

TITLE III: Public Health and Safety

ARTICLE 8. Abandoned Vehicle Department

Section I. Compliance with State laws and regulations

The Town of Bloomfield (the "Town") intends that this Ordinance shall not conflict with any provision of Indiana law or regulation, and Indiana statutes or regulations are amended, to conflict with any provision in this Ordinance, then this Ordinance shall be considered amended, to comply with the amendments to statutes or regulations.

Section II. Establishment of Abandoned Vehicle Department

1. There hereby is established the Bloomfield Abandoned Vehicle Department (the "Department") pursuant to IC 9-22-1-3, which shall be authorized and responsible for the administration of the provisions of this ordinance pertaining to the removal, storage and disposal of abandoned vehicles and parts.

2. The Department shall consist of the President of the Town Council, the Bloomfield Town Marshal and all members of the Bloomfield Police Department.

Section III. Definitions.

1. "Vehicle" has the meaning in IC 9-13-2-196(d), and refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle; and as those terms are defined in IC 9-13-2.

2. "Abandoned Vehicle" has the meaning stated in IC 9-13-2-1, as follows:

- a. A vehicle located on public property illegally
- b. A vehicle left on public property without being moved for 3 days.
- c. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian 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 48 hours.
- e. A vehicle from which the engine, transmission, or differential has been removed, or that is otherwise partially dismantled or inoperable 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 a statute or an ordinance other than the abandoned vehicle law, if the impounded vehicle is not claimed or redeemed by the owner or the owners agent within 20 days after the vehicles removal.

g. A vehicle that is at least 3 model years old, is mechanically inoperable and is left on private property continuously in a location visible from public property for more than 20 days.

3. "Parts" has the meaning stated in IC 9-13-2-122, and refers to all components of a vehicle that, as assembled, do not constitute a complete vehicle.

4. "Officer" has the meaning stated in IC 9-22-1-2, as follows:

- a. A regular member of the state police department.
- b. A regular member of a city or town police department.
- c. A town marshal or town deputy marshal.
- d. A regular member of the county police force
- e. An individual of an agency designated by ordinance of the fiscal body.

The President of the Town Council is an officer for the purpose of enforcing this ordinance.

Section IV. Exempt Vehicles.

1. A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
2. A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
3. A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility.
4. A vehicle located upon property licensed or zoned as an automobile scrap yard.
5. A vehicle registered and licensed under IC 9-18-12 as an antique vehicle

Section V. Responsibility of Owner.

The person who owns an abandoned vehicle or parts is responsible for the abandonment and is liable for all of the costs incidental to their removal, storage and disposal.

Section VI. Vehicle in Possession of a Non-Owner.

When an officer discovers a vehicle in the possession of a person, other than the person who owns the vehicle, and the person cannot establish the right to possession of the vehicle, the officer shall follow the procedure provided by IC 9-22-1-5, -6, -7, -8, -9, and -10, as follows:

1. The officer shall cause the vehicle to be removed and taken to a storage facility
2. The officer shall notify the Bureau of Motor Vehicles (the "Bureau"), within 72 hours, of the location and description of the vehicle; the Bureau shall then cause a search to be made to determine and notify the person who owns the vehicle, as provided by IC 9-22-1-20.

3. If the Bureau cannot determine who owns the vehicle, the Bureau shall declare the vehicle abandoned, and provide for disposal of it, pursuant to IC 9-22-1.
4. If the property identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released.
5. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release.
6. If the person who owns or holds a lien on the vehicle does not appear and pay all costs, the Bureau shall declare the vehicle abandoned, and provide for disposal under IC 9-22-1.

Section VII. Tagging Abandoned Vehicle or Parts.

