

📖 CHAPTER 90: ABANDONED AND JUNKED VEHICLES

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📖 § 90.01 TITLE.

This chapter shall be known and may be cited as the “Abandoned and Junked Motor Vehicle Chapter of Camden County, North Carolina.”

(Ord. passed 7-1-87)

📖 § 90.02 PURPOSE.

(A) The purpose of this chapter is to ensure the public health, safety and general welfare by providing controls on the removal and disposal of abandoned and junked motor vehicles. Among other reasons, this chapter is deemed necessary to prohibit abandoned or junked vehicles from being disposed of by leaving them on public or private property. Abandoned and junked vehicles constitute a hazard to the health and welfare of the people of the county in that the vehicles can harbor diseases, furnish shelter and breeding places for mosquitoes and other insects, and are a breeding ground and harbor for rats and other pests. Abandoned and junked motor vehicles constitute a hazard to the safety of the people of the county in that the vehicles can have areas of confinement which cannot be opened from the inside such as trunk compartments and engine compartments and present physical dangers to the safety and well-being of children and other citizens.

(B) It is therefore in the public interest that the present accumulation of abandoned and junked motor vehicles be eliminated and that the future abandonment of the vehicles be prevented.

(Ord. passed 7-1-87)

§ 90.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. A motor vehicle that is left:

- (1) On public grounds or county-owned property in violation of a law or ordinance prohibiting parking;
- (2) For longer than 24 hours on property owned or operated by the county;
- (3) For longer than two hours on private property without the consent of the owner, occupant or lessee of the property; or
- (4) For longer than seven days on public grounds.

DECLARATION OF HEALTH OR SAFETY HAZARD.

(1) A motor vehicle that has been declared to be a health hazard or a safety hazard shall, for purposes of disposal by the county, be deemed to be either a junked motor vehicle or an abandoned motor vehicle, according to its apparent value, notwithstanding the other provisions of this chapter.

(2) A motor vehicle shall be declared to be a health hazard when its condition is such that the motor vehicle can or does harbor diseases, furnish shelter and breeding places for mosquitoes and other insects, or become a breeding ground and harbor for rats and other pests.

(3) A motor vehicle shall be declared to be a safety hazard when its condition is such that the motor vehicle's areas of confinement which cannot be opened from the inside, such as trunk compartments and engine compartments or glass, windows or any exterior or interior fixtures, present physical dangers to the safety and well-being of children or others.

JUNKED MOTOR VEHICLE. A motor vehicle that meets a minimum of two of the following criteria:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move;
- (3) Is more than five years old and appears to be worth less than \$100; or
- (4) Does not display a current license plate.

MOTOR VEHICLE. Any machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

(Ord. passed 7-1-87; Am. Ord. 2009-03-01, passed 3-2-09)

Statutory reference:

Abandoned and derelict motor vehicles, see G.S. §§ 20-137.6 et seq.

Definitions relating to abandoned, junked and derelict motor vehicles, see G.S. §§ 20-137.7, 153A-132(b)

Removal and disposal of abandoned and junked motor vehicles, see G.S. § 153A-132

§ 90.04 LEGAL PROVISIONS.

This chapter is enacted pursuant to the provisions of G.S. §§ 153A-132, 153A-121, 153A-122 and 153A-123.

(Ord. passed 7-1-87)

Statutory reference:

General ordinance making powers, see G.S. §§ 153A-121 through 153A-123

Regulation of abandoned vehicles, see G.S. § 153A-132

§ 90.05 EXCEPTIONS.

This chapter does not apply to any vehicle in an enclosed building, to 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, to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county or to a vehicle in the process of repair or restoration on property under the control of the owner of the vehicle or property under the control of the person repairing or restoring the vehicle; however, the repair or restoration shall be accomplished within 12 months from the date of notification of violation from the county. Violator's may request up to three, three-month extensions if it is determined by the Code Enforcement Officer that significant progress has been made to comply with this chapter. Military or civilian contractors (working with the military) stationed overseas shall be exempt from this chapter upon proof of assignment (i.e. copy of orders).

(Ord. passed 7-1-87; Am. Ord. 2009-03-01, passed 3-2-09; Am. Ord. 2010-05-01, passed 6-21-10)

§ 90.06 ENFORCEMENT.

(A) The appropriate county officer and employees shall have a right, upon presentation of proper credentials, to enter on any premises within the county's ordinance-making jurisdiction at any reasonable hour in order to determine if any motor vehicle is a health hazard or a safety hazard.

(B) (1) When an appropriate county officer or employee has declared a motor vehicle to be a health hazard or a safety hazard, he or she shall cause a tag to be placed on the motor vehicle that has been declared to be a health hazard or a safety hazard declaring it to be such, and shall give written notice by registered mail, return receipt requested, to the owner, lessee or occupant of the premises upon which the motor vehicle is situated.

(2) The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined and shall advise the owner, lessee or occupant that unless the vehicle is removed from the premises within ten days after receipt of the notice, the county may remove the vehicle pursuant to the provisions of this chapter.

(3) The notice shall also advise the owner, lessee or occupant that, during the ten-day period following receipt of the notice, he or she may contact the county officer or employee for a hearing to contest the finding that the vehicle is a health hazard or a safety hazard.

