

ORDINANCE NO 18-01
ORDINANCE OF THE TOWN OF ST. JOE

An Ordinance for REMOVAL AND DISPOSAL OF ABANDONED VEHICLES

WHEREAS, the Town of St. Joe Board Members finds that abandoned vehicles create a Health and Safety Hazard;

WHEREAS, Ordinance 08-01 is to establish procedures for the removal and disposal of abandoned vehicles locate within the Town of St. Joe, and to establish charges for the towing and storage of abandoned vehicles;

WHEREAS, Ordinances 08-01 specifically adopted the provisions of Indiana Code 9-22-1 through 9-22-1-32 pertaining to abandoned motor vehicles and

NOW, THEREFORE, BE IT ORDAINED by the Board Members of the Town of St. Joe, Indiana, that:

Section 1. ADOPTION OF INDIANA CODE 9-22-1 ET SEQ.

This ordinance specifically adopts the provisions of Indiana Code 9-22-1 through 9-22-32 inclusive.

Section 2. VEHICLES DEFINED

The term “vehicle” refers to an automobile, a motorcycle, a truck, a trailer, a RV/Camper, a semi trailer, a tractor, a bus, a school bus, a motorized bicycle, any recreational vehicle i.e. ATV, Golf Cart (see 9-13-2-196)

Section 3. ABANDONED VEHICLES DEFINED

- A. The term “abandoned vehicle” means the following:
1. A vehicle located on public property illegally, or left on public property continuously without being moved for three (3) days; or
 2. 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; or
 3. A vehicle that has remained on private property without the consent of the property owner, or a person in control of that property, for more than forty-eight (48) hours; or
 4. A vehicle from which the engine, transmission, or differential has been removed, or that is otherwise partially dismantled or inoperable and left on private property; or
 5. A vehicle that has been removed by a towing service or a public agency upon request of a St. Joe Town Board Member enforcing a statute or ordinance

other than this chapter, if the impounded vehicle is not claimed or redeemed by the owner or his agent within thirty (30) days of the removal of vehicle; or

6. A vehicle that is at least six (6) years old, mechanically inoperable, and has been left on private property continuously in a location from a public way for more than thirty (30) days (see 9-13-2-1)

B. A vehicle otherwise fitting the definition of an abandoned vehicle shall not be considered an abandoned vehicle if it is:

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

(See 9-22-1-1)

Section 4. PARTS DEFINED

The term “parts” refer to all components of a vehicle that as assembled do not constitute a complete vehicle.

Section 5. ENFORCEMENT AUTHORITY

The Town of St Joe Board Members and Town Manager and is hereby designated to carry out the provisions of this ordinance or the provisions of Indiana Code 9-22-1-1 through 9-22-1-32. For the purpose of this Ordinance, the preceding authorized persons may hereafter be referred to as “officer”.

Section 6. RESPONSIBILITY AND LIABILITY OF OWNER OF ABANDONED VEHICLES OR PARTS

The person who owns an abandoned vehicle or parts is responsible for the abandonment and liable for all of the costs in incidental and removal, storage and disposal of the vehicle or the parts. All costs incurred shall constitute a lien against the vehicle or parts, and vehicle or parts shall not be released until all such costs are paid.

Section 7. TAGGING ABANDONED VEHICLES OR PARTS

A. A officer authorized under section 5 who finds or is notified of 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, public agency, 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 seventy-two (72) hours
4. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle
5. That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within seventy-two (72) hours

Section 8. ABANDONED VEHICLE REPORT

If a vehicle or a part tagged under section 7 is not removed within the seventy-two (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 vehicle parts.

Section 9. DISPOSAL OF VEHICLES OR PARTS

If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined under section 8 is less than five hundred dollars (\$500.00), the officer may immediately dispose of the vehicle to an automobile scrap yard. A copy of the abandoned vehicle report and photographs relating to abandoned vehicle shall be forwarded to the Indiana Bureau of Motor Vehicles. The town shall retain the original records and photographs for at least two (2) years.

