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CHAPTER 77: JUNK CARS

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Cross-reference:

Abandoned vehicles, see Chapter 74

§ 77.01 DEFINITION.

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

JUNK CAR.

(A) Any motor vehicle which:

- (1) Does not bear a currently valid and legal license plate;
- (2) Is not in a garage or other building;
- (3) Does not have the appearance of or contain all of the parts and accessories of the same make and model automobile when manufactured and assembled by the manufacturer.

(4) A garage or other building does not include a tarp, plastic sheeting or any other similar material or impermanent means that are used to cover a motor vehicle. A garage or other building as contemplated in this chapter is given its ordinary meaning.

(B) Any one or all of the above criteria may be used in making a determination that an automobile is a junk car.
(Ord. 94-2, passed 1-4-94)

§ 77.02 DECLARED TO BE PUBLIC NUISANCE.

Because of the danger to health from vermin, rodents and insects and to the safety of children attracted by junk cars, junk cars are declared to be nuisances except if located in lawfully

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operated junk yards, or yards lawfully operated for vehicles awaiting permission for junking from the Bureau of Motor Vehicles.
(Ord. 94-2, passed 1-4-94) Penalty, see ' 77.99

§ 77.03 AUTHORITY OF POLICE DEPARTMENT AND CODE ENFORCEMENT AND SAFETY OFFICE TO ORDER REMOVAL.

Any member of the Police Department and Code Enforcement and Safety Office and any of their agents or employees may order a junk car removed from any premises in the city within five days after service and posting as provided in this chapter.

(Ord. 94-2, passed 1-4-94; Am. Ord. 2003-23, passed 12-29-03)

§ 77.04 NOTICE TO OWNER.

(A) The order to remove the junk car shall be placed upon the junk car, and copies shall be served upon any adult occupying the real estate on which the junk car is located and upon the owner of the junk car, if known.

(B) If no occupant of the real estate or owner of the junk car can be found, a copy of the order affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate, and to the owner of the junk car.

(C) If there is no building on the real estate, the order may be affixed elsewhere on the real estate.

(Ord. 94-2, passed 1-4-94)

§ 77.05 DISPOSAL OF JUNK CARS.

(A) If the junk car is not removed within the time provided in ' 77.03, the Police Department may cause the motor vehicle to be removed at the expense of the owner of the real estate, which expense shall constitute a lien on the real estate by proceeding as follows:

(1) By issuing a removal order which shall be served as provided under § 77.04.

(2) Before entering the premises upon which the junk car is located, obtaining through the DeKalb Circuit Court or the DeKalb Superior Court, an administrative search warrant for the purposes of entering the premises and for the purpose of removing said junk vehicle. The Police Department must have reasonable cause to believe that a violation has occurred of this chapter before obtaining the administrative search warrant.

(3) Upon obtaining the administrative search warrant, the Police Department shall serve said search warrant as provided in § 77.04 before the removal of the junk car.

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(4) The search warrant shall also give the city and the Police Department the authority to remove said junk car and charge the costs of said removal to the owner, which costs shall also be a lien on the real estate.

(5) This procedure is adopted pursuant to I.C. 36-1-6-9 as from time to time amended or replaced and is meant to include the procedures therein.

(B) The Police Department may also cause the car to be removed and to be disposed of in the same manner as now provided by state law for the removal and disposal of abandoned vehicles.

(B) In the event the Police Department removes the motor vehicle at the expense of the owner and the expense constitutes a lien on the real estate, the Police Department may, nevertheless, utilize funds contained in the city's Abandoned Vehicle Fund, but must deposit into that Fund all proceeds from the sale of the junk car or parts thereof.

(Ord. 94-2, passed 1-4-94; Am. Ord. 2003-22, passed 12-29-03)

§ 77.99 PENALTY.

Every person violating any provisions of this chapter shall be fined \$50 per day per violation for the first offense in a calendar year, \$100 per day per violation for a second offense in any calendar year, and \$150 per day per violation for all subsequent violations in a calendar year. Each and every day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such. All fines shall be payable to the Ordinance Violations Bureau located in the Office of the City Clerk.

(Ord. 2002-29, passed 12-3-02)