

## CHAPTER 95: ABANDONED, SALVAGED, AND SCRAP VEHICLES

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### § 95.01 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) A vehicle located on public property illegally;
- (2) A vehicle left on public property continuously without being moved for 3 days;
- (3) A vehicle located on public property in a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
- (4) A vehicle that has been removed by a towing service or an agency upon request of an officer enforcing this chapter or other statute, if the vehicle once impounded is not claimed or redeemed by the owner or his or her agent within 15 days of its removal; or
- (5) A vehicle that is 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 30 days.

**AGENCY.** The individual or party given responsibility by the Town Council for removal, storage and disposal of abandoned vehicles.

**OFFICER.** Pursuant I.C. 9-22-1-2. As used in this chapter, **OFFICER** means the following:

- (1) A regular member of the State Police Department.
- (2) A regular member of a city or town Police Department.
- (3) A Town Marshal or Town Marshal Deputy.
- (4) A regular member of the county police force.
- (5) An individual of an agency designated by ordinance of the Town Council.

**OWNER.** The last known record titleholder of the vehicle according to the records of the Indiana Bureau of Motor Vehicles.

**PRIVATE PROPERTY.** All property other than public property.

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

**VEHICLE.** An automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, recreational vehicle or semitrailer used in the transportation of watercraft, or a motorized bicycle. (Ord. 2006-9, passed 10-18-2006)

#### § 95.02 ADOPTION OF STATE LAW.

All of the power, purpose, provisions and definitions contained in I.C. 9-22-1, commonly known as "The Indiana Abandoned Vehicle Act" as they exist and are hereafter modified or amended are incorporated by reference in this chapter and made a part thereof. (Ord. 2006-9, passed 10-18-2006)

#### § 95.03 ABANDONING VEHICLE ON PUBLIC OR PRIVATE PREMISES.

It shall be unlawful for any person to abandon any vehicle on any public or private premises within the town at any such time and under any circumstance, which would reasonably make such vehicles appear to be abandoned. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any public or private premises within the town. (Ord. 2006-9, passed 10-18-2006) Penalty, see § 95.99

**§ 95.04 REMOVAL BY THE TOWN.**

(A) (1) The town is hereby designated as a public agency as defined in the Abandoned Vehicle Act, which shall be responsible for the removal, storage and disposal of abandoned vehicles.

(2) In order to facilitate the removal of such abandoned vehicles or parts, the town may employ such personnel and acquire such equipment, property and facilities as are necessary for removal, storage and disposition of such abandoned vehicles, not in conflict with the Abandoned Vehicle Act or the town may contract with private towing firms or individuals in such business on an annual basis to provide the equipment, storage area and facilities for the removal and disposal of vehicles subject to this chapter.

(B) In addition to the Town Marshal, the Town Manager is hereby designated an "officer".

(C) Pursuant to I.C. 9-22-1-13(b), the legislative body of a municipality (as defined in I.C. 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under division (A). However, the market value established by the ordinance may not be more than \$750. The town may dispose of a vehicle or parts if the established market value of said vehicle or parts is not more than \$500.

(Ord. 2006-9, passed 10-18-2006)

**§ 95.05 DISPOSAL OF VEHICLES; ABANDONED VEHICLE FUND.**

The town shall establish periodic times and places for the sale or disposal of all such vehicles impounded under this chapter. All money received shall be placed in the Abandoned Vehicle Fund, which shall be a revolving fund dedicated to the enforcement of this chapter. The administrative fee for appraisals and processing of title information from the Bureau of Motor Vehicles has been established at \$10. This fee is to be paid by the towing contractor or salvage yard.

(Ord. 2006-9, passed 10-18-2006)

**§ 95.06 REMOVAL BY OWNER; EXECUTION OF WAIVER.**

The owner of a vehicle subject to this chapter may, in lieu of the above provisions, voluntarily provide for the removal and disposal of such vehicle by submitting in writing a request for a waiver of the above requirements to the town or fill out form provided waiving ownership of said vehicle in lieu of further enforcement action to the town.

(Ord. 2006-9, passed 10-18-2006)

**§ 95.07 DEMOLITION DERBY CARS.**

Vehicles in an operable or inoperable condition specifically adapted or constructed for exclusive operation as demolition derby cars on privately owned raceways, or parts thereof, shall not be stored on private or public property unless stored inside a closed structure out of public view.

(Ord. 2006-9, passed 10-18-2006)

**§ 95.08 OTHER VEHICLES AND MACHINERY.**

All other vehicles and machinery as defined by the Indiana Abandoned Vehicle Act must conform to the following in order to be consider abandoned or inoperable:

(A) Has not moved in the last 30 days.

(B) Weeds and other noxious weeds are growing beyond the 7 inches as allowing by § 91.04.

(C) Is inoperable, dismantled, has flat tires or is in disrepair.

(D) Harbors wild animals or stray animals as defined in § 90.01.

(Ord. 2006-9, passed 10-18-2006)

**§ 95.99 PENALTY.**

Whoever violates any of the provisions of this chapter, for which no specific penalty is otherwise provided, shall, upon conviction thereof, be fined in the amount not exceeding \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 2006-9, passed 10-18-2006)