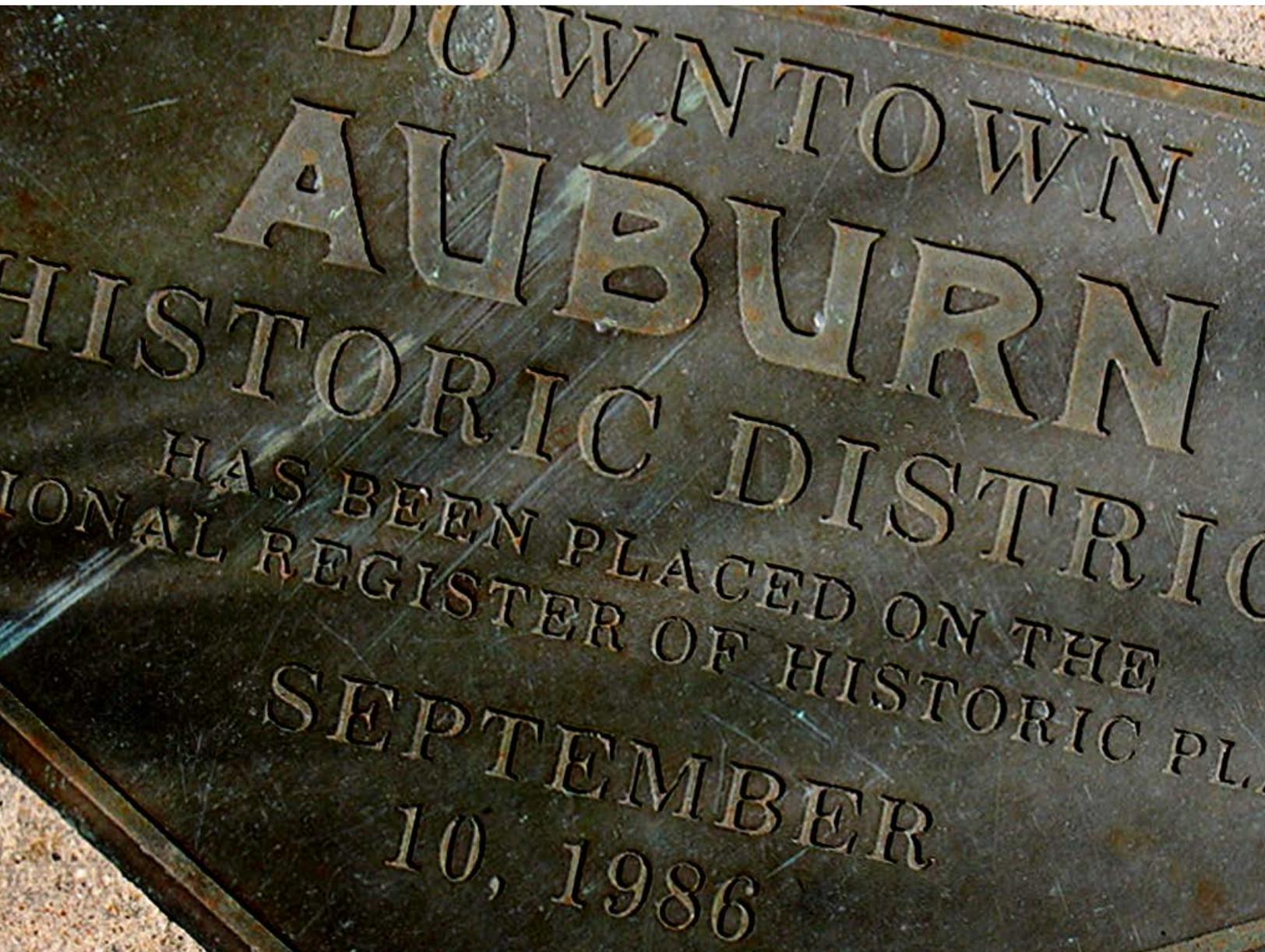




Code of Ordinances
CITY OF AUBURN





Abandoned and Junk
Vehicles

CHAPTER
91

AUBURN



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ABANDONED VEHICLES

91.01 ABANDONED VEHICLES DECLARED NUISANCE

The Common Council finds that abandoned vehicles are a public nuisance and a safety and health hazard.

91.02 ADOPTION OF STATE PROVISIONS BY REFERENCE

IC 9-22-1-1 through 9-22-1-32 as it presently exists and is hereafter amended, is hereby adopted by reference, as if set forth in full herein.

