

## ARTICLE 8: ABANDONED MOTOR VEHICLES

**Section 1.** *Compliance with state laws and regulations.* The town intends that this article shall not conflict with any provision of state law or regulation and if Indiana statutes or regulations are amended, to conflict with any provision in this article, then this article shall be considered amended to comply with the amendments to statutes or regulations.

### **Section 2.** *Establishment of Abandoned Vehicle Department.*

1) There hereby is established the Bloomfield Abandoned Vehicle Department (the Department) pursuant to I.C. 9-22-1-3 which shall be authorized and responsible for the administration of the provisions of this article pertaining to the removal, storage and disposal of abandoned vehicles and parts.

2) The Department shall consist of the Town Council President, the Town Marshal and all members of the Police Department.

### **Section 3.** *Definitions.*

1) **ABANDONED VEHICLE.** The meaning stated in I.C. 9-13-2-1, as follows:

- a) A vehicle located on public property illegally;
- b) A vehicle left on public property without being moved for 24 hours;
- c) 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;
- d) 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;
- e) 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;
- f) 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 the abandoned vehicle law, if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within 20 days after the vehicle's removal; and
- g) 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 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.

2) **OFFICER.** The meaning stated in I.C. 9-22-1-2, as follows:

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- 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 deputy marshal;
- d) A regular member of the county police force; and
- e) An individual of an agency designated by ordinance of the fiscal body.

3) **PARTS.** The meaning stated in I.C. 9-13-2-122 and refers to all components of a vehicle that, as assembled, do not constitute a complete vehicle.

4) **VEHICLE.** The meaning stated in I.C. 9-13-2-196(d) and refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, a trailer or semitrailer used in the transportation of watercraft, or a motorized bicycle; and as those terms are defined in I.C. 9-13-2.

**Section 4.** The Town Council President is an officer for the purpose of enforcing this article.

**Section 5.** *Exempt vehicles.*

- 1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;
- 2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;
- 3) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility;
- 4) A vehicle located upon property licensed or zoned as an automobile scrap yard; and
- 5) A vehicle registered and licensed under I.C. 9-18-12 as an antique vehicle.

**Section 6.** *Responsibility of owner.* The person who owns an abandoned vehicle or parts is responsible for the abandonment and is liable for all of the costs incidental to their removal, storage and disposal.

**Section 7.** *Vehicle in possession of a non-owner.* When an officer discovers a vehicle in the possession of a person, other than the person who owns the vehicle, and the person cannot establish the right to possession of the vehicle, the officer shall follow the procedure provided by I.C. 9-22-1-5, 9-22-1-6, 9-22-1-7, 9-22-1-8, and 9-22-1-9, as follows.

- 1) The officer shall cause the vehicle to be removed and taken to a storage facility.

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- 2) The officer shall notify the Bureau of Motor Vehicles (the ABureau@) ,within 72 hours, of the location and description of the vehicle. The Bureau shall then cause a search to be made to determine and notify the person who owns the vehicle as provided by I.C. 9-22-1-19.
- 3) If the Bureau cannot determine who owns the vehicle, the Bureau shall declare the vehicle abandoned and provide for disposal of it pursuant to I.C. 9-22-1.
- 4) If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released.
- 5) The release must state the name, signature and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs and date of release.
- 6) If the person who owns or holds a lien on the vehicle does not appear and pay all costs, the Bureau shall declare the vehicle abandoned and provide for disposal under I.C. 9-22-1.

### **Section 8.** *Tagging abandoned vehicle or parts.*

- 1) When the officer finds or is notified of a vehicle or parts believed to be abandoned, the officer shall tag the vehicle or parts, in a prominent place, with the following information, as provided by I.C. 9-22-1-11, as follows:
  - a) The date, time, officer=s name, public agency and address and telephone number to contact for information;
  - b) The vehicle and parts are considered abandoned;
  - c) The vehicle or parts will be removed after: i) 24 hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under I.C. 8-23-4; or ii) 72 hours, for any other vehicle;
  - 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 : i) 24 hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under I.C. 8-23-4; or ii) 72 hours, for any other vehicle.
- 2) If the vehicle or parts tagged are not removed within the applicable 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. The officer shall also obtain a photograph of the vehicle as provided by I.C. 9-22-1-12.

