

ORDINANCE 2025- 11

AN ORDINANCE OF THE CASS COUNTY, INDIANA, COMMISSIONERS, ORGANIZING, CODIFYING AND ESTABLISHING RULES FOR REGULATING THE USE OF VEHICLES WITHIN THE COUNTY AND PROVIDING FOR THE ENFORCEMENT OF EXISTING RULES AND REGULATIONS AND THOSE ESTABLISHED IN THE FUTURE INCLUDING THE ASSESSMENT OF FINES, AND PENALTIES FOR VIOLATIONS, AND THE TOWING AND DISPOSAL OF VEHICLES AS PROVIDED FOR HEREIN.

WHEREAS, Cass County has broad powers to regulate and control the use of vehicles including, but not limited to, the operation, parking, maintenance, and use of vehicles in a safe and reasonable manner within the Unincorporated portion of the County; and

WHEREAS, Cass County has the power to assess fines and penalties as well as providing the towing, removal and disposal of vehicles violating the provisions of the laws of the State of Indiana, and an Ordinance of Cass County including.

NOW, THEREFORE, be it resolved as follows:

VEHICLES AND TRAFFIC CONTROL

ARTICLE I. GENERAL

A. DEFINITIONS:

The following words, terms, and phrases, when used in this section, shall have the meaning described to them in this subsection, except where the context clearly indicates a different meaning.

The definitions in IC 9-13-2 apply to this chapter. In addition, the following words, terms and phrases, when used in this chapter, shall have the meanings described to them in this section, except where the context clearly indicates a different meaning:

Parking means allowing a vehicle to stand anywhere or in a street for a longer period of time than is necessary for the immediate and continuous loading or unloading of persons or materials.

Preferential or through street means any street, or portion thereof, at the approach of which vehicles shall come to a full stop before entering and on which street traffic shall have the right-of-way over the traffic crossing over or turning onto such street.

Abandoned vehicle means, pursuant to and in accordance with IC 9-13-2-1:

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, for more than forty-eight (48) hours;
5. A vehicle from which there has been removed: the engine, transmission, differential, or that is otherwise partially dismantled, and left on public as well as private property;
6. 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;
7. A vehicle that is at least three (3) model years old and mechanically inoperable, and is left on private property continuously in a location visible from public property.

Adopted Vehicle means new or used vehicle especially designed for use by an individual.

Automobile scrapyard means a business organized for the purpose of scrap metal processing, automobile wrecking or operating a junkyard.

Bureau means the bureau of motor vehicles.

Officer means a regular member of the Sheriff's Department, or the Building Commissioner.

Owner means the last known recorded title holder of a vehicle, according to the records of the Bureau of Motor Vehicles.

Private property means all property, other than public property.

Public agency means the County Commissioners.

Public property means a public right-of-way, street, highway, alley, sidewalk, park or other municipal property.

Recreational vehicles include boats, ski jets, snowmobiles and any other motorized vehicle used for recreational purposes.

Agricultural Farm Machinery and Equipment means machinery, tools, or equipment used directly in the direct production, extraction, harvesting, or processing of agricultural commodities. This includes items that have an immediate effect on the agricultural products being produced, such as tractors, harvesters, and irrigation systems.

Inoperable Vehicle means a motor vehicle that cannot be moved under its own power or is not currently registered for operation, including vehicles that are wrecked, dismantled, lacks essential parts, unable to start without assistance, or in a condition that prevents them from being safely used.

Towing service means a business that engages in moving, removing, storing and impounding disabled vehicles.

Vehicle means every device, in upon or by which any person or property is or may be transported or drawn or move upon a street, highway, waterway, or airway shall include but not limited to an automobile, bus, truck, motorcycle, moped, motor home, boat, aircraft, recreational vehicle, trailer, fifth-wheel trailer, farm equipment, manufacturing equipment, camper or camper shell.

Visible from public property means that a vehicle can be seen from public/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/private property including fenced in areas. Inoperable or abandoned vehicles visible from public property may be sent a written warning to the property on which the vehicle is sitting or posted at the property on which the vehicle is sitting. See IC 9-13-2-1(7).

B. NUISANCE DECLARED; PUBLIC/PRIVATE AGENCY DESIGNATED:

- (1) Abandoned vehicles are detrimental to the health and safety of the general public and are declared to be a public/private nuisance and a health and safety hazard.
- (2) The County Board of Commissioners shall be the public agency responsible for the identifying and coordinating of abandoned and inoperable vehicles. The board shall act through the Planning Department and the County Sheriff, they may employ personnel and acquire equipment, property and facilities and enter into contracts necessary for the purpose of removal, storage, and disposition of abandoned vehicles.

(3) IC 9-22-1 et seq., entitled "Abandoned and Inoperable Motor Vehicles" is made a part of this section and shall govern all areas not specifically addressed herein.

