

## CHAPTER 58 -- ABANDONED VEHICLES

58.01.

### Abandoned Vehicles

Nuisance declared; public agency designated; revolving fund established.

1. Abandoned vehicles are detrimental to the health and safety of the general public and are declared to be a public nuisance and a health and safety hazard.
2. The Walkerton Town Council shall be the public agency responsible for the removal, storage and disposal of abandoned vehicles. The Council shall act through the Code Enforcement Office and may employ personnel and acquire equipment, property and facilities and enter into contracts as necessary for the purpose of removal, storage and disposition of abandoned vehicles.
3. An "Abandoned Vehicle Department" within the general fund is created into which all proceeds from the sale of abandoned vehicles, and the handling expenses recovered shall be placed. The Town Council shall annually appropriate sufficient tax monies to said department.
4. I.C. 9-22-1-1 et seq, the "Abandoned, Salvaged and Scrap Vehicles chapter, as promulgated by the Indiana State Legislature, is made a part of this article and shall govern all areas not specifically addressed herein.

### Definitions

For the purpose of this article the following terms shall have the following meanings:

1. Abandoned vehicles means any of the following:
  - A. A vehicle located on public property illegally;
  - B. 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;

- C. A vehicle that has remained on private property without the consent of the owner or person in control of that property, for more than forty-eight (48) hours;
  - D. A 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;
  - E. 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 article, if the vehicle once impounded is not claimed or redeemed by the owner or his agent within fifteen (15) days of its removal; or
  - F. A vehicle which is six (6) or more model years old and mechanically inoperable and is left on private property continuously in a location visible from public property for more than twenty-one (21) days.
2. Automobile scrapyard means a business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.
  3. Bureau refers to the Bureau of Motor Vehicles.
  4. Fiscal body means the Town Council of the Town of Walkerton, Indiana.
  5. Officer means a regular member of the Walkerton Police Department and the Code Enforcement Officer.
  6. Owner means the last known record title holder of a vehicle, according to the records of the Bureau.
  7. Person means an individual, firm, corporation, association, fiduciary or government entity.
  8. Private property means all property other than public property.

9. Public agency means the Walkerton Town Council.
10. Public property means a public right-of-way, highway, alley, sidewalk, park or other municipal property.
11. Towing service means a business that engages in moving, removing, storing and impounding disable vehicles.
12. Vehicles refers to an automobile, motorcycle, trailer, semitrailer, tractor, bus, school bus, recreational vehicle or motorized bicycle.
13. Visible from public property means that a vehicle can be seen from public property and includes vehicles which have been covered by a temporary covering that allows the form and outline of the vehicle to remain visible from public property.

Procedure for notice, removal and disposal of abandoned vehicles; fees

1. No person shall abandon a vehicle on any public or private property without the permission of the person having the right to possession or control of the property upon which the vehicle is left.
2. The owner of the abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage and disposal of same.
3. If, in the opinion of the officer, the market value of an abandoned vehicle is Five Hundred Dollars (\$500.00) or less, the officer shall attach thereto in a prominent place a notice tag containing the following information:
  - A. The date, time, officer's name, public agency and address and telephone number to contact for information.
  - B. The vehicle is considered abandoned.

- C. The vehicle will be removed after seventy-two (72) hours.
  - D. The owner will be held responsible for all costs incidental to the removal, storage and disposal.
  - E. The owner may avoid costs by removal of the vehicle within seventy-two (72) hours.
4. If the tagged vehicle which, in the opinion of the officer, has a market value of less than Five Hundred Dollars (\$500.00), is not removed within seventy-two (72) hours the officer shall:
- A. Prepare a written abandoned vehicle report of the vehicle including information on the condition, missing parts, and other facts that substantiate that the market value is less than Five Hundred Dollars (\$500.00).
  - B. Take photographs to illustrate the condition of the vehicle.
  - C. Immediately remove the vehicle to an automobile storage area or scrapyard.
  - D. Within seventy-two (72) hours after removal or disposal of the vehicle, the Department of Code Enforcement shall forward a copy of the abandoned vehicle report and photograph relating to same to the Bureau of Motor Vehicles and shall retain the original records and photographs for at least two (2) years.
5. If, in the opinion of the officer, the market value of an abandoned vehicle is Five Hundred Dollars (\$500.00) or more, the officer shall make reasonable effort to ascertain the owner or person who may be in control of the vehicle by inquiry of other persons in the neighborhood. Thereafter, the officer shall attach to the vehicle in a prominent place a notice tag containing the following information:
- A. The date, time, officer's name, public agency and address and telephone number to contact for information.

