

# **Eastover Code of Ordinances**

## **Article 5: Public Ways and Streets**

# **Ordinance**

## **5-1001**

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Proposed Ordinance Number ~~3-2001~~

Introduced by: Mayor Christopher K. Campbell, Sr.

TOWN OF EASTOVER, SOUTH CAROLINA

AN ORDINANCE GOVERNING THE STORAGE OF JUNKED MOTOR VEHICLES

BE IT ENACTED BY THE Town Council of the Town of Eastover:

Section 1: FINDINGS:

The Council herein finds that motor vehicles which are partially dismantled or wrecked and which can not be safely or legally operated when left unsheltered become breeding grounds for insects, rodents, and disease bearing animals.

The Council further finds that these insects, rodents, and disease bearing animals endanger the health of the citizens of this community.

The Council further finds that these conditions generally are not found where the storage of motor vehicles or motor vehicle parts and accessories are part of the general operation of a business, such as auto junk yards, auto repairs and /or auto body shops, which locate the vehicles or motor vehicle parts and accessories within fenced areas designed for the protection of commercial property and are regularly inspected by the operators for the purposes of eradicating insects, rodents, or animals found inhabiting the operator's vehicles or parts.

The Council further finds that non-commercial storage of junked motor vehicles aesthetically damages the neighborhoods in which they are located, as well as, creates attractive nuisances which injure children.

The Council further finds open storage of junked vehicles to be a public nuisance.

In consideration of the afore listed findings, the Council herein ordains that:

- A. No person shall store on public property within the corporate limits of Eastover a junked vehicle or motor vehicle parts and accessories:
- B. Except for commercial establishments meeting the conditions as set out below, no person shall store on private property within the corporate limits of Eastover a junked vehicle or motor vehicle parts and accessories unless the junked vehicles or motor vehicle parts and accessories are sheltered within a garage, shed, out building, or similar type structure.
- C. The Town will cause to be removed any junked vehicle or motor vehicle parts and

accessories found to violate this ordinance; and

D. The Town will cause to be assessed penalties as provided hereafter upon violators.

## Section 2: DEFINITIONS:

For the purpose of this ordinance the following definitions shall be applicable:

"Junked motor vehicle" means any motor vehicle or boat which is partially dismantled or wrecked and cannot safely or legally be operated or any motor vehicle or boat upon which the payment of municipal property tax is not current. "Motor vehicle" means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, lawn mowers, snow mobiles, dune buggies, and other off the road vehicles or part thereof.

"Abandoned vehicle" means any motor vehicle or boat which is partially dismantled or wrecked and which cannot safely or legally be operated or upon which the payment of municipal property tax is not current.

"Accessories" means any part or parts of any motor vehicle.

"Person" means and includes any individual, firm, partnership, association, or corporation whether taxable or non-taxable.

"Private Property" means any real property not owned by the federal government, state, county or other political subdivision.

## Section 3: PROHIBITED STORAGE:

It shall be unlawful for any person owning or having custody of any junked motor vehicle or accessories to store or permit any such vehicle or accessories to remain on any private or public property within the town for a period in excess of 30 days unless the motor vehicle or accessories are located within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when the junked vehicles or accessories are located within a screened fenced area where the operator regularly inspects for the removal of insects, rodents, and animals.

The failure to move a junked vehicle or accessories or properly shelter a junk vehicle or accessories within 30 days of receipt of notice by the vehicle owner or by the owner of the real property upon which the junked vehicle sits will constitute a violation of the ordinance and I subject the violator (person receiving notice) to a fine up to \$200.00 or 30 days in jail or both.

A new violation of this section will accrue every 10 days if the junked vehicle is not

removed.

After notice and hearing as set forth in Section <sup>4</sup>, the Town may elect to move the junked vehicle to storage or sell the junked vehicle.

Section 4: NOTICE OF REMOVAL:

Whenever any member of the Town's police department finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private or public property in excess of 30 days the property will be tagged by Town personal. Thereafter a notice by certified mail will be sent to the owner of record of such motor vehicle or accessory, if the owner can be ascertained through the exercise of reasonable diligence. The owner of the real property as shown on the tax records upon which the vehicle or accessory is located, if not the same as the owner of the vehicle or accessory, will also be directed by certified mail to remove the junked motor vehicle or motor vehicle accessories within 30 days. The notices will also contain the following information.

- A. Notice of Complaint.
- B. Description and location of the motor vehicle and/or motor vehicle accessories.
- C. Statement that the motor vehicle or motor vehicle accessories should be removed from the premises no later than thirty days from date of notification or the Town will remove and stored with a wrecking company at their expense.
- D. The wrecking company the Town will use for removal should the Town have to act and the fact that the operator of this wrecking company may after 30 days of storage sell the property to the highest bidder to recover unpaid storage fees.
- E. State that removal from the location specified in the notification to another location upon which said storage is not permitted, is prohibited and shall subject the person to additional penalties.
- F. Statement that if removal is made within the time limits, specific notification must be given in writing to the town police to assure the stopping of the Town's enforcement proceedings.
- G. Statement that the owner had a right to a hearing on the complaint in Municipal Court and the date and time for the hearing and the penalties provided if found in violation of this ordinance.

For the purposes of this section, the date <sup>16th</sup> on the tag which is placed on the vehicle by Town personal will be used to calculate how the vehicle or accessories have been located on the property. For the purposes of this section the date shown upon the receipt for certified mail will

be use to calculate the date when the Town may remove the vehicle or accessories.

Section 5: REMOVAL OF JUNKED VEHICLES:

The Town may remove junked vehicles and or accessories located in violation of the ordinance 30 days after notice to the real property owner. The Town may remove the vehicle or accessories by contacting with one or more salvage yards or wrecking companies that will take the junked vehicles or accessories at no charge to the town. The contract with the wrecking company will provide that the wrecked company understands that the Town does not agree to pay the cost of removal and that the company expects to recover its compensation through the payment of a storage lien by the vehicle owner or in the alternative by the sale of the unclaimed vehicle or accessories after legal execution upon its lien.

To qualify to contract with the Town a salvage company or wrecking company must:

- (1) Hold a license issued by the South Carolina Tax Commission;
- (2) Possess 10 or more vehicles or junked motor vehicles;
- (3) Regularly engages in buying and selling used motor vehicle parts;
- (4) Own the necessary equipment to transport junked motor vehicles or accessories;  
and
- (5) Send written notice to the vehicle owner, if reasonably able to identify, that the junked vehicle or accessories are in storage and can be picked-up for the transportation fee and a storage fee calculated at a daily rate.

Section 6: ALTERNATE REMOVAL PROCEDURE:

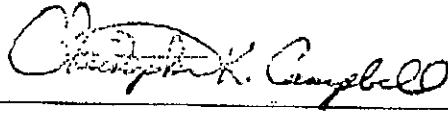
The Town may elect not to have a wrecking company store the vehicle after 30 days notice to the owner but instead sell the vehicle to the highest bidder or dispose of the vehicle as scrap.

Section 7: EFFECTIVE DATE:

This ordinance shall take effect sixty days from the date of adoption.

Done in Council this 7 day of May, 2001

MAYOR: \_\_\_\_\_

 Christopher K. Campbell

TOWN CLERK: \_\_\_\_\_

 Angela Silbo

TOWN ATTORNEY: \_\_\_\_\_

(Approved as to form)

1<sup>st</sup> Reading: March 19, 2001

2<sup>nd</sup> Reading: April 2, 2001

3<sup>rd</sup> Reading: May 7, 2001