

**TOWN OF EATON
ORDINANCE 2007-10-03**

ABANDONED VEHICLE ORDINANCE

WHEREAS, the need exists for an ordinance prohibiting abandonment of vehicles; restricting the disposition of keeping wrecked, non-operating, or discarded vehicles on streets or private property; providing for the impounding of certain vehicles, and opposing penalties therefore; and

WHEREAS, in the Town of Eaton, vehicles are or may in the future be abandoned in the streets and other places within the corporate boundaries of the Town; and

WHEREAS, there are or may in the future be dismantled, partial dismantled, wrecked, junked, non-operating, or discharged vehicles left about the Town other than in junkyards or other appropriate places; and

WHEREAS, such conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of property in the corporate boundaries of the Town; invite plundering and create fire hazards and other health and safety hazards in the Town; and to interfere with comfort and well being of the public; and create, extend and aggravate blight in the Town; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated and prohibited:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATON, INDIANA:

Section 1

Ordinance 97-8 is hereby repealed.

Section 2 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

1. "Abandoned Vehicle" shall mean the following:
 - a. a vehicle located on public property illegally;
 - b. a vehicle left on public property without being moved for three (3) days;
 - c. a vehicle located on public property such a manner as to constitute a hazard or objection to the movement of pedestrians or vehicular traffic on a public right of way;
 - d. 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;

- e. a vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or in-operable and left on public property;
 - f. a vehicle that has been removed by a towing service or public agency upon request of an officer enforcing this Ordinance if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal; and
 - g. a vehicle that is at least three (3) model years old, is mechanically inoperable and is left on private property continuously in a location visible from public property for more than twenty (20) days.
2. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
 3. "Property" shall mean any real property within the corporate boundaries of the Town which is not a street or highway.
 4. "Street or Highway" shall mean the entire width between the boundary lines of every way public maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
 5. "Vehicle" shall mean 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, automobile, truck, trailer, motorcycle and tractor.

Section 3. Abandonment of Vehicles.

No person shall abandon any vehicle within the corporate boundaries of the Town and no person shall leave any vehicle at any place within the Town for such time and under such certain circumstances as to cause such vehicle reasonably to appear to have been abandoned.

Section 4. Leaving an Abandoned Vehicle on the Streets.

No person shall leave any abandoned, partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Town.

Section 5. Vehicles Deemed Not to be Abandoned.

This Ordinance shall not apply to the following:

- a. a vehicle in an enclosed building;
- b. a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operating of such business enterprise; or
- c. a vehicle in an appropriate storage place or depository maintained in a lawful place and manner in the Town.

Section 6. Tagging Abandoned Vehicles or Parts.

The Town Marshal or any member of his department designated by him who finds or is notified that a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

- a. the date, time, officer's name public agency and address and telephone number to contact for more information;
- b. that the vehicle or parts are considered abandoned;
- c. that the vehicle or parts will be moved after seventy-two (72) hours;
- d. that the person who owns the vehicle or parts will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle; and
- e. that the person who owns the vehicle may avoid costs by removal of the vehicle or parts within seventy-two (72) hours.

Section 7. Officer's Abandoned Vehicle Report.

If a vehicle or parts tagged under Section 6 is not removed within the seventy-two (72) hour period, the Town Marshal or any member of his department designated by him shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated value of the vehicle or parts. The report shall contain a description of the vehicle, including: the make model, identification number and number of the plate. The Town Marshal or any member of his department designated by him shall conduct such a search of national data bases, including a data base of vehicle information numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.

Section 8. Disposition of Abandoned Vehicles.

A. If in the opinion of the Town Marshal or any member of his department designated by him, market value of an abandoned vehicle or parts less than One Hundred Dollars (\$100.00), the Town Marshal, or any member of his department designated by him, shall immediately dispose of the vehicle to an automobile scrapyards. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the Bureau of Motor Vehicles.

B. If in the opinion of the Town Marshal, or any member of his department designated by him, the market value of the abandoned vehicle or parts is at least One Hundred Dollars (\$100.00), the Town Marshal, or any member of his department designated by him, before placing notice tag on 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 seventy-two (72) hours, the Town Marshal or any member of his department designated by him, shall require the vehicle or parts to be towed to a storage area.

C. Said vehicle shall be impounded until lawfully claimed and reasonable towing and storage charges paid, or otherwise disposed of in accordance with state law.

Section 9. Penalties.

Any person violating any of the provisions of this Ordinance shall be fined an amount not exceeding Fifty Dollars (\$50.00) per violation. Any person violating any provision of this ordinance shall be responsible for paying all costs and expenses for removing, towing and storing said abandoned vehicle or parts. Each day any portion of this ordinance is violated shall constitute a separate offense.

Section 10. Effective date.

This Ordinance shall be effective ten (10) days after publication.

Passed and adopted by the Town Council on the 10th day of October 2007.

Bruce Downs

Deak Damm

Gary Gaudin

Joseph D. Watts

Town Council

Attested:

Vicki Hargis
Clerk-Treasurer