



# Apex Police Department General Order



<b>Title</b> Abandoned, Junked, Health or Safety Hazard, and Aesthetic Nuisance Vehicles		<b>Order Number</b> 1313-20
<b>Effective Date:</b> November 24, 2020	<b>Amends:</b> 1313-15	
<b>CALEA Standard:</b>	<b>Rescinds:</b>	
<b>Reference:</b> Apex NC Code of Ordinances Chapter 20; Article III – Abandoned, Junked and Disabled Vehicle; Towing Service	<b>Pages:</b> 4	
<b>Forms:</b> F1313 - Abandoned, Junked and Disabled Vehicle Violation Checklist F1313a - Pre-towing Notice F1313b – Post-towing Notice and Right to Hearing Addendum – Abandon, Junked and Disabled Vehicle Procedure Flow Chart		

## Abandoned, Junked, Health or Safety Hazard, and Aesthetic Nuisance Vehicles

### Purpose

The purpose of this directive is to establish guidelines and procedures for the identification, investigation, and removal of abandoned, junked, health or safety hazards, and aesthetic nuisance motor vehicles within the corporate limits of the Town of Apex.

### Policy

It will be the policy of the Apex Police Department to address abandoned, junked, health or safety hazards, and aesthetic nuisance motor vehicles in accordance with the Town of Apex (TOA) Code of Ordinances, Chapter 20, Article III - Abandon, Junked and Disabled Vehicles; Towing Service in an effort to promote and protect the public health, safety, and welfare of the citizens of the Town of Apex.

## Definition

*Motor Vehicle* – Includes any machine designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle (SOURCE: TOA Code of Ordinance, Sec. 20-33)

## Procedure

### Administration and Authority

1. Through the TOA Code of Ordinances, Chapter 20, Article III – Abandoned, Junked and Disabled Vehicles, the Chief of Police or his/her designee is responsible for the administration and enforcement of Article III.
2. The Chief of Police delegates this function to the Administrative Division Commander.
3. It is the responsibility of all employees to report abandoned, junked, disabled, health or safety hazard, and aesthetic nuisance vehicles pursuant to this General Order; TOA Code of Ordinances, Chapter 20, Article III; and any other applicable law, regulation, or written directive.

### Identification of Abandoned, Junked, Health or Safety Hazard, and Aesthetic Nuisance Vehicles

1. Officers receiving a complaint or observing through routine patrol a potential violation of the TOA Code of Ordinances, Chapter 20, Article III, Abandoned, Junked, and Disabled Vehicles, will complete form F1313 - *Abandoned, Junked and Disabled Vehicle Violation Checklist* and forward it to the Administrative Division Commander.
  - **NOTE:** For vehicles identified as abandoned, junked, health or safety hazards, and aesthetic nuisance vehicles on private property, the officer is not authorized to enter the property to inspect any vehicles without consent (written or verbal) by the property owner, occupant, or lessee, unless pursuant to NCGS 15-27.2.
2. Form F1313 - *Abandoned, Junked and Disabled Vehicle Violation Checklist* is used to determine if the motor vehicle is a(n):
  - Abandoned motor vehicle (on TOA Property)
  - Junked motor vehicle
  - Health or safety hazard motor vehicle
  - Aesthetic nuisance motor vehicle

### **Investigative Process**

1. Once a vehicle has been identified and verified as being abandoned, junked, or disabled, the Administrative Division Commander will assign the investigation and removal process to Support Services or other appropriate personnel.

### **Abandoned Motor Vehicles**

1. Unless an abandoned vehicle is left parked upon the street or highway obstructing traffic or protruding into the flow of traffic, no officer may authorize the towing of an abandoned vehicle without first having posted on the windshield (or some other conspicuous place) of the vehicle a notice of imminent towing. The process for posting the notification and towing is defined in General Order 1006 – *Supplemental Traffic Services*.

### **Junked, Health or Safety Hazard, and Aesthetic Nuisance Vehicles**

1. If the motor vehicle is determined to be a junked, health or safety hazard, and/or aesthetic nuisance vehicle, the officer who observes the vehicle or is assigned the initial complaint, will follow the guidelines for notification, towing, removal, etc. found in TOA Code of Ordinances, Chapter 20, Article III, Abandoned, Junked, and Disabled Vehicles.

### **Documentation/Case Files**

1. Support Services will maintain copies of all correspondence, notifications, photos, follow-up activities, etc. in the case file for each address.
2. Support Services personnel, or others as designated by the Administrative Division Commander, will follow up with the property and/or vehicle owner in a timely manner to ensure the vehicles have been removed.
3. Support Services personnel, or others as designated by the Administrative Division Commander, will follow the guidelines established in TOA Code of Ordinances, Chapter 20, Article III for the process of notification and removal.
4. After the procedures in the TOA Code of Ordinances, Chapter 20, Article III are completed and a determination is made that a vehicle must be removed from a property, Support Services personnel, or others as designated by the Administrative Division Commander, will notify the property owner, occupant, lessee, and/or vehicle owner by registered or certified mail with a return receipt request, to remove the vehicle from the property within 11 days of receipt of the notice, using form F1313a – *Pre-towing Notice and Right to Appeal*.
5. Support Services personnel, or others as designated by the Administrative Division Commander, will make reasonable efforts to determine the last-known registered owner

of the vehicle and notify that owner of the towing of the vehicle. Notice may be given by affixing the orange Notice of Towing Warning Sticker (Form L-9) to the windshield (or some other conspicuous place) of the vehicle and following the procedures in the TOA Code of Ordinances, Chapter 20, Article III for notification and removal.

- **EXCEPTION:** The registered owner or person entitled to possess the vehicle may choose to appeal the determination to have the vehicle removed from his/her property in accordance with TOA Code of Ordinance, Chapter 20, Article III, Section 20-36 (b). If an appeal is filed, the department is not authorized to have the vehicle removed until such appeal proceedings occur, and a determination is made.
6. Once a vehicle is removed from a property by the department, Support Services personnel, or others as designated by the Administrative Division Commander, will, within 24-hours (for vehicles registered in NC) or 72-hours (for vehicles registered out of state), send form F1313b - *Post-towing Notice and Right to Hearing* by registered or certified mail with a return receipt request to the vehicle owner. The notice will include:
    - Description of the vehicle
    - Location where the vehicle is stored
    - Violation
    - Procedures to have the vehicle returned
    - Procedures to request a probable cause hearing pursuant to TOA Code of Ordinance, Chapter 20, Article III, Section 20-40
  7. Vehicles that are towed by the department will be documented in the department's CAD system pursuant to Standard Operating Procedure C215 – *Non Public Safety Request*.

Text in "Green" denotes a significant change in policy

**BY ORDER OF:**



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John W. Letteney  
Chief of Police