Section 10. TOWING AND STORAGE OF VEHICLES OR PARTS

If, in the opinion of the officer, the market value of the abandoned vehicle or parts determined under section 8 is at least five hundred (\$500.00), 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 seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage area

Section 11. NON-LIABILITY OF DAMAGE OR LOSS

The Town of St. Joe shall not be liable for the loss or damage to a vehicle or parts occurring during the removal, storage or disposition of a vehicle or parts; under this ordinance.

Section 12. SEARCH BY INDIANA BUREAU OF MOTOR VEHICLES FOR OWNER OR LIEN HOLDER

- A. Within seventy-two (72) hours after removal of an abandoned vehicle to a storage area under sections 9 or 10, the officer or storage lot 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
 4. The number of license plate
- B. The officer or storage lot shall request that the bureau advise the officer or storage lot of the name and most recent address of the person who owns or holds a lien of the vehicle

Section 13. CHARGES ALLOWED FOR TOWING AND STORAGE

- A. The owner of an abandoned vehicle which is not removed within the seventy-two (72) hour period is responsible for the towing and storage charges incurred by the Town of St Joe. The towing charge shall be that amount actually incurred by the town, but not exceed the sum of five hundred dollars (\$500.00). The storage charge shall be the amount actually incurred by the town, but not exceed one thousand dollars (\$1,000.00).
- B. All cost incurred by the town against the vehicle or parts must be paid before the vehicle or parts will be released.
- C. The proceeds from the sale of an abandoned vehicle or parts by the Indiana Bureau of Motor Vehicles shall be credited against the cost of the removal, storage, and disposal of the vehicle
- D. Should the proceeds from the sale of an abandoned vehicle or parts be insufficient to meet the total cost incurred for removal, storage, and disposal of vehicle or parts, the town may file suit in a court of competent jurisdiction against the person owning the abandoned vehicle or parts to collect the balance due.
- E. The vehicle may be towed and stored at the vehicle owner's expense. At which time the Town of St. Joe does not incur any towing and storage charges. The owner of the vehicle will need to discuss all towing and storage charges with the towing company that removed the vehicle.

Section 14. PENALTIES AND DISPOSITION OF FUNDS

- A. For any person who violates the provisions set forth in this Ordinance, the Clerk Treasurer shall issue a bill to the owner of the real estate where the vehicle(s) and/or part(s) are located in the amount of Twenty-Five Dollars (\$25.00) per vehicle(s) and/or part(s) and each day's continuance constitutes a separate offense. Payment shall be due to the Clerk Treasurer fifteen (15) days after the bill is mailed to the owner.
- B. If the owner fails to pay the bill within thirty (30) days, the town may collect the bill in any manner available by law. The Town of St. Joe shall be entitled to collect attorney fees and court costs incurred by the Town of St. Joe in enforcing the provisions of this ordinance.
- C. The Abandoned Vehicle Fund established under Ordinance 08-03 shall continue.

- D. The fund shall be used to pay for 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
- E. The costs incurred by the town in administering this ordinance shall be paid from the abandoned vehicle fund.
- F. The Town Board shall annually appropriate sufficient money to the fund to carry out this ordinance. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

Section 15. SEVERABILITY

If any provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

Section 16. OTHER ORDINANCES OR STATUTES

- A. This ordinance shall not limit the authority of the Town of St Joe from towing a vehicle prior to the seventy-two (72) hour period if authorized by another ordinance or statute.

Section 17. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage by the Town Board and publication according to the laws of the State of Indiana.

This Ordinance is duly passed by the St. Joe Town Board of St. Joe, Indiana on the 5th day of March 2018.

