

## EXISTING ORDINANCE WITH PROPOSED REVISIONS

### Section 9-2009. **Abandoned and Derelict Motor Vehicles** ~~-Disposal~~

It is hereby declared that:

Abandoned motor vehicles, as herein defined, when left unattended on a public street, road or highway or other public or private real property within the corporate limits of the city for a period of not less than five (5) days on public property or not less than thirty (30) days on private property constitute a health hazard or unsightly nuisance in that they provide a place for insects, rodents and other animals to exist; attract children, vagrants and other individuals; and may cause injury to them and obstruct the streets and ways on and in which they may be found.

Derelict motor vehicles, as herein defined, when left unattended on a public street, road or highway or other public or private real property within the corporate limits of the city for a period of not less than ~~30~~two (2) days on private property or ~~ten~~three (3) days on public property constitute a health hazard or unsightly nuisance in that they provide a place for insects, rodents and other animals to exist; attract children, vagrants and other individuals; and may cause injury to them and obstruct the streets and ways on and in which they may be found.

It is the further purpose and intent of this ordinance [sections 9-2009—9-2013] to provide for the removal and disposal of said vehicles and the procedures pertaining thereto.

### **Sec. 9-2010. - Same—Definitions.**

In the implementation and interpretation of the chapter and any contract between the City of Savannah and a third party pursuant hereto [sections 9-2009—9-2013], the following definitions shall apply:

(1) **Abandoned motor vehicle means a motor vehicle or trailer:**

(A) Which has been left by the owner or some person acting for the owner with an automobile dealer, repairman, or wrecker service for repair or for some other reason and has not been called for by such owner or other person within a period of 30 days after the time agreed upon; or within 30 days after such vehicle is turned over to such dealer, repairman, or wrecker service when no time is agreed upon; or within 30 days after the completion of necessary repairs;

(B) Which is left unattended on a public street, road, or highway or other public property for a period of at least five days and when it reasonably appears to a code enforcement or law enforcement officer that the individual who left such motor

vehicle unattended does not intend to return and remove such motor vehicle. However, on the city highway system, any code enforcement or law enforcement officer may authorize the immediate removal of vehicles posing a threat to public health or safety or to mitigate congestion;

(C) Which has been lawfully towed onto the property of another at the request of a code enforcement or law enforcement officer and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage;

(D) Which has been lawfully towed onto the property of another at the request of a property owner on whose property the vehicle was abandoned and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage; or

(E) Which has been left unattended on private property for a period of not less than 30 days.

(2) Derelict motor vehicle shall be a motor vehicle which is ~~not an abandoned vehicle as defined in O.C.G.A. § 40-11-1(1)(A) and/or any part thereof which is incapable of being moved under its own power and has had one or more of the major parts for its safe operation removed or destroyed and has no value other than nominal salvage value~~ inoperative, unlicensed, in a state of major disassembly, disrepair, or in the process of being stripped or dismantled; provided that this definition shall not apply to any motor vehicle or part thereof which shall be located within the premises of any junkyard complying with the laws of the State of Georgia relating to the licensing and regulating of motor vehicle junkyards. ~~Whenever the word "vehicle" is used in this chapter, it shall refer to a "derelict motor vehicle" as defined herein.~~

(3) "Motor vehicle" or "vehicle" means a motor vehicle or trailer.

(4) "Owner" or "owners" means the registered owner, the owner as recorded on the title, lessor, lessee, security interest holders, and all lienholders as shown on the records of the Department of Revenue or the records from the vehicle's state of registration. ~~An owner is any person, firm, corporation or other entity which is named as owning a vehicle and/or having any security interest therein, or lienholder, or other interest as reflected according to any certificate of title for said vehicle issued by any department or agency of a state having authority to issue said certificates; provided that if no such certificate has been issued by a state or if none is available nor can be obtained, the information indicating ownership as provided on the vehicle license registration shall be sufficient; and further provided that if with reasonable diligence the information contained on the title certificate and the vehicle license registration cannot be obtained, the owner of a vehicle shall be considered "unknown."~~

(5) Public property is any real property owned, operated, in the possession of or controlled by any federal, state, county, municipal governmental entity, or authority

created by any such entity; and any street, alley, sidewalk, or other right-of-way used, owned or dedicated to public use; or any shopping center parking lot open to and used by the general public.

