

**TITLE IX: GENERAL REGULATIONS**

Chapter

**90. ABANDONED AND NUISANCE MOTOR VEHICLES**

**91. ANIMALS**

**92. RESERVED**

**93. CIVIL PREPAREDNESS**

**94. FIRE PROTECTION**

**95. NOISE CONTROL**

**96. NUISANCES**

**97. RESERVED**

**98. GRAFFITI**

## CHAPTER 90: ABANDONED AND NUISANCE MOTOR VEHICLES

### Section

- 90.01 Purpose and Administration
- 90.02 Definitions
- 90.03 Abandoned Vehicle Unlawful – Removal authorized
- 90.04 Nuisance Vehicle Unlawful – Removal authorized
- 90.05 RESERVED
- 90.06 Removal; pre-towing notice requirements for Nuisance Vehicles
- 90.07 Removal; pre-towing notice requirements for Abandoned Vehicles
- 90.08 Notice requirement exceptions
- 90.09 Removal of vehicle from private property
- 90.10 Removal; post-towing notice
- 90.11 RESERVED
- 90.12 Redemption of vehicle during proceedings
- 90.13 Protection against criminal or civil liability
- 90.14 Exceptions
- 90.15 Removal of impounded vehicle
- 90.16 Administrative Fee

### **Statutory reference:**

*Removal, disposal of junked and abandoned motor vehicles, see N.C.G.S. §160A-303*

*Regulation of abandonment of junked motor vehicles, see N.C.G.S. §160A-303.2*

*Regulation of public health nuisances, see N.C.G.S. § 160A-193*

**§ 90.01 PURPOSE AND ADMINISTRATION.**

**PURPOSE**

(A) The Board of Commissioners of the Town of Franklinton is authorized by N.C.G.S. § 160A-193, N.C.G.S. §160A-303 and N.C.G.S. §160A-303.2 to regulate, restrain or prohibit Abandoned and Nuisance Vehicles as those terms are further defined in the provisions of this ordinance. This ordinance shall be enforceable within the Town limits of the Town of Franklinton, and within its Extra-Territorial Jurisdiction area.

(B) Abandoned or nuisance vehicles constitute a hazard to health, safety and welfare of the citizens of the Town. Such vehicles can harbor noxious disease, provide shelter and breeding places for vermin and present physical dangers to the safety of children and other citizens. Such vehicles detract from community, neighborhood and area appearances, value of property, the character and integrity of the community, tourism and other economic development opportunities and the comfort, happiness and emotional stability of area residents. It is therefore the purpose of this ordinance to eliminate existing abandoned and nuisance vehicles and to prevent future proliferation thereof.

**ADMINISTRATION**

(A) The Police Department and the Planning-Zoning Department of the Town shall be responsible for the administration and enforcement of this chapter as applicable. 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 property owned by the Town.

(B) The Planning-Zoning Department shall be responsible for administering the removal and disposition of "abandoned" and "nuisance" vehicles located on private property.

(C) The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles and nuisance vehicles in compliance with this chapter and applicable state laws.

(D) Nothing in this chapter shall be construed to limit the legal authority or powers of the Town in enforcing other laws or in otherwise carrying out its duties.

**§ 90.02 DEFINITIONS.**

The following words, terms and phrases, when used in the ordinance, shall have the meanings ascribed to them in this section:

***ABANDONED VEHICLE.*** An Abandoned Vehicle is a vehicle that is:

(A) Left upon a public street or highway in violation of a law or ordinance prohibiting parking and NC DMV registration is not current or valid; or

(B) Left on a public street or highway for longer than seven (7) days; or

(C) Left on property owned or operated by the Town for longer than twenty-four (24) hours.

**AUTHORIZING OFFICIAL.** The supervisory employee of the Police Department or the Zoning-Planning Department respectively is designated to authorize the removal of vehicles under the provisions of this chapter.

