

**ORDINANCE 2819**

**AN ORDINANCE ESTABLISHING A PROCEDURE  
OF ABANDONED AND JUNK VEHICLES**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,  
MONTANA:

10.60.010 Through 10.60.150 establishing a procedure for the disposition of abandoned  
and junk vehicles, is hereby adopted as fully appease in the attachment

**PASSED AND ADOPTED** by the City Commission of the City of Great Falls, Montana,  
on this 2nd day of April, 2002.

Randall H. Gray, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF THE CITY)

Approved as to form: City Attorney

State of Montana )  
County of Cascade :ss  
City of Great Falls :

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2819 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 2nd day of April, 2002 and approved by the Mayor of said City on the 2nd day of April, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 2nd day of April, 2002.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana )  
County of Cascade :ss  
City of Great Falls )

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 2nd day of April, 2002 and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2819 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Courthouse;  
On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

## CHAPTER 10.60

### ABANDONED AND JUNK VEHICLES, MACHINERY, TRAILERS AND PARTS

#### Sections:

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#### 10.60.010 Purpose.

The City Commission of the City of Great Falls hereby makes, finds and declares that the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, machinery, trailers, or parts thereof, on ~~private or public property~~ or illegally parked on private property is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harbor for rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, or dismantled or inoperative vehicle, or part thereof, on ~~private or public property~~ or illegally parked on private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance, which may be abated as such in accordance with the provisions of this chapter.

#### 10.60.020 Definitions.

For the purpose of this chapter the following definitions shall apply:

A) 'Vehicle' means any device by which any person or property may be propelled, moved, or drawn upon a street, except a device which is designed to be exclusively moved by human power or used exclusively upon stationary rails or tracks. The term vehicle shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, recreational vehicle, camper, motorcycle, trailer, watercraft, boat, canoe, jet skis, snowmobiles, ~~ATV's~~ or aircraft.

B) 'Machinery' is synonymous with and means the same as 'machine' as defined by the current edition of Websters New Collegiate Dictionary.

C) 'Trailer' means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

D) 'Parts' means any mechanical, structural, body or decorative part of any vehicle, machinery or trailer.

E) 'Junk vehicle' means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the corporate limits of the City of Great Falls, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or, as to any vehicle, machinery, trailer, or parts thereof, which has any one or more of the following characteristics:

1. Lacks an engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer; provided, that if there is more than one vehicle on the real property, there shall be the necessary number of engines, wheels, tires, batteries and other structural parts for each respective vehicle;

2. Has a broken or missing fender, door, bumper, hood, exterior door handle, running board, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, alternator or other structural piece;

3. Has become or the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;

4. Has heavy growth of weeds or other noxious vegetation over ~~eighteen~~ **eight** inches in height under or immediately next to it;

5. Has become a point of collection for stagnant water;

6. Has junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste or other hazardous material present in it or which is primarily used for storage of any materials;

7. Has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials;

8. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;

9. Has become illegal to operate on the public streets because it is missing one or more parts required by law;

10. Is an abandoned vehicle; or

11. Because of its defective, deteriorated or obsolete condition in any other way constitutes a nuisance or a threat to the public's health or safety.

F) 'Abandoned vehicle' means any of the following. For the purposes of this subsection, the word 'vehicle' includes a vehicle, machinery, trailer or parts thereof:

1. A vehicle that has been left unattended on public property for more than forty-eight hours and lacks current registration, plates, or one or more wheels/tires or other parts which renders the vehicle totally inoperable;
2. A vehicle that has remained illegally parked on public property for more than forty-eight hours;
3. A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight hours;
4. A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five days. However, a law enforcement authority may declare the vehicle abandoned within the five-day period by commencing the notification process in Mont. Code Annotated Title 61 Chapter 8 (2001)
5. Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic;

G) 'Law enforcement authority' means a peace officer or any city, state or federal department or agency operating with arrest authority in Great Falls, Montana.

