

**ORDINANCE ENACTING SECTION 16-10-9  
OF THE  
HARRISONBURG CITY CODE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

**That Section 16-10-9 be enacted as follows:**

Section 16-10-9. Restricting the keeping of inoperable motor vehicles on residential or commercial property and removal of such vehicles.

It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes any motor vehicle, trailer or semitrailer, as such are defined in Section 46.2-100 of the Code of Virginia, 1950, as amended, which is inoperable. As used in this section, an "inoperable motor vehicle" is defined as (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; or (iii) any motor vehicle 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 on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Also as used in this section "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle or vehicles are located.

The owners of any property zoned for residential or commercial purposes, not otherwise exempt as set forth above, shall remove therefrom any inoperable motor vehicles that are not kept within a fully enclosed building or structure or otherwise shielded or screened from view within fifteen (15) days of notice given pursuant to this section. Notice given pursuant to this section shall be sent by using registered or certified mail, return receipt requested, to the owner of the premises on which such inoperable motor vehicles are located. The notice shall explain the violation, state the year, make and model of the inoperable motor vehicles, and shall set forth the consequences of failing to comply with the notice. Whenever the owner of the non-exempt premises fails to comply with the above notice, the city may remove the inoperable motor vehicles at its owner's expense.

As soon as reasonably possible, but no later than fifteen (15) days after an inoperable motor vehicle is taken into custody as provided for above, the city may dispose of such motor vehicle after giving its owner thirty (30) days additional notice. Such notice shall (1) state the year, make, model and serial number of the confiscated motor vehicle; (2) set forth the location of the facility where it is being held; and (3) inform the owner and any persons having security interests of their right to reclaim it within thirty (30) days after the date of the notice after payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall further state that failure of the owner or persons having security interests to reclaim the inoperable motor vehicle within the time provided shall constitute a waiver by the owner and

all persons having any security interests of all right, title, and interests in the inoperable vehicle, and shall further constitute a consent to the sale of the inoperable motor vehicle at public auction.

The costs of removal and disposal as authorized by this section shall be chargeable to the owner of the vehicle or premises and may be collected by the city as taxes are collected. Every cost authorized by this section with which the owner of the premises 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 costs has been made to the city.

Violations of this division shall be subject to a civil penalty, not to exceed \$50.00 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 twelve (12) months of the first violation shall not exceed \$200.00. 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 \$1,000.00 in a twelve (12) month period. If three civil penalties are imposed with a twenty-four (24) month period on the same person for the same or similar violation of this section, not arising out of the same set of operative facts, such person shall be guilty of a Class 3 misdemeanor or each subsequent violation.

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 inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

This ordinance shall be effective from the date of its passage.

ADOPTED AND APPROVED this 26 day of March, 2013.

Red Byrd  
MAYOR

ATTESTE:  
Erica S. Kann  
CITY CLERK