

ORDINANCE 2014 - 42

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
LOGANSPOUR, INDIANA, AMENDING ORDINANCE 2014-11, REGARDING
ABANDONED VEHICLES

WHEREAS, the Common Council passed ordinance 2014-11 dealing with abandoned vehicles;
and

WHEREAS, certain changes ought to be made in order to clarify the intentions of the ordinance;
and

WHEREAS, a clear, more specific ordinance would be beneficial to the City and its residence.

THEREFORE BE IT ORDAINED by the Common Council of the City of Logansport, Indiana
that:

SECTION 1: Nuisance declared; public *or* private agency designated.

- (a) Abandoned vehicles are detrimental to the health and safety of the general public and are declared to be a public &/or private nuisance and a health and safety hazard.
- (b) The Board of Public Works and Safety shall be the public agency responsible for overseeing the City's efforts to deal with abandoned vehicles. The Board shall act through the Police Department, Community Development Director, Building Commissioner and Code Enforcement Officer and may employ personnel and acquire equipment, property and facilities and enter into contracts as necessary for the purpose of removal, storage, and disposition of abandoned vehicles.
- (c) I. C. 9-22-1 et seq. entitled "Abandoned Motor Vehicles" is made a part of this Ordinance and shall govern all areas not specifically addressed herein.

SECTION 2: Definitions.

For the purpose of this article the following terms shall have the following meanings:

- (a) The term "abandoned vehicle" means:
 - (1) A vehicle located on public property illegally;
 - (2) A vehicle left on public property without being moved for three (3) days;
 - (3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
 - (4) A vehicle that has remained on private property without the consent of the owner or person in control of that property;
 - (5) A vehicle from which there has been removed the engine, transmission, differential, or that is otherwise partially dismantled, and left on public or private property.
 - (6) A vehicle that is not legally licensed or not legally insured and is not in a condition that would allow it to be legally driven on a public road.
 - (7) A vehicle that has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance if the vehicle once impounded is not claimed or redeemed by the owner or his agent within twenty (20) days after its removal; or

- (8) A vehicle that is mechanically inoperable and is left on private property continuously in a location visible from public or private property for more than (14) fourteen days.
- (b) *Automobile scrap yard* means a business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.
- (c) *Bureau* refers to the Bureau of Motor Vehicles.
- (d) *Officer* means a regular member of the Logansport Police Department, Community Development Director, Building Commissioner or Code Enforcement Officer.
- (e) *Owner* means the last known record title holder of a vehicle, according to the records of the Bureau.
- (f) *Person* means an individual, firm, corporation, association, fiduciary or government entity.
- (g) *Private property* means all property other than public property.
- (h) *Public agency* means the Board of Public Works and Safety.
- (i) *Public property* means a public right-of way, street, highway, alley, sidewalk, park or other municipal property.
- (j) *Towing service* means a business that engages in moving, removing, storing and impounding disabled vehicles.
- (k) *Vehicle* refers to an automobile, motorcycle, truck trailer, semi-trailer, tractor, bus, recreational vehicle, motorized bicycle, moped, utility trailer or any mechanical conveyance, allowed to operate on public streets, according to the laws of the State of Indiana.
- (l) *Visible from public or private property* means that a vehicle can be seen from public or private property and includes vehicles which have been covered by a temporary covering that allows the form and outline of the vehicle to remain visible from public or private property.
- (m) *Recreational vehicles* include boats, ski jets, snowmobiles and any other motorized vehicle used for recreational purposes or considered legal by the Bureau of Motor Vehicles.
- (n) "Licensed" means any vehicle that is properly registered with a current and legal license plate that corresponds with that vehicle.
- (o) *Insurance* is a current insurance policy that is up to date for said vehicle.

SECTION 3: Procedure for notice, removal and disposal of abandoned vehicles.

- (a) No person shall abandon a vehicle on any public or private property without the permission of the person having the right to possession or control of the

property upon which the vehicle is left.

- (b) 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 same.
- (c) If a vehicle is illegal or inoperable in any way according to I. C. 9-22-1-1 and or City of Logansport Ordinance the officer shall attach thereto in a prominent place a notice tag containing the following information:
 - (1) The date, time, officer's name, public agency and address and telephone number to contact for information.
 - (2) That the vehicle is considered abandoned.
 - (3) That the vehicle will be removed after seventy-two (72) hours if on public property or (14) fourteen days if on private property.
 - (4) That the owner will be held responsible for all costs incidental to the removal, storage and disposal.
 - (5) Once the vehicle is tagged, after seventy-two (72) hours if on public property or (14) fourteen days if on private property, or a different location as long as it is still in violation of this ordinance, it can then be towed.
 - (6) it can be towed whether it is sitting on public / private property
- (d) If vehicle is not removed within the time frame of Section 3, the officer shall:
 - (1) Prepare a written abandoned vehicle report of the vehicle including information on the condition, missing parts, illegally licensed, inoperable and other facts that substantiate the reason for notice.
 - (2) Take photographs to illustrate the condition of the vehicle.
 - (3) Immediately have the vehicle removed to an automobile storage area or scrap yard.
 - (4) At the time of removal of the vehicle the Officer shall give a copy of the report to the company or person responsible for the removal or disposal, one copy to the Logansport Police Department and the original copy with photograph(s) shall remain for two (2) years in the Community Development Department.
- (e) If the owner or lienholder appears prior to the disposal of the vehicle and pays all costs incurred, he/she shall then be entitled to the return of the vehicle. If the owner or lienholder does not appear in twenty (20) days after the mailing of notice, the Bureau shall sell the vehicle to the highest bidder at a public sale.
- (f) Neither the owner, lessee or occupant of the property from which an abandoned vehicle is removed or any public / private agency, towing service, automobile scrapyards, or officer is liable for any damage to the vehicle occurring during its removal, storage or disposition.

SECTION 4: Exceptions.

This article does not apply to the following vehicles:

- (1) One vehicle is permitted to be sitting on private property, per residence, if it is owned by the resident and is being worked on by the resident; only if it is parked

in the driveway.

- (2) A vehicle stored as the property of a member of the Armed Forces of the United States who is away on active duty assignment &/or a college student who is away at school.
- (3) All vehicles located on a zoning approved vehicle sales lot or customer vehicles at a service facility that is legally licensed.
- (4) A vehicle located upon property licensed or zoned as an automobile scrap yard.
- (5) A vehicle registered and legally licensed under the Indiana Code as an antique motor vehicle.

SECTION 5: This ordinance repeals Ordinance 2014-11 in its entirety.

SECTION 6: This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Logansport, Indiana and signed and approved by the Mayor.

INTRODUCED FILED AND APPROVED on the first reading by a vote of 1 in favor and 0 opposed on the day of 6th of Oct. 2014.

DULY PASSED, ORDAINED AND ADOPTED this 3rd day of November, 2014 by the Common Council of the City of Logansport, Cass County, Indiana by a vote of 6 in favor and 0 opposed.

Common Council of the City of
Logansport, Indiana

By: Joseph E. Buck
Joe Buck, President

ATTEST:

Carol Sue Hayworth
Carol Sue Hayworth, Clerk-Treasurer

Submitted to, approve by, and signed by me, the Mayor of the City of Logansport, Indiana thisday of 3rd of November 2014.

Ted D. Franklin
Ted D. Franklin, Mayor