

City of Bloomington Common Council

LEGISLATIVE PACKET

Wednesday, 27 May 2020

*Special Session followed by the
Administration Committee
Starting at 6:30 PM*

Legislation and background material on [Ordinance 20-10](#), is contained herein.

**Please see the note on the [Agenda](#) addressing public meetings during the public health emergency*
For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult
the City's [Calendar](#).*

City of
Bloomington
Indiana



City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
email: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Weekly Packet
Date: 27 May 2020

LEGISLATIVE PACKET CONTENTS

SPECIAL SESSION FOLLOWED BY THE ADMINISTRATION COMMITTEE

WEDNESDAY, 27 MAY 2020 [6:30 PM]

- Memo from Council Office
- Agenda – Special Session immediately followed by the Administration Committee on Wednesday, May 27, 2020 at 6:30 pm
- Notice of Council Interview Committee Meeting on Wednesday, May 27, 2020 at 6:15 pm to be held remotely – Zoom meeting link: <https://bloomington.zoom.us/j/91467865789>
- Notice of Special Session and Administration Committee on Wednesday, May 27, 2020 at 6:30 pm to be held remotely – Zoom meeting link: <https://bloomington.zoom.us/j/96753852683>
- Notice of Jack Hopkins Social Services Funding Committee – Allocation Hearing on May 28, 2020 at 6:00 pm – to be held remotely – Zoom meeting link: <https://bloomington.zoom.us/j/98728333643>

Special Session –

First Reading (materials contained herein)

- **Ordinance 20-10** – To Amend Title 15 of the Bloomington Municipal Code (BMC) Entitled “Vehicles and Traffic” – Re: Amending BMC Chapters 15.48 (Removal and Impoundment of Vehicles) and 15.52 (Abandoned Vehicles) to Align Rules for City-Initiated Tows with Nonconsensual Tows
 - Memo from Mike Rouker, City Attorney
 - Strike-Out Version of BMC 15.48 and BMC 15.52 Annotating Changes Proposed by this Ordinance

Contact: Mike Rouker at 812-349-3426, roukerm@bloomington.in.gov

Administration Committee -

- **Ordinance 20-10** (See above)

PRELIMINARY MATTERS – REMINDERS FOR THE WEEK, ETC.

WEDNESDAY

May 27, 2020 at 6:15 p.m. – Council Interview Committee B to meet remotely - Zoom meeting link: <https://bloomington.zoom.us/j/91467865789>

May 27, 2020 at 6:30 p.m. – Special Session and Administration Committee to be held remotely – Zoom meeting link: <https://bloomington.zoom.us/j/96753852683>

THURSDAY

May 28, 2020 at 6:00 pm (*rescheduled from May 26*) – Jack Hopkins Social Services Funding Committee – Allocation Hearing to be held remotely – Zoom meeting link: <https://bloomington.zoom.us/j/98728333643>

SPECIAL SESSION - APPOINTMENTS

The Administration Committee met on Friday (after cancelling the meeting scheduled for Monday, May 18). As noted in last week's packet memo, the purpose of the meeting was to discuss and make recommendations to the full Council regarding transition in the Council Office following the retirement letter sent last week by Dan Sherman, Council Attorney/Administrator. His retirement will be effective the end of the day on July 31, 2020 and, as mentioned by Cm. Volan, Chair, creates a vacancy effective August 1, 2020, which could be filled whenever the Council is ready to act. After hearing about separate conversations Cm. Volan had with each member of the Council on the matter and expressing great satisfaction with the work of the current Deputy Attorney/Administrator, the Committee adopted a motion: "that the Administration Committee recommend that the Council appoint Stephen Lucas to serve as the Council Attorney/Administrator effective August 1, 2020, pending resolution of certain employment matters by Cms. Volan and Sims, which include such matters as compensation and continued interest in the position. "

This motion is expected to come forward to the full Council at the Special Session on May 27th. Assuming the appointment is consummated soon, the work of filling the position of Deputy Attorney/ Administrator could begin and result in a fully-staffed office by the start of the first payroll in August – August 3rd.

