

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 294
Committee Substitute Favorable 4/2/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H294-PCS80387-TQ-52

Short Title: Authority to Remove Abandoned Vessels.

(Local)

Sponsors:

Referred to:

March 14, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CERTAIN COUNTIES TO REMOVE ABANDONED VESSELS
3 FROM NAVIGABLE WATERS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act applies to Brunswick and Dare Counties only.

6 SECTION 2. G.S. 153A-132 reads as rewritten:

7 "§ 153A-132. Removal and disposal of abandoned and junked motor vehicles.

8 (a) Grant of Power. – A county may by ordinance prohibit the abandonment of motor
9 vehicles on public grounds and private property within the county's ordinance-making
10 jurisdiction and on county-owned property wherever located. The county may enforce the
11 ordinance by removing and disposing of abandoned or junked motor vehicles according to the
12 procedures prescribed in this section.

13 (b) Definitions. – "Motor vehicle" includes any machine designed or intended to travel
14 over land or water by self-propulsion or while attached to self-propelled vehicle.

15 (1) An "abandoned motor vehicle" is one that:

- 16 a. Is left on public grounds or county-owned property in violation of a
17 law or ordinance prohibiting parking; or
18 b. Is left for longer than 24 hours on property owned or operated by the
19 county; or
20 c. Is left for longer than two hours on private property without the
21 consent of the owner, occupant, or lessee of the property; or
22 d. Is left for longer than seven days on public grounds.

23 (2) A "junked motor vehicle" is an abandoned motor vehicle that also:

- 24 a. Is partially dismantled or wrecked; or
25 b. Cannot be self-propelled or moved in the manner in which it
26 originally was intended to move; or
27 c. Is more than five years old and appears to be worth less than one
28 hundred dollars (\$100.00); or
29 d. Does not display a current license plate.

30 (c) Removal of Vehicles. – A county may remove to a storage garage or area an
31 abandoned or junked motor vehicle found to be in violation of an ordinance adopted pursuant
32 to this section. A vehicle may not be removed from private property, however, without the
33 written request of the owner, lessee, or occupant of the premises unless the board of
34 commissioners or a duly authorized county official or employee has declared the vehicle to be a
35 health or safety hazard. Appropriate county officers and employees have a right, upon



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1 presentation of proper credentials, to enter on any premises within the county
2 ordinance-making jurisdiction at any reasonable hour in order to determine if any vehicles are
3 health or safety hazards. The county may require a person requesting the removal from private
4 property of an abandoned or junked motor vehicle to indemnify the county against any loss,
5 expense, or liability incurred because of the vehicle's removal, storage, or sale.

6 When an abandoned or junked motor vehicle is removed, the county shall give notice to the
7 owner as required by G.S. 20-219.11(a) and (b).

8 (d) Hearing Procedure. – Regardless of whether a county does its own removal and
9 disposal of motor vehicles or contracts with another person to do so, the county shall provide a
10 hearing procedure for the owner. For purposes of this subsection, the definitions in
11 G.S. 20-219.9 apply.

12 (1) If the county operates in such a way that the person who tows the vehicle is
13 responsible for collecting towing fees, all provisions of Article 7A, Chapter
14 20, apply.

15 (2) If the county operates in such a way that it is responsible for collecting
16 towing fees, it shall:

17 a. Provide by contract or ordinance for a schedule of reasonable towing
18 fees,

19 b. Provide a procedure for a prompt fair hearing to contest the towing,

20 c. Provide for an appeal to district court from that hearing,

21 d. Authorize release of the vehicle at any time after towing by the
22 posting of a bond or paying of the fees due, and

23 e. Provide a sale procedure similar to that provided in G.S. 44A-4,
24 44A-5, and 44A-6, except that no hearing in addition to the probable
25 cause hearing is required. If no one purchases the vehicle at the sale
26 and if the value of the vehicle is less than the amount of the lien, the
27 county may destroy it.

28 (e) and (f) Repealed by Session Laws 1983, c. 420, s. 10.

29 (g) No Liability. – No person nor any county may be held to answer in a civil or
30 criminal action to any owner or other person legally entitled to the possession of an abandoned,
31 junked, lost, or stolen motor vehicle for disposing of the vehicle as provided in this section.

32 (h) Exceptions. – This section does not apply to any vehicle in an enclosed building, to
33 any vehicle on the premises of a business enterprise being operated in a lawful place and
34 manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an
35 appropriate storage place or depository maintained in a lawful place and manner by the county.

36 (i) A county may by ordinance prohibit the abandonment of vessels in navigable waters
37 within the county's ordinance-making jurisdiction, subject to the provisions of this subsection.
38 The provisions of this section shall apply to abandoned vessels in the same manner that they
39 apply to abandoned or junked motor vehicles, to the extent that the provisions may apply to
40 abandoned vessels. For purposes of this subsection, an "abandoned vessel" is one that meets
41 any of the following:

42 (1) A vessel that is moored, anchored, or otherwise located for more than 30
43 consecutive days in any 180 consecutive-day period without permission of
44 the dock owner.

45 (2) A vessel that is in danger of sinking, has sunk, is resting on the bottom, or is
46 located such that it is a hazard to navigation or is an immediate danger to
47 other vessels.

48 Shipwrecks, vessels, cargoes, tackle, and other underwater archeological remains that have
49 been in place for more than 10 years shall not be considered abandoned vessels and shall not be
50 removed under the provisions of this section without the approval of the Department of

1 Cultural Resources, which is the legal custodian of these properties pursuant to G.S. 121-22
2 and G.S. 121-23."

3 **SECTION 3.** This act is effective when it becomes law.