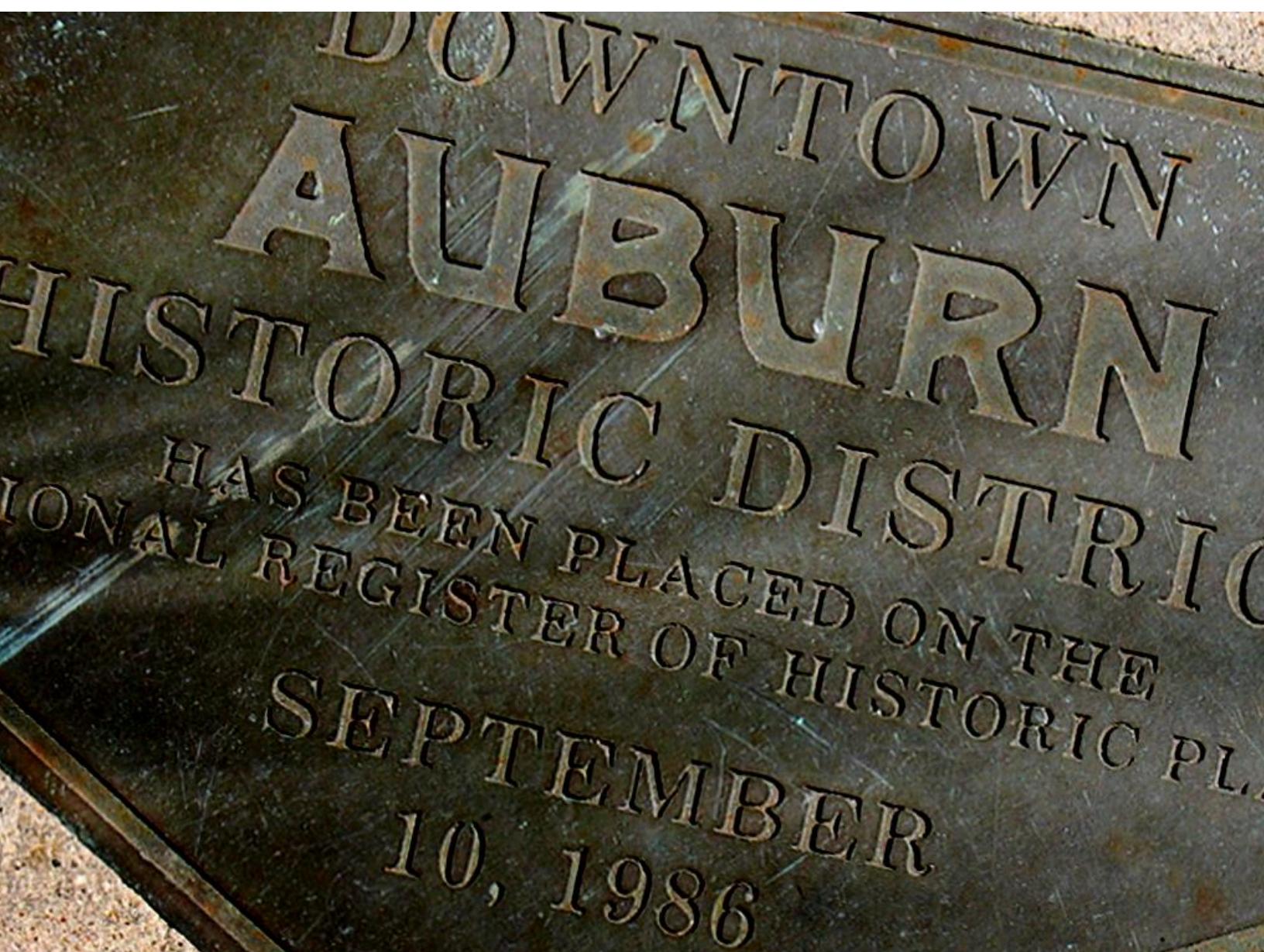




Code of Ordinances
CITY OF AUBURN





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Abandoned Vehicles

CHAPTER
91



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ABANDONED VEHICLES

91.01 ADOPTION OF STATE LAW

Indiana Code §9-22-1 *et seq.* is hereby adopted by reference as the "Indiana Abandoned Vehicle Act.

91.02 PURPOSE

The Common Council finds that abandoned vehicles are a nuisance and a safety and health hazard. The Police Department is given the responsibility for removal, storage, and disposal of abandoned vehicles.

91.03 DEFINITIONS

For the purpose of this subchapter 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 72 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 vehicle traffic on a public right-of-way.
4. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than 48 hours.
5. 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.
6. A vehicle that has been removed by an authorized towing service upon request of an officer enforcing a statute or ordinance other than this subchapter if the vehicle once impounded is not claimed or redeemed by the owner or his or her agent within 20 days of its removal.
7. A vehicle that is mechanically inoperable and is left on private property for more than 20 days.
8. Inoperative automobiles or trailers of any kind or type without current license plates shall not be parked or stored on any residential zoned property other than in completely enclosed buildings where the vehicle is out of public view (for the purposes of subsections (8) and (9), automobiles covers are not sufficient).
9. Vehicles such as demolition derby vehicles or vehicles that are not street legal, except those constructed for operation on privately-owned raceways shall not be parked or stored within the city limits except in an enclosed building out of public view.