SPECIAL SESSION – FIRST READING – NEW MATERIALS - SUMMARY

Item 1:

Ordinance 20-10 – To Amend Title 15 of the Bloomington Municipal Code (BMC) Entitled “Vehicles and Traffic” – Re: Amending BMC Chapters 15.48 (Removal and Impoundment of Vehicles) and 15.52 (Abandoned Vehicles) to Align Rules for City-Initiated Tows with Nonconsensual Tows

As you may recall and as explained in the Memo prepared by Mike Rouker, City Attorney, this ordinance follows action by the Council in February to regulate the nonconsensual towing of vehicles¹ and aligns the fees and most procedures for City-initiated tows with non-consensual tows.

Early last year, the City amended Title 15 to bring fees for tows initiated by the Bloomington Police Department in line with tows initiated by other local public agencies (public tows).² It had been about 18 years since those fees had been adjusted and towing operators successfully argued that the fees the City allowed were not in line with those allowed by other public agencies in the area and had fallen behind the cost of performing those services. According to Rouker’s Memo, the changes in this ordinance “will make it easier for both city officials and tow company employees to know and comply with the code requirements.” In addition, these changes may make it less confusing and easier for the public who want to retrieve vehicles that have been towed.

In brief, the ordinance:

- Increases the total base fee towers may charge from \$125 to \$135 (See BMC 15.52.030);
- Allows the owner or operator to regain their vehicle without charge, if they arrive before the vehicle is “in the process of being removed” (which occurs when it “is attached to the tow truck and at least two tires ... are off the ground”) (See BMC 15.48.020)
 - *Currently the owner or operator may regain their vehicle without charge if they arrive “before the vehicle is removed” which is undefined (and also, if necessary, confirm their name and address);*

¹ Ordinance 20-03 - To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses and Regulations” - Re: Adding Chapter 4.32 (Non-Consensual Towing Businesses). This ordinance was introduced at the Regular Session on January 15th, discussed at the Committee of the Whole on January 22nd, received public comment at the Regular Session on February 5th, was subject to recommended amendments at the Committee of the Whole on February 12th, and was amended and adopted at the Regular Session on February 19th. Please see the weekly Council Legislative Packets issued for the meetings on January 15th, February 12th, and February 19th for the ordinance, summary and amendments at: <https://bloomington.in.gov/council/meetings/2020>

² Ordinance 19-07 Amending Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Updating Permissible Towing and Storage Fees for Authorized Towing Services. This ordinance was introduced at the Regular Session and discussed at the Committee of the Whole meeting (which were both held on March 6, 2019) and then adopted at the Regular Session on March 20, 2019. Please see the weekly Council Legislative Packet issued for the Regular Session on March 6, 2020 for the legislation, summary, and materials at: <https://bloomington.in.gov/council/meetings/2019>

- Allows the owner or operator who arrive at the scene once their vehicle is already in the process of being towed to regain their vehicle. At that time, the towers must inform owners or operators of vehicles that the vehicle will be released on the spot if the owner or operator pays a fee of no more than half the normal fee that could be charged for the tow (See BMC 15.48.020);
- Keeps the maximum storage fee at \$25 per day, but delays the start of storage fees until 24 hours after the vehicle arrives at the storage facility (See BMC 15.52.030);
- Allows the owner or operator of the vehicle to have the vehicle released to them within 60 minutes of its arrival at the storage facility upon proof of ownership and payment of the full amount of towing fees or payment of 20% of those fees and execution of a payment agreement for the balance (See BMC 15.48.020 (b) and BMC 15.52.065 – new provisions yet to be codified, but available within [Ordinance 20-03](#)).

**NOTICE AND AGENDA
THE BLOOMINGTON COMMON COUNCIL**

**SPECIAL SESSION
IMMEDIATELY FOLLOWED BY
THE ADMINISTRATION COMMITTEE**

WEDNESDAY, 27 MAY 2020 AT 6:30 PM

Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link: <https://bloomington.zoom.us/j/96753852683>

