

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

The Board of Commissioners of the Town of Ramseur is authorized by General Statutes to regulate, restrain and prohibit abandoned, nuisance and junked motor vehicles on public and private property within the Town's ordinance jurisdiction.

The Board of Commissioners of the Town of Ramseur deem necessary to promote or enhance:

- 1) The quality of urban attractiveness and aesthetic appearance of the Town,
- 2) The protection of property values throughout the Town,
- 3) The preservation of the livability and attractiveness of neighborhoods,
- 4) Tourism, conventions, and other opportunities for economic development,
- 5) The attractiveness of the Town's thoroughfares and commercial roads, which present the primary and public visibility to visitors,
- 6) The comfort, happiness and emotional stability of occupants of property in the vicinity of junked motor vehicles

Section 1. Administration.

The Police and Planning Department of the Town shall be responsible for the administration and the enforcement of this chapter. The Police Department shall be responsible for administering the removal and disposition of abandoned vehicles on the public streets and highways within the Town and on property owned by the Town. The Planning Board shall be responsible for administering the removal and disposition of "abandoned" and "nuisance" or "junked motor vehicles" located on private property. The Town may contract with private tow truck operators or with towing businesses to remove, store and dispose of abandoned, nuisance and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police and Fire department in enforcing other laws or carrying out their duties.

Section 2. Definitions.

For purpose of this chapter, certain words and terms are defined as herein indicated:

- a) Abandoned vehicle – As authorized & defined in the General Statutes, an abandoned motor vehicle is one that;
 - 1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
 - 2) Is left on a public street or highway for longer than seven (7) days; or
 - 3) Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or
 - 4) Is left on property owned without the consent of the owner, occupant or lessee thereof for longer than two hours.
- b) Authorizing official – the supervisory employee or employees of the Town, designated to authorize the removal of vehicles under the provisions of this chapter.
- c) Motor vehicle or vehicle – All machines designed or intended to travel over land by self-propulsion or while attached to a self-propelled vehicle.
- d) Junked motor vehicle – As authorized and defined in the General Statutes, the term, junked motor vehicle means a vehicle that does not display a current license plate upon

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that vehicle and that:

- 1) Is partially dismantled or wrecked; or
 - 2) Cannot be self propelled or moved in the manner in which intended; or
 - 3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100); or
 - 4) Does not display a current license plate.
- e) Nuisance vehicle – A vehicle on public or private property that does not display a current license plate lawfully and that is determined and declared to be a health or safety hazard, or a public nuisance, and unlawful, including a vehicle found to be any of the following:
- 1) A breeding ground or harbor for mosquitoes, other insects, rats, snakes or other pests;
 - 2) A point of heavy growth of weeds or noxious vegetation over eight (8) inches in height;
 - 3) A point of collection of pools or ponds of water;
 - 4) A point of concentration of quantities of gasoline, oil or flammable and explosive materials as evidenced by odor;
 - 5) One, which has areas of confinement which cannot be operated from the inside, such as trunks, or hoods;
 - 6) So situated or located that there is a danger of felling or turning over (on jacks, blocks or other supports);
 - 7) One which is a point of collection of garbage, food waste, animal waste, other rotten or putrescible matter;
 - 8) So offensive to the sight as to damage the community and the neighborhood and the area appearance;
 - 9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners

Section 3. Abandoned vehicle unlawful; removal authorized.

- a) The registered owner or person entitled to possession of a vehicle cannot cause or allow such vehicle to be abandoned, as the term is defined in this ordinance.
- b) Upon investigation, the proper authorizing official may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Section 4. Nuisance vehicle unlawful; removal authorized.

- a) The registered owner, lessee, occupant or person entitled to possession of a motor vehicle, or real property upon which the vehicle is located cannot leave or allow the vehicle to remain on the property after the vehicle has been declared a nuisance vehicle.
- b) Upon investigation, the proper authorizing official may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Section 5. Junked Motor Vehicle regulated; removal authorized.

