

## ORDINANCE NO. 2010-5

### ABANDONED VEHICLE ORDINANCE

1. Purpose of Ordinance. It is the purpose of this ordinance to provide for the disposal of abandoned vehicles, which are discarded or otherwise permitted to remain in any place where they are visible from a public place in the Town of Troy, Indiana.
2. Authority for Ordinance on Abandoned Vehicles. The ordinance enacted pursuant to authorization given I.C. 9-22-1 et seq. to enact an ordinance for the removal, storage and disposal of abandoned vehicles.
3. Abandoned Vehicles Declared a Nuisance. Abandoned vehicles are declared a public nuisance because they are detrimental to the safety, morals and welfare of the general public, economic welfare of the Town, and a scenic blight.
4. Definition of Abandoned Vehicle. Abandoned vehicle is defined in I.C. 9-13-2-1 to mean the following:
  - (1) A vehicle located on public property illegally.
  - (2) A vehicle left on public property without being moved for twenty four (24) hours.
  - (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 that has remained on private property without consent of the owner or person in control of that property for more than forty-eight (48) hours.
  - (5) 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.
  - (6) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle removal.
  - (7) A vehicle that is at least (three) 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. For purposes of this subdivision, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.
5. Definition of Vehicle. Any automobile, motorcycle, truck, trailer, semi trailer, tractor, bus, school bus, recreational vehicle, or semi trailer used in the transportation of watercraft, a motorized bicycle, or parts of the foregoing items. (See I.C. 9-13-2-196)

6. Definition of Other Terms:

Public Premises. Any building right of way, street, highway, alley, park or other state, county or municipally owned property.

Private Premises. All privately owned property which is not classified within the definition of public premises.

Person. All natural persons, firms, partnership and corporations.

Officer. As used in this ordinance officer means the following:

- (a) A regular member of the state police department;
- (b) A regular member of a city or town police department;
- (c) A town marshal or town marshal deputy; and,
- (d) A regular member of the county police force.

7. Visibility of Abandoned Vehicle from Public Premises. No person shall abandon a vehicle on any public or private premises in a location which is visible from public premises within the limits of the Town of Troy, Indiana.

8. Responsibility of Owner. (a) Except as provided in subsection (c), the person who owns an abandoned vehicle or part is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500.00).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale shall be returned to the previous owner of the vehicle if the previous owner is known. (See I.C. 9-22-1-4)

9. Notice Tag Prepared by Officer or Other Designated Individual. An officer who locates 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:

- (1) The date, time, officer's name, public agency, and 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 twenty-four (24) hours if located on the right of way of a state highway or within seventy-two (72) hours for all other vehicles or parts.

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

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within twenty-four (24) hours if located on the right of way of a state highway or within seventy-two (72) hours for all other vehicles or parts. (See I.C. 9-22-1-11)

10. Disposition of Vehicle Less than \$750.00. If in opinion of the officer, the market value of an abandoned vehicle or parts determined in accordance with I.C. 9-22-1-13 is less than seven hundred and fifty dollars (\$750.00) the officer shall immediately dispose of the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the Bureau. A towing service may dispose of an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle.

11. Disposition of Vehicle \$750.00 or more. If in the opinion of the officer the market value of the abandoned vehicle or parts determined in accordance with this ordinance is:

(1) \$750.00 or more, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(2) After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

12. Abandoned Vehicle Report. (a) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under I.C. 9-22-1-5, I.C. 9-22-1-13, I.C. 9-22-1-14, or I.C. 9-22-1-16, the public agency or towing service shall do the following.

(1) Prepare and forward to the bureau a 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.

(2) Conduct a search of national data bases, including a date base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.

(b) Notwithstanding I.C. 9-22-1-4, if the public agency or towing service fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle has been removed as required by subsection (a), the public agency or towing service:

(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) subject to subsection (c), may collect further reimbursement only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

(c) if the public agency or towing service obtains the name and address of the person who owns or holds a lien on a vehicle under subsection (a) (2), within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

(1) name;

(2) address; and

(3) telephone number;

of the public agency or towing service. Notwithstanding I.C. 9-22-1-4 and subsection (b) (2), a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth above may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (a) (2).

(d) A towing service may not collect reimbursement under both subsections (b) and (c) for storage costs incurred during a particular period for one (1) vehicle. (See I.C. 9-22-1-19)

13. Disposal of Vehicle by Town. (a) This section applied to a town.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under I.C. 9-22-1-19, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at public sale. Notice of the sale shall be given under I.C. 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under I.C. 36-1-11 et seq. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision. (See I.C. 9-22-1-23)

14. Exempt from Liability. The following are not liable for loss damage or parts occurring during the removal, storage, or disposition of a vehicle or parts:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or parts are removed;
- (2) A public agency;
- (3) A towing service;
- (4) An automobile scrap yard;
- (5) A storage yard; and
- (6) An agent of a person or entity listed in subdivision 1-5. (See I.C. 9-22-1-32)

15. Incorporation of State Statute into Ordinance. The provisions of I.C. 9-22-1-1 through 9-22-1-32 are incorporated into and made a part of this Ordinance. If any provision of this Ordinance is not in accord with the foregoing cited statutes of the State of Indiana, the State Statute shall prevail.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TROY, INDIANA, ON THE 18<sup>th</sup> DAY OF June, 2010.**

**TOWN COUNCIL OF THE TOWN OF TROY, INDIANA**

By: Madhu Jeyaraj  
Member

By: Bob Jello  
Member

By: Greg K...  
Member

By: \_\_\_\_\_  
Member

By: \_\_\_\_\_  
Member

ATTEST:

Edmund S. Henne  
Clerk-Treasurer