H) 'Responsible parties' means

~~(1) The private real property owner, as indicated in the records of the County Assessor or Clerk and Recorder, upon which the junk vehicle is located, if applicable and~~

(1) ~~(2)~~ If ascertainable, the last known registered owner of the junk vehicle as indicated in the official records of the State of Montana Department of Motor Vehicles or a sister state division of transportation or motor vehicles.

#### 10.60.030 Exemptions.

This chapter shall not apply to the following:

- ~~A) A vehicle or part thereof which is completely enclosed within a garage, shed, barn, hangar, boathouse or other similar permanent structure with walls and ceiling designed for the storage of vehicles in a lawful manner;~~
- ~~B) A vehicle, machine or trailer covered with fabric specifically designed for covering vehicles, machines or trailers;~~
- ~~C) A vehicle which is not visible from the street or other public or private property;~~
- ~~D) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, an auto body shop;~~
- A) ~~E)~~ When such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise on land which such business or enterprise is authorized by the city's zoning regulations;
- B) ~~F)~~ A vehicle which was recently involved in a collision, duly documented by a timely report filed with the appropriate law enforcement agency or the state department of transportation, or its equivalent in a sister state, shall not be

deemed a junk vehicle unless the owner/operator of said vehicle fails to repair the same within a reasonable period of time after said collision.

C) ~~G~~) Nothing in this chapter shall authorize the maintenance of a public or private nuisance as defined under provisions of law. Please refer to Title 8 regarding criminal nuisances.

D) Nothing in the chapter and none of these exemptions alter any zoning regulations for the land on which the vehicle is located. Please refer to Title 17 of the Great Falls Municipal Code for zoning regulations.

#### 10.60.040 Junk vehicle deemed nuisance.

The keeping, maintaining or allowing a junk vehicle to be on public ~~or private property or illegally parked on private property~~, except as provided by Section 10.60.030 above, shall constitute a nuisance. The owner of a junk vehicle ~~and the owner of private property upon which the junk vehicle is located~~ shall be responsible for the maintaining or keeping of a nuisance.

#### 10.60.050 Administration and enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the Community Development Director and/or the Police Chief, or their respective designees, hereinafter collectively referred to as 'enforcement officer'. The enforcement officer and any person designated by the enforcement officer to abate the nuisance pursuant to this code or court order, are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions necessary to enforce this chapter.

#### 10.60.060 Administration costs.

The City Commission shall determine and fix the administrative fee, an amount to be assessed as administrative costs under this chapter. Said administrative fee shall be in addition to the actual costs incurred regarding towing, storage and disposal of the vehicle. The administrative fee shall be set by resolution.

#### 10.60.070 Notices of intention to abate and remove; Mailing; Form of notices.

A) A ~~seven-day~~ ~~ten-day~~ notice (exclusive of weekends or federally mandated holidays) of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be given to the ~~owner of the land and/or to the~~ owner of the vehicle, if known. The notices of intention shall be in a form promulgated by the Community Development Director, and shall provide the following information at a minimum:

- 1) A description of the vehicle or parts which constitute(s) a nuisance under the provisions of the Great Falls Municipal Code;
- 2) That the nuisance must be abated within ~~seven calendar~~ ~~ten days~~, (exclusive of weekends and federally mandated holidays) to-wit: the junk vehicle must be either
  - (i) Brought into a condition that it no longer is defined as a junk vehicle, ~~or~~
  - ~~(ii) Placed in a proper enclosure, or~~

(ii) ~~(iii)~~ Removed from the property and properly disposed of or removed from the city; and

3) Failure to properly abate said nuisance as prescribed shall be sufficient cause for the removal of the junk vehicle by the enforcement authority or his/her duly designated agent as set forth by the municipal code.

