

TITLE II - POLICE
ARTICLE VII. JUNKED, ABANDONED, AND NUISANCE MOTOR VEHICLES

Town Ordinance 23-01

ARTICLE XV. JUNKED, ABANDONED, AND NUISANCE MOTOR VEHICLES

WHEREAS, the Town Commissioners of the Town of Bunn, North Carolina wishes to amend to the Town of Bunn's Code of Ordinances, Article XV: JUNKED, ABANDONED, AND NUISANCE VEHICLES in order to promote the health, safety, and welfare of citizens.

THEREFORE, BE IT ORDAINED by the Town Commissioners of the Town of Bunn, North Carolina that the existing ordinance entitled JUNKED MOTOR VEHICLES BE REPEALED AND REPLACED WITH Article XV: JUNKED, ABANDONED, AND NUISANCE MOTOR VEHICLES be amended by inserting the following language:

Sec. 1-100. Administration.

The provisions of this article shall be enforceable not only within the town limits of the Town of Bunn, but also within the extra-territorial jurisdiction area, established and defined by law, surrounding the town. Notwithstanding the above authority, the powers set forth herein shall not be enforced by the town in the ETJ unless funding is provided for specific enforcement within the ETJ via grants, funding from Franklin County or from the Town Board or other sources. On the other hand, said enforcement shall be allowed when the property is divided by the Town limit line, and/or if the Town Administrator specifically finds either that a particular property in proximity to the Town limits is having an adverse impact on the health, safety and welfare of a Bunn citizen or property or that the same is necessary in the best interest of the Town of Bunn as it relates to the overall health, safety and welfare of the citizens of Bunn.

The police department of the Town (or such other person or persons as the Town Administrator may designate) shall be responsible for the administration and enforcement of this article. The police department (or such other person or persons as the Town Administrator may designate) 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 on property owned by the Town. The police department (or such other person or persons as the Town Administrator may designate) shall be responsible for administering the removal and disposition of "abandoned," "nuisance" or "junked motor vehicles" located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this article and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of officers of the town police department and fire department in enforcing other laws or in otherwise carrying out their duties.

Sec. 1-101. Definitions.

For purpose of this article, certain words and terms are defined as herein indicated:

- (a) *Abandoned vehicle.* As authorized and defined in G.S. 160A-303, an abandoned motor vehicle is one that:
- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
 - (2) Is left on a public street or highway for longer than seven (7) days; or

Sec. 1-103. Nuisance vehicle unlawful; removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (b) Upon investigation, the authorizing official may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Sec. 1-104. Junked motor vehicle regulated; removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (b) It shall be unlawful to have more than one (1) junked motor vehicle, as defined herein, on the premises of public or private property. A single junked motor vehicle is permitted provided the same is in constant strict compliance with the location and concealment requirements of this section.
- (c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to fail to comply with the locational requirements or the concealment requirements of this section.
- (d) Subject to the provisions of subsection (e), upon investigation, the authorizing official may order the removal of a junked motor vehicle as defined in this article after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following (among other relevant factors) may be considered:
 - (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the comfort, happiness and emotional stability of area residents.
- (e) Permitted concealment or enclosure of junked motor vehicle:
 - (1) One junked motor vehicle, in its entirety, can be located in the rear yard (as defined by the town's zoning ordinance) if the junked motor vehicle is entirely concealed from public view from public streets and from abutting premises by acceptable coverings.

The authorizing official has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.
 - (2) More than one (1) junked motor vehicle. Any other junked motor vehicle(s) in excess of one (1) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from any public street or abutting property. A garage or building structure means a lawful use of a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Sec. 1-107. Removal of vehicles; post-towing notice requirements.

Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

The authorizing town official shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

The failure to give the notices (after reasonable efforts) set forth in this article, or any reasonable delay in giving any of the same shall not affect the validity of the removal, sale, or disposition of any vehicle hereunder, nor shall the same subject the town (or its officials, employees or agents) or any towing contractor (or its officials, employees or agents) to any liability, for damages or otherwise.

Sec. 1-108. Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate (designated by the chief district court judge to receive such hearing requests) with a copy to the town's authorizing official. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11 (a) and (b) as amended.

enterprise; or (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the town; providing the same further complies with all zoning and other applicable ordinances and regulations.

Sec. 1-114. Unlawful 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 article unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Sec. 1-115. Imposition of civil penalties.

