

CHAPTER 90: ABANDONED VEHICLES

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§ 90.01 PURPOSE.

The Town Board finds that abandoned vehicles are a public nuisance and a safety and health hazard.

§ 90.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply 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 without being moved for 24 hours;
- (3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;

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(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 48 hours;

(5) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;

(6) A vehicle that has been removed by a towing service or the town upon request of an officer enforcing a statute or ordinance other than this chapter, if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within 20 days of the vehicle's removal;

(7) (a) A vehicle that is at least three model years old, mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days.

(b) For purposes of this division (7), a vehicle covered by a tarpaulin or other plastic, vinyl, rubber cloth, or textile covering is considered to be visible; and

(8) A vehicle:

(a) That was repaired or stored at the request of the owner;

(b) That has not been claimed by the owner; and

(c) For which the reasonable value of the charges associated with the repair or storage remain unpaid more than 30 days after the date on which the repair work is completed or the vehicle is first stored.

(I.C. 9-13-2-1)

AUTOMOBILE SCRAPYARD. A business organized for the purpose of scrap metal processing, vehicle wrecking, or operating a junkyard.

(I.C. 9-13-2-8)

BUREAU. The State Bureau of Motor Vehicles, unless otherwise indicated.
(I.C. 9-13-2-16)

FISCAL BODY. The Town Board.
(I.C. 9-13-2-63)

OFFICER. The Town Marshal, his or her designee, or a member of the Town Police Department.
(I.C. 9-22-1-2(2) and (3))

OWNER. A person, other than a lienholder, that:

(1) Holds the property in or title to, as applicable, a vehicle, manufactured home, mobile home, off-road vehicle, snowmobile or watercraft; or

(2) Is entitled to the use or possession of, as applicable, a vehicle, manufactured home, off-road vehicle, snowmobile, or watercraft, through a lease or other agreement intended to operate as a security.
(I.C. 9-13-2-12(a)(2))

PARTS. All components of a vehicle that, as assembled, do not constitute a complete vehicle.
(I.C. 9-13-2-122)

PRIVATE PROPERTY. All property other than public property.
(I.C. 9-13-2-136)

PUBLIC PROPERTY. A public right-of-way, street, highway, alley, park, or other state, county, or municipal property.
(I.C. 9-13-2-144)

TOWING SERVICE. A person who engages in moving or removing abandoned or disabled vehicles and, once the vehicles are moved or removed, stores or impounds the vehicles.
(I.C. 9-13-2-179)

VEHICLE. A vehicle of a type that must be registered under I.C. 9-18-2 (before its expiration) or I.C. 9-18.1, other than an off-road vehicle or a snowmobile under I.C. 9-18-2.5 (before its expiration) or I.C. 9-18.1-14.
(I.C. 9-13-2-196)

§ 90.03 EXCEPTIONS.

This chapter does not apply to:

(A) A vehicle in operable condition specifically adapted or constructed for operation on privately 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) A vehicle located on a vehicle sale lot;

(D) A vehicle located upon property licensed or zoned as an automobile scrapyard;

(E) An antique vehicle registered and licensed under I.C. 9-18-12 (before its expiration), a historic vehicle licensed under I.C. 9-18.5-34, or a military vehicle registered under I.C. 9-18.1-8;

(F) A golf cart; or

(G) An off-road vehicle.

(I.C. 9-22-1-1)

§ 90.04 RESPONSIBILITY OF OWNER.

(A) Except as provided in division (D) below, the owner of an abandoned vehicle or parts is responsible for the abandonment and is liable for all of the costs incidental to the removal, storage, and disposal of the vehicle or the parts under this chapter.

(B) Except as provided in division (C) below, the costs for storage of an abandoned vehicle may not exceed \$2,000.

(C) The costs for storage of an abandoned vehicle with a length of at least 30 feet may not exceed \$2,500.

(D) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(E) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, sale disposal, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned as described in I.C. 9-22-1 or I.C. 9-22-6, whichever is applicable.

(I.C. 9-22-1-4)

§ 90.05 VEHICLES IN POSSESSION OF PERSON OTHER THAN OWNER.

(A) When an officer discovers a vehicle in the possession of a person other than the owner of the vehicle, and the person cannot establish the right to the possession of the vehicle, the vehicle shall be taken to and stored in a suitable place.

(I.C. 9-22-1-5)

(B) If the owner or lienholder under I.C. 9-22-1-8 does not appear and pay all costs, or the owner of the vehicle cannot be determined by a search conducted under § 90.08, the vehicle is considered abandoned and must be disposed of in accordance with this chapter.

(I.C. 9-22-1-7)

(C) If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs relating to a tow, the storage of the vehicle, and all allowable fees, as applicable, the vehicle or parts shall be released. A towing service shall notify the appropriate public agency of all releases under this section. The notification must include the name, signature, and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and the date of release.

(I.C. 9-22-1-8)

§ 90.06 PRIVATE OR RENTAL PROPERTY.

(A) A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, may:

(1) Obtain the assistance of an officer under § 90.07(E) to have the vehicle removed; or

(2) Personally arrange for the removal of the vehicle by complying with divisions (B), (C), and (D) below.