B) The notice required by this section shall be served in ~~any one of~~ the following manner:

1) ~~Posting notice on or near the junk vehicle(s) in question and by certified or registered mail, return receipt requested, to the owner of the property as indicated by the records of the County Assessor or Clerk and Recorder at the address listed on said records and to the last registered-owner of said vehicle, if ascertainable, at the address listed in the state's records concerning ownership of the vehicle (for the purposes of this provision service shall be deemed to have been perfected the day after the notice is mailed); or~~

2) ~~If the last registered owner's name is not ascertainable, by posting notice on or near the junk vehicle(s) in question and by posting a copy of the notice by the front entrance to the main building on the subject real property; or, if there is no building on said real property, by mailing a copy of the notice via first-class United States mail to the owner of the property as indicated by the records of the County Assessor and at the address listed on the records of the County Assessor and to the last registered owner of said vehicle, if ascertainable, at the address listed on the state's records concerning ownership of the vehicle (for the purposes of this provision, service shall be deemed to have been perfected the day the notice is posted on or near the junk vehicle).; or~~

3) ~~The method outlined in MCA 61-12-402.~~

#### 10.60.080 Appeal.

Any interested party may appeal the decision of the enforcement officer by filing a written notice of appeal with the Community Development Director within ~~five (5) calendar~~ ~~ten-days~~ (exclusive of weekends and federally mandated holidays) days after service of notice as required by Section 10.60.070 above. Such appeal shall be heard by the Municipal Court Judge which may affirm, amend or reverse the notice/order or take other action deemed appropriate. The Clerk of Municipal Court shall give at least five-day written notice of the time and place of the hearing to the appellant by first-class mail or personal service.

#### 10.60.090 Abatement and removal.

A) The responsible party, after service of notice is perfected, shall abate the nuisance within ~~seven (7) calendar~~ ~~ten (10) days~~ (exclusive of weekends and federally mandated holidays) days of service being perfected. Abatement shall consist of:

1) Providing for the current registration of each and every vehicle including the affixing the registration plate or current sticker to the vehicle;

- 2) Repairing any and all conditions which cause such vehicle(s) to be a nuisance under the provisions of the municipal code; and
- 3) Having all of the required equipment and parts for each vehicle which was described in the notice; or
- 4) Removing the junk vehicle or causing the junk vehicle to be removed to a licensed dismantler, salvage yard, licensed vehicle dealer, a junk dealer, an auto body shop or to any other location provided the same complies with all applicable provisions of the municipal code.



B) If the responsible parties fail to abate the nuisance as prescribed, or after such abatement has been affirmed by the Court on appeal, the city, through the enforcement officer, may abate such nuisance by causing the junk vehicle(s) to be removed, impounded and sold or disposed of as provided for abandoned vehicles under the laws of the State of Montana. All costs of such abatement and the administrative fee provided by this chapter shall be charged to the responsible parties, jointly and severally.

~~10.60.100 Assessment of costs against the land.~~

~~The administrative fee and the cost of removal and disposition shall be a personal obligation of the responsible party or parties and shall constitute a special assessment against and a lien upon the responsible party or parties real property.~~

~~10.60.100~~ 10.60.110 Illegal off-street parking.

- a) No person shall park a vehicle onto or upon privately owned real property or area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of said property or facility.
- b) No person shall park a vehicle onto or upon publicly owned real property or area developed as an off-street parking facility, if said property is not properly designated and signed for parking of private vehicles; contrary to any signs set forth upon said property or facility; or contrary to the laws of the state of Montana, County of Cascade or the City of Great Falls without proper consent of said state, county or city.
- c) Any vehicle parked in violation of this section shall be deemed an abandoned vehicle.

~~10.60.110~~ 10.60.120 Continuing notice.

A notice issued as provided in Section 10.60.070 above shall be deemed a continuing notice regarding the vehicle(s) described in the notice for a period of one year from the date of service and is valid for all locations within the City of Great Falls. No further notice by an enforcement officer or ~~seven-day~~ ten-day period to abate is necessary to abate a nuisance created by said vehicle(s) within the one-year period.

~~10.60.120~~ 10.60.130 Penalty.

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

~~10.60.130~~ 10.60.140 Nonexclusively of this chapter.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City of Great Falls. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction.