

## CHAPTER 94: ABANDONED OR JUNK VEHICLES

### Section

94.01 Abandoned or junk vehicles;

removal ***Statutory Reference:***

*Abandoned vehicle defined, see I.C. 9-13-2-1*

*Abandoned vehicle regulations, see I.C. 9-22-1-1 through 9-22-1-32*

### § 94.01 ABANDONED OR JUNK VEHICLES; REMOVAL.

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

***ABANDONED VEHICLE.*** A vehicle, as used in this chapter, is a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. ***ABANDONED VEHICLE*** would have that definition given by I.C. 9-13-2-1.

***JUNK CAR.*** Any motor vehicle, motorcycle, truck-tractor, truck trailer, semi-trailer, mobile home, or other vehicle for which a certificate of title and registration plate is necessary by virtue of the laws of the state, which ***JUNK CAR*** does not bear a current valid registration or license plate and/or is inoperable and is not in a garage or other building.

(B) Because of the danger to health from vermin and insects and to children attracted by abandoned and junk cars, abandoned vehicles and junk cars are declared to be nuisances except in a lawfully operated junk yard, or yards, or enclosures lawfully operated for vehicles awaiting permission for junking from the Bureau of Motor Vehicles, or lawfully licensed automobile dealers at their legally recognized places of business or other lots properly zoned for this purpose.

(C) The Chief of the Police Department shall tag any abandoned vehicle pursuant to the provisions of I.C. 9-22-1-11 and shall cause any such abandoned vehicle not removed within 72 hours of the placement of such tag to be taken to and stored in a suitable place, and the Chief of Police or his or her designee shall report that fact in writing to the BMV within 72 hours after the discovery of the abandoned vehicle.

(D) The Chief of the Police Department may order any junk car removed by causing a notice, in writing, to remove the same to be served upon the owner thereof, if known, and if not known, then upon the owner or occupant of the real estate upon which the junk car is situated. If no owner or occupant

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of the real estate upon which the junk car is situated can be found, then a notice affixed to any building on the real estate shall constitute notice to the owner or occupant of the real estate and to the owner of the junk car. This notice shall state that the junk car shall be removed within ten days after the date of service of the notice.

(E) If a junk car is not thus removed within the time thus fixed, then the Chief of the Police Department may cause that motor vehicle to be removed at the expense of the owner thereof, or the owner of the real estate upon which the same is situated, which expense, together with the storage charges of the owner of the storage yard, if any, shall constitute a lien on the junk car. The junk car may be towed either by employees of the city or by commercial towing firms and shall be held for a period of not less than 60 days, during which time the owner or owners of the junk car may repossess the same by paying all expenses of towing, storage, and other expenses. The towing expenses shall be based upon the current rate of towing through commercial agencies within the city, but within the range specified in § 38.15 of this code. All vehicles stored in accordance with this section shall be charged for every day stored, at a daily rate as specified in § 38.15 of this code.

(F) In the event that the junk car is not thus repossessed within the 60 days as hereinabove related, the Chief of the Police Department shall be authorized to cause the junk car to be advertised for sale and to sell the same after two advertisements, once each week, in some newspaper of general circulation printed and published in the English language in the city, which advertisement shall describe the junk car and shall state the amount of the lien. In addition to this advertisement, the Chief of the Police Department shall notify the owner thereof at his or her last known address, if the owner is known or ownership can be ascertained, by registered mail, that the junk car will be sold at public auction to satisfy the lien thereon, within 15 days after the notice is mailed. If the owner of the junk car does not claim the same and satisfy the lien thereon, the junk car may then be sold at public auction to the highest and best bidder for cash, and any owner or lien holder may become the purchaser thereof, and the proceeds from the sale shall be used to pay the lien and storage charges and other expenses, including expenses for advertising, mailing of notices, and other expenses.

(G) Any person or corporation who shall violate any of the provisions of this section or fail to comply therewith or with any of the requirements hereof shall, for each and every violation or noncompliance, upon conviction, be fined.

(83 Code, § 6-57) (Am. Ord. 1070, passed 10-19-87; Am. Ord. 1115, passed 12-18-89) Penalty, see § 10.99