

**ORDINANCE 2003-1**

An Ordinance to enforce the identification, removal, storage, and disposal of abandoned, salvaged, or scrap vehicles and/or their parts for areas within the Town of Stinesville.

**WHEREAS**, Indiana Code 9-22 et seq authorizes the Town of Stinesville to adopt an ordinance for the purposes of enforcing the identification, removal, storage and disposal of abandoned, salvaged or scrap vehicles and/or their parts; and

**WHEREAS**, the Town Board gave public notice in accordance with Indiana Code IC 5-3-1, of its intention to consider adoption of said ordinance: and

**WHEREAS**, the Town Board accepted public comment on the ordinance during its July 1, 2003 meeting; and

**WHEREAS**, the Town Board finds that the adoption of the ordinance would advance the health, safety, morals, convenience, order, and general welfare to the citizens of the Town of Stinesville, Indiana.

**NOW, THEREFORE**, be it resolved by the Town Board as follows:

Section 1. The Board hereby approves and adopts the ordinance as attached and identified as "Exhibit A".

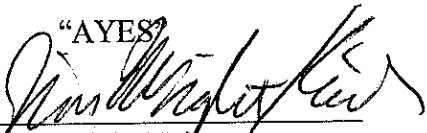
Section 2. The provisions of this ordinance are separable. If any part or provision of this ordinance or the application thereof to any persons or circumstances is adjudged invalid by a court of competent jurisdiction on procedural or any other grounds, such judgment shall be confined in its operation to the part, provision, procedure or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the applications thereof to other persons or circumstances. The Board hereby declares that it would have enacted the remainder of this ordinance even without any such part, provision, procedure, or application.

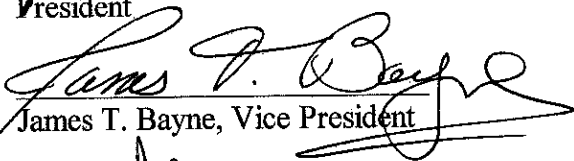
Section 3. This ordinance shall be effective upon its adoption and shall apply in the manner set forth in Section 1 of this ordinance.


**SO RESOLVED**, by the Town Board of the Town of Stinesville, Indiana, this 3 day of September, 2003

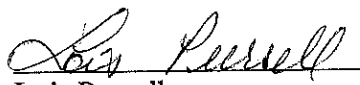
STINESVILLE TOWN BOARD

"AYES"

  
James Wright-Kaiser,  
President

  
James T. Bayne, Vice President

  
Lisa Meuser, Member

ATTEST:   
Lois Pursell,  
Town Clerk

"NAYS"

\_\_\_\_\_  
James Wright-Kaiser,  
President

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James T. Bayne, Vice President

## EXHIBIT A

### Abandoned, Salvaged, and Vehicles and/or Parts Ordinance

#### Section 100. Title

These regulations and all ordinances and regulations supplemental or amendatory thereto, shall be known and may be cited as the "Town of Stinesville Abandoned Vehicle Ordinance" and are generally referred to her in as the "Abandoned Vehicle Ordinance", "this ordinance", "the ordinance", or "these regulations".

#### Section 200. Purpose

These regulations are hereby adopted in order to:

- A. Promote the public health, safety, morals, comfort, convenience, order, and general welfare of the Town;
- B. Protect the character and stability of residential, institutional, business, industrial, and natural areas;
- C. Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of these regulations; and,
- D. Further such other purposes as are stated hereinafter within specific provisions of these regulations.

The ordinance shall be interpreted, administered and enforced in a manner that is consistent with the foregoing purposes.

#### Section 300. Authority and Jurisdiction

These regulations, enacted pursuant to Indiana Code 9-22 et seq., as amended and pursuant to all other applicable authorities and provisions of Indiana statutory and common law, shall apply to all land within the Town Jurisdictional Area.

#### Section 400. Interpretation, Conflict, and Separability

- A. In their interpretation and applications, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

- B. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where the conditions imposed by, or pursuant to, these regulations are different from those imposed by any other provision of law, the provisions which are more restrictive and which impose the higher greater standards shall control.
- C. Private covenants, restrictions, and/or agreement, whether by deed or other instrument, which impose any requirements or standards different than those established under this ordinance, shall not be construed to modify the provisions of this ordinance or impose any enforcement obligations hereunder upon the Board, the Board's staff or other designated parties.
- D. The provisions of this ordinance are separable. If any part or provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provisions, or application.

Section 500. Computation of Time

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day of the specified period of time. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. When the period of time prescribed is less than (7) days, intermediate Saturdays, Sunday, and legal holidays shall be excluded.

Section 600. Notices

For the purposes of this ordinance, if written notice is required to be given to any person, such requirement shall be considered satisfied as of the date of deposit of the written notice in the United States mail, postage pre-paid, addressed to the person or agent thereof, at his last known address or principal place of delivery.

Section 700. Applicability

This ordinance or does not apply to the following:

- 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.
- D. A vehicle located upon property licensed or zoned as automobile scrap yard.
- E. A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

Section 800. Definitions

As used in this ordinance the following items shall be defined as follows:

- A. **Abandoned Vehicle** means the following:
  - 1. A vehicle located on public property illegally.
  - 2. A vehicle left on public property without being moved for three (3) 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 vehicular traffic on a public right of way.
  - 4. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
  - 5. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.
  - 6. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.
- B. **Automobile scrap yard** means a business organized for the purpose of scrap metal processing automobile, or operating a junkyard in compliance with all applicable local, state, and federal licenses and regulations.
- C. **Bureau** means the Bureau of Motor Vehicles.
- D. **Dealer** means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana. A dealer must have an established place of business that meets the minimum standards prescribed by the

bureau under the rules adopted under Indiana Code 4-22-2, unless otherwise excluded by Indiana Code 9-13-2-42.