I. ROLL CALL

II. AGENDA SUMMATION

III. REPORTS

1. The Mayor and City Offices

IV. APPOINTMENTS

V. LEGISLATION FOR SECOND READING AND RESOLUTIONS

None

VI. LEGISLATION FOR FIRST READING AND RESOLUTIONS

1. Ordinance 20-10 – To Amend Title 15 of the Bloomington Municipal Code (BMC) Entitled “Vehicles and Traffic” – Re: Amending BMC Chapters 15.48 (Removal and Impoundment of Vehicles) and 15.52 (Abandoned Vehicles) to Align Rules for City-Initiated Tows with Nonconsensual Tows

VII. COUNCIL SCHEDULE

VIII. ADJOURNMENT

(followed immediately by the Administration Committee)

Statement on public meetings during public health emergency:

As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

- allowing members of the Council or its committees to participate in meetings electronically;*
- posting notices and agendas for meetings solely by electronic means;*
- using electronic meeting platforms to allow for remote public attendance and participation (when possible);*
- encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to council@bloomington.in.gov).*

Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings during the public health emergency.

(Continued on Next Page)

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL**

**ADMINISTRATION COMMITTEE
IMMEDIATELY FOLLOWING THE SPECIAL SESSION**

WEDNESDAY, 27 APRIL 2020

Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link: <https://bloomington.zoom.us/j/96753852683>

Chair: Stephen Volan

1. Ordinance 20-10 – To Amend Title 15 of the Bloomington Municipal Code (BMC) Entitled “Vehicles and Traffic” – Re: Amending BMC Chapters 15.48 (Removal and Impoundment of Vehicles) and 15.52 (Abandoned Vehicles) to Align Rules for City-Initiated Tows with Nonconsensual Tows

Asked to attend: Mike Rouker, City Attorney

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CITY OF BLOOMINGTON

Office of the City Clerk

NOTICE

Council Interview Committee B Meeting

Wednesday, May 27, 2020 at 6:15 PM

Per [Executive Orders](#) issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/91467865789>

The following Bloomington Common Council Interview Committee will meet electronically for the purpose of reviewing applications, interviewing candidates, and/or to determine the committee recommendations to city boards and commissions.

Statement on public meetings during public health emergency

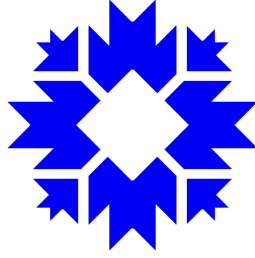
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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, 22 May 2020



**City of Bloomington
Office of the Common Council**

NOTICE

Wednesday, 27 May 2020 at 6:30 PM

***Special Session immediately followed
by an Administration Committee Meeting***

Per [Executive Orders](#) issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/96753852683>

Statement on public meetings during public health emergency

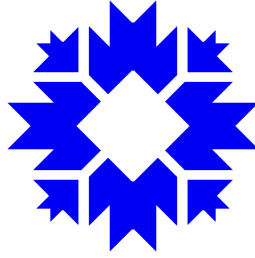
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Posted: Friday 22 May 2020



**City of Bloomington
Office of the Common Council**

NOTICE

Jack Hopkins Social Services Funding Committee Allocation Hearing

**Thursday, 28 May 2020, 6:00pm
(*rescheduled from 26 May 2020*)**

Per [Executive Orders](#) issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/98728333643>

Statement on public meetings during public health emergency

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Posted: Friday, 22 May 2020

ORDINANCE 20-10

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE (BMC)
ENTITLED “VEHICLES AND TRAFFIC”**

**- Re: Amending BMC Chapters 15.48 (Removal and Impoundment of Vehicles) and 15.52
(Abandoned Vehicles) to Align Rules for City-Initiated Tow with Non-Consensual Tows**

WHEREAS, on February 19, 2020 the Bloomington City Council passed Ordinance 20-03, which is commonly referred to as Bloomington’s “Nonconsensual Towing Ordinance;” and

WHEREAS, on February 21, 2020, the Mayor signed Ordinance 20-03 with an effective date of July 1, 2020; and

WHEREAS, Ordinance 20-03, among other items, sets limits on the amounts that may be charged for nonconsensual private tows and establishes rules for the release of vehicles in the aftermath of said nonconsensual private tows; and

WHEREAS, for ease of administration and for ease of understanding among the public, the City now wishes to bring the rules for public tows into line with those of nonconsensual private tows;

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

SECTION 1. Section 15.48.020 of the Bloomington Municipal Code is deleted and replaced with the following language:

15.48.020 – Removal and impoundment procedure.

