

ORDINANCE NO. 2009-OR- 6

BEFORE THE COMMON COUNCIL
FOR THE CITY OF JEFFERSONVILLE
STATE OF INDIANA

AN ORDINANCE AMENDING 2004-OR-73
(REGULATING THE DISPOSITION OF ABANDONED VEHICLES)

WHEREAS, the Common Council for the City of Jeffersonville ("the Council") has the authority to adopt ordinances to protect the public's health and safety;

WHEREAS, the Council has previously adopted an ordinance that regulates the disposition of abandoned vehicles within the city; and

WHEREAS, the Council believes the current ordinance should be amended to alleviate recent problems regarding the disposition of abandoned vehicles.

NOW, THEREFORE, BE IT ORDAINED by the Council as follows:

98.01 DEFINITION

For the purpose of this chapter, the following definition shall apply for the term an "Abandoned Vehicle" unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE:

- (1) A vehicle located on public property illegally;
- (2) A vehicle left on public property continuously without being moved for seventy-two (72) hours;
- (3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian traffic or vehicle traffic on a public right-of-way;
- (4) A vehicle from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or inoperable and left on public property;
- (5) A vehicle that has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than IC 0-22-1 et seq., if the vehicle once impounded is not claimed or redeemed by the owner or his agent within fifteen (15) days of its removal: or

- (6) A vehicle that is three (3) or more model years old and mechanically inoperable and is left on private property continuously in a location visible from public property for more than twenty (20) days.

98.02 EXCLUSIONS

Pursuant to IC 9-22-1, this chapter does not apply to the following:

- (1) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (2) A vehicle located upon property properly licensed or zoned as an automobile scrap yard.
- (3) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

98.03 BUILDING COMMISSIONER VESTED WITH RESPONSIBILITY OF ABANDONED VEHICLES.

The office of the City Building Commissioner shall be the public agency **as listed in (5) of IC-9-22-1-2** vested with the responsibility to remove, store, and disposal of abandoned vehicles.

98.04 DISPOSITION OF ABANDONED VEHICLES.

The city, through the Office of building Commissioner, may dispose of abandoned vehicles or parts pursuant to the provision of IC 9-22-1 et seq., in the following manner:

- (A) If the estimated value of the vehicle is less than \$500.00, **in accordance with IC 9-22-1-13** the vehicle will be removed **after a twenty (20) day notice is affixed to the vehicle and stored for a period of ten (10) days.** **After the 10th day the vehicle will be** deposited to an automobile scrap yard with a copy of the abandoned vehicle report **form DMV 322 B** forwarded to the Bureau of Motor Vehicles and the original report kept on file with the Office of Building Commissioner for two (20) years.
- (B) If the estimated value of the vehicle is greater than \$500.00 **in accordance with IC 9-22-1-14**, a reasonable effort will be made to ascertain the owner or person in control of the vehicle. If such person is unascertainable, a notice tag will be affixed to the vehicle containing the following information:

- (1) The date, time, officer's name, public agency, 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 (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. At the conclusion of the seventy-two (72) hour time period, the vehicle shall be towed to a storage area and disposed of under the provisions of IC 9-22-1 et. seq. However abandoned vehicles that in any way constitute a hazard, or obstruction to the movement of pedestrian or vehicular traffic may be immediately removed without prior notice to the owner or person in control of the vehicle.

98.05 TOWING AND STORAGE CHARGES.

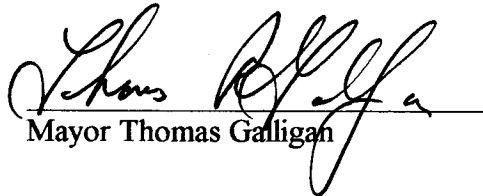
The towing operator of an abandoned vehicle in 98.04 (A) shall consider the salvage fee, as payment is full for services rendered.

The towing operator shall recover as the full cost of their towing and storage in 98.04 (B).

The fee shall be established by the Jeffersonville City Board of Public Works and Safety and shall have the authority to amend the towing and storage charges from time to time and shall notify the Bureau of Motor Vehicles of such amendments.

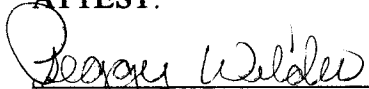
This Ordinance shall be in full force and effect from and after its passage and approval.

Passed this 23rd day of February 2009




Mayor Thomas Galligan


ATTEST:


Peggy Wilder
Clerk and Treasurer

Presented by me as Clerk and Treasurer to the Mayor of said City of Jeffersonville this
26th day of February 2009 at _____ m.


Peggy Wilder
Clerk and Treasurer

This Ordinance approved and signed by me this 26th day of February, 2009.


Mayor Thomas Galligan