

AN ORDINANCE
NO. _____

An Ordinance amending Article VII of Chapter 13 of the Columbus Code to revise provisions concerning junked motor vehicles; and for other purposes.

THE COUNCIL OF COLUMBUS, GEORGIA HEARBY ORDAINS:

SECTION 1.

Section 13-167.1 of the Columbus code is hereby amended by striking paragraph (13) and inserting a Section 13-167.1(13) to read as follows:

“(13) *Junked motorized vehicles* shall mean any automobile, truck, or other motorized vehicle which meets any one of the following conditions: is no longer operative; has no current license tag or state certificate of registration; is missing some critical part such as, but not limited to, wheels, engine, transmission, chassis, windshields or headlights; has flat tires; overgrown with vegetation; unknown ownership.”

SECTION 2.

Section 13-167.7 B of the Columbus Code is hereby struck in its entirety and replaced with a new Section 13-167.7 B to read as follows:

“ Sec. 13-167.7. - Unauthorized accumulation, disposal, removal of solid waste and junk and establishment of rules and regulations, governing vehicle wrecking, salvage, junk, scrap, storage yards, and repair shops.

(B) *Junked motorized vehicles:*

- (1) Those vehicles meeting any one of the following conditions shall be deemed to be an unauthorized accumulation of solid waste:
 - (a) Not having a current license tag or a state certificate of registration;
 - (b) Missing some critical part such as, but not limited to, wheels, engine, transmission, or chassis;
 - (c) Having unknown ownership;
 - (d) Overgrown with vegetation;
 - (e) The junk motorized vehicle is the subject of a signed written complaint from responsible adults residing on or owning two separate properties having direct view of the vehicle from their premises who agree to testify in court;

- (f) No longer operational;
 - (g) Has flat tires.
- (2) Exempted from the provisions shall be:
- (a) Vehicles that are located in an enclosed building or on properties which are zoned commercial and screened properly from public view in accordance with the fencing requirement in section 13-167.1 (29).
 - (b) *Reserved.*
- (3) It shall be unlawful for the occupant of any lot in the city, or owner of any lot in the city, or agent or representative of any such occupant or owner, to permit or maintain on such lot any junked motorized vehicle.
- (4) When any junked motor vehicle is thus stored, parked or left on any public property, vacant lot, private property, or premises within Muscogee County notice shall be served personally or by certified U.S. Mail by the authorized official designated by the City Manager, to the owner or person in charge of the property or premises, with an additional notice posted on the vehicle to remove, store or dispose of the vehicle within thirty (30) calendar days from the date of the notice for private property and seven (7) calendar days for public property.
- (5) If, at the expiration of the applicable period as above provided after the posting of the aforesaid notice, said junked 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, the authorized official designated by the City Manager shall cause the same to be removed for disposal. Provided that, in the case of vehicles left on private property (owned by the vehicle's owner or with permission of the owner of such property), the vehicle shall not be removed except by an abatement order obtained through the Recorder's Court in accordance with the procedures set forth in Section 13-117 of the Columbus Code. Upon the removal of any junked motor vehicle, it shall be placed in an impounding area for a period of not less than 30 calendar days, which shall be referred to as the "holding period" for said junked 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.
- (6) At any time prior to the expiration of the holding period as above specified the owner of said junked 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.
- (7) Subsequent to the removal of any junked 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.

- (8) Subsequent to the expiration of the holding period as above specified, the junked motor 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 junked motor vehicle has not been claimed by its owner as provided herein.
- (9) The city manager shall cause records to be made and maintained which reasonably specify the identity of each junked motor 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 junked motor vehicle and shall be made available for examination by any owner of such vehicle which has been removed pursuant to this chapter.
- (10) Violators of this subsection B pertaining to junked vehicles shall be punished as follows:
 - (a) Upon conviction, guilty plea or bond forfeiture for a first offense within a 30-day period, a fine of \$500.00 shall be imposed by the Recorder.
 - (b) Upon conviction, guilty plea or bond forfeiture for a second offense within a 30-day period, a fine of \$750.00 shall be imposed by the Recorder.
 - (c) Upon conviction, guilty plea or bond forfeiture for a third offense within a 30-day period, a fine of \$1,000.00 shall be imposed by the Recorder.
 - (d) Upon conviction, guilty plea or bond forfeiture for a fourth or subsequent offense within a 30-day period, a fine of \$1,000.00 shall be imposed by the Recorder along with a minimum jail sentence of ten days.

SECTION 3.

Section E of Columbus Code Section 167.7-*Removal of abandoned and junked motorized vehicles* is hereby deleted in its entirety.

SECTION 4.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

First introduced at a regular meeting of the Council of Columbus, Georgia held on the 26th day of July 2022, and introduced on second reading at a regular meeting of said Council held on the ____ day of _____, 2022 and adopted at said meeting by the affirmative vote of _____ members of said Council.

Councilor Allen	voting	_____
Councilor Barnes	voting	_____
Councilor Crabb	voting	_____
Councilor Davis	voting	_____
Councilor Garrett	voting	_____
Councilor House	voting	_____
Councilor Huff	voting	_____
Councilor Thomas	voting	_____
Councilor Tucker	voting	_____
Councilor Woodson	voting	_____

Sandra T. Davis
Clerk of Council

B.H. "Skip" Henderson, III
Mayor