

Ordinance #144

Be it ordained by the City Council of the City of Michigan City, North Dakota:

1. **Automobiles, Personal Property – When a Nuisance**
Unsheltered storage of old, used, stripped, junked and other automobiles not in good, safe operating condition, and of any other vehicles, machinery implements and/or equipment and personal property of any kind which is not longer safely usable for the purposes with which it was manufactured for a period of thirty (30) or more (except in a licensed junk yard) within the city, and any motor vehicle, animal and article or personal to public traffic, snow removal operations public safety and public health and morals or which may be abandoned or unclaimed within this City is hereby declared to be a nuisance and dangerous to public safety and shall be abated in the manner prescribed in this article.

2. **Abatement Required by Owners**
The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this City upon which storage is made, and also the owner, owners and/or lessees of said property involved in such storage (all of whom are hereinafter referred to collectively as “owners”) shall jointly and severally abate said nuisance by the prompt removal of said personal property into completely enclosed buildings authorized to be used for storage purposes, if within the corporate limits of the city, or otherwise to remove it to a location outside of the corporate limits.

3. **Abatement Required, Penalty for Failure.**
If said owners allow said nuisance to exist or fail to abate said nuisance they, and each of them, upon conviction thereof shall be fined a minimum of five hundred (\$500.00) dollars for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

4. **Removal and Impoundment by city.**
The police Department, Sheriff's Department, or city authorized law enforcement official, may remove or cause to be removed to the city Hall, or any other place within the city, selected for the purpose any personal property described in Paragraph 1 and may impound and retain the same until the expense of removal, storage and impounding is paid, together with the amount of any fine, costs, bail or other claims of the city against the owner, or any other person lawfully entitled to the possession thereof.

5. **Removal and Impoundment, When Sold**
If not reclaimed and redeemed by the true owner or the person lawfully entitled to the possession thereof within a period of thirty (30) days after impounding, any article or personal property described in Paragraph 1 may be sold and disposed of by the Police Department, Sheriff's Department, or City authorized law enforcement official, in the manner hereinafter provided. Notice that such property will be sold shall be published once, at least six (6) days prior to the sale,

in a newspaper published in the city or if none in the official newspaper of the County. Such notice shall specify a description of the property to be sold, the time and place of the sale, and shall be signed by the Police Department, Sheriff's Department, or city authorized law enforcement official. Such sale shall be held between the hours 9am in the morning and 5PM in the afternoon of the day specified in the notice. Such sale shall be held at the front door of the City Hall, or at the location of the property to be sold. Any sale may be postponed or discontinued by public announcement at the time of the sale where there are no bidders or when the amount offered is grossly inadequate, or for other reasonable cause. The City may become a purchaser of any or all property at such sale. The Police Department, Sheriff's Department, or City authorized law enforcement official shall give the purchaser at such sale a certificate of purchase of such property.

6. Removal and Impoundment Proceeds.

Within thirty (30) days after such sale, the person making the sale shall make out, in writing, and file with the City full report of such sale specifying the property sold, the amount received therefore, the amount of costs and expenses, and disposition made by him of the proceeds of the sale. The proceeds arising from such sale shall be delivered over to the city Treasurer and credited to the General fund.

Allen Orwick
Mayor

Attest:
Alvin Haugen

First Reading: July 15, 2002
Second Reading: August 5, 2002
Approved: August 5, 2002