

CHAPTER 90: ABANDONED VEHICLES

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§ 90.01 DEFINITION.

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

ABANDONED VEHICLE. A vehicle shall be deemed to have been abandoned for the purposes of this chapter in the following circumstances:

- (1) It has been left upon a street or highway in violation of a law or ordinance prohibiting parking;
- (2) The vehicle fails to display a current license plate;
- (3) It is partially dismantled or wrecked;
- (4) It is incapable of self-propulsion or being moved in the manner for which it was originally intended;
- (5) It is left on property owned or operated by the town for a period of 24 hours or longer;
- (6) It is left on private property without the consent of the owner, occupant, or lessee thereof for a period of two hours or longer; or

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(7) It is left on any public street or highway of this town for a period of seven days or longer.
(`92 Code, § 80.01)

§ 90.02 DUTY OF MOTOR VEHICLE OWNER.

It shall be unlawful for any period of time to abandon a vehicle falling within the definition contained in § 90.01. No person shall leave or allow to remain any abandoned, junked, or otherwise discarded vehicle on property under his control. If a motor vehicle is abandoned on a public street or upon property owned or operated by the town, it shall be the duty of the owner of such vehicle, after due notice, to cause the removal of such vehicle immediately and to pay all costs incident to such removal.

(`92 Code, § 80.02)

§ 90.03 IMPOUNDMENT.

When any motor vehicle is abandoned on the public streets or public grounds of the town or is abandoned upon privately owned property without the permission of the owner, lessee, or occupant thereof, any such vehicle may be removed for safekeeping by or under the direction of a police officer or other officer designated by the Town Clerk, to a storage garage or area. However, no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee, or occupant of the premises unless the same has been declared by the Board of Aldermen to be a health or safety hazard. When such a vehicle is removed from privately owned property at the request of the owner, lessee, or occupant thereof, the person at whose request such vehicle is removed shall be required to pay or otherwise indemnify the town against loss or expense incurred by reason of the removal, storage, or sale thereof.

(`92 Code, § 80.03)

§ 90.04 NOTICE TO REGISTERED OWNER; SALE OF UNREDEEMED VEHICLE.

(A) The designated official or the police officer in charge of directing the removal of such vehicle shall make a diligent search to ascertain the identity or whereabouts of the owner of said vehicle. Such search shall include an inquiry directed to the State Department of Motor Vehicles. Written notice by mail of such removal shall be promptly given to the registered owner of the vehicle, if his identity is known. Said owner may regain possession of such vehicle upon the payment to the town of all reasonable costs incidental to the removal, storage, and locating the owner of the vehicle.

(B) Should such owner fail or refuse to pay the costs, or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made and after notice to him at his last known address and to the holder of any lien of record in the office of the Department of Motor Vehicles against the vehicle, the designated law enforcement officer of the Police Department may, after holding the vehicle for 30 days, and after having the value of such vehicle determined by three disinterested automobile dealers or garagemen, and after 20-days' notice has been given to the Department of Motor Vehicles before the date of sale, dispose of the same by public or private sale, or in the event of an appraised value of less than \$50, by other means in the discretion of the Board of Aldermen, and the proceeds of any sale shall be forwarded to the Town Clerk.

(^92 Code, § 80.04)

§ 90.05 DISPOSITION OF PROCEEDS OF SALE.

The Town Clerk shall pay from the proceeds of any sale, the cost of removal, storage, investigation as to ownership and sale, and liens, in that order. If after the sale, the ownership thereof at the time of removal is established satisfactorily by the person claiming such ownership, he shall be paid so much of the proceeds from the sale as remains after paying the costs designated above, and including any liens on said vehicle. However, if the owner cannot be ascertained, any remaining proceeds shall be deposited to the General Fund of the town.

(^92 Code, § 80.05)

§ 90.06 JUNKED VEHICLES.

(A) *Defined.* Whenever a vehicle is found to be an abandoned motor vehicle as defined in § 90.01 and, in addition, is found to be inoperable, dismantled, or damaged, five years old or older, and worth less than \$100, such abandoned vehicle shall be deemed to be a **JUNKED VEHICLE**.

(B) *Removal.* A junked motor vehicle may be removed from any public or private property under the direction of an official designated by the Town Clerk or a designated member of the Police Department to a storage area or garage, provided that no such vehicle shall be removed from private property without the written request of the owner, occupant, or lessee of the property on which the vehicle is located, unless the same has been declared a health or safety hazard by the town.

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(C) *Notice to owner.* The Board of Aldermen shall take no action nor shall they adopt a resolution declaring a motor vehicle located on private property to be abandoned or a safety or health hazard unless at least ten days prior to the date on which the Board shall consider such action or resolution a notice shall have been personally served upon the registered owner of said motor vehicle if his name can be ascertained. If the name of the registered owner cannot be ascertained, said notice shall be given to the owner of the property upon which the vehicle is located. Said notice shall advise of the time and place of the meeting at which the resolution shall be considered, and shall state that the person to whom the notice is directed shall have the right to appear at said meeting and be heard. Further, the notice shall be given by registered mail, return receipt requested, in lieu of personal service; however, in the event said person entitled to notice is unknown, or known and his whereabouts are unknown, or is a nonresident of this state, then said notice shall be deemed adequate if a copy is posted on the premises and published in a newspaper having a general circulation in the town at least five days prior to the date set for the hearing.

(D) *Payment of expenses of removal.* When a junked motor vehicle is removed from private property at the request of the owner, occupant, or lessee thereof, the person at whose request such vehicle is removed from privately owned property shall pay or otherwise indemnify the town against any loss or expense incurred by reason of the removal, storage, sale, or destruction of said vehicle. Any junked vehicle so removed shall be held at least 15 days.

(E) *Reclamation by owner.* The owner of any such junked motor vehicle may reclaim the vehicle during the 15-day retention period by exhibiting proof of ownership to a designated official or a designated officer of the Police Department and paying all reasonable costs incident to the removal and storage of the vehicle and administrative expenses.

(F) *Disposition of unclaimed vehicle.* If, after holding the vehicle for 15 days, it remains unclaimed, said vehicle may be destroyed or otherwise disposed of as provided by ordinance or resolution of the Board of Aldermen. Any proceeds derived from the disposition of a junked motor vehicle shall be retained for deposit in the General Fund. The designated officer referred to herein shall give notice within 15 days after final disposition to the State Department of Motor Vehicles that such vehicle has been deemed 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 reasonably be determined.

(`92 Code, § 80.06)

§ 90.07 DISCLAIMER OF LIABILITY.

No person duly acting in accordance with the provisions of this chapter shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen vehicle, for the removal or disposition of such vehicle in accordance with the provisions of this chapter.

(`92 Code, § 80.07)

§ 90.08 EXCEPTIONS.

Nothing contained in this chapter shall be construed to apply to any vehicle in an enclosed building; a vehicle on the premises of a business enterprise being operated in a lawful place and manner which vehicle is necessary to the operation of said business; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner.

(`92 Code, § 80.08)