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3) If, in the opinion of the officer, the market value of an abandoned vehicle or parts is less than \$500, the officer shall immediately dispose of the vehicle to an automobile storage facility and forward a copy of the abandoned vehicle report and photograph(s), to the Bureau, as provided by I.C. 9-22-1-13. The photographs may be taken by the officer, the towing service or the storage facility. The Department shall cause the original records and photographs to be retained for at least two years. A vehicle that is ten model years or older, that has extensive deterioration to the interior or exterior or is inoperable; or a vehicle that is five model years or older, which has been extensively destroyed by fire, explosion, vandalism or other causes, excluding traffic accidents and is inoperable is presumptively valued at \$100 or less.

4) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is at least \$500, the officer shall, before placing a notice tag on the vehicle or parts, 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 facility as provided by I.C. 9-22-1-14.

### **Section 9.** *Self-help by owner or rental property.*

1) A person who owns rental property and who finds a vehicle believed to be abandoned on that person=s rental property shall attach, in a prominent place on the vehicle, a notice tag containing the following information, as provided by I.C. 9-22-1-15:

- a) The date, time, name and address of the person who owns the rental property and a telephone number to contact for information;
- b) The vehicle is considered abandoned;
- c) The vehicle will be removed after 24 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 24 hours.

2) If, after 24 hours, the person who owns the vehicle believed to be abandoned on rental property has not removed the vehicle from the rental property, the person who owns the rental property may have the vehicle towed as provided by I.C. 9-22-1-16. The towing operator shall do the following:

- a) Contact the Bureau to obtain the name and address of the person who owns the vehicle;
- b) Deliver by certified mail, a copy of the information contained in the notice tag to the person who owns the vehicle, not later than five business days after the vehicle is removed;

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c) Notwithstanding the 24-hour requirement, in an emergency situation, a vehicle may be removed immediately. **EMERGENCY SITUATION** means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the owner of the rental property or poses a threat to the safety or security of persons or property or both; and

d) The towing operator shall give notice to the Department and the Bureau that the abandoned vehicle is in the possession of the towing operator.

3) If a person who owns or controls private property complains to the Department 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, then the officer shall follow the same procedure as set forth above in Section 8.

### **Section 10.** *Abandoned vehicle report.*

1) Within 72 hours after removal of an abandoned vehicle to a storage facility, under Sections 7, 8 or 9 above, either the Department or the storage facility shall prepare and forward to the Bureau an abandoned vehicle report containing a description of the vehicle including the following information concerning the vehicle:

- a) Make;
- b) Model;
- c) Identification number; and
- d) Number of the license plate.

2) The Department or the storage facility, whichever prepares the abandoned vehicle report, shall request that the Bureau advise the Department or the storage facility of the name and most recent address of the person who owns or holds a lien on the vehicle.

3) If the vehicle or parts are 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 on the vehicle or parts, they may be disposed of to an automobile storage facility and a copy of the abandoned vehicle report and photograph(s) of the vehicle or parts shall be forwarded to the Bureau, as provided by I.C. 9-22-1-13. The Department shall retain the original records and photographs for at least two years.

**Section 11.** *Duties of the Bureau of Motor Vehicles.* Upon receipt of an abandoned vehicle report under Section 10, the Bureau shall do the following:

1) Conduct a reasonable search through the National Automobile Theft Bureau and the State Police Department to determine whether the vehicle or parts have been reported as stolen;

2) Conduct a reasonable search of Bureau records to determine the person who owns the vehicle or parts or the person who holds the lien of record; and

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3) If a reasonable search discloses the name and address of the person who owns or holds a lien on the vehicle, mail a written notice, by first-class mail to:

a) The person who owns the vehicle with a copy to each person who holds a lien on the vehicle if the Bureau disposes of the vehicle; or

b) The public agency ,if the public agency disposes of the vehicle, indicating that the vehicle or parts have been impounded at a certain location and must be removed within 20 days after the date of mailing of the notice and advising that the vehicle or parts will be disposed of after that time. The notice must advise the person who owns or holds a lien on the vehicle that all costs incurred in removing and storing the vehicle or parts is the person=s legal responsibility.

