

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1359

State and Local Government Committee Substitute Adopted 6/26/00

House Committee Substitute Favorable 6/30/00

House Committee Substitute #2 Favorable 7/5/00

Short Title: Winston-Salem Local Act.

(Local)

Sponsors:

Referred to:

May 22, 2000

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO REMOVE AND DISPOSE OF MOTOR VEHICLES THAT POSE A SAFETY HAZARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-303, as applicable to the City of Winston-Salem under Chapter 92 of the 1995 Session Laws, reads as rewritten:

"§ 160A-303. **Removal and disposal of junked and abandoned motor vehicles. vehicles and motor vehicles that constitute a safety hazard.**

(a) A city may by ordinance prohibit the abandonment of motor vehicles on the public streets or on public or private property within the city, and may enforce any such ordinance by removing and disposing of junked or abandoned motor vehicles or motor vehicles that constitute a safety hazard according to the procedures prescribed in this section.

(b) A motor vehicle is defined to include all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

(b1) An abandoned motor vehicle is one that:

- 1 (1) Has been left upon a street or highway in violation of a law or ordinance
2 ~~prohibiting parking; or that prohibits parking or requires the display of a~~
3 valid license plate or registration sticker; or
4 (2) Is left on property owned or operated by the city for longer than 24
5 hours; or
6 (3) Is left on private property without the consent of the owner, occupant, or
7 lessee thereof for longer than two hours; or
8 (4) Is left on any public street or highway for longer than seven ~~days; days,~~
9 or within the corporate limits of the City of Winston-Salem for longer
10 than 48 hours on:
11 a. U.S. Highway 52;
12 b. Interstate Highway 40; ~~or~~
13 c. Business Interstate Highway 40;
14 d. Peters Creek Parkway;
15 e. Silas Creek Parkway; or
16 f. Highway 421.
17 ~~within the corporate limits of the City of Winston-Salem for longer than~~
18 ~~48 hours.~~
- 19 (b2) A junked motor vehicle is an abandoned motor vehicle that also:
20 (1) Is partially dismantled or wrecked; or
21 (2) Cannot be self-propelled or moved in the manner in which it was
22 originally intended to move; or
23 (3) Is more than five years old and worth less than ~~one hundred dollars~~
24 ~~(\$100.00);~~ five hundred dollars (\$500.00); or
25 (4) Does not display a current license plate.
- 26 (b3) A motor vehicle that constitutes a safety hazard is one that is left upon a public
27 street or highway or private property longer than 48 hours; has been declared a safety
28 hazard, without regard to whether the vehicle is abandoned or junked as defined in this
29 section, by the Board of Aldermen or a duly authorized city official or employee pursuant
30 to an ordinance adopted under this section; and:
31 (1) Is a breeding ground or harbor for rats;
32 (2) Is a point of concentration or source of leaking of uncontained gasoline,
33 oil, or other flammable or explosive materials;
34 (3) Is positioned in a way that there is a danger it will fall or turn over; or
35 (4) Is a source of danger for children because they might become entrapped
36 in areas of confinement that cannot be opened from the inside.
- 37 (c) Any junked or abandoned motor vehicle or motor vehicle that constitutes a
38 safety hazard that is found to be in violation of an ordinance adopted under this section
39 may be removed to a storage garage or area, but no ~~such~~ junked or abandoned motor
40 vehicle shall be removed from private property without the written request of the owner,
41 lessee, or occupant of the ~~premises unless the council or a duly authorized city official or~~
42 employee has declared it to be a health or safety hazard. ~~premises.~~ Prior to removing a
43 vehicle that constitutes a safety hazard from private property, the city shall attach a notice

1 to the vehicle stating the nature of the safety hazard and indicating that the vehicle is
2 subject to removal within 72 hours if the safety hazard is not eliminated. The city shall
3 also provide the same notice to the owner, lessee, or occupant of the premises, either by
4 personal service or certified mail. The city may require any person requesting the
5 removal of a ~~junked or abandoned~~ motor vehicle from private property to indemnify the
6 city against any loss, expense, or liability incurred because of the removal, storage, or
7 sale thereof. When an ~~abandoned or junked~~ a motor vehicle is removed, the city shall give
8 notice to the owner as required by G.S. 20-219.11(a) and (b).

9 (d) Hearing Procedure. – Regardless of whether a city does its own removal and
10 disposal of motor vehicles or contracts with another person to do so, the city, shall
11 provide a hearing procedure for the owner. For purposes of this subsection, the
12 definitions in G.S. 20-219.9 apply.

13 (1) If the city operates in such a way that the person who tows the vehicle is
14 responsible for collecting towing fees, all provisions of Article 7A,
15 Chapter 20, apply.

16 (2) If the city operates in such a way that it is responsible for collecting
17 towing fees, it shall:

18 a. Provide by contract or ordinance for a schedule of reasonable
19 towing ~~fees,~~ fees and storage fees that are comparable to the fees
20 customarily charged to the public by local private towers,

21 b. Provide a procedure for a prompt fair hearing to contest the
22 towing,

23 c. Provide for an appeal to district court from that hearing,

24 d. Authorize release of the vehicle at any time after towing by the
25 posting of a bond or paying of the fees due, and

26 e. Provide a sale procedure similar to that provided in G.S. 44A-4,
27 44A-5, and 44A-6, except that no hearing in addition to the
28 probable cause hearing is required. If no one purchases the
29 vehicle at the sale and if the value of the vehicle is less than the
30 amount of the lien, the city may destroy it.

31 (e) Repealed by Session Laws 1983, c. 420, s. 13.

32 (f) No person shall be held to answer in any civil or criminal action to any owner
33 or other person legally entitled to the possession of any abandoned, lost, or stolen motor
34 vehicle for disposing of the vehicle as provided in this section.

35 (g) Nothing in this section shall apply to any vehicle in an enclosed building or
36 any vehicle on the premises of a business enterprise being operated in a lawful place and
37 manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in
38 an appropriate storage place or depository maintained in a lawful place and manner by
39 the city.

40 (h) Repealed by Session Laws 1983, c. 420, s. 13."

41 Section 2. G.S. 160A-303.2(a) reads as rewritten:

42 "(a) A municipality may by ordinance regulate, restrain or prohibit the
43 abandonment of junked motor vehicles on public grounds and on private property within

1 the municipality's ordinance-making jurisdiction upon a finding that such regulation,
2 restraint or prohibition is necessary and desirable to promote or enhance community,
3 neighborhood or area appearance, and may enforce any such ordinance by removing or
4 disposing of junked motor vehicles subject to the ordinance according to the procedures
5 prescribed in this section. The authority granted by this section shall be supplemental to
6 any other authority conferred upon municipalities. Nothing in this section shall be
7 construed to authorize a municipality to require the removal or disposal of a motor
8 vehicle kept or stored at a bona fide 'automobile graveyard' or 'junkyard' as defined in
9 G.S. 136-143.

10 For purposes of this section, the term 'junked motor vehicle' means a vehicle that does
11 not display a current license plate and that:

- 12 (1) Is partially dismantled or wrecked; or
- 13 (2) Cannot be self-propelled or moved in the manner in which it originally
14 was intended to move; or
- 15 (3) Is more than five years old and appears to be worth less than ~~one hundred~~
16 ~~dollars (\$100.00)~~ five hundred dollars (\$500.00)."

17 Section 3. This act applies to the City of Winston-Salem only.

18 Section 4. This act is effective when it becomes law.