[3 February 1975]

ORDINANCE

An ordinance to prohibit leaving unattended or abandonment of automobiles and any other self-propelled vehicles upon the public streets of the Town of Monterey, Virginia; defining and prescribing the duties of the law enforcement officers of the Town of Monterey; providing procedures; and prescribing penalties for violation of this ordnance.

THE COUNCIL OF THE TOWN OF MONTEREY, VIRGINIA DOES ORDAIN:

Sec. 1.

Vehicle shall mean any self-propelled device or one propelled by an energy providing force and which is customarily in contact with or immediately adjacent to the surface of the earth.

Sec. 2.

Unattended shall mean to park and leave parked in any one particular place on a public street of Monterey, other than normal parking of a vehicle in normal active use, of a vehicle for a period of more than seven days.

Sec. 3.

“Abandon” or “abandoned” shall mean to permit or allow any vehicle to become an abandoned vehicle.

“Abandoned vehicle” means any vehicle or major part thereof that is inoperative and is left unattended on any street or streets of Monterey for a period of more than seven days, or that has remained illegally on public property for any period of time over seven days.

Sec. 4.

Law enforcement officers shall mean any person or persons employed by or designated by the Town Council of Monterey to enforce the laws and/or ordinances of the Town of Monterey.

Sec. 5.

It shall be unlawful for any person or persons to leave any vehicle, as prescribed in Section One of this ordinance, to leave unattended, as prescribed in Section Two of this ordinance, and it shall be unlawful for any person or persons to abandon, as prescribed in Section Three of this ordinance, any vehicle upon any public street or streets of the Town of Monterey.

PENALTY

Sec. 6.

Any person who violates the provision of Section Five of this ordinance shall be guilty of a misdemeanor and fined not less than $25.00 nor more than $100.00.

Sec. 7.

Any law enforcement officer of the Town of Monterey that has knowledge of or discovers or finds any vehicle unattended or abandoned on any street or streets of the Town of Monterey shall take into custody that vehicle and may hire persons and equipment for the purpose of removing, preserving and storing such vehicle. The last registered known owner of such vehicle shall then be given notice by registered mail of said vehicle being taken into custody, with return receipt requested. If the owner of the vehicle cannot be determined then a description of the vehicle shall be published in a local newspaper for one week and if said vehicle is nor reclaimed within three weeks after the date of publication or within three weeks after notice is given by registered mail said vehicle shall be sold at public auction in accordance with the provision of Section 46.555.2 to 46.555.5 inclusive of the *Code of Virginia*.

From the proceeds of the sale all cost and expenses incurred by the Town of Monterey shall be repaid, including the costs of the sale and the balance of the proceeds, if any, shall be held for a period of ninety days for the owner or lienor and then paid into the general fund of the treasury of the Town of Monterey.