(a) Any officer of the Bloomington Police Department or parking enforcement officer discovering a public nuisance as described in Section 15.48.010 shall cause the vehicle to be removed by an authorized towing service. When the owner or operator of a motor vehicle appears personally at the site of the tow before the vehicle is in the process of being towed, the vehicle shall not be towed nor shall any fee be charged. However, when the owner or operator of a motor vehicle arrives at the site of the tow when the vehicle is already in the process of being towed, the authorized towing service shall give the owner or operator either oral or written notification that the owner or operator may pay a fee in the amount that is not greater than half of the amount of the fee the authorized towing service would normally charge for the immediate release of a motor vehicle. For purposes of this section, a motor vehicle is in the process of being towed when it is attached to the tow truck and at least two tires of the vehicle are off the ground.

(b) A vehicle towed under this chapter shall be available to be claimed within sixty (60) minutes of its arrival at a vehicle storage facility, and the vehicle shall be released promptly upon demonstration of proof of ownership, such as title or registration of vehicle and either

- (i) payment of fees; or
- (ii) payment of 20% of the fees and execution of a payment agreement for the fee balance.

SECTION 2. Section 15.48.030 of the Bloomington Municipal Code is deleted and replaced with the following language:

15.48.030 – Towing and storage charges.

The maximum amount that an authorized towing service may charge for hooking up, towing or removing a vehicle under this chapter may not exceed \$135.00, except where special treatment may be required. Special treatment, including dollying, may not exceed an additional \$25.00. The maximum amount that may be charged for storage of vehicles shall not exceed \$25.00 per day. The storage fee may not begin to accrue until twenty-four (24) hours have passed since the vehicle arrived at the storage facility.

SECTION 3. Section 15.52.060 of the Bloomington Municipal Code is deleted and replaced with the following language:

15.52.060 – Maximum towing and storage charges.

The maximum amount that an authorized towing service may charge for hooking up, towing or removing a vehicle under this chapter may not exceed \$135.00, except where special treatment may be required. Special treatment, including dollying, may not exceed an additional \$25.00. The maximum amount that may be charged for storage of vehicles shall not exceed \$25.00 per day. The storage fee may not begin to accrue until twenty-four (24) hours have passed since the vehicle arrived at the storage facility.

SECTION 4. New Section 15.52.065 of the Bloomington Municipal Code is added with the heading appearing in the index to that chapter, and shall read as follows:

15.52.065 – Release of vehicle.

A vehicle towed under this chapter shall be available to be claimed within sixty (60) minutes of its arrival at a vehicle storage facility, and the vehicle shall be released promptly upon demonstration of proof of ownership, such as title or registration of vehicle and either

- (i) payment of fees; or
- (ii) payment of 20% of the fees and execution of a payment agreement for the fee balance.

SECTION 5. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances 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 ordinance are declared to be severable.

SECTION 6. This ordinance shall be in full force and effect beginning on July 1, 2020.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2020.

STEPHEN VOLAN, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2020.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2020.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance brings rules governing publicly-initiated tows under Title 15 into line with recently adopted rules for nonconsensual tows codified in Title 4. By making the rules for maximum charges and for release of towed vehicles uniform in both Title 4 and Title 15, this ordinance will result in more clarity for the public and easier administration of towing rules for both public and private actors.



MEMORANDUM

CITY OF BLOOMINGTON LEGAL DEPARTMENT

TO: Common Council
FROM: Michael Rouker, City Attorney
RE: Ordinance 20-10 - Public Towing Ordinance Update
DATE: May 14, 2020

On February 19, 2020, the Common Council passed Ordinance 20-03, commonly referred to as Bloomington's nonconsensual towing ordinance. The nonconsensual towing ordinance established a number of consumer protections, including setting caps on the amount that towers may charge for services and the conditions under which towers are required to release vehicles to owners.

