

## CHAPTER 72 - JUNK CARS

72.01. Definitions. As used in this Chapter unless the context otherwise indicates:

1. "Vehicle" means any motor vehicle, automobile, motorcycle, truck, trailer, semi-trailer, truck tractor, bus, school bus, house car or motor bicycle or any portion thereof.
2. "Abandoned" when used in conjunction with the term vehicle, means:
  - A. Any vehicle located on public premises which does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate permitting its operation upon the highways of the State of Indiana.
  - B. Any vehicle which is parked or located on public premises continuously without being moved for a period of seven (7) days, except before the legal or temporary residence of the owner.
  - C. Any vehicle parked or located on public premises illegally or in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.
  - D. Any vehicle that is over five (5) years old and mechanically inoperable, and is left unattended on private premises in a location which is visible from public premises for more than thirty (30) days.
  - E. Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises for more than forty-eight (48) hours.
  - F. Any vehicle from which there has been removed the engine or transmission or

differential or which is otherwise partially dismantled or inoperable and left unattended on private premises in a location visible from public premises or left unattended on public premises.

3. "Public Premises" means any public right-of-way, street highway, alley, park or other state, county or municipally owned property.
4. "Private Premises" means all privately owned property which is not classified within the definition of public premises.
5. "Person" means all natural persons, firms, partnerships and corporations excluding officer as defined in Section 72.02.
6. "Officer" means any regular member of the Indiana State Police, any regular member of a city or town Police Department, any Town Marshal or Town Marshal Deputy, or any regular member of the County Sheriff's Department.
7. "Bureau" shall mean the Bureau of Motor Vehicles of the State of Indiana.
8. "Owner" means the last known record title holder to a vehicle according to the records of the bureau under the provisions of I.C. 1971, 9-1-1 (47-2402 to 47-2410).
9. "Public agency" means the department of local government which is denominated the local responsibility for removal, storage, and disposal of abandoned vehicles by ordinance of the common council, Town Council or County Commissioners.
10. "Disposal Agent" means any firm or individual engaged in the business of converting vehicles and parts of vehicles into processed scrap or scrap metal.
11. "Commissioner" means the commissioner of the bureau.

12. "Parts" means all component parts of a vehicle which are in a state of disassembly or are assembled with other vehicle component parts, but which, in their state of assembly do not constitute a complete vehicle.

72.02. Prohibition. No person shall abandon his vehicle on any public premises or private premises in a location which is visible from public premises.

72.03. Removal. The Police Department of the Town of Walkerton is the authorized agency assigned the responsibility for removing vehicles defined as abandoned under the provisions of this Chapter and of the Public Law 86 of 1972.

1. Any vehicle which under the standards established by Public Law 86 of 1972 has an appraised value of less than \$200 shall be subject to removal, impoundment and sale by the public agency. After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other persons in the neighborhood where the abandoned vehicle is located, such vehicles shall be tagged by a police officer with a notice tag affixed in a prominent place on such vehicle and said tag which shall be prepared by the police department shall contain the following information:

A. That the vehicle or parts are considered abandoned.

B. That the vehicle or parts will be removed seven (7) days thereafter, impounded and subsequently disposed of.

C. That the owner will be held responsible for all costs incidental to the removal, storage and disposal, and if not paid, the owner's registration privileges may be suspended.

D. That the owner may avoid costs or suspension of registration privileges by removal of the vehicle or parts within seven (7) days.

- E. The date, officer's name and the address and telephone number of the public agency to contact for information.

No impounded vehicle shall be sold by the public agency prior to the expiration of fifteen (15) days from the date the public agency mails a written notice to the owner advising him that his vehicle has been impounded and must be removed from the impounding facility by the owner within fifteen (15) days of the date of mailing the notice or the public agency will proceed to dispose of the vehicle by sale to a disposal agent.

72.04.

Disposal. Within five (5) days after removal of an abandoned vehicle to a storage area, the vehicle shall be appraised by an appraisal board which shall be composed of such persons appointed by the Town Council. Such appraisal board may in its discretion authorize a contract with private firms or individuals, on an annual basis, to perform the function of appraising all abandoned vehicles which have been removed pursuant to this ordinance. Such contract shall be approved and executed by the President of the Town Council.

1. The final disposal of vehicles valued at either over Two Hundred Dollars (\$200) or under Two Hundred Dollars (\$200) shall be in accordance with the provisions of Public Law 86 of 1972 General Assembly, I.C. 1971, 9-9-1-1 through 9-9-1-20 as amended, which statute shall be appended hereto and made a part of this code.
2. Limitation on Cost and Repayment to Owner of Excess of Proceeds of Sale Over All Costs Incident to Removal. In no event shall the owner of the motor vehicle be charged for towing or removing the vehicle a sum in excess of Forty-five Dollars (\$45.00), nor shall the cost of storage exceed the sum of Seven Dollars and fifty cents (\$7.50) per day. The storage charge shall be limited to the actual number of days of storage not to exceed fifteen (15) days.

If the proceeds of sale exceed all costs incident to removal, storage and disposal of such vehicle, the chief fiscal officer of such town shall repay such excess to the owner upon his

demand from the Junk Vehicle Removal Fund established under Section 72.05.

72.05. Junk Vehicle Removal Fund. All monies paid to the Town for the cost of removal, storage, and disposal of abandoned vehicles shall be placed in the garden fund. The Town Council shall appropriate money as needed to remove and dispose of junk cars.

72.06. Penalties. Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class C Infraction and upon conviction thereunder shall be fined not exceeding Five Hundred Dollars (\$500.00). Each day violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.