

CHAPTER 91: NUISANCES; SANITATION; ENVIRONMENT

Section

Weeds, Grass and Refuse

- 91.01 Nuisance conditions
- 91.02 Investigation
- 91.03 Notice of violation; hearing
- 91.04 Notice to abate
- 91.05 Abatement by town
- 91.06 Costs of abatement; lien
- 91.07 Procedure not exclusive

Littering

- 91.20 Littering prohibited
- 91.21 Littering from vehicles
- 91.22 Maintenance of public areas
- 91.23 Receptacles

Statutory reference:

Abatement of public health nuisances, see G.S. • 160A-193

WEEDS, GRASS AND REFUSE

• 91.01 NUISANCE CONDITIONS.

(A) The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

(1) Any weeds or other vegetation having an overall height of more than 18 inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not

a

threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.

(2) Any accumulation of trash and/or garbage which is the result of the absence or of overflowing or improperly closed trash or garbage containers;

(3) Accumulation in an open place of hazardous or toxic materials and chemicals.

(4) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature;

(5) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

(6) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(7) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items.

(8) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

(9) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Administrator or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(10) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.

(11) The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.

(B) When any condition in violation of this section is found to exist, the Housing Inspector or such persons as may be designated by the Town Administrator, the Town Council or the Town Administrator himself or herself, shall give notice to the owner of the premises to abate or remove such conditions within ten days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten

days, the town may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods:

(1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner.

(2) By depositing the notice in the United States post office addressed to the owner at his or her last known address with postage prepaid thereon.

(3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by subsections (1) and (2).

(C) If the owner of any property fails to comply with a notice given pursuant to this section, within ten days after the service of such notice, he or she shall be subject to prosecution for violation of this section in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town Administrator or designee may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected as set forth in G.S. • 160A-193. All such expenses shall constitute a lien against the property on which the work was done.

(D) The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. • 14-4.

(E) In accordance with the G.S. • 160-175 and the town code of ordinances, violation of this chapter shall subject the offender to the penalty provisions of • 10.99 (1991 Code, • 82.01) (Ord. passed 1-22-1991; Ord. passed - -2010)

• 91.02 INVESTIGATION.

The Town Manager, upon notice from any person, on a pre-preprinted form to be provided by the Town Clerk, of the existence of any of the conditions described in • 91.01, shall cause to be made by the appropriate County Health Department official or town official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in • 91.01. The individual conducting the investigation shall submit a written report, on a pre-printed form to be provided by the Town Manager, summarizing the investigator's findings to the Town Clerk within 30 days of contact by the Town Manager regarding the need for an investigation. (1991 Code, • 82.02) (Ord. passed 1-22-1991; Ord. passed 9-18-2007)

•91.03 NOTICE OF VIOLATION; HEARING.

If it appears that these conditions exist, the Town Manager shall cause to be delivered or mailed to the owner of the property upon which the conditions exist, a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Town Manager at a place therein fixed, not less than ten nor more than 30 days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in these hearings.

(1991 Code, • 82.03) (Ord. passed 1-22-1991; Ord. passed 9-18-2007)

•91.04 NOTICE TO ABATE.

If a determination is made that conditions constituting a public nuisance exist, the Town Manager shall notify, in writing, the owner of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of the written notice.

(1991 Code, • 82.04) (Ord. passed 9-18-2007)

•91.05 ABATEMENT BY TOWN.

If the owner, having been ordered to abate a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, the Town Manager shall cause the condition to be removed or otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Manager. Any person who has been ordered to abate a public nuisance may, within the time allowed by this chapter, request the town in writing to remove the condition, the cost of which shall be paid by the person making the request.

(1991 Code, • 82.05) (Ord. passed 1-22-1991; Ord. passed 9-18-2007)

•91.06 COSTS OF ABATEMENT; LIEN.

(A) The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

(B) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in • 91.04, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. • 160A-193.

(1991 Code, • 82.06) (Ord. passed 1-22-1991)

•91.07 PROCEDURE NOT EXCLUSIVE.

The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law or under the town codes for the abatement of public nuisances, and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. • 14-4. (1991 Code, • 82.07) (Ord. passed 1-22-1991)

LITTERING

•91.20 LITTERING PROHIBITED.

It shall be unlawful for any person to throw or deposit on any street or sidewalk, or on any private property, except with written permission of the owner or occupant of the private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type of litter. (1991 Code, • 81.01) (Ord. passed 1-22-1991) Penalty, see • 10.99

•91.21 LITTERING FROM VEHICLES.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter on any street or other public place within the town, or on private property. (1991 Code, • 81.02) (Ord. passed 1-22-1991) Penalty, see • 10.99

•91.22 MAINTENANCE OF PUBLIC AREAS.