Ordinance 20-10 updates Title 15 of the Bloomington Municipal Code so that the rules for public tows (tows initiated by a law enforcement agency) mirror those for private tows. To that end, Ordinance 20-10 increases the total base fee that towers may charge from \$125 to \$135, requires authorized towing companies to release vehicles after payment of 20% of the total fees owed if the owner signs an agreement to pay the remainder, and clarifies that storage charges may not be assessed until a vehicle has been in storage for a period of at least 24 hours.

By making the requirements identical for both private and public tows, the Council will set uniform expectations about how towing will be handled throughout the community and will make it easier for both city officials and tow company employees to know and comply with the Code's requirements. Therefore staff recommends that the Common Council adopt Ordinance 20-10.

Chapter 15.48 - REMOVAL AND IMPOUNDMENT OF VEHICLES*

Changes Proposed by Ord 20-10 (Aligning Rules for City-Initiated Tows with Non-Consensual Tows) in Strike-Out, Underline, and Red Font.

Index:

- 15.48.010 - General provisions.
- 15.48.020 - Removal and impoundment procedure.
- 15.48.030 - Towing and storage charges.
- 15.48.040 - Disposal of impounded vehicles.
- 15.48.050 - Liability for loss or damage.
- 15.48.060 - Payment of fines.
- 15.48.070 - Administrative fee.

Sections:

- 15.48.010 - General provisions.
- (a) Vehicles parked in any of the following circumstances are declared public nuisances and shall be subject to removal and impoundment in accordance with this chapter, as well as any fines set by state law or city ordinance:
 - (1) Any vehicle located in such a manner as to constitute a hazard or impediment to the free movement of pedestrian or vehicular traffic;
 - (2) Any vehicle parked in a fire lane in violation of Section 15.32.160 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 residential parking permit area without permission of the permit holder after complaint to the Bloomington police department, in violation of Chapter 15.36 of this Code;
 - (6) Any vehicle parked in a leased stall in a municipal parking facility without displaying the proper permit for that stall for which the parking services director, or his or her designee, has determined the displaying of a permit is required, or any vehicle in violation of Section 15.40.060 (j) of this Code;
 - (7) Any vehicle parked in violation of the snow removal, street repair and street cleaning provisions of Section 15.32.050 of this Code;
 - (8) Any vehicle which has accumulated four or more parking tickets all of which remain unpaid after sixty calendar days of issuance of the tickets;
 - (9) Any vehicle required to be registered under Indiana Code 9-18-2 which does not have the proper registration or license plates attached;
 - (10) Any vehicle parked on the east or west side of Hinkle Road, or on its shoulders, between the corner of Hinkle and Headley Roads and a point on Hinkle Road approximately .85 miles north of the corner of Headley and Hinkle Roads, as posted, corresponding and limited to corporate municipal jurisdiction over Hinkle Road;
 - (11) Any vehicle in a city parks and recreation parking lot in violation of Bloomington Municipal Code Section 15.40.025(b);
 - (12) Any vehicle parked in a city employee parking area in violation of any of the provisions of Bloomington Municipal Code Chapter 15.38;

- (13) Any vehicle parked in violation of any of the provisions of Bloomington Municipal Code Section 15.40.050 regarding city hall visitor parking.
 - (14) Any vehicle parked in an unregulated parking location at a time that parking is prohibited by a posted "No Parking" sign. Notice shall be posted at least seventy-two hours before this parking restriction becomes effective, except when an emergency requires immediate action.
 - (15) Any vehicle parked in a regulated parking space at a time that parking is prohibited by a posted "No Parking" sign. Notice shall be posted at least twenty-four hours before the parking restriction becomes effective at any regulated parking space in the public right of way, except when an emergency requires immediate action.
 - (16) Any vehicle parked adjacent to a yellow-painted curb; and
 - (17) Equipment or machinery, whether self-propelled or towed, parked on a public street without prior approval from the parking services director, or his or her designee, and in violation of Section 15.32.060.
- (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. (Ord. 08-19 §§ 41 (part), 42—48, 2008; Ord. 07-05 § 10, 2007; Ord. 04-14 §§ 26, 27, 2004; Ord. 03-38 §§ 7, 8, 2003; Ord. 91-50 §§ 5, 6, 1991; Ord. 88-7 § 2, 1988; Ord. 83-23 § 3, 1983; Ord. 82-1 § 1 (part), 1982). (Ord. No. 11-07, §§ 23, 24, 8-3-2011; Ord. No. 16-14, § 12, 7-12-2016; Ord. No. 18-11, §§ 31, 32, 9-19-2018)

► **CHANGES PROPOSED BY ORD 20-10 – SECTION 1**

15.48.020 - Removal and impoundment procedure.

