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CHAPTER 74: ABANDONED VEHICLES

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GENERAL PROVISIONS

§74.01 SHORT TITLE.

This chapter shall be known and may be cited as the Abandoned Vehicle chapter.
(Ord. 94-1, passed 1-4-94)

§ 74.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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ABANDONED VEHICLE.

- (1) A vehicle located on public property illegally;
- (2) A vehicle left on public property continuously without being moved for three days;
- (3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
- (4) A vehicle that has remained on private property without the consent of the property owner or persons in control of the property for more than 48 hours;
- (5) A vehicle from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or inoperative and left on public property;
- (6) A vehicle that has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than this chapter if the vehicle, once impounded, is not claimed or redeemed by the owner or his agent within 20 days of the date of its removal; or
- (7) A vehicle that is at least three model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days.

AUTOMOBILE SCRAPYARD. A business organized for the purpose of scrap metal processing, automobile wrecking or operating a junkyard.

BUREAU. The State Bureau of Motor Vehicles.

FISCAL BODY. The Common Council of the city.

OFFICER. Shall include the following:

- (1) A regular member of the City Police Department.
- (2) A member of the City Police Department Reserve Department.
- (3) Any individual of the city designated by ordinance of the Common Council.

OWNER. The last known record title holder of a vehicle according to the records of the Bureau under IC 9-17-1-1 et seq.

PERSON. An individual, firm, corporation, association, fiduciary, or governmental entity.

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PRIVATE PROPERTY. All property other than public property.

PUBLIC AGENCY. The Board of Public Works and Safety of the city.

PUBLIC PROPERTY. A public right-of-way, street, highway, alley, sidewalk, park or other municipal property.

TOWING SERVICE. A business that engages in moving, removing, storing and impounding disabled vehicles.

VEHICLE. An automobile, motorcycle, truck, trailer, semitrailer, tractor, bus, school bus, recreational vehicle, camper or motorized bicycle.

VISIBLE FROM PUBLIC PROPERTY. A vehicle which can be seen from public property, and this includes vehicles which have been covered by an impermanent covering that allows the form or the outline of the vehicle to remain visible from public property. (Ord. 94-1, passed 1-4-94; Am. Ord. 98-4, passed 2-17-98)

§ 74.03 RESPONSIBILITY, LIABILITY OF VEHICLE OWNER.

The person who owns an abandoned vehicle or parts is responsible for the abandonment and liable for all of the costs incidental to the removal, storage and disposal of the vehicle or the parts under this chapter. (Ord. 94-1, passed 1-4-94)

§ 74.04 EXEMPTIONS.

This chapter does not apply to the following vehicles:

(A) A vehicle in operable condition specifically adapted or constructed for operation on privately-owned raceways.

(B) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(C) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility.

(D) A vehicle located upon property licensed or zoned as an automobile scrapyard.

(E) A vehicle registered and licensed under the appropriate state statute as an antique motor vehicle.

(Ord. 94-1, passed 1-4-94)

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§ 74.05 CHARGES FOR TOWING AND STORAGE OF ABANDONED VEHICLES.

The following schedule of charges is hereby adopted by the city for towing and storage of abandoned vehicles:

(A) Towing to one location within the city limits, \$75.

(B) Storage fees, \$25 per day.

(Ord. 94-1, passed 1-4-94; Am. Ord. 2002-29, passed 12-3-02)

§ 74.06 VEHICLES ABANDONED DURING SNOW EMERGENCIES.

Any vehicle found parked or stalled or incapable of moving on streets posted as snow emergency routes during a declared snow emergency shall be considered an abandoned vehicle, subject to removal under the provisions of this chapter.

(Ord. 94-1, passed 1-4-94) Penalty, see § 74.99

Cross-reference:

Authority to declare a snow emergency, see § 70.24

IMPOUNDMENT, REDEMPTION PROCEDURES

§ 74.10 AUTHORITY TO IMPOUND.

When an officer discovers a vehicle in the possession of a person other than the person who owns the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place.

(Ord. 94-1, passed 1-4-94)

§ 74.11 NOTICE TO STATE OF IMPOUNDMENT REQUIRED.

(A) The State Bureau of Motor Vehicles shall be notified within 72 hours of the location and description of a vehicle described in § 74.10 of this chapter.

(B) If the person who owns the vehicle cannot be determined by the State Bureau search, the Bureau shall declare the vehicle abandoned and disposal may then be provided for as set forth in this chapter.

(Ord. 94-1, passed 1-4-94)

§ 74.12 NOTICE TAG TO BE PLACED ON VEHICLE BY POLICE OFFICER.

(A) An officer who finds a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, officer's name, city and address and telephone number to contact for information.

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(2) That the vehicle or parts are considered abandoned.

