

GENERAL ORDINANCE NO. 3, 2016

General Ordinance No.3, 2016 is an ordinance that amends Chapter 101 of the City of Beech Grove Code of Ordinances, pursuant to abandoned vehicles.

WHEREAS; the City of Beech Grove would like to keep the City free of abandoned vehicles, and;

WHEREAS; the Compliance Department for the City of Beech Grove is in neighborhoods on a daily basis and will be able to assist the police department identifying and tagging vehicles that are determined to be abandoned.

NOW THEREFORE BE IT ORDAINED that the Common Council desires to amend Chapter 101 of the Code of Ordinances.

NOW THEREFORE BE IT FURTHER ORDAINED that the Common Council desires the following changes be made.

DELETE Chapter 101 in it's entirety and replace with the following:

101.01 SHORT TITLE

This chapter shall hereafter be known and cited as the "Abandoned Vehicle Chapter."
(Ord. 4-73, passed 7-2-73; Am. Ord. 9-1988, passed 10-24-88)

101.02 DEFINITIONS

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

ABANDONED. When used in conjunction with the term vehicle, means:

(1) Any vehicle located on public property which does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate permitting its operation upon highways of the state, or located thereon illegally.

(2) Any vehicle which is parked or located on public property continuously without being moved for a period of three days.

(3) Any vehicle parked or located on public property illegally or in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.

(4) Any vehicle that is over six years old and mechanically inoperable, and is left unattended on private premises in a location which is visible from public premises for more than 30 days.

(5) Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises, for more than 24 hours.

(6) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left unattended on public property.

BUREAU. The State Bureau of Motor Vehicles.

COMMISSIONER. The Commissioner of the Bureau.

DISPOSAL AGENT. Any firm or individual engaged in the business of converting vehicles and parts of vehicles into processed scrap or scrap metal.

OFFICER. Any regular member of the state police, any regular member of the City of Beech Grove or City of Indianapolis Police Department, any regular member of the County Sheriff's Department, or any City of Beech Grove Compliance Officer.

OWNER. The last known record title holder to a vehicle according to the bureau under the provisions of IC 9-17-2-1 through 9-17-2-8.

PARTS. All component parts of a vehicle which are in a state of disassembly or are assembled with other vehicles component parts, but which, in their state of assembly do not constitute a complete vehicle.

PRIVATE PROPERTY. All privately owned property which is not classified within the definition of public premises.

PUBLIC AGENCY. The City Department of Public Safety and Welfare.

PUBLIC PROPERTY. Any public right-of-way, sidewalk, street, highway, alley, park, or other state, county or municipally owned property.

VEHICLE. Any motor vehicle, automobile, motorcycle, truck trailer, semitrailer, truck tractor, bus, school bus, house car, or motor bicycle.

('67 Code 71.10) (Ord. 4-1973, passed 7-2-73; Am. Ord. 9-1988, passed 10-24-88)

101.03 PROHIBITION.

No person shall abandon their vehicle on any public property or private property in a location which is visible from public property.

('67 Code, 71.11) (Ord. 4-1973, passed 7-2-73; Am. Ord. 9-1988, passed 10-24-88)

Penalty, see 101.99

101.04 REMOVAL AND DISPOSAL.

The Police Department and the Compliance Department of the City are the authorized agencies assigned the responsibility for removing vehicles defined as abandoned under the provision of this chapter of IC 9-22-1 et seq.

(A) Any vehicle which under the standards established by IC 9-22-1 etSeq. has an appraised value of less than \$200 shall be subject to removal, impoundment, and sale by the city.