- (a) ~~Any officer of the Bloomington Police Department or parking enforcement officer discovering a public nuisance as described in Section 15.48.010 shall cause the vehicle to be removed by an authorized towing service. If When the vehicle owner or last operator of a motor vehicle appears personally at the site of the violation tow before the vehicle is removed and provides to the towing service the vehicle owner's and last operator's names and addresses, if different, then in the process of being towed, the vehicle shall not be released. towed nor (b) Impounded vehicles shall any fee be released without payment of the towing and storage charges upon: provision to the towing service of names and addresses of the vehicle charged. However, when the owner and last operator, if different, order of a motor vehicle arrives at the site of the Bloomington Police Department; or order by tow when the vehicle is already in the process of being towed, the judge of a court authorized towing service shall give the owner or operator either oral or written notification that the owner or operator may pay a fee in the amount that is not greater than half of competent jurisdiction. the amount of the fee the authorized towing service would normally charge for the immediate release of a motor vehicle. For purposes of this section, a motor vehicle is in the process of being towed when it is attached to the tow truck and at least two tires of the vehicle are off the ground.~~
- (b) A vehicle towed under this chapter shall be available to be claimed within sixty (60) minutes of its arrival at a vehicle storage facility, and the vehicle shall be released promptly upon demonstration of proof of ownership, such as title or registration of vehicle and either
- (i) payment of fees; or

(ii) payment of 20% of the fees and execution of a payment agreement for the fee balance.

(Ord. 08-19 § 41 (part), 2008; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 11-03, § 7, 4-6-2011; Ord. No. 14-11, § 142, 7-2-2014)

► **CHANGES PROPOSED BY ORD 20-10 – SECTION 2**

15.48.030 - Towing and storage charges.

The maximum amount that an authorized towing service may charge for hooking up, towing or removing a vehicle under this chapter may not exceed \$~~125~~135.00, except where special treatment may be required. Special treatment, including dollying, may not exceed an additional \$25.00. The maximum amount that may be charged for storage of vehicles shall not exceed \$25.00 per day. The storage fee may not begin to accrue until twenty-four (24) hours have passed since the vehicle arrived at the storage facility.

~~The maximum amount that may be charged for storage of vehicles shall not exceed \$25.00 per day.~~

(Ord. 01-33 § 1, 2001; Ord. 96-43 § 1, 1996; Ord. 93-01 § 1, 1993; Ord. 88-43 § 1, 1988; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 19-07, § 1, 3-20-2019)

15.48.040 - Disposal of impounded vehicles.

Impounded vehicles shall be disposed of in accordance with the provisions of Chapter 15.52 of this code and Indiana Code 9-22-1-5.

(Ord. 91-50 § 7, 1991; Ord. 82-1 § 1 (part), 1982).

15.48.050 - Liability for loss or damage.

Neither the owner, lessee, or occupant 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.

(Ord. 82-1 § 1 (part), 1982).

15.48.060 - Payment of fines.

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

(Ord. 82-1 § 1 (part), 1982).

15.48.070 - Administrative fee.

(a) If a vehicle is removed and impounded pursuant to Section 15.48.020, then in addition to any towing and storage charges assessed under Section 15.48.030, an administrative fee of twenty-five dollars shall be levied when the vehicle owner or last operator obtains a copy of the abandoned/impounded vehicle report from the police department.

(b) This administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the city of implementing, enforcing and administering the provisions of this chapter.

(c) The administrative fee shall be deposited into the city's general fund.

(Ord. No. 12-23, § 2, 10-3-2012)

Chapter 15.52 - ABANDONED VEHICLES

Changes Proposed by Ord 20-10 (Aligning Rules for City-Initiated Tows with Non-Consensual Tows) in Strike-Out, Underline, and Red Font.

