

AT A REGULAR MEETING OF THE COUNCIL OF
THE TOWN OF BOONES MILL

HELD AT TOWN HALL ON SEPTEMBER 12, 2017

ORDINANCE AMENDING THE INOPERATIVE MOTOR VEHICLE ORDINANCE ADOPTED ON SEPTEMBER 10, 1996, TO PROHIBIT AND RESTRICT THE KEEPING OF INOPERATIVE MOTOR VEHICLES, TO PROVIDE FOR THE REMOVAL AND DISPOSITION THEREOF, AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF SUCH RESTRICTIONS.

WHEREAS, on September 10, 1996, the Town Council adopted the Boones Mill Inoperative Motor Vehicle Ordinance;

WHEREAS, the Town Council has held a duly advertised public hearing on September 12, 2017, as to the amendment to the Inoperative Motor Vehicle Ordinance made by this Ordinance;

WHEREAS, the provisions of this Ordinance are authorized by 15.2-903, 15.2-904 and 15.2-905 Code of Virginia (1950) as amended.

NOW, THERERFORE, be it ordained by the Council of the Town of Boones Mill as follows:

Section 1. The keeping of inoperative motor vehicles prohibited

- (A) Generally, it shall be unlawful for any person to keep any inoperative motor vehicle, trailer or semitrailer on any property within the corporate boundaries of the Town except within a fully enclosed building or structure or otherwise shielded or screened from view. As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition; or for which 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 operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this section shall not apply to a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.
- (B) Removal and disposition of inoperative vehicles; costs.
 - (1) The owners of property within the corporate limits of the Town shall remove therefrom any such inoperative motor vehicles, trailers or semitrailer that are not kept within a fully enclosed building or structure or otherwise shielded or screened from view. After the receipt of a written complaint concerning such inoperative motor vehicles, trailers or semitrailers maintained in violation of this section, the Council may issue an order directing that the owner of such property remove therefrom any such inoperative motor vehicles, trailers or semitrailers.
 - (2) The Council, through its agents or employees, removes any such inoperative motor vehicles, trailers or semitrailers whenever the owner of the premises, after a fifteen (15) day notice, has failed to do so.
 - (3) If the Council through its agents or employees, removes any such inoperative motor vehicles, trailers or semitrailers after having given such notice, such motor vehicles, trailers or semitrailers may be disposed of after giving an additional fifteen (15) day notice to the owner of the vehicle.

- (4) The cost of any such removal or disposal shall be chargeable to the owner of the vehicle or premises and may be collected as taxes and levies are collected.
- (5) Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such cost shall have been made.
- (C) "Shielded or screened from view" shall mean completely precluding visibility of the subject vehicle from all adjacent streets, alleys and properties, by placing the vehicle within (1) a fully enclosed building or structure or (2) an area completely enclosed wither by 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 nonrigid cover, over or around an inoperative vehicle shall not be sufficient to comply with the requirements of this Ordinance.

In addition to the remedies provided for in this section, the provisions of this Ordinance may be enforced by civil injunction.

Section 2. Severability.

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part or parts that are declared to be invalid.

This Ordinance shall be in full force and effect September 13, 2017. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance shall be, and the same hereby are, repealed.

On motion of Councilmember _____ to adopt the Ordinance, and carried by the following recorded vote:

Ayes: _____

Nays: _____

A Copy Teste: _____

Town Clerk

Town of Boones Mill