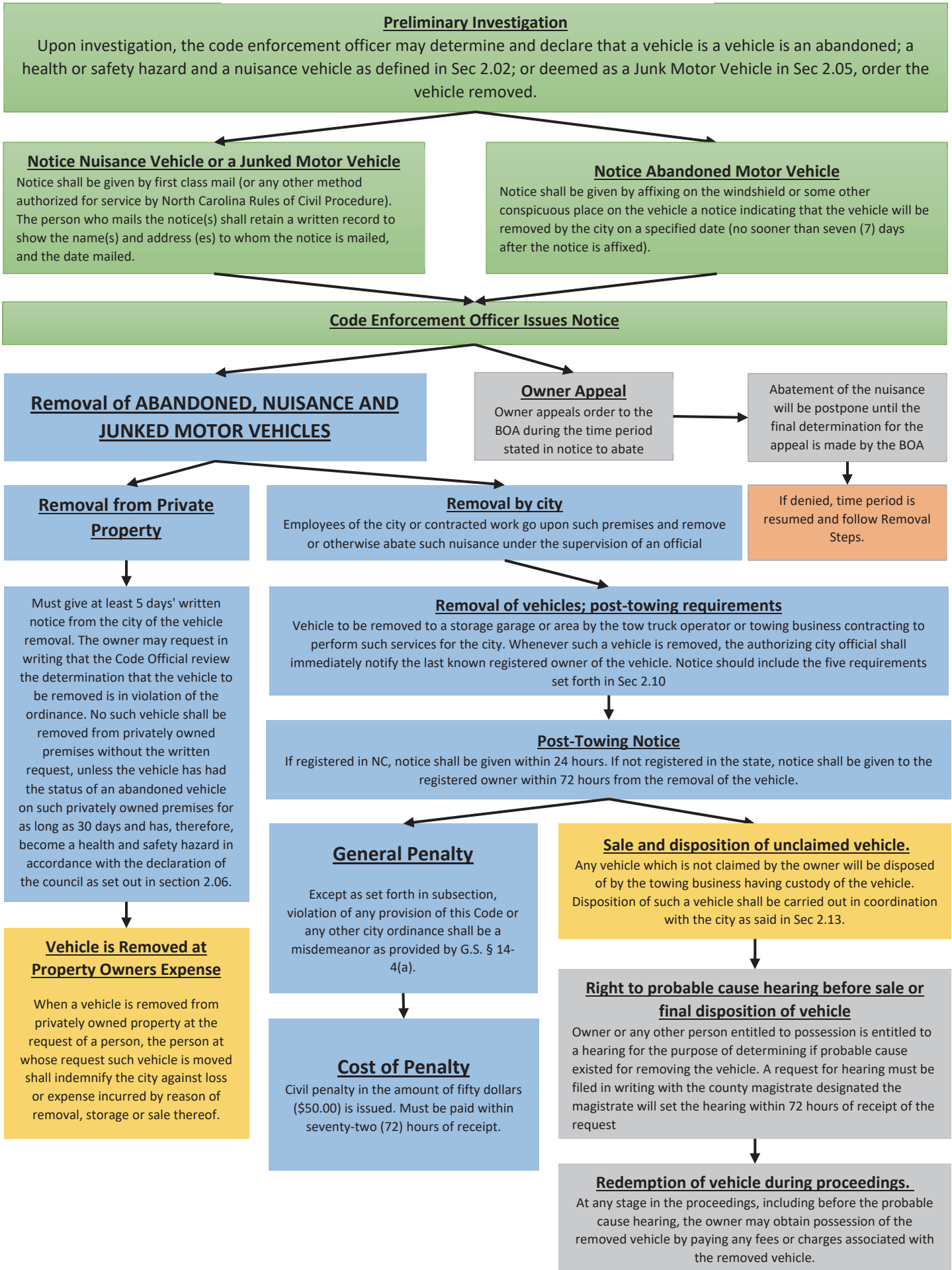


ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES Violations



Preliminary Investigation

Upon investigation, the code enforcement officer may determine and declare that a vehicle is an abandoned; a health or safety hazard and a nuisance vehicle as defined in Sec 2.02; or deemed as a Junk Motor Vehicle in Sec 2.05, order the vehicle removed.

Notice Nuisance Vehicle or a Junked Motor Vehicle

Notice shall be given by first class mail (or any other method authorized for service by North Carolina Rules of Civil Procedure). The person who mails the notice(s) shall retain a written record to show the name(s) and address (es) to whom the notice is mailed, and the date mailed.

Notice 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).

Code Enforcement Officer Issues Notice

Removal of ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

Owner Appeal

Owner appeals order to the BOA during the time period stated in notice to abate

Abatement of the nuisance will be postpone until the final determination for the appeal is made by the BOA

Removal from Private Property

Removal by city

Employees of the city or contracted work go upon such premises and remove or otherwise abate such nuisance under the supervision of an official

If denied, time period is resumed and follow Removal Steps.

Must give at least 5 days' written notice from the city of the vehicle removal. The owner may request in writing that the Code Official review the determination that the vehicle to be removed is in violation of the ordinance. No such vehicle shall be removed from privately owned premises without the written request, unless the vehicle has had the status of an abandoned vehicle on such privately owned premises for as long as 30 days and has, therefore, become a health and safety hazard in accordance with the declaration of the council as set out in section 2.06.

Removal of vehicles; post-towing requirements

Vehicle to be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the city. Whenever such a vehicle is removed, the authorizing city official shall immediately notify the last known registered owner of the vehicle. Notice should include the five requirements set forth in Sec 2.10

Post-Towing Notice

If registered in NC, notice shall be given within 24 hours. If not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

Vehicle is Removed at Property Owners Expense

When a vehicle is removed from privately owned property at the request of a person, the person at whose request such vehicle is moved shall indemnify the city against loss or expense incurred by reason of removal, storage or sale thereof.

General Penalty

Except as set forth in subsection, violation of any provision of this Code or any other city ordinance shall be a misdemeanor as provided by G.S. § 14-4(a).

Sale and disposition of unclaimed vehicle.

Any vehicle which is not claimed by the owner will be disposed of by the towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the city as said in Sec 2.13.

Cost of Penalty

Civil penalty in the amount of fifty dollars (\$50.00) is issued. Must be paid within seventy-two (72) hours of receipt.

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

Owner or any 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 the magistrate will set the hearing within 72 hours of receipt of the request

Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying any fees or charges associated with the removed vehicle.