(C) The county may secure injunctions, abatement orders and other appropriate equitable remedies to further ensure compliance with this section, as provided in G.S. § 153A-123.

(Ord. passed 7-1-87)

§ 90.07 LEGAL RESPONSIBILITY.

No person, nor the county, may be held to answer in a civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, junked, lost or stolen motor vehicle for disposing of the vehicle, as provided in this chapter.

(Ord. passed 7-1-87)

§ 90.08 JURISDICTION.

(A) This chapter shall govern the removal and disposal of abandoned and junked motor vehicles on public grounds and private property within the county and not within a city unless specified as below.

(B) However, this chapter shall govern the removal and disposal of abandoned and junked vehicles on county-owned property wherever located.

(Ord. passed 7-1-87)

Statutory reference:

Territorial jurisdiction of county ordinances, see G.S. § 153A-122

§ 90.09 APPLICATION.

(A) This chapter is applicable in all cases involving an abandoned motor vehicle or a junked motor vehicle on public grounds and private property within the county's ordinance-making jurisdiction and on county-owned property wherever located.

(B) The county may enforce this chapter by removing and disposing of abandoned or junked motor vehicles according to the procedures prescribed in this chapter.

(Ord. passed 7-1-87)

§ 90.10 REMOVAL OF VEHICLES.

(A) The county may remove to a storage garage or area an abandoned or junked motor vehicle found to be in violation of this chapter. A vehicle may not be removed from private property, however, without the written request of the owner, lessee or occupant of the premises unless the Board of Commissioners or a duly authorized county official or employee has declared the vehicle to be a health or safety hazard. Appropriate county officers and employees have a right, upon presentation of proper credentials, to enter on any premises within the ordinance-making jurisdiction of the county at any reasonable hour in order to determine if any vehicles are health or safety hazards. The county may require a person requesting the removal from private property of any abandoned or junked motor vehicle to indemnify the county against any loss, expense or liability incurred because of the vehicle's removal, storage or sale.

(B) When an abandoned or junked motor vehicle is removed, the county or duly authorized official or employee of the county shall promptly give written notice of the removal to the registered owner at his or her last known address according to the latest registration certificate or certificate of title on file with the State Division of Motor Vehicles. The notice shall inform the owner of the possible sale or other disposition that may be made of the vehicle under this chapter. The owner may regain possession of the vehicle by paying to the county all reasonable costs incidental to the removal and storage. If the vehicle does not display a current license plate and the vehicle identification numbers

have been removed or defaced so as to be illegible, the county need not give notice to the vehicle's registered owner.

(Ord. passed 4-18-77; Am. Ord. passed 7-1-87)

§ 90.11 DISPOSAL OF ABANDONED VEHICLES.

After holding an abandoned motor vehicle for 30 days after the day the vehicle is removed, the county may sell or dispose of it as follows:

(A) If the vehicle appears to be worth less than \$500, the county may dispose of the vehicle as a junked motor vehicle, as provided hereby. With the consent of the owner, the county may remove and dispose of a motor vehicle as a junked motor vehicle without regard to the value, condition or age of the vehicle and without holding it for any prescribed period of time.

(B) If the vehicle appears to be worth \$500 or more, it shall be sold at public auction. The county shall give 20 days written notice of the sale to the registered owner at his or her last known address, to each holder of a lien of record against the vehicle and to the State Division of Motor Vehicles. Any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date. The proceeds of the sale shall be paid to the Finance Officer of the county, who shall pay to the appropriate officers or persons the cost of removal, storage, investigation, sale and liens in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the county for 60 days if the registered owner cannot be located with reasonable diligence.

(C) If the owner does not claim the remainder of the proceeds within 60 days after the day of the sale, the funds shall be deposited in the county's General Fund and the owner's rights in the vehicle are extinguished. When it receives the county's bill of sale from a purchaser or other person entitled to receive a vehicle disposed of as provided in this section, the State Division of Motor Vehicles shall issue a certificate of title for the vehicle as required by law.

(Ord. passed 7-1-87; Am. Ord. 2009-03-01, passed 3-2-09)

§ 90.12 DISPOSAL OF JUNKED VEHICLES.

After holding a junked motor vehicle for 15 days, the county may destroy it or sell it at private sale as junk. Within 15 days after final disposition of a junked motor vehicle, the county shall notify the State Division of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and has been disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined. The proceeds of the sale of a junked motor vehicle shall be paid to the Finance Officer of the county, who shall pay to the appropriate officers or persons the cost of removal, storage, investigation, sale and liens, in that order. The remainder of the proceeds of sale, if any, shall be held by the county for 30 days and paid to the registered owner upon demand. If the owner does not claim the remainder of the proceeds, within 30 days after the day the vehicle is disposed of, the funds shall be deposited in the county's General Fund, and the owner's rights in the vehicle are extinguished.

(Ord. passed 7-1-87)

§ 90.13 DISPOSAL OF VEHICLES WITHOUT PLATES OR IDENTIFICATION NUMBERS.

If a junked motor vehicle does not display a current license plate and the vehicle identification numbers have been removed or defaced so as to be illegible, the county may dispose of it under this

section, rather than §§ [90.11](#) or [90.12](#). The county may destroy the vehicle or sell it at private sale, without regard to value, after having held the vehicle for 48 hours. The proceeds shall be placed in the county's General Fund.

(Ord. passed 7-1-87)