

AN ORDINANCE
PROVIDING FOR THE REMOVAL AND DISPOSITION
OF ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

WHEREAS, the Washington County Board of Commissioners [hereinafter Board] is authorized by G.S. 160A-303 and G.S. 160A-303.2 to regulate abandoned, nuisance and junked motor vehicles on public and private property within its jurisdiction; and

WHEREAS, the Board finds it necessary to promote beauty, property values, neighborhoods, economic development, streets and highways, and citizen welfare;

NOW, THEREFORE, BE IT ORDAINED by the Board:

SECTION 1. ADMINISTRATION.

The Sheriff and the County Manager shall be responsible for the administration and enforcement of this chapter. The Sheriff shall be responsible for the removal and disposition on vehicles determined to be "abandoned" on the public streets and highways within the county and on county-owned property/ies. The County Manager shall be responsible for administering the removal and disposition of "abandoned", "nuisance" or "junked motor vehicles" located on private property. The county may, on an annual basis, contract with towing businesses to remove, store, and dispose of abandoned, nuisance, and junked motor vehicles.

SECTION 2. DEFINITION.

Terms are defined as follows:

- (a) Abandoned vehicle is one that is left upon a public street or highway in violation of a law or ordinance prohibiting parking, or on any public grounds for longer than seven (7) days; left on property owned or operated by the county for longer than twenty four (24) hours; or left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- (b) Authorizing officials are the Sheriff, County Manager and/or their agents.
- (c) Motor vehicles or vehicles are machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.
- (d) Junked motor vehicle is a vehicle that does not display a current license plate lawfully thereon or is partially dismantled or wrecked; or cannot be self propelled or moved in the manner in which it originally was intended to move; or is more than five (5) years old and appears to be worth less than one hundred dollars (\$100).
- (e) Nuisance vehicle is a vehicle on public or private property that is a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be: a harbor for insects or pests; has weeds over eight (8) inches high; ponds water; contains excessive or odorous gasoline, oil or other flammable or explosive materials; one which has areas of

confinement which cannot be operated from the inside, such as trunks, hoods, etc.; dangerous; has waste matter on any kind; has sharp parts, metal or glass; or any other vehicle declared in writing to be a nuisance by Washington County.

SECTION 3. ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

- (a) It is unlawful for the lawful possessor of a vehicle to cause or allow such vehicle to be abandoned as defined herein.
- (b) Upon investigation, the County may determine that a vehicle is abandoned and order it removed.

SECTION 4. NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

- (a) It is unlawful for the lawful possessor of a motor vehicle, or for the lawful possessor of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance.
- (b) Upon investigation, the County Manager and/or his agent have the authority to determine in writing and declare that a vehicle is a nuisance, and order it removed.

SECTION 5. JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED.

- (a) It is unlawful for the lawful possessor of a junked motor vehicle or the lawful possessor of the real property upon which a junked motor vehicle is located to allow the vehicle to remain thereon after it has been ordered removed.
- (b) It is unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property.
- (c) Subject to the provisions of subsection (d), upon investigation, the County Manager and/or his agent may order the removal of a junked motor vehicle after determining in writing that the public interest in removing the vehicle outweighs the interest of the owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community appearance. The following factors may be considered: property values; economic development; public health and safety; aesthetics; citizen welfare.
- (d) Permitted concealment of junked motor vehicles:
 - (1) One junked motor vehicle can be located in the rear yard if the vehicle is entirely concealed from public view.

The County Manager and/or his agent may determine whether any junked motor vehicle is adequately concealed. The covering must remain in good repair.

- (2) More than one junked motor vehicle. Any other junked motor vehicle/s must be kept in a garage or structure that provides complete enclosure.

SECTION 6. REMOVAL OF ABANDONED, NUISANCE OR JUNKED MOTOR VEHICLES; PRE-TOWING NOTICE REQUIREMENTS.

Except as set forth in Section 7 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the legal possessor. Notice shall be by mail. The person who mails the notice/s shall retain a written record of name/s, address/es, and date mailed will be kept. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be affixed on the windshield indicating it will be removed on a specified date (no sooner than seven (7) days after affixation) unless the vehicle is moved prior to that time.

If the legal possessor does not remove the vehicle but chooses to appeal the determination, said appeal shall be made to the Board in writing, heard at their next regularly scheduled meeting, and further proceedings shall be stayed until Board disposition.

SECTION 7. EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

Notice prior to removal may be omitted where emergency action is necessitated. Findings shall be recorded. Examples where removal is permitted without prior notice include, but are not limited to the following:

- (a) Vehicles abandoned on the streets require immediate removal when they are: obstructing traffic; parked in a no-stopping zone, standing zone, loading zone or bus zone; in violation of temporary parking restrictions or an ordinance prohibiting or restricting parking.
- (b) Other abandoned or nuisance vehicles may be removed without prior notice where there exists emergency action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

SECTION 8. REMOVAL OF VEHICLES; POST-TOWING NOTICE REQUIREMENTS.

Any abandoned, nuisance or junked motor vehicle which has been ordered removed may be removed to a garage or other area designated by authorized officials. Whenever removal is necessitated, the County shall notify the last known registered owner of the vehicle, such notice to include the following: vehicle description; location; violation committed, if any; procedure to redeem the vehicle; and procedure to request a probable cause hearing on the removal.

The County shall attempt to give notice to the vehicle owner by telephone; notwithstanding, written notice including the information set forth above shall be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

If the vehicle is registered in North Carolina, notice shall be given within twenty four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy two (72) hours from the removal thereof.

Whenever an abandoned, nuisance or junked motor vehicle is removed, if such vehicle has no valid registration or registration plates, the County shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify him of the information set forth above.

SECTION 9. RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OF FINAL DISPOSITION OF VEHICLE.

After the removal of an abandoned, nuisance or junked motor vehicle, the lawful possessor is entitled to a probable cause hearing. A request for hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive such hearing requests. The Magistrate will set the hearing within seventy-two (72) hours of receipt of the request. Notice shall be given to the owner or person requesting the hearing, the tower, and authorizing official as to the time and place of the hearing. The hearing will be conducted in accordance with the provisions of G.S. 20-219.11 as amended.

SECTION 10. REDEMPTION OF VEHICLE DURING PROCEEDINGS.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the lawful possessor will be disposed of. Disposition shall be carried out in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

ADOPTED THIS THE 5th DAY OF January 1998.

Chairman

Lois C. Askew, CMC
Clerk to the Board