

## CHAPTER 90: ABANDONED AND JUNK VEHICLES

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### § 90.01 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED VEHICLE.** As set forth at I.C. 9-13-2-1, which presently includes:

- (a) A vehicle located on public property illegally;
- (b) A vehicle left on public property without being moved for 3 days;
- (c) A vehicle located on public property in a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
- (d) A vehicle that is mechanically inoperable and is left on public property for more than 5 days;
- (e) A vehicle that has remained on private property without the consent of the owner of person in control of that property for more than 48 hours;

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(f) 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;

(g) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or ordinance other than this chapter and I.C. 9-22-1, if the vehicle, once impounded, is not claimed or redeemed by the owner or his agent within 15 days of its removal; and

(h) A vehicle that is 6 or more model years old, mechanically inoperable and is left on private property continuously in a location visible from public property for more than 30 days.

**JUNK VEHICLE.** Any vehicle, regardless of model or age, which is so mechanically or structurally deteriorated or has had necessary parts removed, that it is inoperable or may not be safely operated as a motor vehicle.

**VEHICLE.** As set forth at I.C. 9-13-2-196(d), which presently includes an automobile, a motorcycle, a truck, a semi-trailer, a tractor, a bus, a school bus, a recreational vehicle or a motorized bicycle.

(B) Other terms appearing in this chapter that are contained in I.C. 9-22 or 9-13 are adopted by reference as if fully set out herein.

(Prior Code, Ch. 10.30, § I) (Ord. 3-1994, passed 11-16-1994)

## **§ 90.02 REMOVAL AND DISPOSAL OF ABANDONED VEHICLES.**

The Police Department of the town is designated and assigned as the public agency with local responsibility for the removal, storage and disposal of abandoned vehicles and vehicles parts within the corporate limits of the town, pursuant to I.C. 9-22-1 as amended. The Department is granted all powers reasonable and necessary for the performance of its responsibilities under this chapter and I.C. 9-22-1, as amended.

(Prior Code, Ch. 10.30, § II) (Ord. 3-1994, passed 11-16-1994)

## **§ 90.03 ABANDONED VEHICLE PROHIBITION.**

It shall be a violation of this chapter for any person to leave an abandoned vehicle anywhere within the town limits for more than 72 hours after the time it is first declared abandoned or junk and tagged as hereinafter provided.

(Prior Code, Ch. 10.30, § III) (Ord. 3-1994, passed 11-16-1994) Penalty, see § 90.99

**§ 90.04 JUNK VEHICLE PROHIBITION.**

It shall be a violation of this chapter for any person to leave a junk vehicle parked on any public property, except temporarily in an emergency and due to mechanical failure while driving the vehicle or to leave the vehicle on private property other than in an enclosed building or other area screened from public view for any continuous period longer than 14 days.

(Prior Code, Ch. 10.30, § IV) (Ord. 3-1994, passed 11-16-1994) Penalty, see § 10.99

**§ 90.05 ABATEMENT OF JUNK VEHICLE VIOLATION.**

(A) Any junk vehicle left on public property in violation of § 90.04 shall be deemed, prima facie, an abandoned vehicle, as defined in § 90.01, and shall be abated in accordance with the procedures set forth hereinafter.

(B) Any junk vehicle left on private property may be abated after notice as set forth in this section in accordance with I.C. 36-1-6-2 or I.C. 36-1-6-4 and the owner of the property shall be liable for all costs of that abatement in addition to any penal fines which may be incurred under this section. Prior to any initiation of action to abate or the filing of a violation, an officer who has cause to believe that a junk vehicle is improperly left on private property shall attach a tag to that vehicle and shall provide the owner of the property with written notice of the violation. If the junk vehicle is not removed from the private property or is not moved into an enclosed building or other area screened from public view within 72 hours of the tag or notice, then the officer may cause the junk vehicle to be removed and stored by a towing service with which the town has a contract as set forth hereinafter and/or file a violation in the appropriate court.

(C) An officer shall have the right, pursuant to this section, to enter private property to attach a tag to any vehicle which is in violation of § 90.04. Further, any officer or member of an appropriate towing service may enter upon private property to remove and store any vehicle which is in violation of division (B) above.

