

ABANDONED AND JUNKED MOTOR VEHICLES ORDINANCE  
OF WAKE COUNTY, NORTH CAROLINA

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WAKE COUNTY:

ARTICLE I

TITLE. This ordinance shall be known and may be cited as the  
Abandoned and Junked motor Vehicle Ordinance of Wake County, North Carolina.

ARTICLE II

PURPOSE. The purpose of this ordinance is to insure 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 ordinance is deemed necessary to prohibit abandoned or junked vehicles from being disposed of by leaving them on public or private property. Abandoned and junked motor vehicles constitute a hazard to the health and welfare of the people of Wake County in that such 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 Wake County in that said 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. 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 such vehicles be prevented.

### ARTICLE III

LEGAL PROVISIONS. This ordinance is enacted pursuant to the provisions of N.C.G.S. 153A-132, N.C.G.S. 153A-121, N.C.G.S. 153A-122, and N.C.G.S. 153A-123.

### ARTICLE IV

JURISDICTION. This ordinance shall govern the removal and disposal of abandoned and junked motor vehicles on public grounds and private property within Wake County and not within a city unless specified as below. However, this ordinance shall govern the removal and disposal of abandoned and junked vehicles on Wake County-owned property wherever located. In addition, the governing board of a city in Wake County may by resolution permit this ordinance to be applicable within that city. That city may by resolution withdraw its permission to this ordinance. If it does so, that city shall give written notice to Wake County of its withdrawal of permission; 30 days after the day Wake County receives this notice this ordinance shall cease to be applicable within that city.

### ARTICLE V

APPLICATION OF ORDINANCE. This ordinance is applicable in all cases involving an abandoned motor vehicle or a junked motor vehicle on public grounds and private property within Wake County's ordinance-making jurisdiction and on Wake County-owned property wherever located. Wake County may enforce this ordinance by removing and disposing of abandoned or junked motor vehicles according to the procedures prescribed in this ordinance.

## ARTICLE VI

EXCEPTIONS. This ordinance 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, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by Wake 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 party repairing or restoring the vehicle, provided however, such repair or restoration shall be accomplished in a reasonable time.

## ARTICLE VII

DEFINITIONS. The term “motor vehicle” as used herein is hereby defined to include any machine designed or intended to travel over land or water by self-propulsion or while attached to self-propelled vehicle.

An “abandoned motor vehicle” as used herein is hereby defined as one that:

(1) Is left on public grounds or Wake County-owned property in violation of a law or ordinance prohibiting parking; or

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

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

(4) If left for longer than seven days on public grounds.

A “junked motor vehicle” is an abandoned motor vehicle that also:

(1) Is partially dismantled or wrecked; or

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

(3) Is more than five years old and appears to be worth less than one hundred dollars (\$100.00); or

(4) Does not display a current license plate.

A motor vehicle that has been declared to be a health hazard or a safety hazard shall, for purposes of disposal by Wake 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 ordinance.

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.

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.

## ARTICLE VIII

REMOVAL OF VEHICLES. Wake County may remove to a storage garage or area an abandoned or junked motor vehicle found to be in violation of this ordinance. Such removal shall be accomplished by and under the direction of the Wake County Department of Natural Resources. 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 Wake County Board of Commissioners on 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 Wake County at any reasonable hour in order to determine if any vehicles are health or safety hazards. Wake County may require a person requesting the removal from private property of any abandoned or junked motor vehicle to indemnify Wake County against any loss, expense, or liability incurred because of the vehicle's removal, storage, or sale.

When an abandoned or junked motor vehicle is removed, the Wake County Department of Natural Resources shall promptly give written notice of the removal to the registered owner at his last known address according to the latest registration certificate or certificate of title on file with the Department of Motor Vehicles. The notice shall inform the owner of the possible sale or other disposition that may be made of the vehicle. The owner may regain possession of the vehicle by paying to Wake 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, Wake County need not give notice to the vehicle's registered owner.

## ARTICLE IX

DISPOSAL OF ABANDONED MOTOR VEHICLES. After holding an abandoned motor vehicle for 30 days after the day the vehicle is removed, Wake County may sell or dispose of it as follows:

(1) If the vehicle appears to be worth less than one hundred dollars (\$100.00), Wake County may dispose of the vehicle as a junked motor vehicle as provided by Article X of this ordinance. With the consent of the owner, Wake 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.

(2) If the vehicle appears to be worth one hundred dollars (\$100.00) or more, it shall be sold at public auction. Wake County shall give 20 days' written notice of the sale to the registered owner at his last known address, to each holder of a lien of record against the vehicle, and to the Department 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 Wake 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 Wake County for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the sale, the funds shall be deposited in Wake County's General Fund and the owner's rights in the vehicle are extinguished. When it receives Wake County's bill of sale from a purchaser or other person entitled to receive a vehicle disposed of as provided in this Article, the Department of Motor Vehicles shall issue a certificate of title for the vehicle as required by law.

#### ARTICLE X

DISPOSAL OF JUNKED MOTOR VEHICLES. After holding a junked motor vehicle for 15 days, Wake County may destroy it or sell it at private sale as junk. Within 15 days after final disposition of a junked motor vehicle, the Wake County Department of Natural Resources shall notify the Department 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 Wake 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 Wake 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 Wake County's General Fund and the owner's rights in the vehicle are extinguished.

## ARTICLE XI

### 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, Wake County may dispose of it under this Article rather than Articles IX or X. Wake 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 Wake County's General Fund.

## ARTICLE XII

### ENFORCEMENT.

1. The Director of the Wake County Health Department or his authorized representative shall have a right, upon presentation of proper credentials, to enter on any premises within Wake 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.

2. When the Director of the Wake County Health Department or his authorized representative has declared a motor vehicle to be a health hazard or a safety hazard, the aforesaid director or his authorized representative 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. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined and shall advise the said owner, lessee, or occupant that unless the vehicle is removed from the premises within ten (10) days after receipt of the notice, Wake County may remove the vehicle pursuant to the provisions of this ordinance. The notice shall also advise the said owner, lessee, or occupant that during the ten (10) day period following receipt of the notice he may contact the Director of the Wake County Health Department for a hearing to contest the finding that the vehicle is a health hazard or a safety hazard.

3. Wake County may secure injunctions, abatement orders, and other appropriate equitable remedies to further insure compliance with this ordinance as provided in N.C.G.S. 143A-123.

#### ARTICLE XIII

LEGAL RESPONSIBILITY. No person nor Wake 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 ordinance.

#### ARTICLE XIV

SEVERABILITY. If any word, clause, sentence, paragraph, article, or other part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof.

#### ARTICLE XV

This ordinance supersedes and nullifies the former Abandoned and Junk Motor Vehicles Ordinance of Wake County, North Carolina, which was adopted by the Wake County Board of Commissioners on December 3, 1973, and which appears on Pages 70 through 72 of the Ordinance Book maintained by the clerk to the Wake County Board of Commissioners.

#### ARTICLE XVI

This ordinance will become effective at 12:01 o'clock A.M. on June 1, 1977.

Adopted this 18<sup>th</sup> day of April 1977.