(3) That the vehicle or parts will be removed after 72 hours.

(4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal, and if the costs are not paid, the person's registration privileges will be suspended on the vehicle.

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.

(B) If a vehicle or part tagged under division (A) above is not removed within the 72-hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on condition, missing parts and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

(Ord. 94-1, passed 1-4-94)

§ 74.13 RELEASE OF VEHICLE TO OWNER BEFORE FINAL DISPOSITION.

(A) If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released.

(B) A copy of the release of a vehicle or parts issued under division (A) above shall be sent to the State Bureau of Motor Vehicles. The release must state the name, signature and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, and date of release.

(C) If the person who owns or holds a lien under division (A) above does not appear and pay all costs, the Bureau shall declare the vehicle abandoned and may be provided for as set forth in this chapter.

(Ord. 94-1, passed 1-4-94)

§ 74.14 DISPOSITION OF UNCLAIMED VEHICLE.

(A) If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined under § 74.11(B) is less than \$500, the officer shall immediately dispose of the vehicle to an automobile scrapyards. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the State Bureau of Motor Vehicles. The city or towing agency disposing of the vehicle shall retain the original records and photographs for at least two years.

(B) If, in the opinion of the officer, the market value of the abandoned vehicle or parts determined under § 74.11(B) is at least \$500, the officer, before placing a notice tag on the

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vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After 72 hours, the officer shall require the vehicle or parts to be towed to a storage area.

C) If a vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle, the vehicle may be disposed of without notice.

(D) Abandoned vehicle report.

(1) Within 72 hours after removal of an abandoned vehicle to a storage area under this section, the city or towing agency shall prepare and forward to the State Bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- (a) The make.
- (b) The model.
- (c) The engine number, if any.
- (d) The identification number.
- (e) The number of the license plate.

(2) The city or towing agency shall request that the Bureau advise as to the name and most recent address of the person who owns or holds a lien on the vehicle. (Ord. 94-1, passed 1-4-94; Am. Ord. 98-4, passed 2-17-98)

§ 74.15 ABANDONED VEHICLE FUND.

(A) An Abandoned Vehicle Fund is hereby established as required under IC 9-22-1-30.

(B) The costs of removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle shall be paid from the Abandoned Vehicle Fund. The charge payable by the person who owns or holds a lien on a vehicle for towing, storing or removing an abandoned vehicle or parts may not exceed the limits established by ordinance of the city.

(C) The proceeds from the sale of abandoned vehicles or parts, including the charges for bills of sale, and money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles, shall be deposited with the City Clerk-Treasurer and placed by him or her in the Abandoned Vehicle Fund.

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(1) The costs incurred by any authorized towing agency in administering this chapter shall be paid from the Abandoned Vehicle Fund.

(2) The Common Council shall annually appropriate sufficient money to the Fund to carry out this chapter. Money remaining in the Fund at the end of a year remains in the Fund and does not revert to the General Fund.

(Ord. 94-1, passed 1-4-94)

§ 74.16 ADDITIONAL REGULATIONS MAY BE ENACTED BY CITY.

To facilitate the removal of abandoned vehicles or parts, the city may employ personnel; acquire equipment, property and facilities; and enter into towing contracts for the removal, storage and disposition of abandoned vehicles and parts. The Common Council may establish additional procedures, by ordinance, to carry out the provisions of this chapter.

(Ord. 94-1, passed 1-4-94)

§ 74.17 EXEMPTIONS FROM LIABILITY.

The following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage or disposition of a vehicle or parts under this chapter:

(A) A person who owns, leases or occupies property from which an abandoned vehicle or parts are removed.

(B) The city.

(C) An automobile scrapyard.

(Ord. 94-1, passed 1-4-94)

§ 74.18 ABANDONED VEHICLE ON PRIVATE OR RENTAL PROPERTIES.

The procedure to be followed for abandoned vehicles on private or rental properties shall be as set forth in IC 9-22-1-15 through 9-22-1-18.

(Ord. 94-1, passed 1-4-94) Penalty, see § 74.99

§ 74.99 PENALTY.

(A) Every person violating a provision of this chapter shall, upon conviction, be fined \$100 for the first offense in any calendar year, not less than \$200 for the second offense in any calendar year and not less than \$300 for all subsequent offenses in a calendar year, but no fine should exceed \$2,500.

(B) Each and every day a violation of any provision of Chapter 74 is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such.

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All fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

(C) Any person who fails to pay the fines and penalties provided for in this section shall be responsible for all fees and expenses incurred in collection of said fines, including attorney fees.

(Ord. 94-1, passed 1-4-94; Am. Ord. 2002-29, passed 12-3-02; Am. Ord. 2003-06, passed 4-15-03)