C. PROCEDURE FOR NOTICE, REMOVAL AND DISPOSAL OF ABANDONED AND INOPERABLE VEHICLES AND NUISANCES DEFINED HEREIN:

- (1) 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.
- (2) 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, not to exceed the amount permitted by Indiana Law. The owner shall provide current up to date license and registration within forty-eight (48) hours proving ownership of vehicle. The vehicle may be sold to cover such expenses. If sold for less than the minimum set forth under Indiana Code, the owner does not owe the fees and expenses. If sold for more than the minimum amount permitted by Indiana Law the owner is to receive the excess proceeds. See IC 9-22-1-4. This provision is not to be read or interpreted to be inconsistent with the Provisions of the Cass County Unsafe Property Ordinance.
- (3) If a vehicle is illegal or inoperable in anyway according to IC 9-22-1-1 and/or county zoning, the Planning Department and/or Sheriff's Department shall attach thereto, in a prominent place, a notice tag containing the following information:
 - a. The date, time, officer's name, public agency, address and telephone number to contact for information.
 - b. That the vehicle is considered abandoned and inoperable
 - c. That the vehicle will be removed after seventy-two (72) hours, if tagged on public property, or after twenty (20) days, if posted on private property.
 - d. That the owner will be held responsible for all cost incidental to the violations; the ticket, removal, storage and disposal.
 - e. Once the vehicle is tagged and/or posted, after twenty (20) days it can be towed, whether it is setting on public/private

property or a different location, as long as it is still in violation of this section.

(4) If the vehicle is not removed within the time frame of subsection 3c above, the Sheriff's Department shall:

- a. Prepare a written vehicle report of the vehicle's status including information on the condition, missing party, illegally licensed, inoperable and other fact that substantiate reason for notice.
- b. Take photographs to illustrate the condition of the vehicle.
- c. Immediately have the vehicle removed to an automobile storage area or scrapyard.
- d. If the owner or lien holder 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.
- e. At the time of removal or disposal of the vehicle, the Sheriff's Department shall give a copy of the report to the company or person responsible for the removal or disposal, and one copy to the Sheriff's Department, the original copy with photographs shall remain on file for two (2) years.

If not removed within the timeframe provided, The Planning Department will follow up through the unsafe process.

D. *EXEMPTIONS. This section does not apply to the following vehicles.*

- (a) A vehicle in operable condition specifically adapted or constructed for operation on private 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) All vehicles located at a zoning- approved vehicle sales or services facility legally licensed and costumer vehicles only.
- (d) A vehicle located upon properly licensed or zoned as an automobile scrapyard.

- (e) A vehicle registered and legally licensed under the state law as an antique motor vehicle.
- (f) Agricultural Farm Machinery and Equipment is exempted from enforcement by this Ordinance.

Article II. Administration and Enforcement

(A) PARKING ON STREETS WITH NO PARKING SPACES

- (1) All Motor vehicles or other vehicles parked upon or in streets upon which no parking spaces have been designated shall be parked parallel to the curb, with the right-hand wheels of the vehicle not further than one foot from the curb, and on the right side of the street. It shall be unlawful for any vehicle to be parked upon or in any such street in any other manner.

(B) PARKING IN GENERAL

- (1) It shall be unlawful for any motor vehicle to park in any alley. However, this section shall not apply to motor vehicles parking in alleys for a period of not more than thirty (30) minutes for the purpose of loading or unloading the vehicles.
- (2) It shall be unlawful to park an RV, camper or trailer unattended or unattached to a vehicle in any public street or highway.
- (3) It shall be unlawful to park any vehicle without lawful registration or with expired or false and fictitious information on any public street or highway.
- (4) It shall be unlawful to park in any manner that will impeded egress to a private drive or alley or park in any manner that does not allow a vehicle to safely enter the flow of traffic.
- (5) It shall be unlawful to park a vehicle on any public street or highway for the purpose of:
 - a. Displaying a vehicle for sale.
 - b. Washing, greasing or repairing such vehicle for commercial purposes, except when repairs or necessitated by an emergency.

- (6) It shall be unlawful to park any type of vehicle within an intersection.
- (7) It shall be unlawful to park a vehicle within fifteen (15) feet of a fire hydrant.
- (8) It shall be unlawful to park any type of vehicle in a yellow marked curbed area.
- (9) It shall be unlawful to park any type of vehicle within twenty (20) feet of an intersection.
- (10) It shall be unlawful to park any type of vehicle within fifty (50) feet of the nearest railroad crossing.
- (11) It shall be unlawful to park any type of vehicle within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of the roadway.
- (12) It shall be unlawful to park any type of vehicle alongside or opposite a street excavation if stopping, standing or parking would obstruct traffic.

(C) UNAUTHORIZED PARKING PROHIBITED

It shall be unlawful for any person to park any motor vehicle, house trailer, or one, two, or three-wheeled trailer, tractor-trailer, or any other type of motorized or nonmotorized conveyance ordinarily pulled or attached to a motor vehicle, on any private property, private road, driveway, or parking lot, without the express or implied consent or authorization of the owner, lien holder occupant, or lessee of the property. The Planning Department and/or investigating Sheriff's officer may direct the removal of the vehicle if the vehicle remains illegally parked on any private property, private road, driveway, or parking lot AFTER the vehicle is ticketed for unauthorized parking.