### **Section 12.** *Sales by the Bureau of Motor Vehicles or the town.*

1) If the person who owns or holds a lien upon a vehicle does not appear within 20 days after the mailing of a notice under Section 10, the Bureau or the Department shall sell the vehicle or parts.

2) If the Bureau sells the vehicle or parts, it shall be to the highest bidder at a public sale. Notice of the sale shall be given under I.C. 5-3-1, except that only one newspaper insertion one week before the public sale is required.

3) If the Department sells the vehicle or parts it may either:

a) Sell to the highest bidder at a public sale. Notice of the sale shall be given under I.C. 5-3-1, except that only one newspaper insertion one week before the public sale is required; or

b) Sell the vehicle or parts as unclaimed property under I.C. 36-1-11. The 20-day period for the property to remain unclaimed is sufficient for a sale under this division.

**Section 13.** *Bill of sale.* A person who purchases a vehicle under Section 12, shall be furnished a bill of sale under I.C. 9-29-7. A person who purchases a vehicle under Section 12 must:

1) Present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and

2) Pay the appropriate title fee under I.C. 9-29-4 to obtain a certificate of title under I.C. 9-17 for the vehicle.

**Section 14.** *Removal of storage costs.* The costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle shall be paid from the Abandoned Vehicle Fund established under Section 16. The charge payable by the person who owns or holds a lien on a vehicle or parts may not exceed the limits established by Section 15.

**Section 15.** *Proceeds of sale.* The proceeds of sale of an abandoned vehicle or parts under Section

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12 shall be credited against the cost of the removal, storage and disposal of the vehicle.

### **Section 16. *Abandoned Vehicle Fund.***

- 1) There hereby is established for the town an Abandoned Vehicle Fund, as required by I.C. 9-22-1-30.
- 2) If the Department sells the vehicle or parts, the proceeds from the sale of abandoned vehicles or parts, including:
  - a) Charges for bills of sale; and
  - b) Money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles shall be deposited with the Town Clerk-Treasurer and placed by the Clerk-Treasurer in the unit=s Abandoned Vehicle Fund.
- 3) The costs incurred by the Department in administering this article shall be paid from the Abandoned Vehicle Fund.
- 4) The town shall annually appropriate sufficient money to the Fund to carry out this article. Money remaining in the Fund at the end of a year remains in the Fund and does not revert to the General Fund.

### **Section 18. *Allowable charges for towing and storage.***

- 1) Charges for providing towing service for abandoned vehicles shall be the reasonable value of the service rendered according to the usual and customary charges.
- 2) Charges for storage for abandoned vehicles and parts, shall be the reasonable value of the services rendered according to the usual and customary charges.

**Section 19. *Power to facilitate ordinance.*** To facilitate the removal of abandoned vehicles or parts, the town may:

- 1) Employ personnel;
- 2) Acquire equipment, property and facilities; and
- 3) Enter into towing and storage contracts.

**Section 20. *Immunity from liability.*** Pursuant to I.C. 9-22-1-32, the following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage or disposition of a vehicle or parts under this article:

- 1) A person who owns or leases or occupies property from which an abandoned vehicle or parts are removed;

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- 2) The town and the Department;
- 3) A towing service;
- 4) An automobile scrapyards;
- 5) A storage yard; or
- 6) An agent of a person or entity listed in divisions 1 through 5.

**Section 21.** *Approved towing service and storage facility.* Any towing service or storage facility that is used for the removal and storage of abandoned vehicles or parts by law enforcement officers and that has not been disapproved by the Bureau, because of violations of the Bureau's rules and regulations, may be used by the town for towing and storage of abandoned vehicles and parts.  
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