

**ORDINANCE**

**TOWN OF RIDGEWAY, SOUTH CAROLINA**

**ORDINANCE NUMBER: 2-1009**

**AN ORDINANCE GOVERNING THE STORAGE OF JUNKED MOTOR VEHICLES**

BE IT ORDAINED by the Council of the Town of Ridgeway in meeting duly assembled:

**Section 1. FINDINGS:**

The Council herein finds that motor vehicles which are partially dismantled or wrecked and which can not be safely or legally operated when left unsheltered become breeding grounds for insects, rodents, and disease bearing animals.

The Council further finds that these insects, rodents, and disease bearing animals can endanger and affect the citizens of this community.

The Council further finds that these conditions are not common when the storage of motor vehicles or motor vehicle parts and accessories are necessary to the operation of a business, such as auto junk yards, auto repairs and auto body shops provided the vehicles or motor vehicle parts and accessories are located within fenced areas designed for the protection of commercial property, and are regularly inspected by the operator for purposes of eradicating insects, rodents, or animals found inhabiting the vehicle or parts.

The Council further finds that non-commercial storage of junked motor vehicles aesthetically damages the neighborhoods in which they are located, as well as, create attractive nuisances which may injure children.

The Council further finds open storage of junked vehicles to be a public nuisance.

In consideration of the afore listed findings, the Council herein ordains that:

A No person shall store on public property within the corporate limits of Ridgeway a junked vehicle or motor vehicle parts and accessories;

B. Except for commercial establishments meeting the conditions as set out below, no person shall store on private property within the corporate limits of Ridgeway a junked vehicle or motor vehicle parts and accessories unless the junked vehicles or motor vehicle parts and accessories are sheltered within a garage, shed, out building, or similar type structure.

Section 2. DEFINITIONS:

For purpose of this ordinance the following definitions shall be applicable:

"Junked motor vehicle" means any motor vehicle or boat which is partially dismantled or wrecked and which cannot safely or legally be operated or upon which the payment of municipal property tax is not current. "Motor vehicle" means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, lawn mowers, snow mobiles, dune buggies, and other off the road vehicles or part thereof.

"abandon vehicle" means any motor vehicle or boat which is partially dismantled or wrecked and which cannot safely or legally be operated or upon which the payment of municipal property tax is not current.

"Accessories" means any part or parts of any motor vehicle.

"Person" means and includes any individual, firm, partnership, association, or corporation whether taxable or non-taxable.

"Private Property" means any real property not owned by the federal government, state, county or other political subdivision.

Section 3. PROHIBITED STORAGE.

It shall be unlawful for any person owning or having custody of any junked motor vehicle or accessories to store or permit any such vehicle or accessories to remain on any private or public property within the town for a period in excess of 30 days unless the motor vehicle or accessories are located within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when the junked vehicles or accessories are located within a screened fenced area where the operator regularly inspects for the removal of insects, rodents, and animals. The failure to remove a junked vehicle or accessories or properly shelter a junk vehicle or accessories within 30 days of receipt of notice by the vehicle owner or owner of the real property will constitute a violation of the ordinance and may subject the violator to a fine of up to \$200.00 or 30 days in jail or both. A new violation of this section will accrue every 10 days if the junked vehicle is not removed. After notice and hearing as set out below the Town may remove the junked vehicle to storage and or sell the vehicle.

**Section 4: NOTICE OF REMOVAL.**

Whenever any member of the Town's police department finds or is notified that any junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private or public property in excess of 30 days the property will be tagged by Town personnel. Thereafter a notice by certified mail will be sent to the owner of record of such motor vehicle or accessory, if the owner can be ascertained through the exercise of reasonable diligence. The owner of the real property as shown on the tax records upon which the vehicle or accessory are located, if not the same as the owner of the vehicle or accessory, will also be directed by certified mail to remove the junked motor vehicle or motor vehicle accessories within 30 days. The notices will also contain the following information.

- E. Notice of Complaint
- F. Description and location of the motor vehicle and/or motor vehicle accessories.
- G. Statement that the motor vehicle or motor vehicle accessories should be removed from the premises no later than thirty days from date of notification or the Town will remove and stored with a wrecking company at their expense.
- H. The wrecking company the Town will use for removal should the Town have to act and the fact that the operator of this wrecking company may after 30 days of storage sell the property to the highest bidder to recover unpaid storage fees.
- I. State that removal from the location specified in the notification to another location upon which said storage is not permitted, is prohibited and shall subject the person to additional penalties.
- J. Statement that if removal is made within the time limits, specific notification must be given in writing to the town police to assure the stopping of the Town's enforcement proceedings.
- K. Statement that the owner has a right to a hearing on the complaint in Municipal Court and the date and time for the hearing and the penalties provided if found in violation of the ordinance.

For the purposes of this section, the date on the tag which is placed on the vehicle by Town personnel will be used to calculate how long the vehicle or accessories have been located on the property. For the purposes of this section the date shown upon the receipt for certified mail will be used to calculate the date when the Town may remove the vehicle or accessories.

**Section 5: REMOVAL OF JUNKED VEHICLES:**

The Town may remove junked vehicles and or accessories located in violation of the ordinance 30 days after notice to the real property owner. The Town may remove the vehicle or accessories by contracting with one or more salvage yards or wrecking companies that will take the junked vehicles or accessories at no charge to the town. The contract with the wrecking company will provide that the wrecking company understands that the Town does not agree to pay the cost of removal and that the company expects to recover its compensation through the payment of a storage lien by the vehicle owner or in the alternative by the sale of the unclaimed

2nd Reading: 3/10/98

1st Reading: 9/9/97

TOWN CLERK: Jane P. Ferguson

MAYOR: Gene Wilson

DONE in Council this 10th day of March, 1998.

This ordinance shall take affect sixty days from the date of adoption.

Section 7. AFFECTIVE DATE

The Town may elect not to have a wrecking company store the vehicle after 30 days notice to the owner but instead sell the vehicle to the highest bidder or dispose of the vehicle as scrap.

Section 6: ALTERNATE REMOVAL PROCEDURE

calculated at a daily rate.

accessories are in storage and can be picked-up for the transportation fee and a storage fee written notice to the vehicle owner, if reasonably able to identify, that the junked vehicle or own the necessary equipment to transport junked motor vehicles or accessories, and (5) send junked motor vehicles; (3) regularly engages in buying and selling used motor vehicle parts; (4) hold a license issued by the South Carolina Tax Commission (2) possess 10 or more vehicles or To qualify to contract with the Town a salvage company or wrecking company must : (1)

vehicle or accessories after legal execution upon its lien.