

Article 5  
Junk, Abandoned Vehicles, Building Materials,  
Personal Property, Etc.

**12.0501 Definitions**

The following words or terms when used herein shall be deemed to have the meanings set forth below:

1. "Junk" shall include, without limitations, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, or other appliances, remnants of wood, metal, or any other castoff material of any kind, whether or not the same could be put to any reasonable use.
2. "Junk automobiles" shall include, without limitations, any motor vehicle which is not licensed for use upon the highways of the State of North Dakota for a period in excess of sixty (60) days and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days; provided that there is excepted from this definition unlicensed but operative vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.
3. "Abandoned vehicle" shall include, without limitations, any vehicle which has remained on private property for a period of forty-eight (48) continuous hours or more without consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant has been revoked.
4. "Blighted structure" shall include without limitations, any dwelling, garage, or outbuilding, or any factory, shop, store, warehouse or any other structure or part of a structure which because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for the purpose for which it may have been intended.
5. "Building materials" shall include, without limitations, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment shingles, mortar, concrete or cement, nails, screws or any other materials used in constructing any structure.
6. "Person" shall include all natural persons, firms, copartnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee. All persons who violate any of the provisions of this article, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.
7. "Trash and rubbish" shall include any and all forms of debris not herein otherwise classified.

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**12.0502 Storage of Junk, Junk Automobiles, etc., Contrary to Public Health and Safety**

It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk automobiles, abandoned vehicles, building materials and the maintenance of blighted structures upon any private property within the City of Emerado tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, and is contrary to the public peace, health, safety and general welfare of the community.

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**12.0503 Unlawful to Store or Accumulate Junk, Junk Automobiles, etc.**

It shall be unlawful for any person to store, or permit the storage or accumulation of trash, rubbish, junk, junk automobiles or abandoned vehicles on any private property in the City of Emerado, except within a completely enclosed building or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

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**12.0504 Unlawful to Dismantle Automobile Except on Business Premises**

It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, whether or not the same be a junk automobile, abandoned vehicle or otherwise, or any appliance or machinery, except in a completely enclosed building, or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk gatherer.

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**12.0505 Unlawful to Maintain Blighted Structure**

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the City of Emerado and unless such construction is completed within a reasonable time.

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**12.0506 Unlawful to Store Building Materials Except on Business Premises in Sanitary Manner**

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located on said property or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the City of Emerado; provided, however, it shall be unlawful to allow any trash, construction waste or discarded materials to accumulate in such a manner as to create an unsanitary condition, become a harborage for insects or rodents or become a nuisance to adjacent properties due to blowing or scattering debris.

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**12.0507 Junk Automobiles or Abandoned Vehicles - When Police Department May Remove**

The police department may remove or cause to be removed any junk automobile or abandoned vehicle, or parts of either, from any unenclosed private property after having notified in writing, the owner or occupant of such property of its intention to do so at least forty-eight (48) hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles, or parts of either, shall be removed to the automobile pound and disposed of in accordance with law. Such removal by the police department shall not excuse or relieve any person of the obligation imposed by this article to keep their property free from storage or accumulation of junk automobiles or abandoned vehicles, or parts of junk automobiles or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

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### **12.0508 Same - Disposition When Determined To Be Of No Value**

Any junk automobile, abandoned vehicle or parts of either removed from unenclosed private property as provided by section 12.0507, or coming into the possession of the Emerado Police Department by abandonment on public property in the City of Emerado, which is determined by the chief of police to be of no value other than as scrap metal shall be disposed of by the City of Emerado, in such a manner as to eliminate the unsightly accumulation of such worthless hulks and the hazards to public health attendant thereto with the least practicable delay.

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### **12.0509 Penalty**

Any person, firm or corporation violating any of the terms or provisions of this article shall, upon conviction, be punished by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment, in the discretion of the court; the court to have the power to suspend said sentence and to revoke the suspension thereof. Each day any person, firm, association or corporation shall violate any of the provisions of this article shall constitute a separate offense.

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### **12.0510 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 no longer safely usable for the purposes with which it was manufactured for a period of thirty (30) days or more (except in a licensed junk yard) within the City, and any motor vehicle, animal and article of personal property which constitutes an obstruction to, hazard or detriment 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.

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### **12.0511 Abatement Required By Owners**

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this City upon which such 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 personalty 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 corporate limits.

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### **12.0512 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 not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

### **12.0513 Removal and Impoundment by City**

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The police department 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 12.0510 and may be 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 hereof.

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**12.0514 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 12.0510 may be sold and disposed of by the police department 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 sale, and shall be signed by the Chief of Police. Such sale shall be held between the hours of 9:00 a.m. in the morning and 5:00 p.m. 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 Chief of Police shall give the purchaser at such sale a certificate of purchase of such property.

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**12.0515 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 be delivered over to the City Auditor and credited to the General Fund.

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