(6) Private property is the property owned by non-governmental entities, like companies or persons.

(7) Real property is ~~any real property located within the corporate limits of the City of Savannah, Georgia, or any real property over which that jurisdiction possesses ownership, custody or control beyond its corporate jurisdiction upon which a derelict motor vehicle may be located when it is not within a permanent structure and from which the vehicle may be removed without causing damage to any permanent structure~~ any land which is the property of some person and all structures integrated with or affixed to the land, including crops, buildings, machinery, wells, dams, ponds, mines, canals, and roads, among other things.

#### **Sec. 9-2011. - Same—Duties of city employees.**

The city manager is hereby authorized to designate such city employees as are necessary to identify **abandoned and/or** derelict motor vehicles and cause the removal and disposal of the same, to supervise any contract with a third party to provide for the removal and disposal of said vehicles and to otherwise cause the implementation of and compliance with the provisions of this chapter [sections 9-2009—9-2013].

Wherever any vehicle is required to be removed from any private real property, with regard to those activities requiring entry onto such property, the designated city employee shall be **either a City code enforcement officer or** a peace officer as defined by the laws of the State of Georgia or the city Code of Savannah.

#### **Sec. 9-2012. - Same—Procedures.**

(a) **Abandoned Motor Vehicle -** When any city employee, designated by the city manager in accordance with this chapter [sections 9-2009—9-2013], shall ascertain that a motor vehicle and/or a part thereof is an abandoned motor vehicle or any becomes so by remaining unattended for a period of at least five (5) days on public property and no less than thirty (30) days on private property, provided that on the private property the vehicle is not enclosed in a legal accessory building, he shall prepare a notice to require its removal and shall proceed to designate the same as an abandoned motor vehicle by affixing a copy of said notice to said vehicle or part thereof in a conspicuous place. This notice shall include the following information to the extent that it is available at the time of preparing said notice: the vehicle serial number or manufacturer's identification number; the vehicle license number; the vehicle make, year and model; the location of said vehicle; the date of execution and placing of said notice on the vehicle; and such

other information as may be required by the city manager; said notice shall also contain the following language:

"This vehicle has been left unattended on a public street, road or highway or other public or private property in the City of Savannah. Unless removed by the owner within five (5) days on public property and thirty (30) days on private property of the date of this Notice, this vehicle will be removed at the direction of the City pursuant to the Abandoned and Derelict Motor Vehicles Ordinance of the City of Savannah and thereafter may be reclaimed only pursuant to said Ordinance."

The above notice shall be supplemented by an additional notice imprinted on a water-resistant material, printed with indelible ink, of a size not less than three inches by five inches, to adhere in wind and rain, to be affixed to a window of a vehicle separate from the above-required notice which shall contain the following language:

"This vehicle is subject to removal pursuant to the Abandoned and Derelict Motor Vehicles Ordinance of the City of Savannah within five (5) or thirty (30) days as applicable. If the official Notice To Remove is not elsewhere on this vehicle, please notify the Code Compliance Department -phone 912-651-6770."