1. When the officer finds, or is notified of, a vehicle or parts, believed to be abandoned, the officer shall tag the vehicle or parts, in a prominent place, with the following information, as provided by IC 9-22-1-11, as follows:
 - a. The date, time, officer's name, public agency and address and telephone number to contact for information.
 - b. That the vehicle and parts are considered abandoned.
 - c. That the vehicle or parts will be removed after 72 hours.
 - d. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle.
 - e. That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.
2. If the vehicle or parts tagged, is not removed within 72 hours, the officer 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 market value of the vehicle or parts. The officer shall also obtain a photograph of the vehicle as provided by IC 9-22-1-12.
3. If, in the opinion of the officer, the market value of an abandoned vehicle or parts is less than \$500.00, the officer shall immediately dispose of the vehicle to an automobile storage facility and forward a copy of the Abandoned Vehicle Report and photograph or photographs, to the Bureau, as provided by IC 9-22-1-13. The photographs may be taken by the officer, the towing service, or the storage facility. The Department shall cause the original records and photographs to be retained for at least 2 years.

A vehicle that is 10 model years or older, that has extensive deterioration to the interior or exterior, or is inoperable; or a vehicle that is 5 model years or older, which has been extensively destroyed by fire, explosion, vandalism, or other causes, excluding traffic accidents, and is inoperable; is presumptively valued at \$100 or less, 15 provided by 140 IAC 5-1-4.

4. If, in the opinion of the officer, the market value of the abandoned vehicle or parts is at least \$500.00, the officer shall, before placing a notice tag on the vehicle or parts, 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 72 hours the officer shall require the vehicle the vehicle or parts to be towed to a storage facility as provided by IC 9-22-1-14.

Section VIII. Self-help by Owner or Rental Property.

1. A person who owns rental property, and who finds a vehicle believed to be abandoned on that person's rental property, shall attach, in a prominent place, on the vehicle, a notice tag containing the following information, as provided by IC 9-22-1- 15:

- a. The date, time, name and address of the person who owns the rental property, and a telephone number to contact for information.
- b. That the vehicle is considered abandoned.
- c. That the vehicle will be removed after 72 hours
- d. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage and disposal of the vehicle.
- e. That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.

2. If, after 72 hours, the person who owns the vehicle believed to be abandoned on rental property, has not removed the vehicle from the rental property, the person who owns the rental property may have the vehicle towed; as provided by IC 9-22-1- 16. The towing operator shall do the following:

- a. Contact the Bureau to obtain the name and address of the person who owns the vehicle.
- b. Deliver by certified mail, a copy of the information contained in the notice tag to the person who owns the vehicle, not later than 5 business days after the vehicle is removed.
- c. Notwithstanding the 72 hour requirement, in an emergency situation, a vehicle may be removed immediately. "Emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the owner of the rental property or poses a threat to the safety or security of persons or property, or both.
- d. The towing operator shall give notice to the Department and the Bureau that the abandoned vehicle is in the possession of the towing operator.

3. If a person who owns or controls private property, complains to the Department that a vehicle has been left on the property for at least 48 hours without the consent of the person who owns or controls the property, then the officer shall follow the same procedure as set forth above, in Section VII.

Section IX. Abandoned Vehicle Report

Within 72 hours after removal of an abandoned vehicle to a storage facility, under Sections VI, VII, or VIII above, either the Department or the storage facility, shall prepare and forward to the Bureau, an Abandoned Vehicle Report, containing a description of the vehicle, including the following information concerning the vehicle:

1. Make
2. Model

3. Identification Number
4. Number of the license plate

The Department or the storage facility, whichever prepares the Abandoned Vehicle Report, shall request that the Bureau advise the Department or the storage facility of the name and most recent address of the person who owns or holds a lien on the vehicle.

If the vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle or parts, they may be disposed of to an automobile storage facility and a copy of the Abandoned Vehicle Report and photograph or photographs of the vehicle or parts shall be forwarded to the Bureau, as provided by IC 9-22-1-13. The Department shall retain the original records and photographs for at least 2 years.

Section X. Duties of the Bureau of Motor Vehicles

Upon receipt of an abandoned vehicle report under Section IX, the Bureau shall do the following:

1. Conduct a reasonable search through the national automobile theft bureau and the state police department to determine whether the vehicle or parts have been reported as stolen.
2. Conduct a reasonable search of Bureau records to determine the person who owns the vehicle or parts or the person who holds the lien of record.
3. If a reasonable search discloses the name and address of the person who owns or holds a lien on the vehicle, mail a written notice, by first class mail, to:
 1. The person who owns the vehicle, with a copy to each person who holds a lien on the vehicle if the Bureau disposes of the vehicle; or
 2. The public agency if the public agency disposes of the vehicle.

