this Ordinance.
- (b) Such person owns property that non-operating motor vehicles are placed, parked or found resting on in a prohibited area within the terms of this Ordinance.
- (c) It shall be a prima facie case that the record owner is the owner of property in question.
- (d) It shall be a prima facie case that the registered owner of a motor vehicle is the owner of the motor vehicle.

**SECTION 6:** That this Ordinance, is necessary for the immediate health, safety and welfare of the citizens of Gravette, Arkansas, an emergency is therefore declared to exist, and this Ordinance shall be in full force and effect from and after its date of passage.

PASSED AND APPROVED this 5<sup>th</sup> day of January, 1995.

APPROVED:

Bill Howard  
MAYOR

ATTEST:

Doris A. Raby  
CITY RECORDER