(b) **Derelict Motor Vehicles** - When any city employee, designated by the city manager in accordance with this chapter [sections 9-2009—9-2013], shall ascertain that a motor vehicle and/or a part thereof is a derelict motor vehicle or any becomes so by remaining unattended for a period of not less than ~~ten three~~ (3) days on public property or not less than ~~30-two~~ (2) days on private, provided that on the private property the vehicle is not enclosed in ~~any fence, wall or other structure~~ a legal accessory building, he shall prepare a notice to require its removal and shall proceed to designate the same as an derelict motor vehicle by affixing a copy of said notice to said vehicle or part thereof in a conspicuous place. This notice shall include the following information to the extent that it is available at the time of preparing said notice: the vehicle serial number or manufacturer's identification number; the vehicle license number; the vehicle make, year and model; the location of said vehicle; the date of execution and placing of said notice on the vehicle; and such other information as may be required by the city manager; said notice shall also contain the following language:

"This vehicle has been left unattended on a public street, road or highway or other public or private property in the City of Savannah. Unless removed by the owner within ~~ten three~~ (3) days on public property and ~~30-two~~ (2) days on private property of the date

of this Notice, this vehicle will be removed at the direction of the City pursuant to the **Abandoned and Derelict Motor Vehicles** Ordinance of the City of Savannah and thereafter may be reclaimed only pursuant to said Ordinance."

The above notice shall be supplemented by an additional notice imprinted on a water-resistant material, printed with indelible ink, of a size not less than three inches by five inches, to adhere in wind and rain, to be affixed to a window of a vehicle separate from the above-required notice which shall contain the following language:

"This vehicle is subject to removal pursuant to the **Abandoned and Derelict Motor Vehicles** Ordinance of the City of Savannah within ~~ten or thirty~~ **two or three** days as applicable. If the official Notice To Remove is not elsewhere on this vehicle, please notify the Code ~~Enforcement Division, Sanitation Bureau~~ **phone 235-4224 Compliance Department** ~~phone 912-651-6770~~."

(c) The time commences when the notice is affixed to the vehicle. The applicable time period is determined by the status of the property on which the vehicle is located when the notice is affixed. A presumption exists that the vehicle remained on the property where the notice was affixed during the notice period if it is present there on the date the notice period expires.

If the vehicle is moved to property contiguous to where it was initially noticed and the property is of a different status to which another time period applies, the interval between the date of the initial notice shall be counted toward the time period applicable to the alternate property status on which the vehicle is located.

(d) If, at the expiration of the applicable period as above provided after the posting of the aforesaid notice, said **abandoned or** derelict motor vehicle has not been removed from the public street, road or highway or other public or private real property upon which it has remained for said period, any city employee designated by the city manager shall cause the same to be removed for disposal. Upon the removal of any **abandoned or** derelict motor vehicle, it shall be placed in an impounding area for a period of not less than 30 days, which shall be referred to as the "holding period" for said **abandoned or** derelict motor vehicle. While being retained within the impounding area for said holding period, no person shall willfully remove any part therefrom nor cause any damage thereto.

(e) At any time prior to the expiration of the holding period as above specified the owner of said **abandoned or** derelict motor vehicle, upon showing satisfactory evidence of ownership, may claim and take possession of said vehicle by making payment of such towing and storage charges as may have been incurred at said time in such amount(s) and in accordance with any requirements of the city manager and/or any contract executed by the city pursuant to this chapter [sections 9-2009—9-2013].

