

AN ORDINANCE **No. 87-171-163**
ADOPTED JUL 27 1987

To amend and reordain Sections 29-317, 29-318, 29-319, 29-320, 29-322, and 29-323 of Chapter 29 of the Code of the City of Richmond, 1985, concerning abandoned, inoperative, etc., vehicles, and the removal and disposition of same.

Patron - City Manager

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Sections 29-317, 29-318, 29-319, 29-320, 29-322, and 29-323 of Chapter 29 of the Code of the City of Richmond, 1985 (1986 Supp.), be and are hereby amended and reordained as follows:

Sec. 29-317. Removal of motor vehicles and equipment obstructing movement of other motor vehicles.

Whenever any motor vehicle, trailer or semitrailer or other vehicle, conveyance or machine of whatever nature, or part thereof, is found to obstruct or interfere with the free ingress or egress or the movement on any premises, driveway or parking area without the permission of the owner of such premises, driveway or parking area, any police officer of the city discovering or having a report of same may remove it, or have it removed to a storage garage or area. Notice of removal shall be given as soon as possible

to the [~~Division~~] Department of Motor Vehicles or to some officer or agent of the [~~division~~] department and to the owner. If the owner cannot be contacted earlier, notice of removal shall be given in writing in accordance with section 29-320(b), hereinafter.

Sec. 29-318. Abandoned motor vehicles on private property.

(a) It shall be unlawful for any person to leave any motor vehicle, trailer or semitrailer, or part thereof, as defined in section 29-2, as same may be amended from time to time on the private property of any other person without such person's consent. Upon written complaint of the owner of the property that a motor vehicle, trailer or semitrailer, or part thereof, has been left without such person's consent for more than seventy-two (72) hours, such motor vehicle, trailer or semitrailer, or part thereof, may be removed by or under the direction of a police officer to a storage garage or area. No motor vehicle, trailer or semitrailer, or part thereof, shall be so removed from private property which is normally open to the public for parking unless the owner of such property has posted or caused to be posted in a conspicuous manner a sign or signs warning that vehicles left on the property for more than seventy-two (72) hours without the property owner's consent will be towed or removed at the expense of the vehicle owner.

(b) Notice of removal shall be given following removal as provided in section 29-320(b), hereinafter; except that such notice shall afford the vehicle owner and lien holder of record sixty (60) days from the date of removal within which to reclaim the removed vehicle.

(c) The person at whose request such motor vehicle, trailer or semitrailer, or part thereof, is removed shall indemnify the city against any loss or expense incurred by reason of removal, storage or sale thereof.

Sec. 29-319. Inoperative motor vehicles on private property.

(a) 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 ~~[public]~~ view, on any property zoned for residential or commercial or agricultural purposes any motor vehicle, trailer or semi-trailer, or any part thereof, as defined in section 29-2, as may be amended from time to time, which is inoperative.

(b) As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition; or which for a period of ~~[ninety]~~ sixty (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 ~~[and-for-which-there-is-no-valid-license-plate-and-inspection-sticker]~~ or on which there is displayed neither

valid license plates nor a valid inspection sticker.

(c) Notice of abatement, in accordance with section 29-320(a), hereinafter, shall be given prior to removal to the owner or occupant, or both, of the premises on which any violation of this section is found to exist and to the owner of any motor vehicle, trailer or semitrailer, or part thereof, if different from the owner or occupant of the premises.

(d) Whenever the owner or occupant of the premises or the owner of the motor vehicle, trailer or semitrailer, or part thereof, fails to abate a violation of this section within a reasonable time period indicated in the notice of abatement, the city manager through his authorized designee shall cause to be removed any inoperative motor vehicle, trailer, or semitrailer, or part thereof. Notice of removal shall be given in accordance with section 29-320(b), hereinafter.

(e) The cost of any such removal and of disposal in accordance with section 29-323, hereinafter, shall be chargeable to the owner of the vehicle or premises and may be collected by the city as taxes and levies are collected.

(f) Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the city.

Sec. 29-320. Notice of abatement; notice of removal.

(a) Where required under this division, notice of abatement shall be given to the owner of any motor vehicle, trailer or semitrailer, or part thereof, found to be in noncompliance, and to the owner or occupant, or both, of the property on which such noncompliance exists. Such notice shall be given in writing, shall set forth the location and nature of the noncompliance, and shall require abatement within ten days from the date of the notice or such other reasonable time period in excess of ten days. The notice shall advise the recipient of the right to appeal the determination of violation by submitting a written appeal to the city manager within ten days of the date of the notice of abatement.

Any notice of abatement shall be served by mailing the notice or by delivery thereof in person. Proof of so mailing or delivering the notice shall be sufficient evidence that the notice was served. The term "proof of mailing" shall include either the use of certified mail or a written affirmation signed by the sender that reflects the date of mailing. In the event that the last known street or post office address of all proper parties in interest cannot be determined or that all notices of abatement relating to a particular noncompliance, though duly mailed, are returned undelivered by the postal service, then the notice may be affixed to the motor vehicle, trailer or semitrailer, or

part thereof, or upon the premises on which the violation is found to exist. The time period for abatement shall in such instance be three (3) days from the date of posting of the notice.

