

NOV 16 1981

ORDINANCE NO. 66A-8

**BOARD OF SUPERVISORS
JAMES CITY COUNTY**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER II, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING THE FOLLOWING DIVISIONS OF ARTICLE III, STOPPING, STANDING AND PARKING: SECTION II-47, REMOVAL AND DISPOSITION OF UNATTENDED VEHICLES GENERALLY; SECTION II-48, CONTRACTS WITH PRIVATE PERSONS FOR REMOVAL, ETC., OF VEHICLES UNDER PRECEDING SECTION; SECTION II-49.1 (NEWLY ADDED) REMOVAL OR IMMOBILIZATION OF MOTOR VEHICLES AGAINST WHICH THERE ARE OUTSTANDING PARKING VIOLATIONS; SECTION II-49.2 (NEWLY ADDED) TEMPORARY REMOVAL AND DISPOSITION OF VEHICLES INVOLVED IN ACCIDENTS.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter II, Motor Vehicles and Traffic, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending and adding the following divisions of Article III, Stopping, Standing and Parking: Section II-47, Removal and Disposition of Unattended Vehicles Generally; Section II-48, Contracts with Private Persons for Removal, Etc. of Vehicles under Preceding Section; Section II-49.1, Removal or Immobilization of Motor Vehicles Against Which There Are Outstanding Parking Violations; Section II-49.2, Temporary Removal and Disposition of Vehicles Involved in Accidents.

CHAPTER II

MOTOR VEHICLES AND TRAFFIC

Article III, Stopping, Standing and Parking

Section II-47, Removal and Disposition of Unattended Vehicles Generally.

(a) It shall be unlawful for any person to leave any motor vehicle, trailer or

semitrailer, or part thereof on the paved or improved surface of any highway or adjacent thereto or on public grounds, unaccompanied by the owner or operator thereof, if such motor vehicle, trailer or semitrailer constitutes a hazard in the use of the highway by reason of its position thereon, or has been unattended longer than twenty-four (24) hours. Additionally, it shall be unlawful for any person to abandon any motor vehicle, trailer or semitrailer, or part thereof on such highway, surfaces or public grounds. The sheriff discovering or having a report of same shall remove it or have it removed to the nearest storage garage for safekeeping, and that fact shall be immediately reported to the Division of Motor Vehicles (division) or some officer or agent of the division and to the owner of such motor vehicle, trailer or semitrailer, as promptly as possible, and such owner, before obtaining the possession of such motor vehicle, trailer or semitrailer shall pay to the parties entitled thereto all reasonable, necessary costs incidental to the removal of storage of such motor vehicle, trailer or semitrailer. In any case of a violation of the provisions of this section the owner of such motor vehicle, trailer or semitrailer, or part thereof, shall be presumed to be the person committing the violation; provided that such presumption shall be rebuttable by competent evidence; provided further that where it is shown to the satisfaction of the Court that such vehicle was stolen or illegally used by a person other than the owner without authorization of the owner thereof, expressed or implied, such vehicle shall be forthwith returned to its innocent owner who shall be relieved of any payment of costs under the requirements of this section. In any case in which the identity of the person violating this section cannot be determined, or where it is found by a Court of competent jurisdiction that this section was not violated, the costs incidental to the removal and storage of such vehicle shall be paid out of the County treasury. Should any owner found guilty of violating this section fail or refuse to pay such costs or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made or after notice to such owner at his address as

indicated by the records of the Division and to the holder of any lien of record in the principal office of the Division against such motor vehicle, trailer or semitrailer, the sheriff or other officer designated by the governing body of the County may, after forty (40) days and after due notice of sale dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the County Treasurer, provided, that if the value of such motor vehicle, trailer or semitrailer be determined by three (3) disinterested dealers or garagemen to be less than one hundred fifty dollars (\$150) it may be disposed of by private sale or junked. The treasurer shall pay from the proceeds of the sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

(b) If no claim has been made by the owner for the proceeds of such sale, after the payment of the abovementioned costs, the funds may be deposited to the general fund or any special fund of the County. Any such owner shall be entitled to apply to the County within three (3) years from the date of such sale and if timely application is made therefor, the County shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit action or proceeding be instituted for the recovery of such funds after three (3) years from the date of such sale.

(c) It shall be presumed that any such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if:

(1) It does not bear a current license plate or a current County sticker or a valid state inspection certificate or sticker, and

(2) It has been in a specific location for ten (10) days without being moved.

(d) Whenever any motor vehicle, trailer, semitrailer or part thereof is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations, on the paved or improved surface of any highway or right-of-way, the sheriff upon discovering or having a report of same may move or have such vehicle

removed to some reasonably accessible portion of the adjacent right-of-way; handling and disposition thereafter shall be affected by the authorities, and pursuant to the conditions provided by the provisions of subsection (a) of this section.

Section 11-48, Contracts With Private Persons for Removal, Etc., of Vehicles Under Preceding Section.

The County Administrator shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in the preceding section. The contracts shall provide for the payment by the County of reasonable charges for the removal and storage of such vehicles. Said contracts shall also require such owners or operators to deliver such vehicles to the owners thereof, or their agents, upon furnishment of satisfactory evidence of identity, ownership (or agency) and payment of all charges resulting from the prior removal and storage of the vehicle involved. The owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damages thereto resulting from the negligent removal or storage thereof; such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnification.

Section 11-49.1, Removal or Immobilization of Motor Vehicles Against Which There Are Outstanding Parking Violations.

(a) Any motor vehicle found parked upon the public streets or highways or public grounds against which there are three (3) or more outstanding unpaid or otherwise unsettled parking violation notices may be removed or conveyed to a place designated by the sheriff for the temporary storage of such vehicles, or such vehicles may be immobilized in such manner as to prevent its removal or operation except by authorized officers or members of the sheriff's office. Such a removal, conveyance or immobilization shall be by, or under, the direction of an officer or member of the sheriff's office.

(b) It shall be the duty of the officer or member of the sheriff's office removing or immobilizing such motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable, the owner of the removed or immobilized vehicle or the nature and circumstances of the prior unsettled parking violation notices, for which or on account of which, such vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed in such vehicle, in a conspicuous manner, a notice warning that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage thereto.

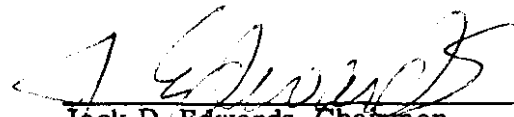
(c) The owner of an immobilized vehicle or any duly authorized person shall be allowed twenty-four (24) hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within this time period shall result in the removal of such vehicle to a storage area for safekeeping under the direction of a member or officer of the sheriff's office.

(d) The owner of such removal or immobilized motor vehicle, or any duly authorized person, shall be permitted to repossess or secure the release of the vehicle by payment of outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown or unascertainable, such vehicle may be disposed of in accordance with subsection (a) of Section 11-47.

Section 11-49.2, Temporary Removal and Disposition of Vehicles Involved in Accidents.

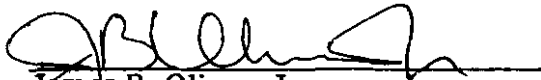
Whenever a motor vehicle, trailer or semitrailer involved in an accident is found upon the highways or streets and is so located as to impede the orderly flow of traffic, the sheriff's office may, at no cost to the owner or operator, remove such motor

vehicle, trailer or semitrailer from the highways or streets to some point in the vicinity where such motor vehicle, trailer or semitrailer will not impede the flow of traffic.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, this 16th day of November, 1981.