Every owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access areas and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within ten feet of any public street or other public way, shall keep and maintain the areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast on the street or other public way. (1991 Code, • 81.03) (Ord. passed 1-22-1991)

•91.23 RECEPTACLES.

Suitable receptacles may be provided in parking or access areas within the meaning of • 91.22. The receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish or other materials deposited therein. (1991 Code, • 81.04) (Ord. passed 1-22-1991)

CHAPTER 92: ABANDONED, NUISANCE AND JUNK MOTOR VEHICLES

Section

General Provisions

- 92.01 Purpose
- 92.02 Definitions
- 92.03 Authority to administer

Removal Procedure and Disposition of Vehicles

- 92.15 Abandoned vehicles prohibited
- 92.16 Nuisance vehicles prohibited
- 92.17 Junked motor vehicle regulated
- 92.18 Removal; pre-towing notice
- 92.19 Exceptions to prior notice requirement
- 92.20 Post-towing notice requirements
- 92.21 Right to probable cause hearing before sale or final disposition of vehicle
- 92.22 Redemption of vehicle during proceedings
- 92.23 Sale and disposition of unclaimed vehicle
- 92.24 Conditions on removal of vehicles from private property
- 92.25 Protection against criminal or civil liability
- 92.26 Exceptions
- 92.27 Removal of impounded vehicle prohibited

GENERAL PROVISIONS

• 92.01 PURPOSE.

The town governing body is authorized by G.S. ● 160A-193, 160A-303 and 160A-303.2 to regulate, restrain or prohibit abandoned, nuisance and junked motor vehicles on public and private property within the town's jurisdiction; and whereas the Town Council finds it necessary and desirable to promote or enhance the quality or urban attractiveness and aesthetic appearance; the protection of property values; the preservation of the livability and attractiveness of neighborhoods; tourism, conventions and other opportunities for economic development; the attractiveness of the town's major and minor residential and commercial streets which present the primary public visibility to residents,

visitors and commuters of the town; and the comfort, happiness and emotional stability of residents in the vicinity of junked motor vehicles; the provisions that follow in this chapter shall apply.
(Ord. passed 3-15-2011)

•92.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. A motor vehicle as authorized and defined in G.S. • 160A-303 that:

- (1) Is left upon a town or state-maintained public street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on a town or state-maintained public street or highway for longer than seven days, or is determined by law enforcement to be a hazard to the motoring public;
- (3) Is left on property owned or operated by the town for longer than 24 hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two hours.

AUTHORIZING OFFICIAL. The supervisory employee of the Sheriff's Department or the Code Enforcement Officer designated with authorization to remove the vehicles under the provisions of this chapter.

CODE ENFORCEMENT OFFICER. The designated public official authorized to investigate and remove vehicles defined in this chapter by the Town Council.

JUNKED MOTOR VEHICLE. A vehicle that does not display a current license plate and as authorized and defined in G.S. • 160A-303.2 that:

- (1) Is partially dismantled or wrecked;
- (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 \$500.

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

MUST. The action referred to is mandatory, not directory.

NUISANCE VEHICLE. A vehicle on public or private property that is determined and declared to be a health or safety hazard and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
 - (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
 - (3) A point of collection of pools or ponds of water;
 - (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
 - (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods and the like;
 - (6) So situated or located that there is a danger of it falling or turning over;
 - (7) A point of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;
 - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
- or
- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.

SHALL. The action referred to is mandatory, not directory.
(Ord. passed 3-15-2011)

• 92.03 AUTHORITY TO ADMINISTER.

The County Sheriff's Department and Code Enforcement Officer of the town shall be responsible for the administration and enforcement of this chapter. The Sheriff's Department shall be responsible for administering the removal and disposition of vehicles determined to be ■abandoned■ on the public streets, highways and other transportation rights-of-way within the town, and on property owned by the town. The Code Enforcement Officer shall be responsible for administering the removal and disposition of ■abandoned, ■nuisance■ or ■junked■ motor vehicles located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned, nuisance and junked motor vehicles in compliance with this chapter and applicable

state laws. This chapter shall not be construed to limit the legal authority or powers of officers of the town and/or County Sheriff's Department, Fire Department or other emergency personnel in enforcing other laws or in otherwise carrying out their respective duties.
(Ord. passed 3-15-2011)

REMOVAL PROCEDURE AND DISPOSITION OF VEHICLES

•92.15 ABANDONED VEHICLES PROHIBITED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned as the term is defined in •92.02 of this chapter.

(B) Upon investigation, proper authorizing official(s) of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.
(Ord. passed 3-15-2011) Penalty, see •10.99

•92.16 NUISANCE VEHICLES PROHIBITED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, the Code Enforcement Officer may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined in •92.02, and order the vehicle removed.
(Ord. passed 3-15-2011)

•92.17 JUNKED MOTOR VEHICLE REGULATED.