**ORDINANCE NO 14-02 AMENDING ST. JOE TOWN CODE CHAPTER 6, ARTICLE 2,
SECTION 6-11 AND ORDINANCE 03-01**

ORDINANCE OF THE TOWN OF ST. JOE

Chapter 6, Article 2, Section 6-11 of the St. Joe Town Code hereby reads as follows:

- A. Noxious weeds and other rank vegetation;
- B. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things;
- C. Any condition which provided harborage for rats, mice, snakes and other vermin;
- D. Any building or other structure which is in such dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health or people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
- E. All unnecessary or unauthorized noises and annoying vibrations, including animal noises;
- F. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches;
- G. The carcasses of animals or fowl not disposed of within a reasonable time after death;
- H. The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes or other substances;
- I. Any building , structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;
- J. Any building that essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others;
- K. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
- L. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities. (Ord. No. 70, §1, 11-14-83)
- M. The following vehicles will not be permitted to be parked in said general purpose district on public right-a-ways: semi trucks, truck-tractors, farm tractors, road tractors, semitrailer, pull-trailers, or other commercial vehicles; school buses, church buses, recreational vehicles, campers, boats, and trucks. Or inoperable automobiles, vans, trucks, and motorcycles.

- N. Parking for any certain purposes prohibited: No person shall park a vehicle upon any public right-a-way for the principal purpose of: repairing such vehicle, except repairs necessitated by an emergency not to exceed 30 minutes.
- O. Parking of any vehicles of any type is not allowed on any portion of any sidewalk.
- P. Parking of any vehicles of any type is not allowed to block the ends of any sidewalk. This is to allow for unblocked access of pedestrians to said sidewalks.
- Q. Parking of any vehicles of any type is not allowed to block any portion of the entrance to or exit from any alleyway.
- R. Parking of any vehicles of any type may not block any of the roadways of any streets, roads, or alleyways.

In all other respects St. Joe Town code Chapter 6, Article 2, Section 6-11 and Ordinance 03-01 shall remain as written.

This ordinance shall be of full force and effect from and after its passage by the Town Council to the Town of St. Joe, Indiana, and publication as required by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOE, INDIANA, the 28th Day of July 2014.

ORDINANCE NO 14-03

ORDINANCE OF THE TOWN OF ST. JOE

TOWING OF ABANDONED VEHICLES OR VEHICLES ILLEGALLY PARKED

An ordinance of the Town Council of the Town of St. Joe, Indiana, County of DeKalb, State of Indiana

WHEREAS, the Town of St. Joe, Indiana desires to keep its streets safe and clear of abandoned and illegally parked vehicles to allow for safe travel of residents, the safe travel of emergency vehicles, and for the safe and efficient movement of town equipment and trucks for the removal of snow and debris;

Section 1. That the Town of St. Joe, Indiana, shall have the right to tow any vehicle parked illegally on its streets, i.e. which vehicles are parked in any way that violates one of the ordinances of the Town of St. Joe or one of the laws of the State of Indiana, or has been abandoned as defined in the Town Code of Ordinances.

Section 2. That the owner of said vehicle that is being or has been towed is responsible to pay for the cost of the towing and the expenses incurred by the Town in enforcing its Ordinances against said vehicle. That the owner of said vehicle must also pay all of the reasonable costs of enforcement of this Ordinance, including without limitation, attorneys fees and court costs.

Section 3. That the Town must give the owner of the vehicle notice at least 72 hours ahead of the time that the vehicle is to be towed. Said notice must be affixed to the windshield of the vehicle and also delivered in person or left at the door of the property address. Also mail First Class a letter to the owner of the vehicle if not residing at the property address or to the owner of the property if a rental property. That an exception to this 72 hour notice is made for vehicles that need to be moved for the Town to effectively deal with emergency road conditions caused by snow, flooding, and any other natural disaster. Notice in those situations shall be given as soon as reasonably possible decided by the Town Council or Town Manager before the vehicle is moved.

This Ordinance shall be of full force and effect from and after its passage by the Town Council of the Town of St. Joe, Indiana, and publication as required by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOE, INDIANA, the 28th DAY OF July, 2014.