Indicating that the vehicle or parts have been impounded at a certain location and must be removed within 20 days after the date of mailing of the notice and advising that the vehicle or parts will be disposed of after that time. The notice must advise the person who owns or holds a lien on the vehicle that all costs incurred in removing and storing the vehicle or parts are the person's legal responsibility.

Section XI. Sales by the Bureau of Motor Vehicles or the Town.

- I. If the person who owns or holds a lien upon a vehicle does not appear within 20 days after the mailing of a notice under Section IX, the Bureau or the Department shall sell the vehicle or parts.
2. If the Bureau sells the vehicle or parts, it shall be to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except only 1 newspaper insertion 1 week before the public sale is required.
3. If the Department sells the vehicle or parts; it may either:
 - a.) Sell to the highest bidder at a public sale. Notice of the sale shall Be given under IC 5-3-1, except only 1 newspaper insertion 1 week before the public sale is required; or

- b.) Sell the vehicle or parts as unclaimed property under IC 36-1- 11. the 20 day period for the property to remain unclaimed is sufficient for a sale under this subdivision

Section XII. Bill of Sale.

A person who purchases a vehicle under Section XI, shall be furnished a bill of sale under IC 9-29- 7. A person who purchases a vehicle under Section XI must:

1. present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and
2. pay the appropriate title fee under IC 9-29-4 to obtain a certificate of title under IC 9-17 for the vehicle.

Section XIII. Removal of Storage Costs.

The costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle shall be paid from the Abandoned Vehicle Fund established under Section XV. The charge payable by the person who owns or holds a lien on a vehicle or parts may not exceed the limits established by Section XVI.

Section XIV. Proceeds of Sale

The proceeds of sale of an abandoned vehicle or parts under Section XI, shall be credited against the cost of the removal, storage and disposal of the vehicle.

Section XV. Abandoned Vehicle Fund.

1. There hereby is established for the Town an Abandoned Vehicle Fund, as required by IC 9-22-1-30.
2. If the Department sells the vehicle or parts, the proceeds from the sale of abandoned vehicles or parts, including:
 - a.) Charges for bills of sale; and
 - b.) Money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles.

shall be deposited with the Town Clerk- Treasurer and placed by the Clerk-Treasurer in the unit's Abandoned Vehicle Fund.

3. The costs incurred by the Department in administering this ordinance shall be paid from the Abandoned Vehicle Fund.
4. The Town shall annually appropriate sufficient money to the fund to carry out this ordinance. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

Section XVI. Allowable Charges for Towing and Storage.

1. Charges for providing towing service for abandoned vehicles, shall be the reasonable value of the service rendered according to the usual and customary charges in the Newberry and surrounding communities, and pursuant to 140 IAC 5-1-1 (b),, the Town sets the maximum amount it will pay for anyone towing charge at \$30.00.

2. Charges for storage for abandoned vehicles and parts, shall be the reasonable value of the services rendered according to the usual and customary charges in the Newberry and surrounding communities, and pursuant to 140 IAC 5-1-2(c), the Town sets the maximum amount it will pay for storage charges at \$4.26 per day.

Section XVII. Power to Facilitate Ordinance.

To facilitate the removal of abandoned vehicles or parts, the Town may

1. Employ personnel;
2. Acquire equipment, property and facilities; and Enter into towing and storage contracts.
3. Enter into towing and storage contracts.

Section XVIII. Immunity from Liability.

Pursuant to IC 9-22-1-32, the following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage, or disposition of a vehicle or parts under this ordinance:

1. A person who owns or leases, or occupies property from which an abandoned vehicle or parts are removed.
2. The Town and the Department
3. A towing service,
4. An automobile scrap yard

Section XIX. Approved Towing Service and Storage Facility

Any towing service or storage facility that is used for the removal and storage of abandoned vehicles or parts by law enforcement officers, and that has not been disapproved by the Bureau, because of violations of the Bureau's rules and regulations, may be used by the Town for towing and storage of abandoned vehicles and parts.