



Ordinance No 2017-1
TOWN OF CLOVERDALE
ORDINANCE FOR ADMENDING ORDINANCE 2007-5
An Ordinance Relating to the Removal of Abandoned vehicles

WHEREAS, There are or may in the future be, abandoned, wrecked, junked, non-operating, or discarded vehicles in places other than in storage or impoundment yards or in other places appropriate for such activity: and

WHEREAS, such conditions have been demonstrated as tending to impede traffic or interfere with the enjoyment of and reduce the value of private property; invite vandalism and plundering; encourage the presences of vermin; create fire hazards and other safety and health hazards to children and adults; interfere with the comfort and well-being of the public; and create extend and aggravate blight; and

WHEREAS, adequate protection of the public health, safety, welfare and comfort requires that such conditions be regulated, prohibited or abated; and

WHEREAS, the Indiana legislature has provided in I.C. 9-22-1 *et.seq.*, as amended, procedures for the removal and disposal of abandoned vehicles by local government.

NOW, THEREFORE BE IT RESOLVED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLOVERDALE, PUTNAM COUNTY, INDIANA AS FOLLOWS:

SECTION I

- (a) As used in the Ordinance, "Abandoned Vehicle" means:
1. A vehicle located on public property illegally.
 2. A vehicle left on public property without being moved for three (3) 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 forty-eight(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 a public agency upon request of an officer enforcing a statute or an ordinance other than this Ordinance, if the impounded vehicle is not claimed or redeemed by the owner or the owners agent within twenty(20) days after the vehicle's removal.
 7. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.
- (b) The storage of any vehicle which shall not have attached to it a current and valid license plate shall be held prima facie to be an abandoned vehicle.

SECTION II

- (a) An officer who finds a vehicle or parts believe 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 along with a 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.
- (b) If the tagged vehicle or parts are 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 that the market value is less than seven Hundred fifty Dollars (\$750.00). Photographs shall be taken to describe the condition of the vehicle or parts.

SECTION III

- (a) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is less than seven hundred fifty dollars (\$750.00), the officer shall immediately dispose of the vehicle or parts to an automobile scrapyards. A copy of the abandoned vehicle report and photograph's relating to the abandoned vehicle shall be forwarded to the Bureau of Motor Vehicles. The Police Department shall retain the original records and photographs for at least two (2) years.
- (b) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is Seven Hundred Fifty Dollars (\$750.00) 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 (72) hours, the officer shall require the vehicle or parts to be towed to a storage area.

SECTION IV

Within seventy-two (72) hours after removal of an abandoned vehicle to a storage area, the officer shall prepare and forward to the Bureau of Motor Vehicles 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 of Motor Vehicles advise the officer of the name and most recent mailing address of the owner and any lienholder. The Bureau of Motor Vehicles or the Town shall dispose of the vehicle in accordance with I.C. 9-22-1.

SECTION V

The maximum amount that an authorized towing service may charge for towing or removing a vehicle under this chapter shall not exceed Fifty Dollars (\$50.00) except where special treatment may be required. The service may charge the towing fee after hook-up if the owner/operator wishes to retrieve the vehicle. The maximum amount that may be charged for storage shall not exceed Ten Dollars (\$10.00) per day.

SECTION VI

To facilitate the removal of abandoned vehicles or parts or vehicles declared public nuisance, the Town may enter into a towing contracts or agreements for the removal and storage of abandoned vehicles and parts.

SECTION VII

Neither the owner, lessee, or occupant of the property from which an abandoned vehicle or parts are removed nor the Town or its officers, authorized towing service, or automobile scrapyard is liable for loss or damage to the vehicle or parts occurring during its removal, storage, or disposition.

SECTION VIII

This Ordinance does not apply to:

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 upon property licensed or zoned as an automobile storage or impound yard: or
4. A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility;
5. A vehicle registered and licensed under I.C. 9-7-6-1 to 9-7-6-6 as an antique vehicle.

SECTION IX

The Abandoned Vehicle Fund which shall be a revolving fund and all monies paid to the Town for the cost of removal, storage and disposal of abandoned vehicles shall be placed in said fund and in no other place. Said fund shall also have added to it such monies as may be appropriated by the Town council. The cost of removal and storage of an abandoned vehicle or parts not claimed by the owner or lienholder shall be paid from the Abandoned Vehicle Fund. The proceeds of sale of an abandoned vehicle or parts shall be credited against all cost and incidents to the removal, storage and disposal of the vehicle. All monies remaining in said fund at the end of the year shall remain in such fund and not revert to the General Fund. The monies in said fund shall be expended and used only for the purpose enumerated in I.C. 9-22-1 *et. seq* providing for the disposal of abandoned vehicles.

SECTION X

In computing any period of time prescribed in this Ordinance, the day of the act, event or tagging, or mailing from which the designated period of time begins to run shall not be include. Such time shall begin to run on the next succeeding day and shall conclude on midnight of the last day of the period that is not a Saturday, Sunday or legal holiday.

SECTION XI

No part of the Ordinance shall be interpreted to conflict with any local, State or Federal Laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of the Ordinance are hereby declared to be severable.

BE IT ORDANINED AND ADOPTION THAT

This Ordinance supersedes and replaces any rule regulation or Ordinance that conflicts with its provisions.

This Ordinance is effective as of the date of passage and advertises in local newspaper.

ADOPTED AND PASSED on this 16 day of MAY, 2017

TOWN COUNCIL OF THE
TOWN OF CLOVERDALE, INDIANA



President, Coweta Patton

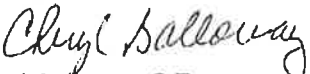
ATTEST



CLERK-TREASURER

Vice President, Larry Fidler



I affirm, under penalties, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law 

This Document was created by Cheryl Galloway C-T