

ORDINANCE #629
ST. JOHN, INDIANA
ABANDONED VEHICLES

An Ordinance Amending Section 1. Sub Paragraph D. Topics 1 Through 4 of Ordinance #525.

- 629.010 Purpose
- 629.020 Definitions
- 629.030 Exceptions
- 629.040 Responsibility of Owner
- 629.050 Vehicles in Possession of Person Other Than Owner
- 629.060 Removal of Abandoned Vehicles
- 629.070 Disposal of Abandoned Vehicles
- 629.080 Maximum Towing and Storage Charges
- 629.090 Towing Contracts
- 629.100 Liability for Loss or Damage

.010 Purpose: The Town Board of St. John, Indiana finds that abandoned vehicles are a public nuisance and a safety and health hazard. The Police Department is given the responsibility for removal, storage, and disposal of abandoned vehicles.

.020 Definitions: As used in this chapter, the following have the following meanings unless otherwise designated:

- (A) "Abandoned Vehicle" means:
 - (1) A vehicle located on public property illegally;
 - (2) A vehicle left on public property continuously without being moved for three days;
 - (3) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight hours;
 - (4) 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;
 - (5) A vehicle that has been removed by an authorized towing service upon request of an officer enforcing a statute or ordinance other than this chapter if the vehicle once impounded is not claimed or redeemed by the owner or his agent within fifteen days of its removal or;
 - (6) A vehicle that is six 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 thirty days.
- (B) "Authorized Towing Service" means 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 St. John Police Department to tow vehicles.
- (C) "Automobile Scrapyard" means a business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.
- (D) "Bureau" refers to Bureau of Motor Vehicles.
- (E) "Officer" means a member of the Town Police Department.
- (F) "Owner" means the last known record title holder of a vehicle according to the records of the Bureau under IC9-1-2.
- (G) "Parts" refers to components of a vehicle that as assembled do not constitute a complete vehicle.
- (H) "Private Property" means all property other than public property.
- (I) "Public Property" means a public right-of-way, street, highway, alley, park, or other state, county, or municipal property.
- (J) "Vehicle" refers to an automobile, motorcycle, truck, trailer, semi-trailer, tractor, bus, school bus, recreational vehicle or a motorized bicycle.

.030 Exceptions: This chapter does not apply to:

- (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 a commercial vehicle servicing facility;
- (D) A vehicle located upon property licensed or zoned as an automobile scrapyard; or
- (E) A vehicle registered and licensed under IC9-7-6 as an antique vehicle.

.040 Responsibility of Owner: The owner of an abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage, and disposal of the vehicle or its parts.

.050 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 right to the possession of that vehicle, the vehicle shall be taken to and stored in a suitable place. The Bureau shall be notified within seventy-two hours of the location and description of the vehicle. Upon receipt of notification, the Bureau shall cause a search to be made to determine and notify the owner.
- (B) If the owner of the vehicle cannot be determined, the Bureau shall declare the vehicle abandoned and provide for its disposal in accordance with this chapter.
- (C) If the property 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 the time, then the vehicle or parts shall be released. A copy of the release of all vehicle or parts shall be sent to the Bureau. 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 in accordance with this chapter.

.060 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, Town 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 be removed after seventy-two 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 be suspended on that vehicle.
 - (5) That the owner may avoid cost by removal of the vehicle or parts within seventy-two hours.

- (B) If the tagged vehicle or parts are not removed within that seventy-two hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or the parts including information on the condition, missing parts, and other facts that might substantiate that the market value is less than one hundred dollars. 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 one hundred dollars, 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. 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 one hundred dollars or more, the officer, before 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 seventy-two hours, the officer shall require the vehicle or parts to be towed to a storage area.

.070 Disposal of Abandoned Vehicles:

- (A) Within seventy-two hours after removal of an abandoned vehicle to a storage area under this chapter, the Police Department shall prepare and forward to the Bureau 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, and request that the Bureau advise the Police Department of the name and most recent mailing address of the owner and any lienholder.
- (B) The Bureau shall dispose of the vehicle in accordance with IC9-9-1.1.

.080 Maximum Towing and Storage Charges: The maximum amount that an authorized towing service may charge for towing or removing a vehicle under this chapter shall not exceed twenty-five dollars (\$25.00) except where special equipment is required. The maximum amount that may be charged for storage shall not exceed five dollars (\$5.00) per day.

.090 Towing Contracts: To facilitate the removal of abandoned vehicles or parts or vehicles declared public nuisances, the Police Department may enter into towing contracts or agreements for the removal and storage of abandoned vehicles and parts.

.100 Liability for Loss or Damage: 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.

PASSED this 14th day of May, 1984.

John W. Herr III
JOHN W. HERR III, Town Board President

David M. Bielski
DAVID BIELSKI, Trustee

Jerry A. Matlon
JERRY MATLON, Trustee

ATTEST:

Betty L. Siedelmann
Betty L. Siedelmann, Clerk-Treasurer