TOWN OF REDKEY
ORDINANCE NO. 2017-1

An Ordinance abolishing Ordinance 2009-6 and 2015-1 addressing abandoned vehicles existing in the Town of Redkey.

WHEREAS, the Town of Redkey established an Ordinance to address abandoned vehicles nuisances in the Town of Redkey, Indiana; and,

WHEREAS, the Town wishes to abolish those previous ordinances and pass a new ordinance addressing abandoned vehicles, therefore,

BE IT ORDAINED BY TOWN BOARD OF THE TOWN OF REDKEY, INDIANA:

SECTION 1. Ordinances 2009-6 and 2015-1 are hereby by abolished.

SECTION 2. DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Any person, firm, partnership, association, corporation, company, or organization of any kind.
PROPERTY. Any real property within the city which is not a street or highway.
STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
VEHICLE. A machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers ("trailer" means a vehicle: (1) without motive power; (2) designed for carrying persons or property; (3) designed for being drawn by a motor vehicle; and (4) so constructed that no part of the weight of the trailer rests upon the towing vehicle.The term includes pole trailers and two (2) wheeled homemade trailers.), motorcycles, tractors, buggies and wagons.

SECTION 3. LEAVING NONOPERABLE VEHICLE ON STREET OR OTHER PUBLIC PROPERTY.

No person shall leave or discard any partially dismantled or otherwise non-operable vehicle on any public street, alley, highway or any public property within the city.

SECTION 4. ABANDONMENT OF NONOPERABLE OR DISCARDED VEHICLES ON PRIVATE PROPERTY.

No person shall willfully leave a discarded, non-operable or abandoned vehicle on

private property without the permission of the person having the right to the possession of the property. For purposes of this section, the fact that a vehicle has been left on private property without the permission or notification of the person having the right to possession of this property is prima facie evidence of abandonment.

SECTION 5. KEEPING NONOPERABLE OR DISCARD VEHICLES ON PRIVATE PROPERTY; NOTICE.

(A) No person in charge or in control of any real property within the municipality, whether as an owner, tenant, occupant, lessee, or otherwise shall allow any discarded vehicle, non-operable vehicle, or a vehicle which does not display a current license plate and/or proper license plate, to remain on the property within their control longer than 72 hours after the receipt of a written notice from the Chief of Police or any member of the Police Department designated by the Chief of Police instructing that person to remove the discarded vehicle, non-operable vehicle, or vehicle that does not display a current license plate and/or proper license plate from the property. This section shall not apply to a vehicle stored in an enclosed building or to commercial garages, repair shops, car dealers, or junkyards operated in a lawful manner.

(B) Notice required under division (A) above shall be deemed to be adequate if the Chief of Police or his designee causes that notice to be affixed to the vehicle or upon the door of any residence located on the property where the vehicle is found or delivering the notice in person, by certified mail, or by leaving the notice affixed to the door and mailing a copy of same to the registered owner, the owner of the real estate or the tenant, occupant, or lessee of the private property upon which the discarded or non-operable motor vehicle is found.

(C) The notice required under division (A) should state the following:

(1) The date and time of the notice;
(2) A description of the non-operable or discarded motor vehicle;
(3) The license plate number on the motor vehicle, if any;
(4) The identity of the owner or person in charge of the real property upon which the vehicle is located;
(5) That the person responsible for the vehicle has 72 hours after the date and time noted in division (C)(1) above in order to remove the vehicle because it is alleged that the vehicle is a discarded or non-operable vehicle as defined by division (A) of this section;
(6) A copy of the ordinance should be attached;
(7) A statement indicating that if the vehicle is not removed from the property within 72 hours of the date and time affixed above, this would be prima facie evidence of the fact that it is a non-operable or discarded vehicle in violation of this section and the person to whom the notice is directed could be subject to penalties provided by this chapter.

(D) If the person to whom the notice is directed contends that the vehicle is operable and not discarded, he or she or a designee should take it to the Police Department for

inspection. If this is done within 72 hours of the time of the giving of the notice, this shall be deemed to be prima facie evidence that the vehicle in question is not a discarded on non-operable vehicle.

(E) For purposes of this section, if the 72 hours granted ends after 5:00 P.M. Friday and before Noon on the following Monday, the time shall be extended to 5:00 P.M. that Monday. If it ends on a legal holiday, the time shall be extended 24 hours following the conclusion of the legal holiday.

SECTION 6. REMOVAL OF VEHICLE BY TOWN; LIEN FOR EXPENSES.

If said vehicle is not removed within the time so fixed, the Chief of Police or his designee may cause said vehicle to be removed at the expense of the owner of the real estate upon which the vehicle was removed and which expense shall constitute a lien on the real estate. A statement of the expenses to remove and store said vehicle shall be mailed to the property owner at the last known mailing address on record at the Auditors Office of Jay County, Indiana, and the owner shall pay the amount to the Clerk-Treasurer. If the property owner fails to pay the amount within ten days after receiving the statement, a certified copy of the statement of costs shall be filed in the Office of the Auditor of Jay County, Indiana. The Auditor shall place the amount claimed on the tax duplicate against the property affected by the payment of fees, and the amount shall be collected as taxes are collected and shall be disbursed to the general fund of the city.