(f) Subsequent to the removal of any **abandoned or** derelict motor vehicle and the placing of the same in an impounding area, the owner of the vehicle shall be notified of its removal, impounding and right of reclamation as above provided, providing that the name and address of the owner of said vehicle may be determined with reasonable diligence. Notice to the party entitled to receive notice may be given by placing a copy of the same in the United States mail addressed to the party entitled to receive notice with adequate postage thereon and shall be sent by certified mail to the addressee only with a return receipt within five calendar days after ascertaining the owner of such vehicle. If the notice is unclaimed or returned, no further mail notice shall be required. Any certified mail which is "refused" shall be deemed to have been delivered. If the notice is unclaimed or returned, the following provisions pertaining to a published notice shall be performed, but the name of the owner shall be specified in the notice rather than reference to "unknown" owner, and the owner shall be stated to have an "unknown address." Whenever the name of more than one owner, as defined above, is determined, each owner shall be entitled to notice pursuant to this subsection. Whenever it is impossible to determine the name or address of any party entitled to receive notice, notice shall be given to said party as an "unknown" owner or as an owner at an "unknown address" by publishing notice in a newspaper of general circulation within the city once a week for two consecutive weeks during the holding period as above specified. This notice shall contain information, to the extent it is available at the time of effecting said notice, specifying the vehicle serial number or manufacturer's identification number; the vehicle license number; the vehicle make, year and model; the location of the vehicle at the time of its removal; the location of the impounding area where the vehicle is being stored; the name and address of the party who is believed to be the present or last owner from such information as has been ascertained or, if none, then the owner will be stated to be "unknown"; the name and address of the party having custody over the impounding area; the date of expiration of the holding period for said vehicle; and the right of the owner to reclaim said vehicle.

(g) Subsequent to the expiration of the holding period as above specified, the vehicle may be sold, destroyed, dismantled or otherwise disposed of at public or private sale by the city employees designated by the city manager to so act or a third party with whom the city has contracted to so act, provided that said **abandoned or** derelict motor vehicle has not been claimed by its owner as provided herein.

(h) The city manager shall cause records to be made and maintained which reasonably specify the identity of each vehicle, its owner, its location prior to removal, its date of removal, the party removing and impounding the same, the date and manner of its disposal, procedures to notify the owner and a copy of any notices given pursuant to this chapter, and such additional items as may be required by the city manager. Such records shall be preserved for not less than two years from the date of impounding of any abandoned or derelict motor vehicle and shall be made available for examination by any owner of such vehicle which has been removed pursuant to this chapter.

(i) Any funds received by the city from the disposal of any abandoned or derelict motor vehicle shall be paid to the general fund of the city.

(j) If a vehicle is removed from public property at the request of a code enforcement or law enforcement officer or if the vehicle is stored, if the owner of the vehicle is unknown, the party having possession or control of the vehicle shall seek the identity of and address of the last known registered owner within 72 hours of removal.

(k) If the vehicle is removed from private property at the request of the property owner or such a vehicle is stored, if the owner of the vehicle is unknown, the Savannah Police Department shall be notified in writing of the location of the vehicle, the manufacturer's vehicle identification number (VIN), license number, model, year, and make of the vehicle within 72 hours of the removal of the vehicle and shall seek from the Savannah Police Department the identity and address of the last known registered owner of the vehicle and any information indicating that the vehicle is a stolen vehicle.

(l) If any vehicle removed under subsections ~~(h)~~ (j) and ~~(i)~~ (k) is determined to be a stolen vehicle, the Savannah Police Department shall notify the Georgia Crime Information Center and the owner, if known, of the location of the vehicle within 72 hours after receiving notice that the vehicle is a stolen vehicle.

(m) If a vehicle is not a stolen vehicle, being repaired by a repair facility, or being stored by an insurance company for purposes of repair under a policy, the party having possession and control of the vehicle shall, within seven calendar days of the day the vehicle was removed, notify the owner, if known, of the location of the vehicle and the fees applicable to the removal and storage of the vehicle, pursuant to subsection ~~(d)~~ (f) above.

**Sec. 9-2013. - Same—Contracts.**

Any party with whom the city may contract to perform services pursuant to this chapter [sections 9-2009—9-2013] shall not be deemed to be an agent, employee or other representative of the city and in the performance of any act as authorized by this chapter shall be considered to act in the name of said party and as an independent contractor.

Any party with whom the city has contracted shall comply with all the terms and conditions of this article [sections 9-2009—9-2013] as may be required to be performed while in the custody and possession of a vehicle by that party. Upon the failure of that party to so comply, that party shall not be entitled to any storage fees. Any party with whom the city shall contract shall be licensed pursuant to O.C.G.A. title 43, ch. 48.