(A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located, to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(B) It shall be unlawful to have more than one junked motor vehicle, as defined in •92.02, on the premises of public or private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.

(C) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.

(D) Subject to the provisions of division (E) of this section, upon investigation, the Code Enforcement Officer may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. This finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

(E) Permitted concealment or enclosure of a junked motor vehicle:

(1) One junked motor vehicle, in its entirety, can be located in the rear yard, as defined by the town's Zoning Ordinance, if the junked motor vehicle is entirely concealed from public view, a public street and from abutting premises by an acceptable covering. The Code Enforcement Officer has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this chapter; and

(2) More than one junked motor vehicle must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a zoning and building permit and which has been constructed in accordance with all Zoning and Building Code regulations.
(Ord. passed 3-15-2011) Penalty, see • 10.99

• 92.18 REMOVAL; PRE-TOWING NOTICE.

(A) Except as set forth in • 92.19, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses or the registered owner or person entitled to the possession of the vehicle, or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The authorized person who mails the notice(s) shall retain a written record to show the name(s), address(es) and date to whom the notice was mailed. If the names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the

vehicle a notice indicating that the vehicle will be removed by the city on a specified date (no sooner than seven days after the notice is affixed, unless determined by law enforcement to be a hazard to the motoring public). The notice shall state that the vehicle will be removed by the town, on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time or law enforcement determines the vehicle to be a hazard to the motoring public.

(B) With respect to abandoned, nuisance and junked motor vehicles on private property to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicles outweigh the burdens, the appeal shall be made to the Town Council in writing within ten days, heard at the next regularly scheduled meeting of the Town Council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. passed 3-15-2011)

•92.19 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

(A) The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise, maintain and protect the public safety and welfare. These findings shall, in all cases, be entered by the authorizing official in the appropriate daily records.

(B) Circumstances justifying the removal of vehicles without prior notice include:

(1) *Vehicles abandoned on the streets.* For vehicles abandoned on town or state-maintained public streets and highways, the Town Council hereby determines that immediate removal of the vehicles may be warranted when they are:

- (a) Obstructing traffic;
- (b) Parked in violation of an ordinance prohibiting or restricting parking;
- (c) Parked in a no-parking zone;
- (d) Parked in loading zones;
- (e) Parked in bus zones;
- (f) Parked in an emergency (ambulance or fire) lane; or
- (g) Parked in violation of temporary parking restrictions imposed under code sections.

(2) *Other abandoned or nuisance vehicles.* With respect to other abandoned or nuisance vehicles left on town-owned property other than the streets and highways, and on private property, the vehicles may be removed without giving prior notice only in those circumstances where the authorizing officials finds a special need for prompt action to protect and maintain the public health, safety and general welfare. By way of illustration and not of limitation, these circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property. (Ord. passed 3-15-2011)

• **92.20 POST-TOWING NOTICE REQUIREMENTS.**

(A) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform those services for the town. Whenever a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle. The notice shall include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

(B) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in divisions (A)(1) through (5) of this section, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his or her agent.

(C) If the vehicle is registered in the state, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

(D) Whenever an abandoned, nuisance or junked motor vehicle is removed, and the vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him or her of the information set forth in divisions (A)(1) through (5) of this section. (Ord. passed 3-15-2011)

•92.21 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive the hearing requests. The Magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. •20-219.11(a) and (b).
(Ord. passed 3-15-2011)

•92.22 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

At any state in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of the fees and charges to the town truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this chapter.
(Ord. passed 3-15-2011)

•92.23 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the town truck operator or towing business having custody of the vehicle. Disposition of the vehicle shall be carried out in coordination with the town and in accordance with G.S. Chapter 44A, Article I.
(Ord. passed 3-15-2011)

•92.24 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

As a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of the property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Code Enforcement Officer. The town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal.
(Ord. passed 3-15-2011)

• 92.25 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

No person shall be held to answer in any civil or criminal action to any owner other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of the vehicle as provided in this chapter.

(Ord. passed 3-15-2011)

• 92.26 EXCEPTIONS.

This chapter shall not apply to any vehicle which is located in a bona fide automobile graveyard or junkyard as defined in G.S. • 136-143, in accordance with the Junkyard Control Act, G.S. •• 136-141 et seq.; in an enclosed building; 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 in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Ord. passed 3-15-2011)

• 92.27 REMOVAL OF IMPOUNDED VEHICLE PROHIBITED.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees are due, or bond in lieu of the fees have been paid.

(Ord. passed 3-15-2011) Penalty, see • 10.99