

ORDINANCE 81-86

To Amend Chapter 15.60 of the Bloomington
Municipal Code, Entitled "Abandoned Vehicles"

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

SECTION I. Chapter 15.60 of the Bloomington Municipal Code shall be
amended to read as follows:

Chapter 15.60
ABANDONED VEHICLES

Sections:

- 15.60.010 Purpose.
- 15.60.020 Definitions.
- 15.60.030 Exceptions.
- 15.60.040 Responsibility of owner.
- 15.60.050 Vehicles in possession of person other than owner.
- 15.60.060 Removal of abandoned vehicles.
- 15.60.070 Disposal of abandoned vehicles.
- 15.60.080 Maximum towing and storage charges.
- 15.60.090 Towing contracts.
- 15.60.100 Liability for loss or damage.

15.60.010 Purpose. The common council finds that abandoned vehicles
are a public nuisance and a safety and health hazard. The police department
is given the responsibility for removal, storage, and disposal of abandoned
vehicles.

15.60.020 Definitions. As used in this chapter, the following have
the following meanings unless otherwise designated:

- (a) "Abandoned vehicle" means:
 - (1) a vehicle located on public property illegally;
 - (2) a vehicle left on public property continuously without
being moved for three days;
 - (3) 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 hours;
 - (4) a vehicle from which there has been removed the engine,
transmission, or differential or that is otherwise parti-
tially dismantled or inoperable and left on public prop-
erty;
 - (5) a vehicle that has been removed by an authorized towing service upon
request of an officer enforcing a statute or ordinance
other than this chapter, if the vehicle once impounded is
not claimed or redeemed by the owner or his agent within
fifteen days of its removal; or
 - (6) a vehicle that is six or more model years old and mechani-
cally inoperable, and is left on private property continu-
ously in a location visible from public property for more
than thirty days.
- (b) "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.
- (c) "Automobile scrapyard" means a business organized for the purpose
of scrap metal processing, automobile wrecking, or operating a
junkyard.
- (d) "Bureau" refers to the bureau of motor vehicles.
- (e) "Officer" means a member of the city police department.
- (f) "Owner" means the last known record titleholder of a vehicle
according to the records of the bureau under IC 9-1-2.
- (g) "Parts" refers to all components of a vehicle that as assembled
do not constitute a complete vehicle.
- (h) "Private property" means all property other than public property.

- (i) "Public property" means a public right-of-way, street, highway, alley, park, or other state, county, or municipal property.
- (j) "Vehicle" refers to an automobile, motorcycle, truck, trailer, semi-trailer, tractor, bus, school bus, recreational vehicle, or motorized bicycle.

15.60.030 Exceptions. This chapter does not apply to:

- (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 scrapyard; or
- (e) a vehicle registered and licensed under IC 9-7-6 as an antique vehicle.

15.60.040 Responsibility of owner. The owner of an abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage, and disposal of the vehicle or its parts.

15.60.050 Vehicles in possession of person other than owner.

- (a) When an officer discovers a vehicle in the possession of a person other than the owner and the person cannot establish his right to the possession of that vehicle, the vehicle shall be taken to and stored in a suitable place. The bureau shall be notified within seventy-two hours of the location and description of the vehicle. Upon receipt of notification, the bureau shall cause a search to be made to determine and notify the owner.
- (b) If the owner of the vehicle cannot be determined, the bureau shall declare the vehicle abandoned and provide for its disposal in accordance with this chapter.
- (c) If the properly identified owner or lienholder appears at the site of storage before disposal of the vehicle or parts and pays all proper costs incurred against it at that time, then the vehicle or parts shall be released. A copy of the release of all vehicle or parts shall be sent to the bureau. The release must contain the owner or lienholder's signature, name, address, vehicle or parts description, costs, and date of release.
- (d) If the vehicle is not released to the owner or lienholder, the bureau shall declare the vehicle abandoned and provide for disposal in accordance with this chapter.

15.60.060 Removal of abandoned vehicles.

- (a) An officer who finds 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, city police department, 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 hours.
 - (4) That the owner will be held responsible for all costs incidental to the removal, storage, and disposal, and if not paid the owner's registration privileges will be suspended on that car.
 - (5) That the owner may avoid costs by removal of the vehicle or parts within seventy-two hours.

- (b) If the tagged vehicle or parts are not removed within that seventy-two 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 one hundred dollars. Photographs shall be taken to describe the condition of the vehicle or parts.
- (c) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is less than one hundred dollars, the officer shall immediately dispose of the vehicle to an automobile scrapyard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. The police department shall retain the original records and photographs for at least two years.
- (d) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is one hundred dollars 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 hours, the officer shall require the vehicle or parts to be towed to a storage area.

15.60.070 Disposal of abandoned vehicles.

- (a) Within seventy-two hours after removal of an abandoned vehicle to a storage area under this chapter, the police department shall prepare and forward to the bureau 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 advise the police department of the name and most recent mailing address of the owner and any lienholder.
- (b) The bureau shall dispose of the vehicle in accordance with IC 9-9-1.1

15.60.080 Maximum towing and storage charges. 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 is required. The maximum amount that may be charged for storage shall not exceed five dollars per day.

15.60.090 Towing contracts. To facilitate the removal of abandoned vehicles or parts or vehicles declared public nuisances, the police department may enter into towing contracts or agreements for the removal and storage of abandoned vehicles and parts.

15.60.100 Liability for loss or damage. Neither the owner, lessee, or occupant of the property from which an abandoned vehicle or parts are removed nor the police department, 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 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.

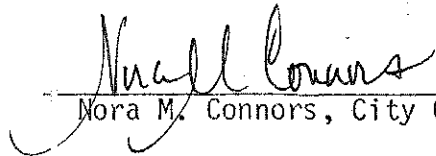
PASSED and ADOPTED upon this 21st day of October, 1981.


Alfred I. Towell, President
Bloomington Common Council

ATTEST:

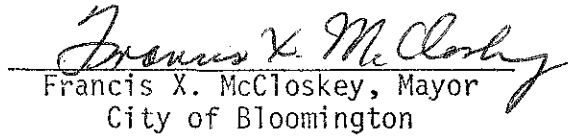

Nora M. Connors, City Clerk

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 abandoned vehicle chapter to adopt new procedures established in IC 9-9-1.1. New definitions of abandoned vehicles are set out, maximum towing and storage charges are set, and the Bureau of Motor Vehicles is given responsibility to dispose of abandoned cars valued at more than \$100.