

SUB-CHAPTER 2.23
STORAGE, ABANDONMENT AND IMPOUNDMENT OF VEHICLES

SECTION

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14-2.2301. Purpose. The Board of Commissioners finds and declares that the accumulation and storage of vehicles in disrepair, and/or inoperable condition, and the accumulation and storage of operable vehicles in excessive numbers, and/or inappropriate locations, falls into the category of rubbish and unsightly debris, constituting a detriment to the health, safety and welfare of the community, and declares the same to be a nuisance. The Commission thus declares that such conditions should be regulated, abated and prohibited because they reduce the value of and enjoyment of private and public property and create, extend and aggravate urban blight.

14-2.2302. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

- (1) "Person" – any person, firm, partnership, association, corporation, company, or organization of any kind.
- (2) "Vehicle" – any machine propelled by power other than human power designed to travel along the ground or water by use of wheels, tread, runners, slides or motor and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, wagon and boat.
- (3) "Property" – any real property within the city which is not a street or highway.
- (4) "Inoperable" – any vehicle which is immobilized and incapable of moving under its own power due to an accident, mechanical breakdown, weather conditions or other situation.
- (5) "Abandoned" – any vehicle that is left unattended, whether in disrepair, illegally parked, or for other reason, or is on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours, or has been stored, parked or left in a garage, trailer park, or any type of storage or parking lot for more than thirty (30) consecutive days.
- (6) "Nuisance" – any abandoned or inoperable vehicle, including but not limited to vehicle which is rusted, wrecked, junked or partly dismantled, and which has been parked, stored or left on property in violation of the provisions of this chapter.

(7) "Household" - all persons who occupy a housing unit. A housing unit is a house, an apartment, a mobile home, a group of rooms or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together or any other group of related or unrelated persons who share living arrangements (people not living in households are classified as living in group quarters).

14-2.2303. Storage of rusted, wrecked, junked, partly dismantled, inoperable or abandoned vehicles on residential property. No person shall park, store or leave, or permit the parking storage or leaving of any vehicle that is rusted, wrecked, junked, partly dismantled, inoperable or abandoned upon any residential property within the city for a period of more than ten (10) days unless such vehicle is completely enclosed in a building. All vehicles on residential property shall be parked or stored on asphalt, cement or any other impervious surface, or gravel or similar driveway, parking and vehicle storage area.

14-2.2304. Storage of operable vehicles on residential property. No more than four (4) operable vehicles may be parked or stored at a dwelling unit for more than a ten (10) day period unless they are enclosed in a building.

14-2.2305. Exemption from maximum number of operable vehicles that may be parked or stored unenclosed at residential property. A household having more than four drivers, each with their own vehicle, may apply for an exemption from the City Manager, or designee, for consideration. Exemptions will be applicable for up to one year from the date of their approval and will need to be renewed on an annual basis. Annual exemptions shall be based on each driver having a valid Tennessee driver's license, with the same address as that where the vehicle is to be parked. An application form, available at the offices of the Department of Planning and Codes, must be completed with the required documentation.

14-2.2306. Vehicle parking in front yard on residential lots. The parking of vehicles on lawn compacts the soil, damages the landscaping and detracts from the visual appearance of not only the individual property, but of the neighborhood as well. Further, parking on an unimproved surface: 1) Stirs up dust; 2) Negatively impacts the aesthetics of the area; 3) Allows oils and other unwanted substances to drip onto untreated dirt surface, creating potential environmental problems. It is for that reason that no vehicle, including for the purposes of this paragraph a passenger vehicle, truck, van, motorized recreational vehicle, motorcycle, camper, golf cart, travel trailer, boat trailer, car trailer, or other similar vehicle, shall be routinely parked or stored on unsurfaced areas, such as dirt and grass, in the front yard of residential lots. Parking on sidewalks or bike paths is prohibited. The purpose of this regulation is to prevent excessive use of required front yards for the parking of vehicles.

14-2.2307. Vehicles stored in residential side and rear yards. Up to two (2) trailers, golf carts, boats, or similar vehicles may be stored on unsurfaced areas in the side and rear yard of residential lots.

14-2.2308. Lot coverage for surfaced driveway, parking and vehicle storage areas. Surfaced driveway, parking and vehicle storage areas include asphalt, cement, or any other impervious surface, or gravel or similar driveway, parking and vehicle storage area.

(1) Front yard limitations: No more than thirty percent (30%) of the front yard of any lot improved with a single-family dwelling shall be surfaced driveway, parking or vehicle storage area.

(2) Rear yard limitations: No more than twenty-five percent (25%) of the rear yard of any lot improved with a single-family dwelling shall be surfaced driveway, parking or vehicle storage area. In addition, no surfaced area for a driveway providing access to garages, vehicle parking and storage areas, may be located closer than five (5) feet to a rear lot line or within a recorded easement.

(3) Side yard limitations: A surfaced area for parking or vehicle storage shall be located no closer than five (5) feet to a side lot line or within a recorded easement.

(4) Variances: The board of zoning appeals may, by the granting of a variance based on a hardship as defined by state statute and section of this Ordinance referring to the powers of the Board of Zoning Appeals, modify the minimum yard and building setback requirements or the maximum lot coverage for surfaced driveway, parking and vehicle storage areas contained in this division.

14-2.2309. Storage of vehicles on non-residential property. No business enterprise shall park, store or leave, or permit the parking, storage or leaving of any vehicle that is rusted, wrecked, junked, partly dismantled, inoperable or abandoned on any private property within the city for more than ten (10) days unless the vehicle is completely enclosed in a building or:

(1) The area of property devoted to the storage of the vehicle(s) is enclosed by a solid masonry wall or sight proof fence not less than six (6) feet high; and

(2) The area of property devoted to the storage of the vehicle(s) does not exceed seventy percent (70%) of the total lot area.

