

ORDINANCE 2026 - 2

AN ORDINANCE ADOPTING REGULATIONS FOR ABANDONED, INOPERABLE, OR UNLICENSED VEHICLES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, vehicles are and may in the future be abandoned, inoperable, or unlicensed within the City of Vilonia, and

WHEREAS, the existence of such vehicles tend to impede traffic in the streets; interfere with the enjoyment of property; invite plundering; create fire hazards; and result in serious hazard to the public health, safety, comfort, convenience, welfare, and happiness of the citizens of the City of Vilonia, and

WHEREAS, an emergency is declared to exist, necessitating the need for the additional requirements to take effect immediately for the preservation of public safety, health, and happiness.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vilonia, Arkansas:

Section 1. DEFINITIONS

That for the purposes of this Ordinance, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. According to context, words used in the present tense include the future, singular words include plural and plural include singular, and masculine words shall include the feminine gender.

- A. **Abandoned Motor Vehicle** means any motor vehicle which is left on public or a parcel of private property other than property owned, leased, or permissively occupied by the owner or lessee of the vehicle, as defined in this section, for a period of more than seven (7) days, regardless of whether wrecked or inoperable, and regardless of whether such vehicle bears a current registration and a current vehicle inspection sticker.
- B. **Boat** means any vessel initially designed for the carrying of passengers or cargo upon the water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, barges, motorboats whether inboard or outboard, canoes, rowboats, rafts, and sailboats.
- C. **Code Enforcement Division** means the code enforcement division of the City, its agents, and its designees.
- D. **Inoperable Motor Vehicle** means a motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power upon a public street, or from which the wheels, engine, transmission, or substantial part thereof has been removed, or a motor vehicle with expired vehicle license plate or expired registration tabs.
- E. **Major Portion**, as applicable to boats, motor vehicles, and trailers, means any part thereof which is sufficiently large to constitute a public nuisance as a harborage of snakes or rodents, or as otherwise defined by state or city nuisance laws, and shall include, without limitation, the following: Truck bed, cab or cabin, chassis or

frame, axle, motor or engine, transmission, hull or pontoon, cargo compartment, seats, and portions of exterior parts or paneling such as walls and roofs.

- F. **Motor Vehicle** means a vehicle or conveyance which is self-propelled and designed to travel along the ground, and includes but is not limited to the following: automobiles, buses, mopeds, motorcycles, trucks, tractors, go-carts, golf carts, side-by-sides, campers, motor homes, and trailers.
- G. **Private Property** means any real property within the city which is privately owned and which is not defined as public property in this section.
- H. **Public Property** means any property in the city which is owned by a governmental body and includes buildings, parking lots, parks, streets, sidewalks, right-of-way, easements, and other similar property.
- I. **Subject Item** is a comprehensive term which includes boats, motor vehicles, trailers, and major portions thereof, as defined in this section, which may become the subject of citation under this article.
- J. **Trailer** means any free-wheeling object designed or intended to be pulled or towed behind a motor vehicle, including without limitation the following: Boat trailers, camper trailers, cargo trailers, special trailers for items such as golf carts or motorcycles, utility trailers, and farm implements.

SECTION 2: ABANDONED VEHICLES

No person shall abandon or leave any subject item, including an inoperable subject item, whether attended or not, upon any public property within the city for a period of time in excess of seven (7) days. The presence of any subject item, or parts thereof, on public property is hereby declared to be public nuisance which may be subject to criminal prosecution under this section or abated as a nuisance in accordance with the laws of the State of Arkansas. This section does not apply to subject items parked or stored on public property by the City or any of its departments.

SECTION 3: PARKING AND STORAGE

No person shall park, store, leave, or permit the parking, storing, or leaving of any subject item of any kind, which is inoperable, whether attended or not, upon any private property within the city, except that, with respect to an inoperable motor vehicle, such vehicle may be parked, stored, or left on such property for a period of time not to exceed seven (7) days, after which time such inoperable motor vehicles shall constitute a nuisance subject to criminal prosecution under this section or abated as a nuisance in accordance with the laws of the State of Arkansas.

SECTION 4: EXCEPTIONS

- A. The provisions of Section 2 and Section 3 shall not apply to:
 - 1. Any subject item parked or stored within a building or enclosed garage on private property.
 - 2. Any subject item held in connection with a business enterprise lawfully licensed by the City for the servicing and repair of subject items and properly operated in an appropriate business zone pursuant to the zoning ordinances of the City.
 - 3. Subject vehicle within a carport that is being actively repaired on at least a weekly basis. Subject vehicle and its parts when not being repaired shall be neatly and completely covered with an opaque cover.

SECTION 5: PENALTY

Any person, firm, corporation, partnership, association of persons, owner, occupant, agent, or anyone having supervision or control, who shall violate a provision of this code, or fail to comply therewith, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed or continued. Upon conviction of any such violation, such person shall be punished by a fine, not to exceed five hundred dollars (\$500.00) for the first offense, and not more than two hundred fifty dollars (\$250.00) for each day of offenses of a continuing nature.

Prosecution under this section shall not be a waiver of the City's authority to abate any prohibited conduct set forth herein as a public nuisance, including removal and sale of the subject item. If a vehicle or other subject item which has been the basis of prosecution under this ordinance has not been removed or otherwise brought into compliance with this ordinance, said subject item may be removed and impounded following either: (1) the forfeiture of bond or non-appearance in court following the issuance of a criminal information or citation; or (2) the expiration of thirty (30) days after a plea of guilty, no contest, or conviction for violation of this ordinance. Provided, a properly perfected appeal to circuit court following conviction under this ordinance shall stay any procedures for the removal and storage of the subject item.

However, the appeal of a conviction under this ordinance shall not bar the City's authority to seek abatement pursuant to any civil remedies which may be available. The reasonable costs of towing, removal, and storage of any vehicle or other subject item shall constitute a lien upon both the subject item and the property from which it was removed.

SECTION 6: ADOPTION OF STATE LAW BY REFERENCE

As an alternative or supplemental to the procedure set forth in this article regarding abandoned vehicles on public or private property, A.C.A. §§ 27-50-1101 and §§ 8-6-413, are hereby incorporated by reference into this article as if fully set forth herein. If the Police Department or Code Enforcement Division, in their discretion, shall pursue a remedy pursuant to A.C.A. §§ 27-50-1101 or §§ 8-6-413, they are directed to comply completely and fully with such provisions.

SECTION 7: EMERGENCY CLAUSE

It is ascertained and determined that it is necessary for the protection and public peace, welfare, and safety that the forgoing ordinance be passed and adopted. Therefore, an emergency is hereby declared to exist and this Ordinance shall become effective upon its passage and approval.

PASSED AND ADOPTED THIS 17 DAY OF March, 2026.

APPROVED: _____

Mayor

ATTEST: _____

Recorder/Treasurer