91.03 ENFORCEMENT BY POLICE DEPARTMENT

The Police Department is designated as the local agency given the responsibility for removal, storage, and disposal of abandoned vehicles to the extent permitted under IC 9-22-1-1 through 9-22-1-16 as it presently exists and is hereafter amended.

91.04 MAXIMUM TOWING AND STORAGE CHARGES

The maximum charge allowed for towing of abandoned or junk vehicles under this chapter shall be \$75. The maximum charge for storage of abandoned or junk vehicles shall be \$20 per day. The maximum fine for violating this section shall be \$300 assessed to each owner of the property where the vehicle is located and the title owner of said vehicle.

JUNK VEHICLES

91.10 JUNK VEHICLES DECLARED A NUISANCE

Because of the danger to health from vermin and insects and to children attracted by such junk cars, junk motor vehicles are declared to be a nuisance except in lawfully operated junk yards or yards lawfully operated for vehicles awaiting permission for junking from the Bureau of Motor Vehicles.

91.11 DEFINITIONS

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

- JUNK MOTOR VEHICLE
A car which is partially dismantled or wrecked and which cannot safely or legally be operated.
- MOTOR VEHICLE
Any self propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, tractors, dune buggies and other off the road vehicles.

91.12 PROHIBITED STORAGE

It shall be unlawful for any person owning or having custody of any junked motor vehicle to store or permit any such vehicle to remain on any private property within the city for a period of more than ten days after the receipt of notice requiring such removal and it shall be further unlawful for any person owning any private property in the city to store or to permit to remain any such vehicles on his property for more than a like period.

91.13 PERMITTED STORAGE



This section shall not apply to any motor vehicle stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. Such business enterprises shall include auto junk yards, auto repair and auto body shops and automobile service stations.

91.14 REMOVAL

Any member of the Police Department may order any junk motor vehicle removed within ten days.

91.15 PROCEDURE FOR REMOVAL

- A. Notice of the order of removal shall be placed on the junk motor vehicle and a copy of such notice shall be served on any adult occupying the real estate on which the junk motor vehicle is located and on the owner of the junk motor vehicle if known. If no occupant of the real estate or owner of the junk motor vehicle can be found, a notice affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate and to the owner of the junk motor vehicle. If there is no building on the real estate, the notice shall be affixed elsewhere on the real estate.
- B. If the junk vehicle is not removed within the time fixed by the notice, the Police Department may execute an order of removal. The notice may be hand delivered, attached to the real property or mailed by first class mail. Prior to entering the premises of any municipal residence for the purpose of removal of junk vehicles, the Police Department shall first obtain, through the DeKalb Superior or Circuit Court, an administrative search warrant for the purposes of entering the premises upon which said junk vehicle sits. The Police Department must have reasonable cause to believe that this section is in violation before being able to obtain an administrative search warrant. Upon obtaining the administrative search warrant, the Police Department shall serve said search warrant on the owner of said residence before any removal of said vehicle. Said search warrant shall also give the city authority to remove said vehicle and charge the costs of said removal to the owner.
- C. After removal of the junk motor vehicle, the Police Department may elect to proceed as follows:
 - 1. Within a reasonable time after removal of a junk motor vehicle to a storage area, the Police Department shall prepare and forward to the Bureau of Motor Vehicles a vehicle report containing a description of the vehicle including the make, model, engine number, if any, identification number and the number of the license plate and request that the Bureau of Motor Vehicles advise the Police Department of the name and most recent mailing address of the owner and any lienholder. If the Bureau of Motor Vehicles provides a response to the inquiry made by the Police Department, the Police Department shall mail a copy of the notice and a copy of this section to each individual listed as an owner of the motor vehicle and as a lienholder on the motor vehicle.
 - 2. If the junk motor vehicle remains unclaimed a period of 30 days after being placed in storage, the city will sell the vehicle to the highest bidder at a public sale conducted after notice under IC 5-3-1 or the city may elect to sell the motor vehicle as unclaimed property in accordance with IC 36-1-11 et. seq.
 - 3. If the city elects to sell the motor vehicle the purchaser shall be furnished a bill of sale for the motor vehicle.
 - 4. The proceeds of sale of any motor vehicle shall be applied towards the costs incident to the removal, storage and disposal of the motor vehicle. Any excess funds shall be returned to the owner, if known, and if unknown deposited with the Clerk-Treasurer of the city.



5. If the city has entered into an agreement with any business for the purpose of towing, storing and disposing of junk motor vehicles, then the business may be powered to dispose of the junk motor vehicle as allowed by state law.