Section 9.2.2 Nuisance Vehicle Definitions

- A. Any passenger vehicle, automobile, trailer, camper top or shell, motor home, recreational vehicle, pickup camper, boat or other device or means of conveyance, other than a bicycle, which is parked in a residential yard shall be located on an all-weather surface free of weeds or grass or from other debris. All-weather surface shall be as defined by the Bel Aire Zoning Code. Any motor vehicle not parked on an all-weather surface when such vehicle is parked in an area located within a residential yard shall be declared a nuisance vehicle. If any language of the Bel Aire Zoning Code shall be deemed to be in conflict with this provision, the more restrictive interpretation shall govern.
- B. Any motor vehicle or other means of conveyance other than a bicycle which is:
 - a. required by any applicable law to be registered and which does not have displayed thereon a current registration plate or temporary permit or placard;
 - b. any motor vehicle or other means of conveyance, other than a bicycle, which is parked in violation of any ordinance of the city;
 - c. any motor vehicle or other means of conveyance, other than a bicycle, which is incapable of moving under its own power;
 - d. any motor vehicle or other means of conveyance, other than a bicycle, which is junked, wrecked or inoperable. For purposes of this article, any one or more of the following conditions shall raise a rebuttable presumption that any motor vehicle or other means of conveyance, other than a bicycle, upon which such condition or conditions is or are found, is junked, wrecked or inoperable:
 - (i) absence of display of current registration;
 - (ii) placement of such vehicle or other means of conveyance, or parts thereof upon jacks, jack stands, blocks or other supports; or
 - (iii) absence of one or more parts of such vehicle or other means of conveyance when such part is necessary for the lawful operation upon streets, roads or highways.
 - 3. Exceptions. This section on nuisance automobiles shall not:

- a. be construed to prohibit lawfully zoned automotive businesses, or lawfully maintained parts cars (as defined within the City's zoning code) kept in compliance with all applicable zoning regulations and maintained on an all-weather surface;
- b. apply to any person, firm, corporation or partnership or their agent with one vehicle inoperable for a period of thirty (30) consecutive days or less which is maintained in such a condition that it visually does not appear to be inoperable, is not leaking fluids, and no portions of the vehicle, such as tires, doors, or hood are missing;
- c. apply to any person, firm or corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations and who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using adjacent thoroughfares and to prohibit ready access to such vehicles by children, provided however, that nothing in this section shall be construed to authorize the construction of any such fence or screen where such construction is prohibited by ordinance;
- d. apply to any vehicle which is enclosed in a garage or other building;
- e. apply to a single inoperable vehicle stored within an enclosed and screened area of the backyard in a manner that is tidy and inoffensive to neighbors, protected by a weather resistant automobile cover in good condition, maintained upon an all- weather surface in compliance with the definition as set forth in the City's zoning code.

Section 9.2.3 Disposition Of Nuisance Vehicle

In accordance with K.S.A. 12-1617e, disposition of such vehicle shall be in compliance with the procedures for impoundment, notice and public auction provided by paragraph (2) of subsection

(a) of K.S.A. 8-1102, and amendments thereto. If a public auction is conducted, but no responsible bid received, the city may file proof thereof with the division of vehicles to obtain a certificate of title of such motor vehicle for the city.

Section 9.2.4 Notice, Costs, And Enforcement

Notice, Costs, and Enforcement is pursuant to Article 1 of this Chapter unless otherwise stated within this Article.

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