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HOUSE BILL NO. 2570

Offered January 21, 2009

A *BILL to amend and reenact § 15.2-905 of the Code of Virginia, relating to the authority to restrict keeping of inoperable motor vehicles.*

 Patron—BaCote

 Referred to Committee on Counties, Cities and Towns

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 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~~ *that* is inoperable.

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

The governing body of the City of Newport News may by ordinance prohibit any person from keeping, except within a fully enclosed building or structure, more than one motor vehicle, trailer, or semitrailer, as such are defined in § 46.2-100, that is inoperable. In addition, the City of Newport News may by ordinance prohibit the storage of any vehicle, trailer, or semitrailer, as such are defined in § 46.2-100, that is inoperable, unless such vehicle, trailer, or semitrailer is shielded or screened from view by the installation of an opaque fence, on any property zoned or used for residential purposes or any property zoned for commercial or agricultural purposes. Such an ordinance in Newport News shall not apply to a business licensed through the Virginia Department of Motor Vehicles as a salvage dealer, demolisher, rebuilder, salvage pool, or vehicle removal operator or to a licensed towing service providing temporary storage of inoperative vehicles for a period of time not to exceed 90 days when vehicles are being stored pending settlement of insurance claims. Vehicles stored by such towing services shall be shielded or screened from public view.

As used in this section, notwithstanding any other provision of law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

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 60 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. Notwithstanding the other provisions of this subsection, 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.

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.

INTRODUCED

HB2570