

042010750

SENATE BILL NO. 437

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on 2/27/2004)

(Patron Prior to Substitute—Senator Locke)

*A BILL to amend and reenact § 15.2-905 of the Code of Virginia, relating to inoperable motor vehicles.***Be it enacted by the General Assembly of Virginia:****1. That § 15.2-905 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-905. Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property; removal of such vehicles.

A. The governing body of any county having adopted the urban county executive form of government; any county contiguous thereto; the county manager form; any town located, wholly or partly, in such counties; any city contiguous to a county having adopted the urban county executive form of government or surrounded by a county contiguous thereto; any city having a population between 35,000 and 40,000, any city having a population between 60,000 and 70,000 and any city having a population between 95,000 and 105,000 bodies of the Counties of Arlington, Fairfax, Henrico, Loudoun and Prince William; any town located, wholly or partly, in such counties, and; the Cities of Alexandria, Fairfax, Falls Church, Hampton, Lynchburg, Manassas, Manassas Park, Newport News, Petersburg, Portsmouth, Roanoke and Suffolk may by ordinance prohibit any person from keeping, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential purposes, or on any property zoned for commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in § 46.2-100, which is inoperable.

The locality in addition may by ordinance limit the number of inoperable motor vehicles which any person may keep outside of a fully enclosed building or structure.

As used in this section, "shielded or screened from view" means hidden from sight by plantings or fences.

As used in this section, an "inoperable motor vehicle" means any motor vehicle, trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than sixty60 days. 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. The locality may, by ordinance, further provide that the owners of property zoned or used for residential purposes, or zoned for commercial or agricultural purposes, shall, at such time or times as the governing body may prescribe, remove therefrom any inoperable motor vehicle that is not kept within a fully enclosed building or structure. The locality may remove the inoperable motor vehicle, whenever the owner of the premises, after reasonable notice, has failed to do so.

In the event the locality removes the inoperable motor vehicle, after having given such reasonable notice, it may dispose of the vehicle after giving additional notice to the owner of the premises. The cost of the removal and disposal may be charged to either the owner of the inoperable vehicle or the owner of the premises and the cost may be collected by the locality as taxes are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the inoperable vehicle was removed, the lien to continue until actual payment of the cost has been made to the locality.