(1) After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other persons in the neighborhood where the abandoned vehicle is located, such vehicles shall be tagged by an officer with a notice tag affixed in a prominent place on such vehicle and the tag which shall be prepared by the Police or Compliance Department shall contain the following information:

- (a) That the vehicle or parts are considered abandoned;
- (b) That the vehicle or parts will be removed 72 hours thereafter, impounded and subsequently disposed of;
- (c) That the owner will be held responsible for all cost incidental to the removal, storage, and disposal, and if not paid, the owner's registration privileges will be suspended;
- (d) That the owner may avoid costs or suspension of registration privileges by removal of the vehicle or parts within 72 hours; and
- (e) The date, officer's name, and the address and phone telephone number of the city department to contact for information:

(2) No impounded vehicle shall be sold by the city prior to the expiration of 15 days from the date the city mails a written notice to the owner advising him that his vehicle has been impounded and must be removed from the impounding facility by the owner within 15 days of the date of mailing the notice or the city will proceed to dispose of the vehicle by sale to a disposal agent.

(B) Any Vehicle which under the standards established by IC 9-22-1 et seq. has an appraised value of more than \$200 shall be subject to removal, impoundment, and sale by the city.

(1) After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other person in the neighborhood where the abandoned vehicle is located, such vehicles shall be tagged by an officer with a notice tag affixed in a prominent place on such vehicle and the tag which shall be prepared by the Police or Compliance Department shall contain the following information:

- (a) That the vehicle or parts are considered abandoned;
- (b) That the vehicle or parts will be removed 72 hours thereafter, impounded and subsequently disposed of;

- (c) That the owner will be held responsible for all cost incidental to the removal, storage, and disposal, and if not paid, the owner's registration privileges will be suspended;
- (d) That the owner may avoid costs or suspension of registration privileges by removal of the vehicle or parts within 72 hours; and
- (e) The date, officer's name, and the address and phone telephone number of the city department to contact for information:

(2) No impounded vehicle shall be sold by the city prior to the expiration of 30 days from the date the city mails a written notice by certified mail to the owner advising him that his vehicle has been impounded and must be removed from the impounding facility by the owner within 30 days of the date of mailing the notice or the city will proceed to dispose of the vehicle by sale to a disposal agent.
('67 Code, 71.12) (Ord. 4-1973, passed 7-2-73; Am. Ord. 9-1988, passed 10-24-88) Penalty, see 101.99

101.05 APPRAISAL OF ABANDONED VEHICLES.

Within five days after removal of an abandoned vehicle to a storage area, the vehicle shall be appraised by an appraiser who shall be appointed by the Mayor. The Board of Public Works and Safety may contract the private firms or individuals, on an annual basis, to perform the function of appraising all abandoned vehicles which have been removed pursuant to this chapter. Such contract shall be approved and executed by the Mayor.
('67 Code, 71.13) (Ord. 4-1973, passed 7-2-73; Am Ord, 9-1988, passed 10-24-88)

101.06 DISPOSAL OF VEHICLES.

The final disposal of vehicles valued at either over \$200 or under \$200 shall be in accordance with the provisions of IC 9-9-1-1-1 et seq. as amended which stature shall operate as a part of this chapter.
('67 Code, 71.14) (Ord. 4-1973, passed 7-2-73; Am. 9-1988, passed 10-24-88)

101.07 REPAYMENT TO OWNER.

If the proceeds of sale exceed all costs incident to removal, storage and disposal of such vehicle, the chief fiscal officer of such city shall repay such excess to the owner upon demand from the general fund.
('67 Code, 71.15) (Ord. 4-1973, passed 7-2-73; Am. Ord. 9-1988, passed 10-24-88)

101.99 PENALTY.

(A) Except as otherwise provided in this chapter, whoever violates any provisions of this chapter shall be fine not more than \$100.

(B) Whoever violates 101.03 shall be deemed guilty of a punishable offense upon conviction thereunder shall be fined not exceeding \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 4-1973, passed 7-2-73; Am. Ord. 9-1988, passed 10-24-99)

NOW THEREFORE BE IT ORDAINED that the Common Council desires to amend Chapter 101 of the Code of Ordinances pursuant to abandoned vehicles.

NOW THEREFORE BE IT FURTHER ORDAINED that this ordinance shall only apply to the above mentioned section of the Code of Ordinances.

NOW THEREFORE BE IT FURTHER ORDAINED that this ordinance shall go into effect 30 days after passage by the Common Council, signed by the Council President Pro-Tem, attested by the Clerk Treasurer and signed by the Mayor.