- E. **Fiscal body** means the Town Board.
- F. **Local Authorities** means the Town Board, their officers, and any others so designated by the Town Board.
- G. **Officer** means the following:
  - 1. A regular member of the state police department
  - 2. A town marshal or town marshal deputy
  - 3. A regular member of the county police force
  - 4. An individual of an agency designated by ordinance of the fiscal body.
- H. **Owner** means, except as otherwise provided in this section, when used in reference to a motor vehicle:
  - 1. A person who holds the legal title of a motor vehicle
  - 2. A person renting or leasing a motor vehicle and having exclusive use of the motor vehicle for more than thirty (30) days; or
  - 3. If the motor vehicle is the subject of an agreement for the conditional sale or lease vested in the conditional vendee or lessee, or in the event the mortgagor, with the right of possession of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor.
- I. **Parts** means all components of a vehicle that as assembled do not constitute a complete vehicle.
- J. **Private property** means all property other than public property.
- K. **Public property** means a public right of way, street, highway, alley, park, or other state, county or municipal property.
- L. **Vehicle** means, an automobile, a motorcycle, a truck, a trailer, a semi-trailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle, excluding electric personal assistive mobility devices or farm machinery.

Section 900. Responsibility and liability of owner of abandoned vehicle or parts

The person who owns an abandoned vehicle or parts is responsible for the abandonment and liable for all the costs incidental to the removal, storage, and disposal of the vehicle or the parts associated with the enforcement of this ordinance.

Section 1000. Inability to determine ownership; declaring vehicle abandoned

If the person who owns a vehicle cannot be determined by a search conducted within the guidelines of this ordinance, the officer may declare the vehicle abandoned and provide for disposal in accordance with this ordinance.

Section 1100. Identification of abandoned vehicle or parts

An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach, 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. That the vehicle or parts will be considered abandoned.
- C. That the vehicle or parts will be removed after seventy-two (72) hours.
- D. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- E. That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within seventy-two (72) hours.

Section 1150. Identification of abandoned vehicles and parts—private property, including rentals

A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, after at least 48 hours, may either:

- A. Obtain assistance from an officer as shown above in Section 1100, or
- B. Personally arrange for the removal of the vehicle by complying with the following procedure:
  - 1. If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag containing the information listed in Section 1100, parts A-E, or
  - 2. If, after seventy-two (72) hours, the person who owns a vehicle which is believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. The towing operator shall then do the following:
    - a. Notify the bureau that the abandoned vehicle is in the possession of the towing operator and request the name and address of the person who owns the vehicle, and
    - b. Deliver, by certified mail, a copy of the information contained in the notice required under section 1100, Parts A-E, to the person who owns the

vehicle. The notice required by this section must be given not later than five (5) business days after the vehicle is removed.

Notwithstanding the above procedures, in an emergency situation, a vehicle may be removed immediately. As used in this section, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property, poses a threat to the safety or security of persons or property or both.

#### Section 1200. Officer's abandoned vehicle report and photographs

If a vehicle or a part tagged under Section 1100 of this ordinance is not removed within the seventy-two (72) hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the 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.

#### Section 1300. Disposal of Vehicle or parts; retention of records and photographs

If in the opinion of the officer, the market value of an abandoned vehicle or parts determined under Section 1200 of this ordinance is less than one hundred dollars (\$100), the officer shall immediately dispose of the vehicle to an automobile scrap yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. The public agency disposing of the vehicle shall retain the original records and photographs for at least two (2) years.

#### Section 1400. Duties of tagging officer; towing and storage of vehicle or parts

If in the opinion of the officer, the market value of the abandoned vehicle is at least one hundred dollars (\$100), the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the persons who owns the vehicle or parts or who may be in control of the vehicle or parts. After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage area.

#### Section 1500. Abandoned vehicle report; description and information; name and address of owner and lien holder

Within seventy-two (72) hours after removal of an abandoned vehicle to a storage area, the public agency or storage lot shall prepare and forward to the 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 identification number
- D. The number of the license plate

The public agency or storage lot shall request that the bureau advise the public agency or storage lot of the name and most recent address of the person who owns or holds a lien on the vehicle and that the applicable provisions of Indiana Code 9-22-1-20, as amended be completed by the bureau. Upon receipt of the name of the owner or lien holder, a letter shall be forwarded to the same indicating that the vehicle or parts have been impounded at a specified location and must be removed within twenty (20) days after the date of mailing of the notice and that the vehicle or parts will be disposed of after that time. The notice shall also advise the owner or lien holder of the vehicle that all costs incurred in removing and storing the vehicle or parts are the person's legal responsibilities.

Section 1600. Means of vehicle identification not available; disposal without notice

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.

Section 1700. Payment of removal, storage and disposition costs; cost limits

The costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds lien on a vehicle shall be paid from the abandoned vehicles account established by the fiscal body. 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 this ordinance.

Section 1800. Applicable charges

The following charges are authorized for the towing, storage, and disposal of abandoned vehicles or parts:

- A. Towing \$95.00
- B. Storage \$35.00 a day
- C. Disposal \$25.00 each

Section 1900. Public agencies, property, and towing contracts

To facilitate the removal of abandoned vehicles or parts, the Town Board may designate officers, employ personnel, acquire equipment, property and facilities, and enter into towing contracts for the removal, storage, and disposition of abandoned vehicles and parts, subject to appropriate

Section 2000. Liability for loss or damage to vehicle or vehicle parts

Consistent with Indiana Code 9-22-1-32, as amended, 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 the provisions of this ordinance:

- A. A person who owns, leases, or occupies property from which an abandoned vehicle or parts are removed.
- B. A public agency.
- C. A towing service.
- D. An automobile scrap yard.