

Radford City Code

Sec. 55-7. - Inoperable motor vehicles, trailers, and semitrailers.

(a) It shall be unlawful for any person to keep or to permit the keeping, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential, commercial, or agricultural purposes, any motor vehicle, trailer, or semitrailer, as such are defined in Virginia Code § 46.2-100, which is inoperable. In addition, it shall be unlawful for any person who, after being given a notice of violation as provided in subsection (c) below, fails to correct a violation of this section as required by the notice of violation.

(b) As used in this section, the following definitions shall apply:

"Inoperable motor vehicle" shall mean (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; (iii) or any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal. "Farm use" tags shall not be considered valid license plates unless validly issued by the Virginia Department of Motor Vehicles or other licensing authority, or the motor vehicle is located on property zoned for agricultural or farming purposes. The term shall not apply to a licensed business which is lawfully and regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.

"Shielded or screened from view" shall mean not visible by someone standing at ground level from outside of the property on which the subject vehicle is located. By way of example and not by limitation, a motor vehicle may be shielded or screened from view by placing the motor vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of non-deciduous trees, sufficient in height, spacing, density and circumference. The placing, draping or securing of a tarpaulin, or other non-rigid cover, over or around an inoperable motor vehicle shall not be sufficient to comply with the requirements of this section.

"Person" shall mean the owner of the inoperable motor vehicle, trailer, or semitrailer, or the owner or occupant of the property where the inoperable motor vehicle, trailer, or semitrailer is located. The term includes both natural persons and private, business entities, whether operated for profit or not.

- (c) Whenever a violation of this section is found to exist, the city manager or their designee may give written notice to the person found in violation to remove the inoperable motor vehicle, trailer, or semitrailer, or to otherwise correct the violation. The notice of violation may be provided to the person found in violation by any one (1) or more of the following methods: regular, first-class mail; certified mail; hand-delivery, noting the date, time, and place of personal delivery; or, if notice by the foregoing methods have been unsuccessful or cannot be obtained, by posting a copy of the notice in a conspicuous place on the property where the violation exists for a period of ten (10) calendar days. The notice of violation shall describe the inoperable motor vehicle, trailer, or semitrailer found in violation of this section and shall require that it be removed, or that the violation be otherwise corrected, within a period of ten (10) calendar days. The notice of violation shall also advise the person found in violation that, if the inoperable motor vehicle, trailer, or semitrailer is not removed, or the violation otherwise corrected, as required by the notice of violation, then the City may remove and dispose of the inoperable motor vehicle, trailer, or semitrailer and the person found in violation shall be responsible for the costs of such removal and disposition, including any storage costs and administrative fees.
- (d) In addition to the requirements of subsection (c), the notice of violation shall notify the person found in violation of this section that they may request a hearing on the notice of violation with the city manager or their designee in writing within forty-eight (48) hours of being provided with the notice of violation. In the event the person found in violation requests a hearing, the city manager or their designee shall set a hearing and notify the person found in violation of the time and location of the hearing to be held within five (5) business days from the date of receipt of the request. The City will postpone any enforcement action until after the date and time set for the hearing. Failure of the person found in violation to request a hearing provided by this subsection, or their failure to appear at any scheduled hearing, shall constitute a waiver of the hearing. The hearing shall be held informally, and traditional rules of evidence shall not apply. The decision of the city manager or their designee shall be final.
- (e) If the person found in violation of this section shall fail to remove the inoperable motor vehicle, trailer, or semitrailer, or to otherwise correct the violation, as required by the notice of violation, then the city manager or their designee may direct city forces or contract with a private contractor to remove the inoperable motor vehicle, trailer, or semitrailer. After removal of the inoperable motor vehicle, trailer, or semitrailer, and upon an additional five (5) day's written notice to the person found in violation of this section that the City intends to dispose of the property, the city manager or their designee may dispose of the inoperable motor vehicle, trailer, or semitrailer. In the event the City or its agent removes and disposes of the inoperable motor vehicle, trailer, or semitrailer, an administrative fee as set by general resolution of the City Council shall be assessed against the person found in violation of this section. Any monies obtained from disposal of the inoperable motor vehicle, trailer, or semitrailer shall be applied to the costs of removal and disposition, including any storage costs or administrative fees.
- (f) The cost of any such removal and disposal as provided in subsection (d) of this section, including any storage costs and administrative fees, shall be chargeable and billed to the person found in violation of this section and shall be collected as taxes and levies are collected. Every cost authorized by this section shall constitute a lien against the real estate from which the inoperable motor vehicle, trailer, or semitrailer was removed, and the lien shall continue until actual payment of such costs have been made to the City. Notice of such lien shall be recorded in the clerk's office of the city circuit court by certification by the city treasurer of the amount of the costs claimed, and by identification of the owner of the real estate and of the real estate, recorded in the then current deed book, and, if so recorded, the cost of recordation shall constitute a recoverable expense.
- (g) Except as otherwise provided in this subsection, any person who violates the provisions of this section shall be guilty of a class 3 misdemeanor and punished as provided by Section 1-7 of the City Code. If the person found in violation of this section fails to remove an inoperable motor vehicle, trailer, or semitrailer, or to otherwise correct a violation, after being provided with a notice of violation in accordance with subsection (c), then the person shall be guilty of a class 1 misdemeanor and punished as provided by Section 1-7 of the City Code. Each day that the violation continues to exist shall constitute a separate offense. The provisions of this subsection shall be in addition to and not in lieu of the other provisions and remedies of this section.