

CHAPTER 80: ABANDONED VEHICLES

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Statutory reference:

Removal, disposal of junked and abandoned motor vehicles, see
G.S. § 160A-303

§ 80.01 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:

(1) Has been left upon a street or highway in violation of a law, provision of this code, or other ordinance of the town prohibiting parking; or

(2) Is left on property owned or operated by the town for longer than 24 hours; or

(3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or

(4) Is left on any public street or highway for longer than seven days.

"JUNK MOTOR VEHICLE." An abandoned motor vehicle that also:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it was originally intended to move;

(3) Is more than five years old and worth less than \$100; or

(4) Does not display a current license plate.

"MOTOR VEHICLE." All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

(G.S. § 160A-303(b))

§ 80.02 DUTY OF OWNERS.

It shall be the duty and responsibility of the owner of any abandoned or junked motor vehicle to cause the removal thereof immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain after notice has been given to such person to have the vehicle removed.

§ 80.03 LIABILITY OF PERSONS TO OWNERS.

No person 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 motor vehicle for disposing of the vehicle as provided in this chapter.
(G.S. § 160A-303(f))

§ 80.04 REMOVAL OF ABANDONED VEHICLE BY TOWN.

Any junked or abandoned motor vehicle may be removed by the town to a storage garage or area. However, no such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises, unless the town or a duly authorized town official or employee has declared that vehicle to be a health or safety hazard.
(G.S. § 160A-303(c))

§ 80.05 INDEMNIFICATION OF TOWN.

Any person requesting the removal of a junked or abandoned motor vehicle from private property shall indemnify the town against any loss, expense, or liability incurred because of the removal, storage, or sale of that vehicle.
(G.S. § 160A-303(c))

§ 80.06 NOTICE.

When any junked or abandoned motor vehicle is removed, the town shall give notice to the owner as required by G.S. § 20-219.11(a) and (b).
(G.S. § 160A-303(c))

§ 80.07 SALE OR DISPOSAL OF ABANDONED VEHICLES; HEARING PROCEDURE.

Regardless of whether a municipality does its own removal and disposal of motor vehicles or contracts with another person to do so, the town shall provide a hearing procedure for the owner. For purposes of this section, the definitions in G.S. § 20-219.9 apply.

(A) If the town operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of G.S. Article 7A, Chapter 20, apply.

(B) If the town operates in such a way that it is responsible for collecting towing fees, it shall:

(1) Provide by contract or ordinance for a schedule of reasonable towing fees;

(2) Provide a procedure for a prompt fair hearing to contest the towing;

(3) Provide for an appeal to district court from that hearing;

(4) Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due; and

(5) Provide a sale procedure similar to that provided in G.S. §§ 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the town may destroy it.

(G.S. § 160A-303(d))

§ 80.08 EXEMPTIONS.

Nothing in this chapter shall apply to any vehicle in an enclosed building or 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, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(G.S. § 160A-303(g))