

§ 273-36. Storage of inoperable vehicles; violations and penalties. [Amended 6-14-1983 by Ord. No. 83-27; 9-9-1987 by Ord. No. 87-24; 9-8-1992 by Ord. No. 92-30; 8-10-2004 by Ord. No. 04-20; 6-9-2015 by Ord. No. 15-6; 9-13-2016 by Ord. No. 16-25; 11-14-2017 by Ord. No. 17-26]

It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure, or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes, any motor vehicle, trailer or semitrailer, as defined in Virginia Code § 46.2-100, which is inoperable. A person, firm, or corporation may keep one inoperable motor vehicle which is shielded or screened from view by a vehicle cover and kept outside of a fully enclosed building or structure. As used in this section, "vehicle cover" means a cover manufactured specifically for a vehicle and shall not include a tarp or other cover.

- A. As used in this section, an "inoperable motor vehicle" shall mean any one of the following: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle being without valid license plates and a valid inspection decal.
- B. Any person violating any provision of this section shall, upon conviction thereof, be fined not more than \$250, and each successive day that any person permits such motor vehicle, trailer or semitrailer to continue in violation of this section shall constitute a separate violation.
- C. Whenever any inoperable motor vehicle, trailer, or semitrailer violates this section, the real property owner shall remove the vehicle from the property or to a fully enclosed building or structure, or have it shielded or screened from view, within five days after being given written notice to do so. The written notice shall state in general terms the consequences of the owner not taking the requested action within five days. The notice to the land owner shall be given by any City employee the City Manager designates and shall be by certified mail, return receipt requested, to the land owner's last known address. The five-day' notice period shall commence on whichever of the following is applicable: (i) the date the land owner signs the certified mail receipt; or (ii) the date the post office designates on the certified mail receipt or envelope that the notice was unclaimed, not accepted, or otherwise not served. Also, on or about the date a City employee mails the certified letter, he or another designated employee shall post a copy of the violation notice on the front door of any residence that is rental property.
- D. Upon the land owner's failure to abate the violation, the designated City employee, or the City's agent or contractor, shall remove the inoperable vehicle from the property. If the City arranges for a towing company to remove the vehicle, the City may pay such company for the removal. Also, the vehicle may be disposed of if unclaimed after the ten-day' notice period discussed below. The City, or its agent or contractor, shall charge the cost of such removal and disposal to either the vehicle owner or the property owner. Provided, however, that prior to the disposal of a

vehicle, the City, or its agent or contractor, shall give 10 days' notice by certified mail, return receipt requested, to the vehicle owner. The ten-day notice period shall commence on whichever of the following is applicable: (i) the date the vehicle owner signs the certified mail receipt; or (ii) the date the post office designates on the certified mail receipt or envelope that the notice was unclaimed, not accepted, or otherwise not served.

- E. Any charge the City incurs or assesses against the land owner shall constitute a lien against the property from which the vehicle was removed, and the lien shall continue until the land owner pays the Director of Finance the applicable charges. Notwithstanding this section's other provisions, if the vehicle owner demonstrates that he is actively restoring or repairing the inoperable vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperable vehicle that is shielded or screened from view and being used for restoration or repair shall be allowed to remain on the property.
- F. As used in this section, notwithstanding any other provision of law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- G. Nothing in this section shall affect the applicability of other ordinances of the City, including Chapter 286, Zoning, concerning motor vehicles, trailers or semitrailers.
- H. The provisions of this section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in, and which since continually has been engaged in, business as an automobile dealer, salvage dealer or scrap processor.