**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:

(A) A breeding ground or harbor for mosquitoes or other insects or a breeding ground or harbor for rats or other pests; or

(B) A point of heavy growth of weeds or other noxious vegetation over ten (10) inches in height; or

(C) A point of collection of pools or ponds of water; or

(D) A point of concentration of combustible items such as gasoline, oil, other flammable or explosive materials including but not limited to boxes, paper, old clothes, rags, refuse, or any other combustible materials or objects of a like nature; or

(E) One which has parts thereof which may fall and injure members of the public or one which may have parts which fall or be closed and become an area of confinement which may not be released for opening from the inside; or

(F) One which is so situated and located that there is a danger of the vehicle falling, rolling, turning over, or creating an unsafe movement such as unattended, blocked or jacked vehicles; or

(G) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or

(H) One which has parts thereof which are jagged or contain sharp edges of metal or glass; or

(I) All other vehicles specifically declared a health and safety hazard and a public nuisance by Board of Commissioners.

**NON-CONSENSUAL TOWING.** Non-consensual towing means vehicle towing performed by a tow truck if such transportation is performed without the consent or authorization of the registered owner or person in possession of the vehicle. This definition shall not include non-consensual tows that occur at the direction of a Police Officer or other Town Official or as a result of a vehicle seizure or repossession by a lienholder.

**VEHICLE.** A machine designed or intended to travel by self-propulsion or designed to travel while attached to any self-propelled vehicle; including but not limited to all boats and canoes.

**§ 90.03 ABANDONED VEHICLE UNLAWFUL – REMOVAL AUTHORIZED.**

It shall be unlawful for the registered owner or person in possession of a vehicle to cause or allow such vehicle to become an abandoned vehicle as that term is defined herein. Upon investigation, proper officials of the Town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

**§ 90.04 NUISANCE VEHICLE UNLAWFUL – REMOVAL AUTHORIZED.**

It shall be unlawful for the registered owner and/or person in possession of a vehicle to cause or allow such vehicle to become a nuisance vehicle.

The Planning/Zoning Department, upon investigation, shall notify the registered owner and/or person in possession by registered mail of the violation of this ordinance requesting removal of subject nuisance vehicle.

Failure to comply with the request to remove a nuisance vehicle will result in the Planning/Zoning Department submitting an investigative report to the Board of Commissioners for a review of the matter. The Board of Commissioners may then concur that the vehicle is a nuisance and order it removed in accordance with the provisions set forth herein or decide to stay the action.

**§ 90.05 RESERVED**

**§ 90.06 REMOVAL; PRE-TOWING NOTICE REQUIREMENTS FOR NUISANCE VEHICLES.**

Except as set forth in §90.08, a vehicle to be towed or otherwise removed because it has been declared a nuisance vehicle as set forth in §90.04, shall be towed only after a notice has been sent to the registered owner and/or person in possession of the vehicle. The Police Department shall serve a notice by affixing on the windshield, or some other conspicuous place on the vehicle, indicating that the vehicle will be removed by the Town on a specified date, no sooner than seven days after the notice is affixed, unless the vehicle is moved by the registered owner and/or person in possession prior to such time. In addition, a towing notice shall be sent by the Planning/Zoning Department by registered mail to the registered owner and/or person in possession at the same

time the notice is affixed to the vehicle. The Planning/Zoning Department shall retain a written record to show the names and addresses to which such notice was mailed and the date mailed.

If the registered owner and/or person in possession of a nuisance vehicle does not remove the vehicle but chooses to appeal the declaration that the vehicle is a nuisance vehicle, such appeal shall be made to the Board of Commissioners in writing, heard at the next regularly scheduled meeting of the Board. Further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

**§ 90.07 REMOVAL; PRE-TOWING NOTICE REQUIREMENTS FOR ABANDONED VEHICLES.**

Except as set forth in §90.08, a vehicle to be towed or otherwise removed because it has been declared an abandoned vehicle as set forth in §90.03, shall be towed only after a notice is sent to the registered owner and/or person in possession of the vehicle. The Police Department shall serve a notice by affixing on the windshield, or some other conspicuous place on the vehicle, indicating that the vehicle will be removed by the Town on a specified date unless the vehicle is moved by the registered owner and/or person in possession prior to such time. In addition, a towing notice shall be sent by the Police Department by registered mail to the registered owner and/or person in possession at the same time the notice is affixed to the vehicle. The Police Department shall retain a written record to show the names and addresses to which such notice was mailed and the date mailed.