(B) If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, name, and address of the person who owns or controls the private property, and a telephone number to contact for information;

(2) That the vehicle is considered abandoned;

(3) That the vehicle will be removed after 24 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; and

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 24 hours.

(I.C. 9-22-1-15)

(C) If, after 24 hours, the person who owns a vehicle believed to be abandoned on private property has not removed the vehicle from the private property, the person who owns or controls the private property on which the vehicle is believed to be abandoned may have the vehicle towed from the private property.

(I.C. 9-22-1-16(a))

(D) Notwithstanding division (C) above, in an emergency situation, a vehicle believed to be abandoned on private property may be removed immediately. As used in this section, **EMERGENCY SITUATION** means that the presence of the vehicle believed to be abandoned interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.
(I.C. 9-22-1-16(b))

(E) A towing service that tows a vehicle under divisions (C) and (D) above shall give notice to the town that the abandoned vehicle is in the possession of the towing service.
(I.C. 9-22-1-17)

§ 90.07 REMOVAL OF ABANDONED VEHICLES.

(A) An officer who finds or is notified of 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 name, Town 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:

(a) Twenty-four hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under I.C. 8-23-4; or

(b) Seventy-two hours, for any other vehicle.

(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; and

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:

(a) Twenty-four hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under I.C. 8-23-4; or

(b) Seventy-two hours, for any other vehicle.

(I.C. 9-22-1-11)

(B) If a vehicle or a part tagged under division (A) above is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition and missing parts. Photographs may be taken to describe the condition of the vehicle or parts.

(I.C. 9-22-1-12)

(C) If the vehicle is a junk vehicle and the market value of an abandoned vehicle or parts \$1,000, the towing service shall immediately transfer the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs, if applicable, relating to the abandoned vehicle shall be provided to the storage yard. A towing service or storage yard may dispose of an abandoned vehicle not less than 30 days after the date on which the towing service removed the abandoned vehicle. A town that operates a storage yard under I.C. 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle. The Police Department, Town Marshal, or storage yard shall retain the original records and photographs for at least two years. If the vehicle is demolished, a copy of the abandoned vehicle report shall be forwarded to the State Bureau of Motor Vehicles by the automobile scrap yard after the vehicle has been demolished.

(I.C. 9-22-1-13)

(D) If, in the opinion of the officer, the market value of the abandoned vehicle or parts is at least \$1,000, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After 72 hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

(I.C. 9-22-1-14)

(E) Upon complaint of a person who owns or controls private property that a vehicle has been left on the property for at least 48 hours without the consent of the person who owns or controls the property, an officer shall follow the procedures set forth in divisions (A) through (D) above.

(I.C. 9-22-1-18)

§ 90.08 DISPOSAL OF ABANDONED VEHICLES.

(A) (1) Within three business days after removal of a vehicle to a storage yard or towing service under §§ 90.06(C) or (D), or 90.07(C) or (D), the Police Department, Town Marshal, or towing service shall conduct a search of the National Motor Vehicle Title Information System or an equivalent and commonly available database to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(2) A public agency or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than three business days after obtaining the name and address,

notify the owner of the vehicle and any lienholder on the vehicle, as indicated by the certificate of title or discovered by a search under division (A)(1) above, of the following:

- (a) The name, address, and telephone number of the public agency or towing service;
- (b) That storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed and the charges are not paid; and
- (c) The earliest possible date and location of the public sale or auction.

(3) The notice must be made by certified mail or a certificate of mailing or by means of an electronic service approved by the Bureau. Notwithstanding I.C. 9-22-1-4, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this section may not collect additional storage costs incurred after the date of receipt of the name and address obtained.
(I.C. 9-22-1-19)

(B) The Bureau shall dispose of the vehicle in accordance with I.C. 9-22-1-19.

§ 90.09 TOWING CONTRACTS.

To facilitate the removal of abandoned vehicles or parts, the town may employ personnel; acquire equipment, property, and facilities; and enter into towing contracts for the removal, storage, and disposition of abandoned vehicles and parts.
(I.C. 9-22-1-31)

§ 90.10 LIABILITY FOR LOSS OR DAMAGE.

The following are not liable for loss or damage to a vehicle or parts occurring during the removal or storage of a vehicle or parts under this chapter:

- (A) A person who owns, leases, or occupies property from which an abandoned vehicle or its contents or parts are removed;
- (B) The town;
- (C) A towing service;
- (D) An automobile scrapyard;
- (E) A storage yard; and

(F) An agent or a person or entity listed in divisions (A) through (E) above.
(I.C. 9-22-1-32)

§ 90.11 LIENS ON VEHICLES FOR TOWING SERVICES.

(A) A person that provides towing services for a vehicle at the request of a person on whose property an abandoned vehicle is located; or in accordance with this chapter; has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs in accordance with I.C. 9-22-6.

(B) A person that obtains a lien for an abandoned vehicle under this section must comply with § 90.06(C), (D), and (E), § 90.08, and I.C. 9-22-6.
(I.C. 9-22-1-21.5)