

AN ORDINANCE PROHIBITING ABANDONED, WRECKED, DISMANTLED,
DISCARDED OR JUNKED MOTOR VEHICLES

WHEREAS, in the City of Hampton, there are dismantled, partially dismantled, wrecked, junked, non-operating, and discarded motor vehicles left about the streets, other than in authorized junk yards; and

WHEREAS, such conditions tend to impede traffic in the streets and interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards; and other safety and health hazards to children as well as adults; interfere with the comfort and well-being of the public; and create, extend and aggravate urban blight; and

WHEREAS, adequate protection of the public health, safety, and welfare require that such conditions be regulated, abated, or prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HAMPTON AS FOLLOWS:

SECTION I - DEFINITIONS

For the purpose of this division, the following terms, phrases, words and their derivations, shall have the meaning given herein. When not consistent with the context, words used in the present tense shall include the future; words used in the plural number shall include the singular number; and words used in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

INSTRUCTIONS TO THE READER OF THIS DOCUMENT
PLEASE READ THE FOLLOWING CAREFULLY

The purpose of this document is to provide information to the reader regarding the procedures and methods used in the collection and analysis of data. It is intended for use by those who are responsible for the management and control of the system.

The information contained in this document is classified as "Confidential" and is intended for the use of authorized personnel only. It is not to be distributed outside the organization without the express written consent of the appropriate authority.

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APPENDIX A - GLOSSARY

For the purpose of this document, the following terms, phrases, words and their derivations, shall have the meanings given herein. It is not intended that the words used in the present tense shall include the plural; words used in the plural number shall include the singular number; and words used in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

(a) Junked motor vehicle. Any contrivance, or parts thereof, propelled by power and used for transportation of persons or property on public streets and highways, the condition of which is one or more of the following:

- (1) Wrecked
- (2) Dismantled
- (3) Partially dismantled
- (4) Inoperative
- (5) Abandoned
- (6) Discarded

(b) Person. Any individual, firm, partnership, association, corporation, company or organization of any kind.

SECTION II - DEEMED PUBLIC NUISANCE; CAUSING OR MAINTAINING PUBLIC NUISANCE UNLAWFUL; EXCEPTIONS.

The presence of any junked motor vehicle on public property or any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the City of Hampton, shall be deemed a public nuisance; and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle on the real property of another or to suffer, permit or allow junked motor vehicles to be parked, let or maintained in how own real property, provided that this section shall not apply with regard to:

- (a) Any motor vehicle in an enclosed building;
- (b) Any motor vehicle on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or

(c) Any motor vehicle on property occupied and used for repair, reconditioning and remodeling of motor vehicles in conformance with the zoning ordinance of the City of Hampton.

SECTION III - ENFORCEMENT OFFICER; RIGHT OF ENTRY UPON PRIVATE AND PUBLIC PROPERTY.

The provisions of this division shall be administered and enforced by the Chief of Police, Director of Public Works, or other appropriate official, or any member of their department designated by them is hereby authorized to enter upon private or public property to examine a junked motor vehicle, or obtain information as to the identity of a junked motor vehicle or to remove or cause the removal of a junked motor vehicle declared to be a nuisance pursuant to this ordinance. When the City has contracted with any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a junked motor vehicle declared to be a nuisance pursuant to this ordinance.

SECTION IV - NOTICE OF PUBLIC NUISANCE; CONTENTS; SERVICE APPEALS FROM NOTICE; REMOVAL OF JUNKED MOTOR VEHICLES.

When the Chief of Police, Director of Public Works, or any authorized agent shall deem such public nuisance to exist, he shall issue a notice to the parties hereinafter stated and such notice shall:

- (a) Be in writing;
- (b) Specify the public nuisance and its location;

(c) Request the public nuisance to be abated within ten (10) days from the notice.

In the event after a diligent search has been made that the Chief of Police, Director of Public Works, or any authorized agent, shall be unable to determine the owner of said junked motor vehicle, he may serve said notice by attaching it to the junked motor vehicle and this shall constitute service upon the owner of said junked motor vehicle.

Any owner of a junked motor vehicle being dissatisfied with the decision that said junked motor vehicle is a public nuisance shall have the right to object to said decision by filing a notice with the City Clerk within the ten (10) days and such appeal shall be heard by the Municipal Court Judge who may affirm, amend, or reverse the Order and take other action deemed appropriate. The City Clerk shall give written notice of the date, time and place of the hearing to the appellant. Five (5) days after such action of the Municipal Court, authorizing removal following appeal, the junked motor vehicle may be removed from the premises by the Director of Public Works, Chief of Police, or other authorized persons with whom the City has contracted to do the same.

SECTION V - ACTS DEEMED COMPLIANCE WITH DIVISION.

The removal of the junked motor vehicle from the premises prior to the expiration of the ten (10) days notice shall be considered compliance with the provisions of this ordinance

and no further action shall be taken against the owner of the junked motor vehicle or the owner or occupants of the premises. Further, written permission given to the Director of Public Works or Chief of Police or any other authorized person, for the removal of the junked motor vehicle by the owner of the same, the owner or occupant of the premises shall be considered compliance with the provisions of this ordinance on their part and no further action shall be taken against the ones giving such permission.

SECTION VI - EFFECTIVE DATE OF ORDINANCE

The fact that there are presently no adequate provisions regulating public nuisances created by junked motor vehicles on private or public property, making the regulation thereof necessary in the public interest, creates an urgency and an emergency in the immediately from and after its passage, and it is accordingly so ordained.

Approved and adopted this 21st day of February
1973.

SIGNED GROVER WALLS, JR MAYOR

*A true copy. March 4, 1975
Cory H. Hall*