

**ARTICLE 519
Junk Vehicles**

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CROSS REFERENCES

Authority to prohibit accumulation of junk - see W.Va. Code 8-12-5(10), (23)
Disposal of junk vehicles - see W. Va. Code Art. 17-24
Impounding junk vehicles - see TRAF. 303.10
Nuisances - see GEN. OFF. Art. 549

519.01 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) "Abandoned vehicle" means any motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control. Any vehicle which is wrecked or partially dismantled or inoperative for a period of thirty days shall constitute a prima facie presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of such vehicle remains in the technical custody or control of such owner.

- (b) "Property" means any real property within the City which is not a street or highway.

- (c) "Vehicle" means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation automobile, truck, trailer, motorcycle, tractor, buggy and wagon.
(1969 Code Sec. 21-1)

519.02 STORING ON PRIVATE PROPERTY.

The accumulation and storage of wrecked, junked, abandoned or partially dismantled or inoperative vehicles, or parts thereof, on private property located within the Town, except as expressly permitted in this article, does constitute a public nuisance, as well as fire, health and sanitation hazards, which may be abated as such.

(1969 Code Sec. 21-2)

519.03 ON PRIVATE PROPERTY IN EXCESS OF THIRTY DAYS PROHIBITED; EXCEPTION.

No person shall park, store or leave or permit the parking, storing or leaving of any motor vehicle which is in a rusted, wrecked, junked, partially dismantled, inoperative or abandoned condition upon any private property within the Town for a period in excess of thirty days unless such vehicle is completely enclosed within a building or unless such vehicle is so stored or parked on private property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise.

(1969 Code Sec. 21-3)

519.04 NOTICE REQUIRING REMOVAL.

Whenever it appears that a violation of the provisions of this article exists, the Chief of Police or Mayor shall give, or cause to be given, written notice to the registered owner of any motor vehicle which is in violation of this article, and shall give such notice to the owner or person in lawful possession or control of the private property upon which such vehicle is located, advising that the vehicle violates the provisions of this article and redirecting that the vehicle be moved to a place of lawful storage within ten days or that within ten days the vehicle be housed within a building. Such notice may be served upon the registered owner of the vehicle in person or by mail, addressed to the owner at the last known address of record of the Department of Motor Vehicles. The notice shall be served by mail, addressed to the owner and resident or lessee of such property according to the last Town records and a copy of such notice shall be conspicuously posted upon the premises.

(Code Sec. 21-4)

519.05 JURISDICTION TO HEAR CASES.

The Municipal Police Court shall have jurisdiction to hear and determine all cases brought under this article.

(1969 Code Sec. 21-5)

519.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for general Code penalty if no specific penalty is provided.)

(a) Whoever violates Section 519.03 shall be fined not more than five hundred dollars (\$500.00).

(b) For whoever is in violation of Article 519, the Nutter Fort Police Department will have the authority to go onto the private property in question and remove said vehicles at the cost of the owner. This will only be done after the notices are sent and fines are assessed.

(Passed June 2003)