Index:

- 15.52.010 - Applicability.
- 15.52.020 - Responsibility of owner.
- 15.52.030 - Vehicles in possession of person other than owner.
- 15.52.040 - Removal of abandoned vehicles.
- *¹
- 15.52.060 - Maximum towing and storage charges.
- 15.52.065 – Release of vehicle.
- 15.52.070 - Towing contracts.
- 15.52.080 - Liability for loss or damage.

Sections:

15.52.010 - Applicability.

- (a) This chapter shall apply to vehicles in possession of persons other than owners of the vehicles and to abandoned vehicles as defined in Chapter 15.04.
 - (b) This chapter shall not apply to any vehicle:
 - (1) In operable condition specifically adapted or constructed for operation on privately owned raceways;
 - (2) Stored as the property of a member of the armed forces of the United States who is on active duty assignment;
 - (3) Located on a vehicle sale lot or at a commercial vehicle servicing facility;
 - (4) Located upon property licensed or zoned as an automobile scrapyard; or
 - (5) Registered and licensed under Indiana Code 9-18-12 as an antique vehicle.
- (Ord. 08-19 § 49, 2008; Ord. 91-50 § 8, 1991; Ord. 82-1 § 1 (part), 1982).

15.52.020 - Responsibility of owner.

The owner of an abandoned vehicle is responsible for the abandonment and is liable for all of the costs incidental to the removal, storage, and disposal of the vehicle or its parts.
(Ord. 89-30 § 4, 1989; Ord. 82-1 § 1 (part), 1982).

15.52.030 - Vehicles in possession of person other than owner.

When a police officer discovers a vehicle in the possession of a person other than the owner and the person cannot establish his/her right to the possession of that vehicle, the police officer shall act in accordance with Indiana Code 9-22-1-5.
(Ord. 08-19 § 50, 2008; Ord. 82-1 § 1 (part), 1982).

15.52.040 - Removal of abandoned vehicles.

¹ Section 15.50 was previously removed and remains unused.

- (a) An officer or parking enforcement 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 or parking enforcement 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 of the vehicle or parts.
 - (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 the seventy-two hour period, the police officer or parking enforcement officer shall prepare a written abandoned vehicle report in accordance with Indiana Code Section 9-22-1-12.
- (c) If, in the opinion of the officer or parking enforcement officer, the market value of the abandoned vehicle or parts is less than \$750.00, the officer or parking enforcement officer shall immediately dispose of the vehicle to a storage yard. 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 or parking enforcement officer, the market value of the abandoned vehicle or parts is \$750.00 or more, the officer or parking enforcement 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 or parking enforcement officer shall require the vehicle or parts to be towed to a storage area.

(Ord. 08-19 §§ 51—54, 2008; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 17-22, § 13, 5-17-2017)

► **CHANGES PROPOSED BY ORD 20-10 – SECTION 3**

15.52.060 - Maximum towing and storage charges.

The maximum amount that an authorized towing service may charge for hooking up, towing or removing a vehicle under this chapter may not exceed ~~\$125~~135.00, except where special treatment may be required. Special treatment, including dollying, may not exceed an additional \$25.00. The maximum amount that may be charged for storage of vehicles shall not exceed \$25.00 per day. The storage fee may not begin to accrue until twenty-four (24) hours have passed since the vehicle arrived at the storage facility.

(Ord. 01-33 § 2, 2001; Ord. 96-43 § 2, 1996; Ord. 93-01 § 2, 1993; Ord. 88-43 § 2, 1988; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 17-22, § 14, 5-17-2017; Ord. No. 19-07, § 2, 3-20-2019)

► **CHANGES PROPOSED BY ORD 20-10 – SECTION 4**

15.52.065 – Release of vehicle.

A vehicle towed under this chapter shall be available to be claimed within sixty (60) minutes of its arrival at a vehicle storage facility, and the vehicle shall be released promptly upon demonstration of proof of ownership, such as title or registration of vehicle and either

(i) payment of fees; or
(ii) payment of 20% of the fees and execution of a payment agreement for the fee balance.

15.52.070 - 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.
(Ord. 82-1 § 1 (part), 1982).

15.52.080 - 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.
(Ord. 82-1 § 1 (part), 1982).