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ORDINANCE NO. 1512

AMENDING CHAPTER 10

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE IIA, ENTITLED "REMOVAL AND DISPOSITION OF ABANDONED AND JUNKED VEHICLES AND VEHICLES DECLARED TO BE A HEALTH OR SAFETY HAZARD", OF THE CODE OF THE CITY OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 10, § 29.4, "Notice prior to removal", shall be deleted in its entirety and a new section is substituted in lieu thereof to read as follows:

"Section 10-29.4 Notice prior to removal.

Any junked or abandoned motor vehicle found to be in violation of this Article may be removed to a storage area. When an abandoned or junked motor vehicle is removed, the City shall give notice to the owner as required by N.C. Gen. Stat. § 20-219.11(a) and (b)."

Section 2. Chapter 10, § 29.5(b) of the City Code shall be amended by the deletion of subsection (b) and a new subsection (b) is substituted in lieu thereof to read as follows:

"(b) Notice after removal and before disposing of the motor vehicle and cost for repossession.

When any junked motor vehicle, abandoned motor vehicle, or hazardous motor vehicle is removed, the Community Improvement Division of the City of Charlotte shall provide in its notice the information required by N.C. Gen. Stat. § 44A-4(f), "Notice of sale", N.C. Gen. Stat. § 20-114(c), and N.C. Gen. Stat. § 44A-4(c), "Private sale".

An individual reclaiming a towed vehicle shall make payment at the Collections Division of the Finance Department of the City of Charlotte. When an individual presents payment to reclaim a vehicle, the Finance Department shall not accept such payment until and unless the individual signs a form that states that the individual understands that the vehicle must be removed on the release date shown on the receipt. If the individual wishes to pay for additional days of storage beyond the date of payment, then the individual shall be permitted to do that and such payment for additional days shall be non-refundable. An individual shall not be

permitted to reclaim a vehicle after the release date shown on the receipt. If an individual has not reclaimed the vehicle by the release date, then the individual shall have to return to the Collections Division and make further payment for the days of storage beyond the release date shown on the receipt. Upon presentation of a paid receipt from the Collections Division and a registration card or proof of title to a towing contractor with the City by an individual, the towing contractor shall be authorized to release the motor vehicle to that person if the individual is reclaiming the vehicle on or before the release date shown on the paid receipt."

Section 3. Chapter 10, § 10-29.6, of the City Code shall be deleted in its entirety and a new section is substituted in lieu thereof to read as follows:

"Section 10-29.6 disposition of abandoned motor vehicles and junked motor vehicles.

The City shall have the authority to authorize the disposition of abandoned motor vehicles, junked motor vehicles, and hazardous motor vehicles by a sales procedure similar to that provided in N.C. Gen. Stat. § 44A-4(c), "Private sale", and, as applicable, N.C. Gen. Stat. §§ 44A-5 and 44A-6, except that no hearing in addition to a 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 City may authorize the destruction of the vehicle.

The Community Improvement Division shall have the authority to authorize the disposition of a motor vehicle immediately if the owner of the vehicle signs a consent form authorizing the Community Improvement Division to sell or to dispose of the vehicle immediately without complying with any statutory requirements pertaining to the disposition of such vehicles."

Section 4. Chapter 10, § 10-29.7, of the City Code shall be amended by the addition of the following paragraphs immediately after § 10-29.7 to read as follows:

"The owner, the person who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing.

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"The owner, the tower, the person who authorized the towing and any other interested parties may present evidence at the hearing. The person authorizing the towing and the tower may submit an affidavit in lieu of appearing personally, but the affidavit does not preclude that person from also testifying.

"The only issue at this hearing is whether or not probable cause existed for the towing. If the hearing officer finds that probable cause did exist, the charge for towing and storage continues. If the hearing officer finds that probable cause did not exist, the charge for storage and towing is extinguished.

"Any aggrieved party may appeal to district court from that hearing."

Section 5. This ordinance shall be effective immediately.

Approved as to form:


City Attorney

CERTIFICATION

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an ordinance adopted by the City Council of the City of Charlotte, in meeting held on the 9th day of April, 1984, and recorded in full in Ordinance Book 33, beginning on pages 58-60.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of April, 1984.

Pat Sharkey, City Clerk