- **AUTHORIZED TOWING SERVICE**

A business that engages in moving or removing disabled vehicles, and once removed, to store or impound vehicles, and that has been requested by the Police Department to tow vehicles.

- **AUTOMOBILE SCRAPYARD**

A business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.

- **BUREAU**

The Bureau of Motor Vehicles.

- **OFFICER**

A member of the city Police Department.

- **OWNER**

The last known record titleholder of a vehicle according to the records of the Bureau under I.C. 9-17.

- **PARTS**

All components of a vehicle that as assembled do not constitute a complete vehicle.

- **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, motorcycle, truck, trailer, semi-trailer, tractor, bus, school bus, recreational vehicle, or motorized bicycle.

91.04 EXCEPTIONS

This subchapter 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 or at a commercial vehicle servicing facility.
- D. A vehicle located upon property licensed or zoned as an automobile scrapyard.
- E. A vehicle registered and licensed under I.C. 9-18-12 as an antique vehicle.

91.05 RESPONSIBILITY OF OWNER

The owner of an abandoned vehicle is responsible for the abandonment and is liable for all of the costs incidental to the removal, storage, and disposal of the vehicle or its parts.

91.06 VEHICLES IN POSSESSION OF PERSON OTHER THAN OWNER

- A. When an officer discovers a vehicle in the possession of a person other than the owner and the person cannot establish his or her right to the possession of that vehicle, the vehicle shall be taken to and stored in a suitable place. The officer shall cause a search to be made to determine and notify the owner.
- B. If the owner of the vehicle cannot be determined, the officer shall declare the vehicle abandoned and provide for its disposal in accordance with this chapter.
- C. If the properly identified owner or lienholder appears at the site of storage before disposal of the vehicle or parts and pays all proper costs incurred against it at that time, then the vehicle or parts shall be released. The release must contain the owner or lienholder's signature, name, address, vehicle or parts description, costs, and date of release.
- D. If the vehicle is not released to the owner or lienholder, the Bureau shall declare the vehicle abandoned and provide for disposal.

91.07 REMOVAL OF ABANDONED VEHICLES

- A. An officer who finds 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, city police department, 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 72 hours.
4. 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 will be suspended on that car.
5. That the owner may avoid costs by removal of the vehicle or parts within 72 hours.

B. If the tagged vehicle or parts are not removed within that 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 that the market value is less than \$500. Photographs shall be taken to describe the condition of the vehicle or parts.

C. If, in the opinion of the officer, the market value of the abandoned vehicle or parts is less than \$500, the officer shall immediately dispose of the vehicle to an automobile scrapyard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the Bureau of Motor Vehicles. The Police Department shall retain the original records and photographs for at least two years.

D. If, in the opinion of the officer, the market value of the abandoned vehicle or parts is \$500 or more, the officer, after placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the owner or person who may be in control of the vehicle or parts. After 72 hours, the officer shall require the vehicle or parts to be towed to a storage area.

91.08 DISPOSAL OF ABANDONED VEHICLES

Within 72 hours after removal of an abandoned vehicle to a storage area under this subchapter, the Police Department shall prepare an abandoned vehicle report containing a description of the vehicle including the make, model, engine number, if any, identification number, and the number of the license plate, along with the name and most recent mailing address of the owner and any lienholder.

91.09 TOWING CONTRACTS

To facilitate the removal of abandoned vehicles or parts of vehicles for any legal reason, the Police Department may enter into towing contracts or agreements for the removal and storage of abandoned vehicles and parts.

91.10 LIABILITY FOR LOSS OR DAMAGE

When a vehicle and/or parts are abandoned on public or private property, neither the owner, lessee, or occupant of the property from which an abandoned vehicle or parts are removed nor the Police Department, authorized towing service, or automobile scrapyard is liable for loss or damage to the vehicle or parts occurring during its removal, storage, or disposition.

91.11 DISPOSAL OF TIRES

- A. All unused tires within the jurisdictional areas of the city shall be disposed of in a proper manner consistent with the rules and regulations set forth for such disposal as required by I.C. 13-20-14.
- B. Further, any tire that has been improperly disposed of or is not in a condition such that it may be used for its intended purpose or may present a health hazard by being a habitat for nuisance insects and animals may be disposed of, at the expense of the owner of said tire, by the Auburn Street Department after proper notice has been made in accordance with the requirements for



abatement of nuisances in this chapter. Fines and costs associated with the removal of any tires shall be assessed to the responsible party as determined by the Board of Public Works and Safety.

91.12 PENALTY

Any person violating this Chapter shall be subject to a fine in the amount of \$100.00 per vehicle, per day of violation, plus the cost of towing and the costs of storage. The cost of storage may not exceed \$2,000.00 if the vehicle is less than 30 feet in length and may not exceed \$2,500.00 if the vehicle is more than 30 feet in length.

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