

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 2000-104
SENATE BILL 1359

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 ~~vehieles-~~
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) Has been left upon a street or highway in violation of a law or ordinance ~~prohibiting parking; or that prohibits parking or requires the display of a valid license plate or registration sticker; or~~ display of a valid license plate or registration sticker; or
- (2) Is left on property owned or operated by the city for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven ~~days-~~ days, or within the corporate limits of the City of Winston-Salem for longer than 48 hours on:
 - a. U.S. Highway 52;
 - b. Interstate Highway 40; ~~or~~
 - c. Business Interstate Highway 40;
 - d. Peters Creek Parkway;
 - e. Silas Creek Parkway; or
 - f. Highway 421.

~~within the corporate limits of the City of Winston-Salem for longer than 48 hours.~~

- (b2) A junked motor vehicle is an abandoned motor vehicle that also:
- (1) Is partially dismantled or wrecked; or
 - (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
 - (3) Is more than five years old and worth less than ~~one hundred dollars (\$100.00);~~ five hundred dollars (\$500.00); or
 - (4) Does not display a current license plate.

(b3) A motor vehicle that constitutes a safety hazard is one that is left upon a public street or highway or private property longer than 48 hours; has been declared a safety hazard, without regard to whether the vehicle is abandoned or junked as defined in this section, by the Board of Aldermen or a duly authorized city official or employee pursuant to an ordinance adopted under this section; and:

- (1) Is a breeding ground or harbor for rats;
- (2) Is a point of concentration or source of leaking of uncontained gasoline, oil, or other flammable or explosive materials;
- (3) Is positioned in a way that there is a danger it will fall or turn over; or
- (4) Is a source of danger for children because they might become entrapped in areas of confinement that cannot be opened from the inside.

(c) Any junked or abandoned motor vehicle or motor vehicle that constitutes a safety hazard that is found to be in violation of an ordinance adopted under this section may be removed to a storage garage or area, but no ~~such junked or abandoned motor vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the council or a duly authorized city official or employee has declared it to be a health or safety hazard.~~ premises. Prior to removing a vehicle that constitutes a safety hazard from private property, the city shall attach a notice to the vehicle stating the nature of the safety hazard and indicating that the vehicle is subject to removal within 72 hours if the safety hazard is not eliminated. The city shall also provide the same notice to the owner, lessee, or occupant of the premises, either by personal service or certified mail. The city may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the city against any loss, expense, or liability incurred because of the removal, storage, or sale thereof. When an abandoned or junked a motor vehicle is removed, the city shall give notice to the owner as required by G.S. 20-219.11(a) and (b).

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

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

- a. Provide by contract or ordinance for a schedule of reasonable towing fees, fees and storage fees that are comparable to the fees customarily charged to the public by local private towers.
- b. Provide a procedure for a prompt fair hearing to contest the towing,
- c. Provide for an appeal to district court from that hearing,
- d. Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due, and
- e. Provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the city may destroy it.

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

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

(g) Nothing in this section shall apply to any vehicle in an enclosed building or any vehicle 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 to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

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

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

"(a) A municipality may by ordinance regulate, restrain or prohibit the abandonment of junked motor vehicles on public grounds and on private property within the municipality's ordinance-making jurisdiction upon a finding that such regulation, restraint or prohibition is necessary and desirable to promote or enhance community, neighborhood or area appearance, and may enforce any such ordinance by removing or disposing of junked motor vehicles subject to the ordinance according to the procedures prescribed in this section. The authority granted by this section shall be supplemental to any other authority conferred upon municipalities. Nothing in this section shall be construed to authorize a municipality to require the removal or disposal of a motor vehicle kept or stored at a bona fide 'automobile graveyard' or 'junkyard' as defined in G.S. 136-143.

For purposes of this section, the term 'junked motor vehicle' means a vehicle that does not display a current license plate 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 years old and appears to be worth less than ~~one hundred dollars (\$100.00).~~ five hundred dollars (\$500.00)."

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

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

In the General Assembly read three times and ratified this the 12th day of July, 2000.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives