

2005-2

ORDINANCE NO. 2005-2
ORDINANCE GOVERNING ABANDONED AND JUNKED VEHICLES

Be it ordained by the Town of Carlisle, County of Sullivan, State of Indiana, as follows, to wit:

Section 1: Short Title: This Ordinance shall be known as the Junk Car Ordinance.

Section 2: Definitions:

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

ABANDONED: When used in conjunction with the term vehicle means:

1. A vehicle located on public property illegally.
2. A vehicle left on public property without being moved for three days.
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 the consent of the owner or person in control of that property, for more than 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 20 days of the vehicle's removal.

OWNER: The last known record title holder of a vehicle according to the Bureau of Motor Vehicles of the state under IC 9-17. (IC 9-13-2-121(c)).

PART: Refers to all components of a vehicle that as assembled do not constitute a complete vehicle (IC 9-13-2-122)

PERSON: Except as otherwise provided in this section, an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability, or a corporation (IC 9-13-2-124)

PUBLIC AGENCY: The bureau or local agency given the responsibility by statute or ordinance for the removal, storage and disposal of abandoned vehicles. (IC 9-22-1-3)

PUBLIC PROPERTY: A public right-of-way, street, highway, alley, park or other state, county or municipal property (IC 9-13-2-144)

VEHICLE: An automobile, a motorcycle, a truck, a trailer, a semi-trailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle. (IC 9-13-2-196(d))

SECTION 3: JUNK OR ABANDONED VEHICLES DECLARED A NUISANCE.

The Town Council finds that inoperative, junk or abandoned vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety, morals, health and welfare of the general public and a detriment to the economic welfare of the Town by producing a scenic blight which is adverse to the maintenance and continuing development of the town, and such vehicles are declared a nuisance.

SECTION 4: ABANDONED VEHICLES PROHIBITED.

No person shall abandon, store, park or allow any mechanically inoperable vehicle to remain in the open upon public or private property within the Town limits or within the perimeter around the city included under its jurisdiction at any location which is visible from public premises for a period of three or more days on public property or for a period of 20 or more days on private property if the vehicle is at least six or more model years old and mechanically inoperable unless it is in connection with an automotive or repair business enterprise which operates under a duly issued and exhibited store license.

SECTION 5: APPLICATION OF CHAPTER:

This chapter 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 scrap yard.
- (e) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle. (IC 9-22-1-1)

SECTION 6: RESPONSIBILITY AND LIABILITY OF OWNER OF THE ABANDONED VEHICLE.

The person who owns an abandoned vehicle is:

- (a) responsible for the abandonment; and
- (b) Liable for all of the costs incidental to the removal, storage, and disposal of the vehicle under this chapter. (IC 9-22-1-4)

SECTION 7: TAGGING ABANDONED VEHICLE.

The Police Department who finds a vehicle 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) That the vehicle is considered abandoned.
- (c) That the vehicle will be removed after 72 hours.
- (d) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal, and if the costs are not paid, the person's registration privileges will be suspended on the vehicle.
- (e) That the person who owns the vehicle may avoid costs by removal of the vehicle within 72 hours. (IC 9-22-1-11)

SECTION 8: ABANDONED VEHICLE REPORT: PHOTOGRAPHS.

If a vehicle tagged under Section 7 is not removed within the 72 hours, the officer shall prepare a written abandoned vehicle report. Photographs shall be taken to describe the condition of the vehicle. (IC 9-22-1-12)

SECTION 9: VEHICLES: DUTIES OF TAGGING OFFICIER; TOW AND STORAGE OF VEHICLE.

The officer, before placing a notice tag on the vehicle, shall make a reasonable effort to ascertain the person who owns the vehicle or who may be in control of the vehicle. After 72 hours, the officer shall require the vehicle to be towed.

SECTION 10: COMPLAINT BY PERSON OWNING OR CONTROLLING PRIVATE PROPERTY.

Upon complaint of a person who owns or controls private property that a vehicle has been left on the property for at least 48 hours without the consent of the person who owns or controls the property, an officer shall follow the procedures in Section 7 through Section 10. The property owner or tenant may make arrangements to have any such vehicle removed at their own expense. (IC 9-22-1-18)

SECTION 11: MEANS OF VEHICLE IDENTIFICATION NOT AVAILABLE; DISPOSAL WITH NOTICE.

If a vehicle is in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien of the vehicle, the vehicle may be disposed of without notice. (IC 9-22-1-21)

SECTION 12: TOWING CONTRACTS.

To facilitate the removal of abandoned vehicles the Town Council may:

- (a) employ personnel;
- (b) acquire equipment, property, and facilities: and
- (c) Enter into towing contracts: for the removal, storage, and disposition of abandoned vehicles. The Town Council may, by ordinance, establish procedures to carry out this section. (IC 9-22-1-31)

SECTION 13: LIABILITY FOR LOSS OR DAMAGE TO VEHICLE.

The following are not liable for loss or damage to a vehicle occurring during the removal, storage, or disposition of a vehicle under this chapter:

- (1) A person, who owns, leases or occupies property from which an abandoned vehicle are removed unless that person is also the owner of the abandoned vehicle or is responsible for its presence.
- (2) A Public Agency
- (3) A Towing Service
- (4) An Automobile Scrapyard (IC 9-22-1-32)

SECTION 14: PENALTY.

Whoever violates any provisions of this chapter, whoever interferes in any way with the due process of enforcement of any of the provisions of this chapter or whoever does not obey within the time fixed in any order pursuant to this chapter shall be fined \$100.00. Each motor vehicle involved shall constitute a separate offense and a separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Passed and adopted by the Town Board of Carlisle on the 4 day of JAN, 2005.

Bill M. Orr

Galina Barfield

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Attest:

Agnes Reddy