

ORDINANCE NO. 72-~~7~~

AN ORDINANCE PROHIBITING THE ABANDONMENT OF VEHICLES; RESTRICTING THE DISPOSITION OR KEEPING OF WRECKED, NON-OPERATING, OR DISCARDED VEHICLES ON STREETS OR PRIVATE PROPERTY; PROVIDING FOR IMPOUNDING AND DISPOSAL OF CERTAIN VEHICLES; IMPOSING PENALTIES; AND CREATING A FUND FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, in the City of Bloomington, Indiana, vehicles are or may in the future be abandoned in the streets and other public premises within the city; and

WHEREAS, there are or may in the future be dismantled, partially dismantled, wrecked, junked, non-operating or discarded vehicles in places other than in junk yards or 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; 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, the General Assembly of the State of Indiana has enacted Public Law 141 of 1971, said statute codified in the Indiana Code of 1971 at 9-9-1.5; and

WHEREAS, said Public Law 141 grants the power to the City of Bloomington to take certain measures to regulate, prohibit or abate such activity as is the subject of this ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION 1. Short Title. This ordinance shall hereafter be known and cited as the Abandoned Vehicle ordinance.

SECTION 2. Definitions. As used in this ordinance unless the context otherwise indicates:

(a) "Vehicle" means any motor vehicle, automobile, motorcycle, truck, trailer, semi-trailer truck, tractor, bus, school bus, house car, or motor bicycle.

(b) "Abandoned" when used in conjunction with the term vehicle, means:

(1) Any vehicle located on public premises which does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate and inspection sticker permitting its operation upon the highways of the State of Indiana.

(2) Any vehicle which is left on public premises continuously without being moved for a period of seven (7) days.

(3) Any vehicle located on public premises illegally or in such manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.

(4) Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises, for more than forty-eight (48) hours.

(5) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left on public premises.

(6) Any vehicle which has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than this chapter, the violation of which may require the removal and impoundment of said motor vehicle, and which motor vehicle once impounded is not claimed or redeemed by the owner or his agent within thirty (30) days of its removal.

(c) "Public premises" means any public right-of-way, street, highway, alley, park, or other state, county or municipally owned property.

(d) "Private premises" means all privately owned property which is not classified within the definition of public premises.

(e) "Person" means all natural persons, firms, partnerships and corporations.

(f) "Officer" means any regular member of the Indiana State Police, any regular member of a city or town police department, any town marshal or town marshal deputy or any regular member of the county sheriff's department.

(g) "Bureau" shall mean the Bureau of Motor Vehicles of the State of Indiana.

(h) "Owner" means the last known record title holder to a vehicle according to the records of the bureau under the provision of IC 1971, 9-1-1.

(i) "Public agency" means the department of local government which is assigned the local responsibility for removal, storage and disposal of abandoned vehicles by ordinance of the common council, town board or county council.

(j) "Scrap metal processor" means an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and scrap steel or nonferrous scrap for sale for remelting purposes.

(k) "Automobile wrecker" means an automobile wrecking and parts business.

(l) "Disposal agent" means any firm or individual engaged in business as a scrap metal processor or automobile wrecker.

(m) "Commissioner" means the commissioner of the bureau.

(n) "Parts" means all component parts of a vehicle which are in a state of disassembly, or are assembled with other vehicle component parts, but which, in their state of assembly, do not constitute a complete vehicle.

(o) "Towing service" means a business organized for the purpose of moving or removing disabled motor vehicles, and, once removed, to store or impound such motor vehicles.

SECTION 3. Prohibition. No person shall abandon his vehicle on any public premises or private premises without the permission of the person having the right to possession of the property upon which the motor vehicle was left.

SECTION 4. Removal and Disposal. The police department of the City of Bloomington is the authorized agency assigned the responsibility for removing vehicles defined as abandoned under the provisions of the ordinance and of Public Law 141 of 1971.

A. Any vehicle under the standards established by Public Law 141 of 1971 having a value of less than \$100 shall be subject to removal to a scrap processing yard or auto wrecker at which place said vehicle shall be disposed of in such a fashion so as to render it incapable of use as a vehicle.

Such vehicles shall be tagged by a police officer with a notice tag affixed in a prominent place on such vehicle and said tag which shall be prepared by the police department shall contain the following information:

- (a) That the vehicle or parts are considered abandoned;
- (b) That the vehicle or parts will be removed seventy-two (72) hours thereafter, and immediately disposed of to a scrap processor or auto wrecker;
- (c) That the owner will be held responsible for all costs incidental to the removal and disposal, and if not paid, the owner's registration privileges will be suspended;
- (d) That the owner may avoid costs, or suspension of registration privileges by removal of the vehicle or parts within seventy-two (72) hours; and
- (e) The date, time, officer's name and the address and telephone number of the public agency to contact for information.

B. Vehicles valued in excess of \$100 according to the standards set forth in Public Law 141 of 1971 and found abandoned shall be tagged with a notice tag by a police officer and said notice shall contain the following information:

- (a) That the vehicle or parts are considered abandoned;
- (b) That the vehicle or parts will be removed seventy-two (72) hours thereafter, impounded and subsequently disposed of;
- (c) That the owner will be held responsible for all costs incidental to the removal and storage;

(d) That the owner may avoid such costs by removal of the vehicle or parts within seventy-two (72) hours; and

(e) The date, time, officer's name and address and telephone number of the public agency to contact for information.

SECTION 5. The final disposal of vehicles valued at either over \$100 or under \$100 shall be in accordance with the provisions of Public Law 141 of the 1971 General Assembly, IC 1971, 9-9-1.5.

SECTION 6. Limitation of Cost. In no event shall the owner of the motor vehicle be charged for towing or removing the vehicle a sum in excess of \$15, nor shall the cost of storage exceed the sum of \$2 per day. The storage charge shall be limited to the actual number of days of storage.

SECTION 7. Revolving Fund. There is hereby created the city Junk Vehicle Fund which shall be a revolving fund, and all monies paid to the city 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 Common Council and such monies shall remain in the Junk Vehicle Fund.

SECTION 8. Penalties. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereunder shall be fined not exceeding \$300 or be imprisoned not exceeding 6 months, or be subject to fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 9. Separability. If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

SECTION 10. Repealer. Ordinance No. 66-29 and/or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. Effective Date. This ordinance shall be in full force and effect from and after notice, passage by the Common Council, approval by the Mayor, all in the manner as provided by law.

Passed and adopted by the Common Council of the City of Bloomington, Indiana, on the 2nd day of March, 1972.

Charlotte T. Zietlow
Charlotte T. Zietlow, Council
President

ATTEST:

Grace E. Johnson
Grace E. Johnson, City Clerk

Presented by me to the Mayor of the City of Bloomington, Indiana, upon the 10 day of March, 1972, at the hour of 9:30 o'clock a.m.

Grace E. Johnson
Grace E. Johnson, City Clerk

This ordinance approved and signed by me upon the 10th day of March, 1972, at the hour of 10:00 o'clock a.m.

Francis X. McCloskey
Francis X. McCloskey, Mayor