(Prior Code, Ch. 10.30, § V) (Ord. 3-1994, passed 11-16-1994)

**§ 90.06 TAGGING PROCEDURE.**

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:

(A) The date, time, officer's name, public agency and address and telephone number to contact for information;

(B) The vehicle or part are considered abandoned;



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(C) The vehicle or parts will be removed after 72 hours:

(D) The person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle; and

(E) The person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.

(Prior Code, Ch. 10.30, § VI) (Ord. 3-1994, passed 11-16-1994)

**§ 90.07 REPORTING PROCEDURE.**

(A) If a vehicle or a part tagged under this section is not removed within the 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.

(B) If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined under division (A) above is less than \$100, the officer shall immediately dispose of the abandoned vehicle to an automobile scrap yard. A copy of the abandoned vehicle shall be forwarded to the Indiana Bureau of Motor Vehicles. The Department shall retain the original records and photographs for at least 2 years.

(C) If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined under division (A) above is at least \$100, 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. After 72 hours, the officer shall require the vehicle or parts to be towed to a storage area.

(D) Within 72 hours after removal of an abandoned vehicle to a storage area under divisions (B) and (C) above, the Department shall prepare and forward to the Indiana Bureau of Motor Vehicles an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- (1) The make;
- (2) The model;
- (3) The identification number; and
- (4) The number of the license plate.

(E) The Department shall request that the Indiana Bureau of Motor Vehicles advise the Department of the name and most recent address of the person who owns or holds a lien on the vehicle. The Department shall also forward to the Indiana Bureau of Motor Vehicles the name, address and other pertinent information concerning the towing service and storage area to which the abandoned vehicle has been delivered for disposal.

(Prior Code, Ch. 10.30, § VII) (Ord. 3-1994, passed 11-16-1994)

## § 90.08 TOWING AND STORAGE.

(A) (1) If a vehicle is not removed by the owner within 72 hours after having been tagged by an officer, and officer shall cause the same to be removed in accordance with I.C. 9-22-1-11 as set out in § 90.07 and shall notify the Bureau of Motor Vehicles in accordance with I.C. 9-22-1-19 as set out in § 90.07; provided that, notwithstanding any provision of I.C. 9-22-1 nor the officer's estimated value of the vehicle, the same shall be towed and safely stored and regular notice shall be given to the Indiana Bureau of Motor Vehicles as set forth in § 90.07.

(2) The officer shall cause the vehicle to be removed and stored by a towing service with which the town has a contract under division (B) below.

(B) (1) On or before December 31 of each year, the Town Council shall enter into a contract with 1 or more vehicle towing and storage services for the removal and storage of abandoned vehicles.

(2) The contract shall stipulate a schedule of costs and charges to apply under the contract and a copy thereof shall be filed with the Indiana Bureau of Motor Vehicles in accordance with I.C. 9-22-1-30.

(3) The owner of the vehicle shall be liable for paying all such costs to the vehicle towing and storage service upon and as a condition of reclaiming the vehicle, or in default thereof, the costs shall be the liability of the Indiana Bureau of Motor Vehicles from the state's Abandoned Vehicle Account and not a liability of the town.

(Prior Code, Ch. 10.30, § VIII) (Ord. 3-1994, passed 11-16-1994)

## § 90.09 EXCEPTIONS.

This chapter shall 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;

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(C) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility;

(D) A vehicle located on property licensed or zoned as an automobile scrap yard; or

(E) A vehicle registered and licensed under I.C. 9-18-12 as an antique vehicle.

(Prior Code, Ch. 10.30, § IX) (Ord. 3-1994, passed 11-16-1994)

**§ 90.10 EFFECTIVE DATE.**

This chapter shall become effective upon its adoption by the Council and publication pursuant to Indiana law.

(Prior Code, Ch. 10.30, § XII) (Ord. 3-1994, passed 11-16-1994)

**§ 90.99 PENALTY.**

(A) Any person who leaves an abandoned vehicle in violation of § 90.03 shall be liable for a fine of not less than \$50, nor more than \$100, in addition to any costs for towing and storage of the vehicle.

(B) Any person violating § 90.06 shall be liable for a fine of not less than \$100, nor more than \$500 for each day a violation continues.

(Prior Code, Ch. 10.30, § X) (Ord. 3-1994, passed 11-16-1994)