

This Ordinance is superseded by a revised Ordinance No. 45, adopted by the Caswell County Board of Commissioners on January 5, 1998. (See Minute Book 14, Page 332).

ORDINANCE NO. 45

ORDINANCE REGULATING THE REMOVAL AND DISPOSAL OF  
ABANDONED AND/OR JUNKED MOTOR VEHICLES IN CASWELL COUNTY

WHEREAS, pursuant to North Carolina General Statutes Section 153A-132 a County may, by ordinance, provide for removal and disposal of abandoned and/or junked motor vehicles; and

WHEREAS, there are presently numerous such vehicles throughout Caswell County, some being upon highway right-of-way, some being upon private property, all being unsightly and constituting danger to public safety and health.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Commissioners for the County of Caswell that all abandoned and/or junked motor vehicles shall be removed and disposed of subject to the following conditions:

A. The Caswell County Public Safety Officer shall have control of all such removal, and that department is designated by the Board of Commissioners as the officials to direct the removal and storage of each vehicle.

B. Definitions - "As used in this Ordinance, the following words mean:

1. Motor Vehicle - Any item of tangible personal property designed, intended, or which has ever traveled over land or water by self-propulsion or while attached to a self-propelled vehicle.
2. Abandoned Motor Vehicle - A motor vehicle that:
  - a. Is left on public grounds of County owned property in violation of law or ordinance prohibiting parking; or
  - b. Is left for longer than twenty-four (24) hours on property owned or operated by the County; or
  - c. Is left for longer than twenty-four (24) hours on private property without the consent of the owner, occupant, or leasee of the property; or
  - d. Is left longer than seven (7) days on public grounds.
3. Junked Motor Vehicle - An abandoned motor vehicle that also:
  - a. Is partially dismantled or wrecked; or
  - b. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
  - c. Is more than five years old and appears to be worth less than one hundred (\$100.00) dollars; or
  - d. Does not display a current license plate.

C. No motor vehicle shall be removed from privately owned premises without the written request of the owner of the real property, lessee, or occupant of the premises

unless the Board of Commissioners or the Caswell County Public Safety Officer has declared the motor vehicle to be a health or safety hazard. County officers and employees of the Caswell County Public Safety Office and the members of the Board of Commissioners may enter, upon presentation of proper credentials, any premises within the territorial boundaries of Caswell County at any reasonable hour in order to determine if any motor vehicles are health or safety hazards. Should the Board of Commissioners or officers and employees of the Caswell County Public Safety Office find such motor vehicle(s) to constitute a health or safety hazard, said vehicles may be removed either by the owner of the premises or the County at said owner's expense.

D. Any person requesting the County to remove an abandoned and/or junked motor vehicle shall indemnify the County against any expense incurred because of the vehicle's removal.

E. Upon removal and storage of any abandoned and/or junked motor vehicle pursuant to this Ordinance, written notice of the removal shall be sent to the registered owner at his last known address according to the latest registration certificate or certificate of title on file with the Division of Motor Vehicles. The notice shall inform the owner of the possible sale or other disposition that may be made of the motor vehicle pursuant to this Ordinance. Such owner, before regaining possession of the vehicle, shall pay the County all reasonable costs incidental to the removal and storage and locating of its owner. Provided, however, that notice need not be given to the vehicle's registered owner if the vehicle does not display a current license plate and the vehicle identification numbers have been removed or defaced so as to be illegible.

F. Disposal of Abandoned Motor Vehicle - After holding an abandoned motor vehicle for thirty (30) days, it shall be disposed of as follows:

1. If the vehicle appears to be worth less than one hundred (\$100.00) dollars it shall be disposed of as a junked motor vehicle as provided below.
2. If the owner gives his written consent the motor vehicle shall be removed and disposed of as a junked motor vehicle without regard to the value, condition, or age of the vehicle and without holding it for any prescribed period of time.
3. If the vehicle appears to be worth one hundred (\$100.00) dollars or more, it shall be sold at public auction after twenty (20) days notice to the registered owner at his last known address, to each holder of a lien of record against the vehicle, and to the Division of Motor Vehicles. Any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date. The proceeds of the sale shall be paid to the County Finance Officer, who shall pay to the appropriate officers or person the cost of removal, storage, investigation, sale, and liens, in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the County for sixty (60) days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within sixty (60) days after the date of sale, the funds shall be deposited in the County's general fund

and the owner's rights in the vehicle extinguished.

G. Disposal of Junked Motor Vehicles - After holding a junked motor vehicle for fifteen (15) days, the County may destroy it or sell it to private sale as junk. Within fifteen (15) days after final disposition of a junked motor vehicle, notice shall be given to the Division of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and has been disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined. The proceeds of the sale of a junked motor vehicle shall be paid to the County Finance Officer, who shall pay to the appropriate officer(s) or person(s) the cost of removal, storage, investigation, sale, and liens, in that order. The remainder of the proceeds of sale, if any, shall be held by the County for thirty (30) days and paid to the registered owner upon demand. If the owner does not claim the remainder of the proceeds within thirty (30) days after the day the vehicle is disposed of, the funds shall be deposited in the County's general fund, and the owner's right to the vehicle are extinguished.

H. Disposal of Junked Vehicles Without Plates or Identification Numbers - If a junked motor vehicle does not display a current license plate and the vehicle identification numbers have been removed or defaced so as to be illegible, the junked motor vehicle shall be destroyed or sold at a private sale (without regard to value) after having held the vehicle for forty-eight (48) hours. The proceeds shall be placed in the County's general fund.

I. It shall be unlawful for any person to abandon any motor vehicle within the County, and no person shall leave or be allowed to leave a junked motor vehicle or a vehicle which constitutes a health or safety hazard on real property under his/her control.

J. Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason invalid or unconstitutional as determined by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

K. This Ordinance shall be effective upon its adoption.

Adopted this the 12th day of September, 1994.



Gordon G. Satterfield, Chairman  
Caswell County Board of  
Commissioners

ATTEST:



Wanda P. Smith  
Clerk to the Board



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K. This Ordinance shall be effective upon its adoption.

Adopted this the 5<sup>th</sup> day of January, 1997.<sup>(us)</sup>

Bobby F. Aldridge  
Bobby F. Aldridge, Chairman  
Caswell County Board of  
Commissioners

ATTEST:

Wanda P. Smith  
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Clerk to the Board  
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