- a) The registered owner or person entitled to possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located cannot leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

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- b) No more than one junked motor vehicle can be on the premises of public or private property. A single and permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- c) Any owner or person entitled to possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located shall comply with the location or concealment requirements of this section.
- d) Subject to the provisions of subsection (e), upon investigation, the proper authorizing official may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. These findings will be based on a balancing of the owner's monetary loss against the public gain of promoting and enhancing neighborhood and community area appearance. The following among other relevant factors may be considered:
 - 1) Protection of property values;
 - 2) Promotion of tourism and other economic development opportunities;
 - 3) Indirect protection of public health and safety;
 - 4) Preservation of the character and integrity of the community; and
 - 5) Promotion of the comfort, happiness and emotional stability of area residents.
- e) Permitted concealment or enclosure of junked motor vehicle:
 - 1) One junked motor vehicle can be located in the rear yard as defined by the Town's zoning ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering or screening.

The proper authorizing official has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering or screening must remain in good repair and must not be allowed to deteriorate. The covering or screening must be compatible with the objectives stated in the preamble of this ordinance.
 - 2) More than one junked motor vehicle. Any other junked motor vehicle(s) must be kept in a garage or in a building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or a building structure means either a lawful, or nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

Section 6. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

Except as set forth, an abandoned, nuisance or junked vehicle that is removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance or junked motor vehicle, if the names and mailing addresses of the registered owner or the person entitled to the possession of the vehicle, the owner, or lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, and the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be

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removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating the removal by the town on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

With respect to abandoned vehicles on private property, or nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Board of Commissioners in writing, heard at the next regularly scheduled meeting of the Board of Commissioners, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Section 7. Exceptions to prior notice requirement.

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to maintain and protect public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

- a) Vehicles abandoned on the streets. For vehicles left on public streets and highways, the Board of Commissioners hereby determines that immediate removal of such vehicles may be warranted when they are:
 - 1) Obstructing traffic,
 - 2) Parked in violation of an ordinance prohibiting or restricting parking,
 - 3) Parked in a no-stopping or standing zone,
 - 4) Parked in loading zones,
 - 5) Parked in bus zones, or
 - 6) Parked in violation of temporary parking restrictions imposed under code sections.
- b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on city-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration, 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, as directed by the Town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. Whenever such a vehicle is removed, the authorizing Town official shall immediately notify the last known registered owner

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of the vehicle, such notice will include the following:

- 1) The description of the removed vehicle.
- 2) The location where the vehicle is stored.
- 3) The violation with which the owner is charged.
- 4) The procedure the owner must follow to redeem the vehicle.
- 5) The procedure the owner must follow to request a probable cause hearing on the removal.

The Town shall attempt to give notice to the vehicle owner by telephone; however, if the owner cannot be reached by telephone, written notice, including the information above, shall also be mailed to the registered owner's last known address, unless the vehicle owner or his agent waives this notice in writing.

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 of the vehicle.

Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and notify him of the information in this ordinance.

Section 9. Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge within 15 days after removal to receive such hearing requests. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of North Carolina General Statute.

Section 10. Redemption of vehicle during proceedings.

At any stage during the proceedings, the owner may obtain possession of the removed vehicle by paying the towing fee, and storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this ordinance.

Section 11. Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in accordance with the town and North Carolina General Statutes.

Section 12. Conditions on removal of vehicles from private property.

As a general policy, the Town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the Town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a

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nuisance or junked motor vehicle which has been ordered removed by the proper authorizing official. The Town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale of such vehicle.

Section 13. Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this chapter.

Section 14. Exceptions.

Nothing in this chapter shall apply to any vehicle located in an “automobile graveyard” or “junkyard” as defined in N.C. General Statutes, in accordance with the “Junkyard Control Act,” which is in an enclosed building, or which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or which is used on a regular basis for personal use; or which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Section 15. Unlawful removal of impounded vehicle.

Any person who removes or attempts to remove any vehicle, from any storage facility designated by the town, which has been impounded pursuant to the provisions of this ordinance, is committing a crime unless all towing and impoundment fees are paid.

Section 16. Effective Date.

This Ordinance shall become effective the 1st day of July 1990.

This Ordinance incorporated into the Town of Ramseur Zoning Ordinance on September 11, 2000.