

Code of Ordinances, Town of Woodland, North Carolina

TITLE VIII: OFFENSES

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CHAPTER 80: ABANDONED VEHICLES

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§ 80.01 ABANDONED MOTOR VEHICLE.

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

WHEREAS, the Board of Commissioners of the Town of Woodland is authorized by G.S. 160A-193, G.S. 160A-303 and G.S. 160A -303.2 to regulate, restrain or prohibit abandoned, nuisance and junked motor vehicles on public and private property within the Town's ordinance-making jurisdiction; and

WHEREAS, the Board of Commissioners of the Town of Woodland finds it necessary and desirable 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 liveability and attractiveness of neighborhoods,
- (4) The promotion of tourism, conventions, and other opportunities for economic development for the Town,
- (5) The attractiveness of the Town's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of the Town and
- (6) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles;

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NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Woodland North Carolina:

§ 80.02 ADMINISTRATION

The police department and Town Maintenance Supervisor of the Town shall be responsible for the administration and enforcement of this chapter. The police department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the Town, and on property owned by the Town. The Town Maintenance Supervisor shall be responsible for administering the removal and disposition of "abandoned", "nuisance" or "junked motor vehicles" located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles 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 department and fire department in enforcing other laws or in otherwise carrying out their duties.

§ 80.03 DEFINITIONS

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

- (a) Abandoned vehicle. As authorized and defined in G.S. 160A-303, 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 private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- (b) Authorizing official. The supervisory employee of the police department or the Town Supervisor, respectively, 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

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or while attached to any self-propelled vehicle.

- (d) Junked motor vehicle. As authorized and defined in 0.5. 160A-303.2 the term, junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:
- (1) Is partially dismantled or wrecked; or
 - (2) Cannot be self propelled or moved in the manner in which it originally was intended to move; or
 - (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100).
- (e) Nuisance vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
 - (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
 - (3) A point of collection of pools or ponds of water; or
 - (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
 - (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or
 - (6) So situated or located that there is a danger of it falling or turning over; or
 - (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
 - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
 - (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Woodland Town Board.

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§ 80.04 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED

- (a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.
- (b) Upon investigation, the Police Chief of Woodland may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

§ 80.05 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

- (a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant 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 vehicle.
- (b) Upon investigation, the Town Maintenance Supervisor 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.

§ 80.06 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED.

- (a) It shall be unlawful for the registered owner or person entitled to the 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 to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- (c) It shall be unlawful for any owner, person entitled to the 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 to fail to comply with the location requirements or the concealment requirements of this section.
- (d) Subject to the provisions of subsection (e), upon investigation, the Town Maintenance Supervisor 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. 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, neighborhood or area appearance. The following among other relevant factors may be considered:
 - (1) Protection of property values;

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- (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, in its entirety, can be located in the rear yard if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

The Town Maintenance Supervisor has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure 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 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 building structure means either a lawful, 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.

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

Except as set forth in § 80.08 below, an abandoned, nuisance or junked vehicle that is to be 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 vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, 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 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 that the vehicle will be removed by the city 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

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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, 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 Woodland Town Board in writing, heard at the next regularly scheduled meeting of the Woodland Town Board, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

§ 80.08 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 otherwise maintain and protect the 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 includes:

- (a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Woodland Town Board 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,
 - (S) 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 and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a