

Chapter 53

INOPERABLE MOTOR VEHICLES ON PROPERTY ZONED FOR RESIDENTIAL, COMMERCIAL OR AGRICULTURAL PURPOSES

[HISTORY: Adopted by the Town Council of the Town of Grottoes 7-12-2004; amended in its entirety 2-12-2007. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Automobile graveyards and junkyards — See Ch. 52.

Nuisances — See Ch. 117.

Solid waste and weeds — See Ch. 134.

§ 53-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

INOPERABLE MOTOR VEHICLE — Any one or more of the following:

- A. Any motor vehicle which is not in operating condition;
- B. Any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires, wheels, the engine, or other essential parts required for operation of the vehicle; or
- C. Any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal.

MOTOR VEHICLE, TRAILER OR SEMITRAILER — As defined in § 46.2-100 of the Code of Virginia, 1950, as amended.

SHIELDED or SCREENED FROM VIEW — Not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

§ 53-2. Prohibited acts.

It shall be unlawful for any person to keep, except within a fully enclosed building or structure, on any property zoned for residential or commercial or agricultural purposes any motor vehicle, trailer or semitrailer which is inoperable. The foregoing shall apply notwithstanding the fact that such vehicles are shielded or screened from view by covers. However, the provisions of this section shall not apply to a licensed business which, on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Notwithstanding the other provisions of this section, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperable motor vehicle being used for the restoration or repair may remain on the property, provided that it also is shielded or screened from view, for a period not to exceed six months.

§ 53-3. Notice to remove.

The Town Council of the Town of Grottoes may, by written notice served by the Chief of Police, notify any owner or owners of property zoned for residential, commercial or agricultural purposes to remove, within 30 days, any such inoperable motor vehicle that is not kept within a fully enclosed building or structure. The owner of the inoperable motor vehicle shall be required to either move the vehicle to within a fully enclosed building or structure, or to a property which is located outside of the Town. Once an inoperable motor vehicle is identified under this section of the Code and written notice served by the Chief of Police, it shall not be allowed on any property located within the Town, regardless of the location or ownership of the property, unless it is kept within a fully enclosed building or structure or maintained at the processor as described above, until such time as the motor vehicle is no longer considered inoperable under the terms in of this section. In the event the inoperable motor vehicle is removed from the property and is later returned to the property or is relocated to another property within the Town, then the initial notice(s) shall be sufficient and the initial time period(s) shall remain in full effect and force.

§ 53-4. Removal.

The Town Council of the Town of Grottoes, through its agents and employees, may remove any such inoperable motor vehicle whenever the owner of the property has failed to do so after the thirty-day period has expired. In the event the Town Council of the Town of Grottoes, through its agents and employees, removes any such inoperable motor vehicle after the thirty-day period has expired, then the Town of Grottoes may dispose of such inoperable motor vehicle after giving an additional thirty-day notice to the owner of the vehicle.

§ 53-5. Cost of removal, storage and disposal.

The cost of any such removal, storage and disposal shall be chargeable to the owner of the vehicle or property and may be collected by the Town of Grottoes as taxes are collected. All costs incurred shall be usual and customary in the commercial marketplace, but in no event shall exceed the costs as provided on Schedule A,¹ which is made a part hereof. Every cost authorized by this section with which the owner of the property has been assessed shall constitute a lien against the property or owner of the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the locality.

§ 53-6. Release of vehicle to owner.

Upon payment to the Town by the owner of the inoperable motor vehicle of all civil penalties imposed under this chapter, along with all reasonable costs incidental to the removal and storage of the inoperable motor vehicle, the Town shall release the inoperable motor vehicle to the owner. All costs associated with the return of the inoperable motor vehicle shall be the expense of the owner.

¹. Editor's Note: See Ch. A171, Fees.

§ 53-7. Violations and penalties.

Violations of this chapter shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a twelve-month period. In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four-month period, then such violations shall be Class 3 misdemeanors. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.