(D) REMOVAL OF UNLAWFULLY PARKED VEHICLE

If, in the opinion of the Planning Department or Sheriff's investigating officer, the illegally parked vehicle is creating a dangerous or emergency situation by preventing proper ingress or egress of any foot or vehicle traffic, or by preventing free movement of traffic, he/she may direct the vehicle to be removed by a reputable towing firm to a reputable storage or parking garage AFTER the vehicle is ticketed for unlawful parking. He/she may also direct removal, if the record shows that the particular vehicle has no or expired registration, false and fictitious information, or had many repeated

offenses for unauthorized parking so as to be considered a habitual nuisance.

(E) TOWING AND STORAGE CHARGES

Before the owner or person in charge of any impounded vehicle shall be permitted to remove it from the custody of the owner, agent, employer, or lessee of the parking area or garage where the vehicle has been stored, he/she will pay any and all towing charges plus storage charges. He/she will read and adhere to the instructions on the violation placed on the vehicle by the investigating officer.

(F) RECREATIONAL VEHICLES

(1) It is unlawful for a person to park a recreational vehicle including, but not limited to, motor homes, travel trailers, race car trailers or any trailer used for recreational purposes, in violation of /county zoning ordinance.

(G) PRESUMPTION THAT OWNER PARKED VEHICLE

In any proceeding for the violation of Sections (A) through (G), the registration plate displayed on the motor vehicle shall constitute in evidence a *prima-facie* presumption that the owner of the motor vehicle was the person who parked or placed the motor vehicle at the place where the violation occurred.

Article III. Violations and remedies of this Ordinance

(A) FINES

A person found in violation of this Ordinance unless specifically provided elsewhere in this Ordinance, shall be subject to a fine (per vehicle violation) of fifty dollars (\$50.00). The fine for said violation increases to seventy-five dollars (\$75.00) per ticket if not paid within thirty days (30) of issuance, at which time a Letter of Notice will be sent. The fine increases to one hundred dollars (\$100.00) per ticket if not paid within thirty days (30) of issuance of the Letter of Notice.

(B) TOWING HAZARDS

Any person, firm or corporation who shall violate any provisions of this Ordinance, upon the determination of any officer of the Sheriff's

Department/Planning Department that the vehicle impedes the orderly flow of traffic or constitutes a traffic hazard or a public nuisance, the officer shall have the authority to have the vehicle towed away or other corrective action to make the area safe. This would be in addition to any other fines permitted in this Ordinance.

(C) ADMINISTRATION

The enforcement of any parking ordinance shall be supported by an official Letter of Notice from the records department to the violator after non-payment of any parking tickets. If the violator fails to respond to the Letter of Notice from the Planning Department and/or Sheriff, the Planning Department and/or Sheriff may then impound the violator's vehicle until said tickets are paid. Storage and towing expenses shall be the sole responsibility of the vehicle owner. If a violator fails to pay a parking ticket/fine after receipt of the letter from the Planning Department and/or Sheriff's Department, and after a period of time no less than two months (60 days) from the date of issuance of the parking ticket/fine, then the County may file legal action in the small claims docket of the appropriate Cass County court to secure the fines and administrative costs due to the County and may secure ownership of the violator's vehicle through this action.

(D) PROCESSING FINES; RECORDS

Upon payment of the fee/fees provided for in Article III, the Planning Department and/or Sheriff's Department shall issue a receipt to the owner of such vehicle or his representative, and it is hereby made the duty of the Planning Department and/or Sheriff's Department to keep a correct record showing the amount so paid, the date thereof, the number of the state license and the name of the owner, and shall designate the violation for which such fee/fees are paid, and whether or not such violation is the first, second or subsequent violation by such owner. It is made the duty of the Planning Department and/or Sheriff's Department to account for all fees assessed and collected by the Sheriff under the provision of this section, and to pay such fees into the Clerks Treasurer's office at least once each month. All fees are to be deposited into the general fund.

Article IV Intent

It is not the intent to repeal any Ordinance or rule or regulation of the Planning Commission or Cass County Commissioners that might not be identical to the provisions of this Ordinance but to consolidate and expand the provisions of those prior provisions with the intent to make them easier to find and to work in conjunction with County Rules and Regulations.

This Ordinance shall be effective after new date, and its passage and publication as provided by IC 5-3-1.

PASSED AND ADOPTED BY THE CASS COUNTY, INDIANA, COMMISSIONERS,
THIS _____ day of _____, 2025.

COUNTY COMMISSIONERS OF CASS COUNTY, INDIANA:

Ruth Baker, President

Michael Stajduhar, Vice President

Mike Deitrich, Commissioner

ATTEST:

Alicia Pifer, County Auditor