If the registered owner and/or person in possession of an abandoned vehicle does not remove the vehicle but chooses to appeal the declaration that the vehicle is an abandoned vehicle, such appeal shall be made to the Board of Commissioners in writing and heard at the next regularly scheduled meeting of the Board. Further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

**§ 90.08 NOTICE REQUIREMENT EXCEPTIONS.**

The requirement that a notice be affixed to an abandoned or nuisance vehicle at least seven days prior to removal may, as determined by the Authorizing Officer, shall be waived in 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.

The Chief of Police or his designee shall determine that immediate removal of vehicles left on the public streets, highways, or other restricted areas is warranted when such vehicles are:

- (A) Obstructing traffic;
- (B) Parked in a no stopping or standing zone;
- (C) Parked in loading zones and/or fire zones;

- (D) Parked in bus zones;
- (E) Parked in violation of temporary parking restrictions; or
- (F) Other restricted areas.

Abandoned or nuisance vehicles left on Town-owned property other than on streets, highways and private property, may be removed without giving the minimum seven days' prior notice only in those circumstances where the Town Manager finds a special need for prompt action to protect and maintain the public health, safety, and welfare.

**§ 90.09 REMOVAL OF VEHICLE FROM PRIVATE PROPERTY.**

In no case will an abandoned or nuisance vehicle be removed by the Town from private property without written permission of the owner, occupant, or lessee except in those cases where a vehicle is declared a nuisance vehicle and has been ordered removed by the Board of Commissioners.

The Town may require any person requesting or agreeing to the voluntary removal of a vehicle from private property to indemnify the Town against any loss expense or liability incurred because of the removal storage or sale thereof.

**§ 90.10 REMOVAL; POST-TOWING NOTICE**

Any vehicle which has been determined to be an abandoned or nuisance vehicle may be removed to a storage garage or area by the tow truck operator or towing business contracted to perform such services for the Town. Whenever such a vehicle is removed, the Police Department or Planning/Zoning Department shall immediately notify the last known registered owner of the vehicle. The notice shall include:

- (A) Description of the removed vehicle including the VIN #;
- (B) Location where the vehicle is stored;
- (C) Procedure the owner must follow to request a probable cause hearing on the removal of such vehicle.

Notice of removal shall be in writing and shall include the information as set forth above. The notice shall be sent by registered mail to the registered owner within 24 hours of such removal.

Whenever a vehicle is removed and such vehicle has no valid registration or registration plate the Police Department shall make reasonable efforts including checking the vehicle's

identification number to determine the last known registered owner of the vehicle and to notify him/her of the information as set forth above.

**§ 90.11 RESERVED.**

**§ 90.12 REDEMPTION OF VEHICLE DURING PROCEEDINGS.**

At any stage in the proceedings, including before the probable cause hearing, the registered owner and/or person in possession may obtain possession of the removed vehicle by paying the towing fees owed to the private tow truck operator or towing business having custody of the removed vehicle. In no case, shall the registered owner and/or person in possession of the vehicle return the vehicle to any location in the Town limits or Extra Territorial Jurisdiction (ETJ) until receiving a favorable determination to his/her probable cause hearing as set forth above. In the event said vehicle is found in the Town limits or ETJ this vehicle will be towed immediately upon identification.

**§ 90.13 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.**

No person shall be held to answer to any criminal or civil action to any registered owner and/or person in possession of any abandoned or nuisance vehicle for disposing of such vehicle as provided in this ordinance.

**§ 90.14 EXCEPTIONS.**

Nothing in this ordinance shall apply to any vehicle:

- (A) In an enclosed building;
- (B) 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
- (C) In an appropriate storage place or depository maintained in a lawful place and manner by the Town.

**§ 90.15 REMOVAL OF IMPOUNDED VEHICLE.**

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town any vehicle which has been impounded pursuant to the provisions of this ordinance, unless and until all towing and impound fees have been paid.

**§ 90.16 ADMINISTRATIVE FEE.**

Any registered owner and/or person in possession of a nuisance or abandoned vehicle as defined by this Ordinance that doesn't comply with the initial request to abate within 10 days and



Franklinton – General Regulations

is ordered to be removed in accordance with the provisions of Sections 90.03 and 90.04 shall be subject to an administrative fee of one hundred dollars (\$100.00) per vehicle. The registered owner and/or person in possession may also be assessed any costs in obtaining service of the nuisance vehicle notice including legal publication.