SECTION 7. EXCEPTIONS.

At the discretion of the Town Council, a vehicle or part thereof may be outside in violation of the provisions of Section 5 for reasons of being the stored property of a serviceman, illness of the owner, unemployment of the owner, or being the property of a licensed dealer. A certificate, issued by the Town Council, showing the reason for the exception and the duration of its effectiveness, which may not be more than one year, shall be renewable under the same provisions as granted and shall be affixed to the object in question so as to be at all times available for inspection. The absence of such certificate shall make the vehicle liable to Section 5, even though it qualified for the exception powers of the Town Council.

SECTION 8. IMPOUNDMENT.

In lieu of filing a lien under Section 5 of this chapter:

(A) The Chief of Police or his designee may impound any vehicle found in violation of this chapter. The vehicle shall remain impounded until lawfully claimed or disposed of in accordance with I.C. 9-22-1-5 et seq. and any amendments thereto.

(B) The Chief of Police or his designee may also impound a vehicle that is non-operable or has been abandoned upon complaint of any owner of a repair garage or place of storage for a vehicle when the vehicle has been left longer than that agreed upon by the

owner of the repair garage or place of storage, his agent or employee and the owner or operator of the vehicle. Before taking possession of the vehicle, the Chief of Police or his designee shall give a 72 hour notice to the owner of the vehicle of his intention to impound the vehicle at the end of the 72 hours if it is not lawfully removed from the repair garage or other place of storage.

(C) The Chief of Police shall designate a place of storage for vehicles impounded under this section.

(D) The owner of a motor vehicle impounded under this section may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle.

(E) If the motor vehicle remains unclaimed by the owner for a period of 30 days, the motor vehicle may be disposed of in accordance with the provisions established by state law.

(F) If the value of the vehicle or parts is less than $250, the Chief of Police or his designee may proceed to dispose of the vehicle or parts removed pursuant to I.C. 9-22-1-13, and any amendments thereto.

SECTION 9. FEE SCHEDULE FOR TOWING AND STORAGE.

The following maximum fee schedule shall be charged for all towing and storage costs imposed pursuant to I.C. 9-22-1-1 et seq., and amendments thereto.

(A) Towing. $50 per vehicle in the city, plus $1 per mile for any towing outside the city.

(B) Storage. $5 per day per vehicle.

SECTION 10. POLICE CHIEF AND DESIGNEES MAY INCUR CHARGES.

The Chief of Police or his designated officers may incur charges for the removal or storage or disposition of abandoned vehicles pursuant to I.C. 9-22-1-1 et seq, and any amendments thereto.

SECTION 11. PENALTY.

Any person, firm, or corporation who shall be in violation of any provisions of this chapter shall, upon conviction, be fined in any sum not exceeding $500.

SECTION 12. EFFECTIVE DATE.

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

TOWN OF REDKEY
ORDINANCE NO. 2016-10

An Ordinance Prohibiting the Use and Consumption of Alcohol on Public Property within the Town of Redkey, Indiana.

WHEREAS, the Town of Redkey desires to prohibit the use and consumption of alcohol on public property within the Town of Redkey;

WHEREAS, the Town of Redkey desires to preserve the peace and dignity of its public places, including but not limited to the Town Park; and,

WHEREAS, the Town of Redkey recognizes that under certain limited circumstances within the discretion of the Town Council, the use and consumption of alcohol may permitted in or on public property and wishes to memorialize the procedure for which said permission may be granted.

NOW THEREFORE, BE IT ORDAINED BY TOWN BOARD OF THE TOWN OF REDKEY, INDIANA:

SECTION 1. The use, consumption, possession, and sale of alcoholic beverages shall be prohibited on any public property within the Town of Redkey, Indiana.

SECTION 2. Any person found in violation of this Ordinance shall be subject to a fine of $250.00 per occurrence.

SECTION 3. Under certain limited circumstances, the Town Council may issue a permit for the use, sale, possession, or consumption on or in public property for special events to be held on Town property. Any person or persons so desiring shall petition the Town Council. The petition shall contain the following information:

1. The nature of the event including the number of anticipated guests, whether the event will be open to persons under the age of 21, the date and time of the event, and the proposed location of the event;
2. Whether the vendor(s) will have a valid alcoholic beverage permit issued by the State of Indiana; and,
3. Any other information requested by the Town Council.

Upon reviewing the petition, the Town Council, in its sole discretion, may grant a special permit to allow the sale, use, possession, and consumption of alcoholic beverages on Town property under the following conditions:

1. The vendor of any alcoholic beverages must be licensed to sell alcohol under the laws of the State of Indiana;
2. The vendor shall have licensed bartenders to dispense said alcoholic beverages;
3. The organizer of the event shall have adequate security to oversee the event. "Adequate Security" shall mean off-duty or reserve police officers hired by

as required by law.

DATED: 2/16/17

TOWN BOARD OF REDKEY, INDIANA

Town Board Member

Town Board Member

Town Board Member

Town Board Member

Town Board Member

Attest:
Debbie James
Clerk-Treasurer