

Ordinance
ORDINANCE # 2017-4

AN ORDINANCE CONCERNING (ABANDONED AND JUNK VEHICLES)

WHEREAS, it is the goal of the Town Council of the Town of Parker City to keep the streets and alleys of the Town free from abandoned and junk vehicles and to discourage the accumulation of junk vehicles on private property, the Town Council does now accept and adopt this ordinance concerning Abandoned and Junk Vehicles.

NOW THERE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARKER CITY, INDIANA, The following:

Section 1. DEFINITIONS- for the purposes of this chapter the words shall have the following designated meanings:

- A. Property - Means any real property within the municipality which is not a street, alley or highway.
- B. Person - Shall include any private person or corporate entity.
- C. Vehicle - Shall include any device in, upon or by which a person or property is or may be transported or drawn upon any roadway.
- D. Abandoned vehicle -
 - 1. Any vehicle which is left on private property for more than 48 hours without the permission of the person having the right to the possession of the property;
 - 2. Any vehicle which is left on public property for 48 hours or longer without permission of the Town Marshal or his Designee.
- E. Inoperative motor vehicle - Any motor vehicle not moved for 60 consecutive days shall be presumed inoperative.
- F. Junk motor vehicle - Any motor vehicle meeting any three of the following criteria:
 - 1. Three years old or older;
 - 2. Disabling damage, such damage including, but not limited to, any of the following:
 - 3. Missing wheel;
 - 4. Missing or deflated tire;
 - 5. Missing motor;
 - 6. Missing transmission;
 - 7. Fair market value less than \$400.00;
 - 8. Inoperative;
 - 9. Unlicensed, or improperly licensed.

Section 2. LEAVING ABANDONED OR INOPERATIVE MOTOR VEHICLES ON STREET, ALLEY, HIGHWAY, OR OTHER PUBLIC PROPERTY - No person shall leave or abandon any partially dismantled or

otherwise inoperative motor vehicle on any public street, alley, highway or any other public property within the municipality.

Section 3. ABANDONMENT OF INOPERATIVE MOTOR VEHICLES OR ABANDONED VEHICLES ON PRIVATE PROPERTY - No person shall willfully leave a discarded, inoperative, 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 of possession of this property is prima facie evidence of abandonment.

Section 4. KEEPING INOPERATIVE, JUNK OR ABANDONED VEHICLES ON PRIVATE PROPERTY.

- 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 inoperative, junk or abandoned vehicle to remain on the property within their control longer than seven (7) days after the receipt of a written notice from the Town Marshal or any other member of the Town Marshal's Department designated by the Town Marshal instruction that person to remove this inoperative, junk or abandoned vehicle from the property. This section shall not apply to a vehicle stored in an enclosed building or to commercial garages, repair shops, used car dealers, or junk yards operated in a lawful manner.
- B. Notice required under paragraph A above shall be deemed to be adequate if the Town Marshal 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 and delivering the notice in person, by certified mail, or by leaving the notice affixed to the door and mailing a copy of the same to the registered owner, the owner of the real estate or the tenant, occupant, or lessee of the private property upon which this inoperative, junk or abandoned vehicle is found.
- C. The notice required under paragraph A should state the following:
 1. The date and time of the notice;
 2. A description of the inoperative, junk or abandoned vehicle;
 3. The license plate number on the 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 this vehicle has seven (7) days after the date and time noted above in the order to remove this vehicle because it is alleged that the vehicle is a inoperative, junk or abandoned vehicle as defined by Section 1 of this ordinance;
 6. A copy of the ordinance should be attached;
 7. A statement indicating that if the vehicle is not removed from the property within seven (7) days of the date and time affixed above, this would be prima facie evidence of the fact that it is a inoperative, junk or

abandoned vehicle in violation of this Section and, thus, the person to whom the notice is directed could be subject to penalties provided by this ordinance.

- D. If the person whom the notice is directed contents that the vehicle is operable and not junk or abandoned, he or she or a designee should take it to the police department of the Town of Parker City for inspection in compliance with the inspection laws of the State of Indiana. If this is done within Seven (7) days 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 junk, abandoned, or inoperative.
- E. For purposes of this Section, if the Seven (7) days granted ends after 05:00 P.M. Friday and before noon on the following Monday, the time shall be extended to 05:00 P.M. that Monday. If it ends on a legal holiday, the time shall be extended twenty four (24) hours following the conclusion of the legal holiday.

Section 5. IMPOUNDING

- A. The Town Marshal or his designee may impound any vehicle found in violation of this ordinance. This vehicle shall remain impounded until lawfully claimed or disposed of in accordance with I.C. 9-22-1-5 et seq.
- B. The Town Marshal or his designee may also impound a vehicle that is Inoperative, junk or that has been abandoned, upon complaint of an owner of a repair garage or place of storage for a vehicle when the vehicle has been left for 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 Town Marshal or his designee shall give a seven (7) day notice to the owner of the vehicle of his intention to impound this vehicle at the end of the seven (7) days if it is not lawfully removed from the repair garage or other place of storage.
- C. The Town Marshal shall designate a place of storage for vehicles impounded under this Section.
- D. The owner of a 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 vehicle.
- E. If the vehicle remains unclaimed by the owner for a period of thirty (30) days, this vehicle may be disposed of in accordance with the procedures established by I.C. 9-22-1-6 et seq.

Section 6. PENALTY

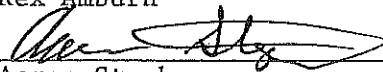
Any person, firm, or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be fined in any sum not exceeding \$500.00

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE,
APPROVAL AND PUBLICATION AS PROVIDED BY LAW.


THIS ORDINANCE IS PASSED AND ADOPTED by the Town Council of the Town of Parker
City, Indiana, this 1st day of June, 2017.



Rex Amburn



Aaron Stephens


Jason Wright

ATTEST



Kim Walker-Cecil,
Clerk-Treasurer