Any owner or person in possession of a motor vehicle covered by article VII of this chapter who fails to comply with an order of the appropriate enforcement official to remove a motor vehicle covered by this article within the time specified in the order shall be subject to a civil penalty in the amount of one hundred dollars (\$100.00); provided, however, that if said motor vehicle is not removed by the violator before the time that the same is towed away by a towing operator pursuant to this section, then said motor vehicle owner or other person in lawful possession shall be subject to an additional civil penalty of two hundred dollars (\$200.00) to be assessed by the appropriate town enforcement official. For any second or subsequent violation relative to the same vehicle within twelve (12) months thereof, a two hundred fifty dollar (\$250.00) additional civil penalty shall be levied. Subject to the provisions of the town Code, the civil penalty may be recovered by the town in a civil action in the nature of a debt if the violator does not pay the same.

Any imposition of any civil penalty shall be additional to any other civil enforcement remedies that may be otherwise available for enforcement of this chapter; however, any and all criminal sanctions or criminal enforcement applicable to violations of the provisions of this chapter are hereby repealed.

This ordinance shall be effective upon adoption this 6 th day of march, 2023.

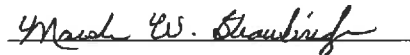
Adopted this the 6 th day of march, 2023.

Adopted by motion of Board Member Don Mitchell, second by Board Member Audrey Hartsfield and approved by vote of 3 in favor and 0 against.

Attested to:



Dottie Taylor, Town Clerk



Marsha Strawbridge, Mayor

Approved to Legal Form

Town Attorney

ORDINANCE NUMBER 3-05-23

**AN ORDINANCE CONCERNING THE AMENDMENT OF
THE JUNKED, ABANDONED, AND NUISANCE MOTOR VEHICLES,
THE CODE OF ORDINANCES OF THE TOWN OF BUNN**

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

WHEREAS, N.C.G.S. 160A-193 authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

WHEREAS, the Town of Bunn Board of Commissioners finds that it is in the public interest to amend the Town's Ordinances to provide more specificity as to the requirements for regulating junked, abandoned, and nuisance motor vehicles; and

WHEREAS, the Town of Bunn Board of Commissioners, after due notice, conducted a public hearing on the 22nd day of May, 2023, upon the question of amending the Town Ordinance in this respect.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS,
THE TOWN OF BUNN, NORTH CAROLINA:**

PART ONE. That the Junked, Abandoned, and Nuisance Motor Vehicles ordinance, the Code of Ordinances of the Town of Bunn, North Carolina, is hereby amended as follows:

" JUNKED, ABANDONED, AND NUISANCE MOTOR VEHICLES

Section 1-101(c). Motor Vehicle or Vehicle. All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

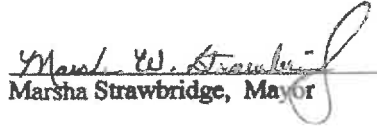
Section 1-101(d). Junk Motor Vehicle. Authorized and defined in G.S. § 160A-303.2, a vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked;
- (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 appears to be worth less than \$500.00"


PART TWO. That all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PART THREE. That this Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Bunn, North Carolina.

Adopted this 22nd day of May, 2023.


Marsha Strawbridge, Mayor

Approved as to form:


Brian Pridgen, Town Attorney

ATTEST:


Dottie Taylor, Town Clerk



BUNN POLICE DEPARTMENT

601 Main St
P.O. Box 398
Bunn, North Carolina 27508
Phone 919-496-2782
Fax 919-496-2044

RE: Notice of Junk, Abandoned or Nuisance Motor Vehicle

Date

Name

Street Address

City, ST Zipcode

(Case file number-_____)

Dear [Name]:

On [date] the below listed vehicle(s) was/were determined to be junk, abandoned or nuisance per the Bunn Town Ordinance and located at [Property Address]. Our records indicate that you live at or own this property.

Make:	Model:	Year:
VIN:	Plate#/State:	Plate Exp Date:

What determined this vehicle to be abandoned :(G.S. 160A-303)

<input type="checkbox"/>	is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
<input type="checkbox"/>	Is left on a public street of highway for longer than seven (7) days; or
<input type="checkbox"/>	Is left on property owned or operated by the town for longer than twenty-four (24) hours; or
<input type="checkbox"/>	Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours

What determined this vehicle to be a junk :(G.S.1601-303(b2)

<input type="checkbox"/>	Is partially dismantled or wrecked; or
<input type="checkbox"/>	Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
<input type="checkbox"/>	Is more than five (5) years old and worth less than one hundred dollars (\$100.00) or is less than five years old and worth less than five hundred dollars (\$500.00)
<input type="checkbox"/>	More than one (1) junked motor vehicle on the property

What determined this vehicle to be a nuisance:

<input type="checkbox"/>	A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
<input type="checkbox"/>	A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
<input type="checkbox"/>	A point of collection of pools or ponds of water; or
<input type="checkbox"/>	A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor or sight; or