

ORDINANCE NO. 1997-10
WRECKED, JUNK OR ABANDONED VEHICLES

WHEREAS, the Millersburg Town Council desires to promote the beautification of the town and the protection of the health, welfare, and safety of its residents and others; and

WHEREAS, the Town Council declares it to be dangerous and injurious to health, welfare, and safety for vehicles to be parked or left unattended and abandoned on public or private property, especially those causing potential traffic hazards; and

WHEREAS, the Millersburg Town Council declares abandoned and junk vehicles to be a nuisance and inimical to the goal of beautifying the town.

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED AND ORDAINED by the Town Council of the Town of Millersburg, Indiana as follows:

Section

- 1 - Definitions
- 2 - Abandonment prohibited
- 3 - Procedure for removal and disposal of abandoned vehicles
- 4 - Vehicle abandoned on rental property
- 5 - Abandoned vehicle report
- 6 - Bureau procedures
- 7 - Liability
- 8 - Penalty
- 9 - Effective date

§ 1 DEFINITIONS.

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

"ABANDONED VEHICLE"

- (1) Any vehicle located on public property illegally;

(2) Any vehicle which has been left on any public property without being moved for a period of three days or more;

(3) Any 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) Any vehicle that has remained on private property for more than 48 hours without the consent of the owner or person in control of such property;

(5) Any vehicle from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or inoperable, and left on public property;

(6) Any vehicle which has been removed by a towing or wrecker service or a public agency upon the request or order of a police officer enforcing a statute or ordinance if the impounded vehicle is not claimed or redeemed by the owner or his agent within 15 days of its removal;

(7) Any vehicle that is six or more model years old and mechanically inoperable, and is left continuously on private property in a location visible from public property for more than 30 days;

(8) This definition and ordinance do not apply to a vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways; a vehicle stored as the property of a member of the United States Armed Forces who is on active duty assignment; any vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility; any vehicle located

upon property licensed or zoned as an automobile scrapyards; any vehicle properly registered and licensed as an antique vehicle; or any vehicle housed in a garage or other building or within a fenced area which blocks the vehicle from public view.

"GARAGE OR OTHER BUILDING."

As contemplated by this chapter, these words shall be given their ordinary meaning, but shall also be defined so as not to include a tarp, plastic sheeting or any other similar material or impermanent means that are used to cover a vehicle.

"OFFICER" or "POLICE OFFICER."

A sworn member of any law enforcement agency or police department having jurisdiction to enforce this chapter and possessing police powers within the corporate limits of the town.

"OWNER."

The last known record titleholder of a vehicle according to the records of the State Bureau of Motor Vehicles.

"PARTS."

All components of a vehicle that as assembled do not constitute a complete vehicle.

"PRIVATE PROPERTY."

Any real property located within the corporate limits of the town which is not a public street or highway or other public property, that is owned by a private person.

"PUBLIC PROPERTY."

A public right-of-way, street, highway, alley, park, or other state, county or municipal property.

"REMOVAL AND IMPOUNDMENT."

The taking of any vehicle considered to be abandoned in violation of this ordinance by a police officer from its location by a duly-authorized towing or wrecker service to a storage facility either owned by the town or the wrecker or towing service on the request or orders of the officer, and the storage of the vehicle until it is claimed or otherwise disposed of pursuant to this chapter.

"STREET OR HIGHWAY."

The entire width of any public way or property which has been dedicated as a public street, highway, or alley that is publicly maintained as such and is open for use by the public for the purpose of vehicular travel within the corporate limits of the town.

"VEHICLE."

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

§ 2 ABANDONMENT PROHIBITED.

It shall be unlawful for any person to abandon any vehicle on any public street or highway, other public property, or private property in violation of this chapter. Any person observing any such violation should notify the Town Police Department to report it and the location thereof.

§ 3 PROCEDURE FOR REMOVAL AND DISPOSAL OF ABANDONED VEHICLES.

The removal and disposal of abandoned vehicles pursuant to

this chapter shall be in accordance with Indiana Code 9-22-1 depending upon the value assessed to the vehicle.

(A) When an officer observes a vehicle or vehicle parts which appear to be abandoned, he shall securely attach to the windshield or other conspicuous place thereon a notice tag containing the following information:

(1) The date, time, officer's name, name and address of the law enforcement agency of which the officer is a member, and the address and telephone number to contact for information;

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

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

(4) That the owner will be held responsible for all costs incidental to the removal, storage, and disposal;

(5) That the owner may avoid these costs by removal of the vehicle or parts within 72 hours.

In addition, a substantially similar notice shall be served upon any adult occupying the real estate on which the vehicle is located and upon the owner of the vehicle if such owner can be found. A notice affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate. If the real estate is private property and there is no building on the private property, the notice may be affixed at any prominent place on the real estate.

(B) If the tagged vehicle or parts is not moved within 72 hours from the issuance of the notice, the officer shall complete

the "Police Officer Report (On Abandoned/Impounded Vehicles)" adopted by the Bureau of Motor Vehicles, including information on the condition, missing parts, and other facts to substantiate the estimated market value. Photographs shall be taken showing the condition of the vehicle or parts.

(C) If in the opinion of the officer the market value of the vehicle or parts is less than \$100, the officer shall immediately dispose of the vehicle or parts to an automobile scrapyard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle or parts shall be forwarded to the Bureau of Motor Vehicles. The original records and photographs of the vehicle or parts shall be retained for a period of at least two years.