- B. The vehicle is considered abandoned.
  - C. The vehicle will be removed after seventy-two (72) hours.
  - D. The owner will be held responsible for all costs incidental to the removal, storage and disposal.
  - E. The owner may avoid costs by removal of the vehicle within seventy-two (72) hours.
6. If the tagged vehicle which, in the opinion of the officer, has a market value of Five Hundred Dollars (\$500.00) or more is not removed within the seventy-two (72) hours period, the officer shall:
- A. Take photographs to illustrate the condition of the vehicle and shall require the vehicle to be towed to a storage area.
  - B. Within seventy-two (72) hours after the removal of an abandoned vehicle to a storage area, the Department of Code Enforcement shall prepare and forward to the Bureau an abandoned vehicle report, including the make, model, engine number if any, identification number, and number of the license plate, and request that the Bureau advise the Department of Code Enforcement of the name and most recent mailing address of the owner and of any lien holder.
  - C. Upon receipt of the requested information from the Bureau, the Department of Code Enforcement shall advise the owner or any lien holder that the vehicle has been impounded at a certain location and must be removed within fifteen (15) days of the date of the mailing the notice, and advising that the vehicle will be disposed of after that time. The notice should also advise that all costs incurred in removing and storing the vehicle are the owner's legal responsibility, and a detailed list of costs incurred to date and anticipated costs shall be included.

- D. If the owner or lien holder appears prior to the disposal of the vehicle and pays all costs incurred, he shall then be entitled to the return of the vehicle. If the owner or lien holder does not appear in fifteen (15) days after the mailing of notice, the Walkerton Town Council shall sell the vehicle to the highest bidder at a public sale conducted after notice under I.C. 5-3-1, except only one (1) newspaper insertion one (1) week before the public sale is required.
  - E. If the vehicle is in such condition that the vehicle identification numbers or other means of identification are not available to determine the owner of record with the Bureau, the vehicle may be disposed of without notice.
  - F. The purchaser shall be furnished a bill of sale for each abandoned vehicle sold by the Town of Walkerton.
7. Fees: In accordance with this article the owner shall be charged a fee for the towing and storage of his vehicle. The fee for towing vehicles pursuant to this section shall be Seventy Dollars (\$70.00). The fee for storage of vehicles pursuant to this section shall be Ten Dollars (\$10.00) per day. The cost for removal and storage of an abandoned vehicle not claimed by the owner or lien holder shall be paid from the abandoned vehicle fund. The charges fixed by the Town for towing and storage of abandoned vehicles shall be filed with the Bureau. Proceeds of sale of an abandoned vehicle shall be credited against the cost incidental to the removal, storage and disposal of the vehicle. All proceeds from the sale of an abandoned vehicle, including charges for bill of sale, and all monies received from owners or lienholders for the cost of removal or storage of vehicles, shall be deposited with the Walkerton Clerk/Treasurer and placed in the abandoned vehicle fund. All costs incurred in the administering of this article shall be paid from the abandoned vehicle fund.
8. Upon complaint of a private property owner or person in control of the property upon which vehicle has been

left for more than forty-eight (48) hours without the consent of the owner or person in control, an officer shall follow the procedure set forth in this article for removal of said vehicle.

9. Neither the owner, lessee or occupant of the property from which an abandoned vehicle is removed, or any public agency, towing service or automobile scrapyard, is liable for any damage to the vehicle occurring during its removal, storage or disposition.

#### Exceptions

This article does not apply to the following vehicles:

1. A vehicle in operable condition specifically adopted or constructed for operations on privately owned raceways;
2. A vehicle stored as the property of a members of the armed forces of the United States who is on active duty assignment;
3. A vehicle located on a vehicle sales lot or at a commercial vehicle servicing facility;
4. A vehicle located upon property licensed or zoned as an automobile scrapyard; or
5. A vehicle registered and licensed under I.C. 9-18-12 as an antique motor vehicle.