(b) Upon removal and storage of any motor vehicle, trailer or semitrailer, or part thereof, in accordance with any provision of this division, notice of removal shall be sent within five (5) working days, by registered or certified mail, return receipt requested, to the owner of record of the motor vehicle, trailer or semitrailer, or part thereof, and all persons having security interests of record therein. The notice shall describe the year, make, model and serial number of the motor vehicle, trailer or semitrailer, or part thereof, set forth the location where the removed property is being held, and inform the owner and any persons having security interests of their right to reclaim the removed property within [~~forty-(40)~~] thirty (30) days from the date of removal, upon payment of all towing, preservation and storage charges resulting from removal of the property. The notice of removal shall further inform the owner and any person having a security interest of the right to appeal the adequacy of the cause for removal by submitting a written appeal to the city manager within ten days of the date of the notice of removal. The notice of removal shall also state that the failure of the owner or

persons having security interests to exercise the right to reclaim the removed property or contest its removal within the time period provided shall be deemed a waiver by the owner and all persons having any security interest of all right, title and interest in the property, and consent to the sale of the removed property at a public auction.

If records of the [~~Division~~] Department of Motor Vehicles contain no address for the owner or no address of any person shown by such records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the city shall be sufficient to meet all requirements of notice of removal as to any person who cannot be otherwise notified. Such notice by publication may contain multiple listings of abandoned motor vehicles. Any such notice shall be published within fifteen days of the date of removal and shall have the same contents required for a notice by mail.

The consequences and the fact of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

Sec. 29-322. Abatement or reclamation following appeal.

Upon an adverse decision in an abatement or removal appeal, the person requesting the appeal shall be afforded a reasonable time to abate the violation or reclaim the

property, subject to all allowable charges. The period set within which to reclaim the removed property shall terminate no sooner than [~~forty~~] thirty (30) days from the date of removal.

Upon a decision favorable to the person requesting a removal appeal, the prevailing party or any other authorized person may reclaim the property, without charge, within forty-eight (48) hours. Property not reclaimed within that period shall thereafter be subject to storage charge, and any property not reclaimed within [~~forty-(40)~~] thirty (30) days may be disposed of in accordance with section 29-323 hereinafter.

Sec. 29-323. Sale of removed motor vehicle, trailer, semitrailer or part or contents thereof; public auction; disposition of proceeds.

(a) If a removed motor vehicle, trailer or semi-trailer, or part thereof, or any contents of same, has not been reclaimed after notice, the city manager or his authorized designee shall sell the removed property and contents at public auction; provided that if the value of a removed motor vehicle, trailer or semitrailer, or part thereof, be determined by three disinterested dealers or garagemen to be less than one hundred fifty dollars, it may be disposed of by private sale; and provided further that any motor vehicle, trailer, or semitrailer, or part thereof, which is inoperable and which cannot be feasibly restored to operable condition may be disposed of in accordance with

section 29-324, hereinafter. The purchaser of the motor vehicle, trailer or semitrailer at public auction shall thereafter have such rights and obligations as are set forth in § 46.1-555.5 of the Code of Virginia and under any other applicable provisions of law. From the proceeds of the sale of any motor vehicle, trailer or semitrailer, or part thereof, the city manager or his authorized designee shall reimburse the city for any and all expenses of the auction, the cost of towing, preserving and storing the motor vehicle, trailer or semitrailer, or part thereof, and all notice and publication costs incurred.

The remainder of the proceeds of sale, if any, shall be held for a period of ninety days and shall thereafter be deposited into the general fund of the city. Any claim to the remainder of the proceeds of sale shall be made to the city manager or his authorized designee within three years of the date of sale. No claim shall be made nor shall any suit, action or proceeding be instituted after three years from the date of sale. In no event shall a claimant be entitled to a payment of interest, nor any other charge or amount except as provided herein.

The [~~Division~~] Department of Motor Vehicles shall be notified within thirty (30) days of the disposition of any motor vehicle, trailer or semitrailer under this section.

§ 2. This ordinance shall be in force and effect upon adoption.

ORDINANCE OR RESOLUTION SUMMARY

CITY OF RICHMOND, VIRGINIA

Resolution	Subject
Ordinance No. <u>87-171</u>	To amend Abandoned Vehicle
Patron(s) <u>City Manager</u>	Sections of the Code

SUMMARY

This Ordinance would amend and reordain various sections of the Code relative to abandoned, inoperative, etc. vehicles and the removal and disposition of same.

Amendments as follows:

Section 29-318 Abandoned motor vehicles on private property.

- (a) Add "No motor vehicle, trailer or semitrailer, or part thereof, should be removed from private property which is normally open to the public for parking unless the owner of such property has posted or caused to be posted in a conspicuous manner a sign or signs warning that vehicles left on the property for more than 72 hours without property owners' consent will be towed or removed at the expense of vehicle owner".
- (b) Notice of removal..."such notice shall afford the vehicle owner and lien holder of record 60 days from the date of removal within which to reclaim the removed vehicle.

Section 29-319 Inoperative motor vehicles on private property.

- (b) Reduced from 90 to 60 days the amount of time a vehicle can be partially or totally disassembled or on which valid license plate or inspection sticker does not appear.

Section 29-320 Notice of abatement; notice of removal.

- (b) Reduce from 40 to 30 days the amount of time to reclaim removed vehicles.

COUNCIL ACTION

On Docket 07/27/87

Amended _____

Adopted _____

Rejected _____

Stricken _____

Section 29-322 Abatement or Reclamation following appeal.

Reduce from 40 to 30 days from date of removal within which to reclaim property if appeal is adverse. If appeal decision is favorable, property must be removed, without charge, within 48 hours. Reduce from 40 to 30 days for disposal of unclaimed property.

This Ordinance shall be in force and effect upon adoption.