(D) If in the opinion of the officer the market value of the vehicle or parts is at least \$100, the officer shall, before placing a notice tag on the vehicle or parts, make a reasonable effort to ascertain the person who owns or is in control of the vehicle or parts and directly notify them to remove the vehicle or parts. After notifying the person who owns the vehicle or parts, or if the officer is unable to do so despite reasonable efforts, the officer shall then affix to the vehicle or parts the notice tag required by paragraph (A). If the vehicle or parts are not removed within 72 hours thereafter, the officer shall require the vehicle or parts to be towed to a storage area.

(E) In determining whether the vehicle is valued at less than \$100 or at \$100 or more, the officer shall use the following

criteria plus guidelines adopted by the Bureau of Motor Vehicles.

(1) An abandoned vehicle should be valued at less than \$100 if:

(a) It is ten or more model years old and has extensive deterioration to the interior or exterior;

(b) It appears to be inoperable because of faulty or missing major parts;

(c) It is five model years old or older and has been extensively destroyed by fire, explosion, vandalism, or other causes (excluding traffic accidents), and is inoperable.

(2) All other vehicles should be valued at \$100 or more.

(3) Vehicles in demand by collectors or auto rebuilders (e.g. 1957 Chevrolet, 1965 Mustang) should be valued over \$100.

(F) Before the owner or lienholder of an impounded abandoned vehicle may redeem it from the storage facility, that person must appear at the office of the Clerk-Treasurer to pay the appropriate penalty, plus \$10.00 as processing costs, in order to obtain a release of the vehicle by the town. The owner or lienholder shall then appear at the storage facility to obtain release of the vehicle, pay all costs incident to the tow and storage, and receive a release from the storage facility. A copy of that release must be forwarded to the Bureau of Motor Vehicles by the storage facility.

§ 4 VEHICLE ABANDONED ON RENTAL PROPERTY.

A person who finds a vehicle believed to be abandoned on the person's rental property shall do the following:

(A) Attach in a prominent place a notice tag containing the following information:

(1) The date, time, name, and address of the person who owns the rental property and a telephone number to contact for information;

(2) That the vehicle is considered abandoned;

(3) That the vehicle will be removed after 72 hours;

(4) That the person who owns the vehicle will be responsible for all costs incidental to the removal, storage, and disposal of the vehicle; and

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

(B) If the vehicle is not removed after 72 hours, the person who owns the rental property may have the vehicle towed from the property. The towing operator shall:

(1) Contact the Bureau to obtain the name and address of the person who owns the vehicle; and

(2) Deliver, by certified mail, a copy of the information required in the notice under Section 8(A) to the person who owns the vehicle within five business days after the vehicle is removed.

§ 5 ABANDONED VEHICLE REPORT.

Within 72 hours after removal of an abandoned vehicle to a storage area, the officer or storage area shall prepare and forward to the Bureau of Motor Vehicles 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 identification number; and
- (D) The number of the license plate.

The officer or storage lot shall request that the Bureau advise the officer or storage lot of the name and most recent address of the person who owns or holds a lien on the vehicle.

§ 6 BUREAU PROCEDURES.

The Bureau of Motor Vehicles shall be responsible for conducting a search to determine the names and addresses of the owner of the vehicle or parts and any lienholder of record. The Bureau shall be further responsible for notification of such owner and lienholder and for the sale of the vehicle in compliance with the provisions of Indiana Code 9-22-1.

§ 7 LIABILITY.

Neither the owner, lessee or occupant of the property from which an abandoned vehicle or parts are removed, nor the Town of Millersburg, its officers, agents, employees, duly-contracted towing service, or automobile scrapyard is liable for loss or damage to any vehicle or parts occurring during its removal, storage and disposition pursuant to this ordinance.

§ 8 PENALTY.

Any person violating the provisions of this ordinance shall be subject to a penalty of \$25.00 payable to the Clerk-Treasurer, and any vehicle parked or left standing as an abandoned vehicle or

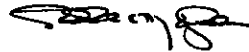
parts in violation of this ordinance shall be subject to being removed, towed and stored at the owner's expense. If said penalty has not been paid within 15 days after the date of removal of the vehicle, the penalty shall then be \$50.00. If the penalty has not been paid within 30 days after the date of removal, the owner shall become subject to a penalty of \$500.00.

§ 9 EFFECTIVE DATE.

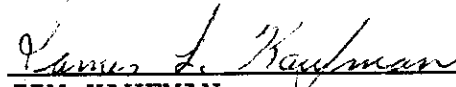
This Ordinance shall be effective from and after its passage by the Town Council and publication according to law.

ADOPTED, ESTABLISHED AND ORDAINED this 19th day of May, 1997.

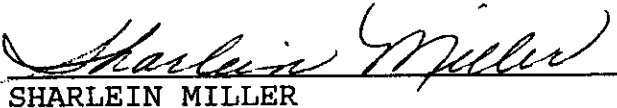
TOWN COUNCIL OF THE TOWN OF
MILLERSBURG, INDIANA



ROBERT MAJDAK, PRESIDENT

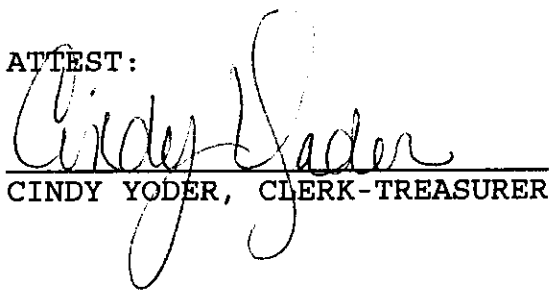


JIM KAUFMAN



SHARLEIN MILLER

ATTEST:



CINDY YODER, CLERK-TREASURER