

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING OF THE CODE OF JAMES CITY COUNTY BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL BY RENAMING AND AMENDING SECTION 24-37, KEEPING OF INOPERATIVE VEHICLES IN RESIDENTIAL OR COMMERCIAL DISTRICTS WITH NEW NAME KEEPING OF INOPERATIVE VEHICLES AND CERTAIN OVERSIZED VEHICLES IN AGRICULTURAL, RESIDENTIAL, OR COMMERCIAL DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, Section 24-37, Keeping of inoperative vehicles in residential or commercial districts.

Chapter 24. Zoning

Article II. Special Regulations

Division I. In General

Section 24-37. Keeping of inoperative vehicles and certain oversized vehicles in agricultural, residential, or commercial districts.

(a) Keeping of inoperative vehicles in certain zoning areas

- i. On any property zoned for residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An "inoperative motor vehicle" shall mean any motor vehicle: which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

Any person who fails to comply with this subsection shall be subject to penalties set forth in section 24-22 of this chapter.

- ii. On any property two acres in area or smaller and zoned for agricultural, residential or commercial purposes, it shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, any

motor vehicle, trailer or semitrailer, as such is defined in section 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperative vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers.

An “inoperative motor vehicle” shall mean any motor vehicle: which is not in operating condition; or does not display valid license plates; or does not display any inspection decal that is valid; or does display an inspection decal that has been expired for more than 60 days. This provision of this act shall not apply to a licensed business that is regularly engaged in business as automobile dealer, salvage dealer or scrap processor.

- iii. As used in this section, notwithstanding any other provision of law, general or special, “shielded or screened from view” means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- iv. The owners of property zoned for agricultural, residential or commercial purposes shall, at such time as the county or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the county, through its own agent or employees, may remove them. The county, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the county as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the county.

(b) Keeping certain oversized vehicles in residential areas.

On any property zoned for residential purposes, except on a farm, it shall be unlawful for any person, firm or corporation to keep any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, or any heavy construction equipment.

Exceptions. The provisions of this subsection shall not apply to any vehicle when it is associated with any approved permitted or specially permitted use in that particular zoning district or when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

These provisions shall not supersede or nullify any other restrictive covenants or other ordinance or article of the Code of the County of James City when dealing with the keeping of certain oversized vehicles.