

AN ORDINANCE to amend Article IV, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new Division numbered 3; which Chapter 22 relates to MOTOR VEHICLES AND TRAFFIC, which Article IV relates to STOPPING, STANDING, AND PARKING GENERALLY, and which new Division numbered 3 relates to DISPOSITION OF ABANDONED VEHICLES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article IV, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new Division numbered 3 to read as follows:

DIVISION 3. . DISPOSITION OF ABANDONED VEHICLES.

Sec. 22-121.1. Definitions. As used in this division:

(1) "Abandoned motor vehicle" means a motor vehicle, trailer, or semitrailer or part thereof that:

(a) Is inoperable and is left unattended on public property for more than forty-eight hours, or

(b) Has remained illegally on public property for a period of more than forty-eight hours, or

(c) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight hours.

(2) "Demolisher" means any person, firm or corporation whose business is to convert a motor vehicle, trailer or semitrailer into processed scrap or scrap metal or otherwise to wreck, or dismantle such vehicles.

Sec. 22-121.2. City police authorized to take abandoned vehicles into custody.

An abandoned motor vehicle may be taken into custody by or under the direction of a police officer to the city impounding yard or other storage facility.

Sec. 22-121.3. Notice to owner of vehicle taken into custody.

(a) Whenever an abandoned motor vehicle has been taken into custody, it shall be the duty of the superintendent of police to notify, within fifteen days thereof, by registered or certified mail, return receipt requested, the owner of record of the motor vehicle and all persons having security interests therein of record, that the vehicle has been taken into custody. The notice shall

describe the year, make, model and serial number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any persons having security interests of their right to reclaim the motor vehicle within three weeks 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 persons having security interests to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner, and all persons having any security interests, of all right, title and interest in the vehicle, and consent to the sale of the abandoned motor vehicle at a public auction.

(b) If records of the Division of Motor Vehicles contain no address for the owner or no address of any person shown by such records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the city shall be sufficient to meet all requirements of notice pursuant to this division as to any person who cannot be notified pursuant to the provisions of paragraph (a) of this section. Such notice by publication may contain multiple listings of abandoned motor vehicles. Any such notice shall be within the time requirements prescribed for notice by mail and shall have the same contents required for a notice by mail.

(c) The consequences and the fact of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

Sec. 22-121.4. Sale of vehicle at public auction;  
disposition of proceeds.

If an abandoned motor vehicle has not been reclaimed as provided for in section 22-121.3, the superintendent of police shall sell the abandoned motor vehicle at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership of others, shall receive a sales receipt at the auction and shall be entitled to, upon application therefor pursuant to § 46.1-68, Code of Virginia (1950), as amended, a certificate of title and registration card therefor. The sales receipt at such a sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling, and, in such case, no further titling of the vehicle shall be necessary. From the proceeds of the sale of an abandoned motor vehicle, the superintendent of police shall be reimbursed for the expenses of the auction, the cost of towing, preserving and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to section 22-121.3. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests therein, as their interests may appear, for ninety days, and then shall be deposited into the city general fund.

Sec. 22-121.5. Vehicles abandoned in garages.

Any motor vehicle, trailer, semitrailer or part thereof left for more than ten days in a garage operated for commercial purposes after notice by registered or certified mail, return receipt requested, to the owner to pick up the vehicle, or for more than ten days after the period when, pursuant to contract, the vehicle was to remain on the premises, shall be deemed an abandoned motor vehicle, and may be reported by the garagekeeper to the superintendent of police. All abandoned motor vehicles left in garages may be taken into custody by a police officer in accordance with section 22-121.2 and shall be subject to the notice and sale provisions contained in section 22-121.3 and section 22-121.4; provided that if such vehicle is reclaimed in accordance with section 22-121.3, the person reclaiming such vehicle shall, in addition to the other charges required to be paid, pay the charges of the garagekeeper, if any; provided further, that if such vehicle is sold pursuant to section 22-121.4, the garagekeeper's charges, if any, shall be paid from and to the extent of, the excess of the proceeds of sale after paying the expenses of the auction, the costs of towing, preserving and storing such vehicle which resulted from placing such vehicle in custody and all notice and publication costs incurred pursuant to section 22-121.3. Except as otherwise provided in this division, nothing herein shall be construed to limit or restrict any rights conferred upon any person under §§ 43-32 through 43-36, Code of Virginia (1950), as amended. For the purposes of this section, "garagekeeper" means any operator of a parking place, motor vehicle storage facility, or establishment for the servicing, repair or maintenance of motor vehicles.

Sec. 22-121.6. Disposition of inoperable abandoned vehicles.

Any motor vehicle, trailer, semitrailer or part thereof which is inoperable and which, by virtue of its condition, cannot be feasibly restored to operable condition, may be disposed of to a demolisher by the person, firm, corporation, or the city on whose property or in whose possession such motor vehicle, trailer, or semitrailer is found. The demolisher, upon taking custody of such motor vehicle, trailer, or semitrailer shall follow the notification and sale procedures required of the superintendent of police by section 22-121.3 and section 22-121.4. Unless reclaimed in accordance with section 22-121.3, the purchaser at the public auction held by the demolisher shall be entitled to a sales receipt and shall obtain the same rights and privileges with respect to the vehicle so purchased as a purchaser at a public auction held by the superintendent of police under section 22-121.4.

Sec. 22-121.7. Surrender of certificate of title, etc., where motor vehicle acquired for demolition; records to be kept by demolisher.

(a) Any demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling or demolition shall not be required to obtain a certificate of title for such motor

vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender to the Division of Motor Vehicles for cancellation the certificate of title or sales receipt therefor.

(b) A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by him in the course of his business. These records shall contain the name and address of the person from whom each such motor vehicle was purchased or received and the date when such purchases or receipts occurred. Such records shall be open for inspection by the Division of Motor Vehicles at any time during normal business hours.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

Charles E. Beatley, Jr.  
Mayor

FINAL PASSAGE: JANUARY 13, 1970