ORDINANCE 81-93

To Amend Chapter 15.26 of the Bloomington Municipal Code, Entitled "Emergency Removal and Impoundment of Vehicles"

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Chapter 15.26 of the Bloomington Municipal Code shall be amended to read as follows:

Chapter 15.26

EMERGENCY REMOVAL AND IMPOUNDMENT OF VEHICLES

Sections:

15.26.010 Definitions.
15.26.020 General provisions.
15.26.030 Emergency removal and impoundment procedures.
15.26.040 Towing and storage charges.
15.26.050 Disposal of impounded vehicles.
15.26.060 Liability for loss or damage.
15.26.070 Payment of fines.

15.26.010 Definitions. As used in this chapter the following words have the following meanings unless otherwise designated:

(1) "Authorized towing service" means a business that engages in moving or removing disabled vehicles, and, once removed, to store or impound vehicles, and that has been requested by the Bloomington police department to tow vehicles.

(2) "Owner" means the last known record titleholder of a vehicle according to the records of the State Bureau of Motor Vehicles under IC 9-1-2.

(3) "Parked" means any vehicle parked, stopped, standing or unattended.

(4) "Vehicle" refers to an automobile, motorcycle, truck, trailer, semi-trailer, tractor, bus, school bus, recreational vehicle, or motorized bicycle.

15.26.020 General Provisions. (a) Vehicles parked in any of the following circumstances are declared public nuisances and shall be subject to the emergency removal and impoundment procedures authorized by this chapter, as well as any fines set by state law or city ordinance:

(1) Any vehicle which constitutes an impediment to the free flow of traffic in the area in which the vehicle is found;

(2) Any vehicle parked in a fire lane in violation of section 18.04.120 of this code;

(3) Any vehicle upon which there is a police department hold;

(4) Any vehicle whose operator is unable to move such vehicle due to the person's arrest or other incapacity;

(5) Any vehicle parked in a duly authorized private parking permit area without permission of the permit holder after complaint to the Bloomington police department, in violation of section 12.16.100 of this code;

(6) Any vehicle parked in an annual leased stall in the municipal parking garage without displaying a Class A permit for that stall in violation of section 15.68.140 of this code;

(7) Any vehicle parked in violation of the snow removal, street repair and street cleaning provisions of section 15.74.010 of this code;

(8) Any vehicle which has accumulated five or more unpaid parking tickets in the city within any consecutive twelve-month period, for which parking violation notices were issued but which have not been either paid, presented for compromise payment, or slated into a court of competent jurisdiction.

(9) Any vehicle required to be registered under IC 9-1-4 which does not have the proper registration or licence plates attached, in violation of IC 9-9-5-5.

(10) Any vehicle discovered by a police officer in possession of a person other than the owner and the person cannot establish right to possession of that vehicle, as specified in IC 9-9-1.1-4 and section 15.60.050 of this code.

(b) When any vehicle is parked in any of the circumstances enumerated in subsection (a) of this section, such fact shall be prima facie evidence that the owner is chargeable for the violation.

15.26.030 Emergency removal and impoundment procedure. (a) Any officer of the Bloomington police department discovering a public nuisance as described in subsection (a) of section 15.26.020 shall cause the vehicle to be removed by an authorized towing service. If the owner or operator appears at the site of the violation before the vehicle is removed and executes a written promise to appear in court, then the vehicle shall be released.

(b) Impounded vehicles shall be released without payment of the towing and storage charges upon order of the Bloomington police department or the judge of a court of competent jurisdiction, or upon the owner's executing a written promise to appear in court.

15.26.040 Towing and storage charges. (a) The maximum amount that an authorized towing service may charge for towing or removing a vehicle under this chapter shall not exceed twenty-five dollars except where special equipment may be required. The maximum amount that may be charged for storage shall not exceed five dollars per day.

(b) Towing and storage charges shall be the responsibility of the owner and shall be payable directly to the authorized towing service.

15.26.050 Disposal of impounded vehicles. Impounded vehicles shall be disposed of in accordance with the provisions of Chapter 15.60 of this code and IC 9-9-1.1.

15.26.060 Liability for loss or damage. Neither the owner, lessee, or occupany of the property from which a vehicle is removed, nor the police department or authorized towing service is liable for loss or damage to the vehicle during its removal or storage.

15.26.070 Payment of fines. The owner of the impounded vehicle shall be responsible for paying any applicable fine.

SECTION II. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of October, 1981.

Alfred I. Towell

Alfred I. Towell, President
Bloomington Common Council

ATTEST:

Nora M. Connors, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 23rd day of October, 1981.

Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this 26th day of October, 1981.

Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the code to adopt new procedures for the emergency removal and storage of vehicles declared to be public nuisances. Ten situations are enumerated in which the police department can authorize towing services to have cars towed immediately, and procedures for releasing and disposing of the cars are set out.