14-2.2310. Removal required. The accumulation and storage of one or more nuisance vehicles in violation of the provisions of this chapter will be considered rubbish and debris detrimental to the health, safety and welfare of the public. The registered owners of said vehicles and the person in control (owner, tenant, occupant or guest) of the property on which the vehicles are located shall be responsible for removal of the vehicles to a place of lawful storage or an enclosed building.

14-2.2311. Enforcement and impoundment. The city manager or his authorized representative is hereby empowered to enforce and/or remove any vehicle found in violation of Subsections 14-2.2303, 14-2.2304, 14-2.2305, 14-2.2306, 14-2.2307 or 14-2.2308 of this sub-chapter to a safe and secure place designated by him for that purpose. In addition to the provisions provided herein, any owner, tenant, occupant or guest found to be in violation of any part of this sub-chapter may be subject to a fine not to exceed fifty dollars (\$50) and costs. Each day a violation of this sub-chapter exists constitutes a separate violation of the sub-chapter.

14-2.2312. Entry to remove; removal by owner. The city manager or his designee, contracting agents of the City of Alcoa and employees of said agents, and/or employees and agents of the City of Alcoa, are authorized to enter private property for purposes of enforcement of this chapter. No person may lawfully interfere with, hinder or refuse to allow the city manager or his designee to enter upon private property for such purpose and to remove any nuisance vehicle in accordance with the provisions of this chapter. Any person receiving notice pursuant to the provisions of this chapter shall have the right to remove or store said vehicle in accordance with said notice at his own expense, at any time prior to the arrival of the city manager or his designee for the purpose of removal.

14-2.2313. Notice of impoundment and repossession.

(1) When the city manager or his designee takes into custody a vehicle abandoned on private property at the request of the property owner or person in control of the property, without pre-seizure notice to the registered owner and any documented lienholders, the city shall, within fifteen (15) days of taking the vehicle into custody, notify the last known registered owner of the vehicle and all lienholders of record via certified or registered mail, return receipt requested, that the vehicle has been taken into custody. The notice shall describe the year, make, model and vehicle identification number (if ascertainable) of the abandoned vehicle; set forth the location where the vehicle is being stored; inform the owner and any lienholders of their right to reclaim the vehicle within thirty (30) days after the date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody; and state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and consent to the sale of the abandoned vehicle at a public auction.

(2) When there are reasonable grounds to believe a violation exists, if any registered owner of a nuisance vehicle or person in lawful control of the property on which such vehicle is located refuses to comply with the provisions of this chapter, the city manager or his designee shall provide pre-seizure notice that the vehicle has been found to be abandoned, inoperable or otherwise a nuisance. The pre-seizure notice shall consist of a tag being placed on the vehicle with a notice specifying date and time after which the vehicle will be removed, a minimum of ten (10) days, and the place to which the vehicle will be taken into custody. Additionally, pre-seizure notice shall be sent by registered or certified mail, return receipt requested, to the registered owner of the vehicle, at the owner's last known address, and all lienholders of record of the nuisance vehicle. The pre-seizure notice shall contain the year, make, model and vehicle identification number of the nuisance vehicle, if ascertainable, the location of the nuisance vehicle, and a statement advising the owner that the owner has ten (10) days to appeal the determination by the city manager that the vehicle is a nuisance vehicle or to remove the vehicle from the property, or the city manager shall take the nuisance vehicle into custody. The notice shall inform the vehicle owner and any lienholders of their right to reclaim the vehicle after it is taken into custody but before it is sold or demolished, upon payment of all towing, preservation, storage or any other charges resulting from placing the vehicle in custody, and state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle shall be deemed a waiver by the vehicle owner and all lienholders of all right, title and interest in the vehicle and consent to the demolition of the vehicle or its sale at a public auction. If the vehicle owner or lienholder cannot be located through the exercise of due diligence, notice by publication shall be given as set out in subsection (3). If the vehicle owner or lienholder of a nuisance vehicle fails to appeal the determination that the vehicle is a nuisance vehicle or fails to remove the vehicle within the time allowed for an appeal, the city manager may take the vehicle into custody. If an appeal is made, the vehicle shall not be taken into custody while the appeal is pending. Failure to appeal within the specific time period shall, without exception, constitute waiver of the right to appeal.

(3) In the event the vehicle owner or lienholder cannot be located to send the notice provided for in subsections (1) and (2), then there shall be notice by one (1) publication in one (1) newspaper of general circulation for the area including the City of Alcoa setting forth the information required in such pre-seizure notice. The City may utilize multiple listings of nuisance vehicles in the same advertisement.

(4) After a vehicle is towed, the vehicle owner or any lienholder may, within 30 days of the date the vehicle is towed, present to the city manager, or designee, sufficient evidence of ownership and the ability to comply with all conditions as set forth in this chapter. Upon payment of cost for the towing, preservation and storage of such vehicle, and any other costs related to placing the vehicle in custody, the same shall be released to the vehi-

cle owner or lienholder thereof. The City of Alcoa shall not be responsible for any damage resulting from the taking of said vehicle(s) into custody.

14-2.2314. Disposition of unclaimed vehicles. In the event a vehicle taken into custody under this chapter is not claimed during the period of thirty (30) days from date of removal or the notice of removal, whichever provision applies, the city manager, or designee, shall dispose of such vehicle in an appropriate manner so as to defray the expense of towing, preservation and storage of the vehicle. (Ord. No. 338, as amended by 09-189)