

CHAPTER 53: INOPERABLE MOTOR VEHICLES

§ 53.01 RESPONSIBILITY OF OWNERS TO REMOVE INOPERABLE MOTOR VEHICLES

No person shall keep an inoperable motor vehicle in a residential zoning district for any period, or within a commercial zoning district for more than a two (2) week period, unless it is either within a fully enclosed building or structure, or otherwise shielded or screened from view.

§ 53.02 TOWN REMOVAL OF INOPERABLE MOTOR VEHICLES

If an owner violates § 53.01 and the Town Manager determines that it is advisable for the Town's agents to remove the inoperable motor vehicle, he shall notify the owner that such owner must remove the vehicle, and if the owner fails to do so within the times described in this paragraph, the Town's agents will do so. Such notice shall be either by certified or registered mail, return receipt requested, to the property owner at the address maintained by Rockingham County's Commissioner of the Revenue, and may also be at any other such address as the Town Manager believes is reasonably calculated to provide actual notice to the property owner; or, in lieu of notice by mail, may be by personal and actual service of such notice on the property owner by a Town police officer or appropriate Sheriff's deputy. If the property owner is an entity, such service may be on a registered agent or other agent authorized under applicable law to receive service on behalf of an entity. Seven days after the delivery of such notice or the return of such notice as undeliverable by certified or registered mail, the Town Manager may cause such inoperable motor vehicle to be removed. Seven days after providing additional notice on the same terms, the Town Manager may dispose of such vehicle in any reasonable manner.

§ 53.03 CHARGES CONSTITUTE LIEN

All costs associated with action authorized under this Chapter, together with civil penalties duly assessed hereunder, shall constitute a lien on any property on which the inoperable vehicle was situate, on parity with tax liens, and may be collected in a manner identical to the manner in which real estate tax liens are collected. Such costs shall also be a personal obligation of the owner of such property, and of the owner of the vehicle so removed, and may be collected any way that taxes are collected. In addition, and for the recovery of the same costs, the Town shall have a lien against the proceeds (if any) from the disposal of any vehicle removed under this Chapter.

§ 53.04 DEFINITIONS

(a) For the purposes of this Chapter 53, "inoperable motor vehicle" means

(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 on which there are displayed neither valid license plates nor a valid inspection decal.

Notwithstanding the foregoing, this definition shall not include any motor vehicle on the

property of a licensed business that, on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer, or scrap producer.

(b) For the purposes of this Chapter 53, “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.

§ 53.04 PENALTY

(a) Civil Penalty. Any person who violates § 53.01 shall be subject to a civil penalty of \$200 for the initial summons and \$500 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period. A series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.

(b) Criminal Penalty. Any person who violates § 53.01 after three civil penalties have previously been imposed against such person within a twenty-four (24) month period under § 53.04(a) shall be guilty of a Class 3 misdemeanor and upon due conviction thereof shall be fined an amount not to exceed \$500. To support a conviction under this paragraph, the three previous civil penalties must not have arisen from the same set of operative facts. If this paragraph applies, a criminal penalty for the conduct described shall be in lieu of a civil penalty for the same violation.

(c) Remedies Cumulative. Except as otherwise provided in §§ 53.04(b) and 53.05, the remedies and penalties provided in this Chapter are cumulative to any other remedy available to the Town under the law of nuisance or otherwise.

§ 53.05 AUTHORITY OF TOWN MANAGER TO FACILITATE VOLUNTARY REMOVAL OF VEHICLES

In the event that the owner of an inoperable motor vehicle wishes to remove and abandon the vehicle but has not done so, such owner may request the Town to remove the vehicle and dispose of it. If the Town Manager believes that the removal of the vehicle would promote the public welfare, he is authorized to accept the title to such vehicle in the name of the Town, and shall promptly cause the removal of such vehicle and dispose of it. The Town shall bear the costs of such removal and disposal, and shall be entitled to reimburse itself for the costs of such removal and disposal from any proceeds generated by the disposal of the vehicle. The Town shall return the remainder of any such proceeds to the former owner of the vehicle, and an appropriation is hereby made for the purposes described in this paragraph. The provisions of §§ 53.02 and 53.04 shall not apply to a removal under this paragraph.