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CH4 4 .8 - Removal and Disposal

a. Definitions. The following terms shall be construed in this section as follows:

1. "Abandoned vehicle" means abandoned vehicle as defined in IND.CODE 9-9-1.1-2. as amended.
2. "Property" means public or private property, as defined by IND.CODE 9-9-1.1-2, as amended, within the Town.
3. "Street or highway" shall mean the entire width between the boundary lines of every publicly maintained way when any part thereof is opened to the use of the public for purposes of vehicular traffic.
4. "Vehicle" means vehicle as defined in IND CODE 9-9-1.1-2, as amended.

b. No person shall store or permit the storage of a junked or abandoned vehicle, or vehicle which is incapable of being operated, on any property within the Town.

- o No person shall abandon any vehicle within the Town. No person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
- o Junked or abandoned vehicles are hereby declared to constitute a nuisance except where located in lawfully operated salvage yards, or yards lawfully operated for storing vehicles legally impounded for disposition as abandoned motor vehicles.
- o This section shall not apply to commercial garages or repair shops or vehicles undergoing ordinary repair while inside a garage or other building located on property legally zoned for such use under the zoning section of this Code or wholly within a building on said premises.

c. Any officer may order any abandoned vehicle removed from property within the Town within ten (10) days after giving written notice as herein provided.

- o Notice of such order shall be placed upon said vehicle and copies of the notice shall be served upon any adult occupant of the property on which said vehicle is located, and upon the owner of such vehicle where the name of said owner is known.
- o If no occupant of said property or owner of said vehicle can be found or is known, a copy of such notice shall be affixed to any building located on said property or if there is no building on said property, such notices may be affixed elsewhere on the property, or on the vehicle, and by posting

said notices, the owner and occupant of said property and the owner of said vehicle shall be deemed to have been legally notified of said removal order.

- d. The recorded owner or the occupant of any property on which said abandoned or junked vehicle is stored or located, on the receipt of such written notice, shall, within the time stated in such notice, remove such abandoned vehicle or correct the condition stated in said notice. Should the owner of said property or said abandoned or junked vehicle, after such service, and the lapse of time therein stated, fail, refuse or neglect to remove said vehicle or correct such condition, the officer issuing such notice shall cause an affidavit to be filed in the court having jurisdiction for violation of this section and failure to remove on notice, and shall cause such work to be done as may be required for the preservation of the life, health, comfort and property of the public, including the removal of such vehicle from the premises to a proper storage lot or area legally operated for salvaged vehicles. In such event, both the owner or occupant of said property and the owner of said abandoned vehicle shall be liable for violation of this section for the entire cost and expense incurred by the Town in removal of such vehicle and such costs may be recovered by civil action in addition to the penalty hereinafter provided for violation of this section.
- e. Any person who violates any of the provisions of this section shall be fined in an amount not to exceed One Hundred Dollars (\$100.00). Each day such violation continues after service of notice constitutes a separate offense and shall be punishable as such. As an additional penalty for the violation of this section and failure to remove following notice, the court in which the affidavit is filed may order said abandoned vehicle seized and impounded at a location determined by the Board and disposed of after thirty (30) days by sale or otherwise as determined by said Board. During said thirty (30) days the owner of said vehicle may recover by paying his or her fine and all expenses of said notice, towing, impounding and storage of the vehicle by said Town officials.
- f. The fines fixed by the court under this section and the amount received from the sale of said vehicles and otherwise, shall be set up in a special fund in the Town to pay for the expense of notice, towing, storage, and disposal of said vehicles as herein provided.

Codifer's note:

Ordinance 2-1969 provided:

"AN ORDINANCE DEFINING AND PROHIBITING ABANDONED OR JUNKED VEHICLES, PROVIDING FOR THE REMOVAL OF ABANDONED OR JUNKED VEHICLES FROM PROPERTY AND FROM STREETS OR HIGHWAYS, PROVIDING

FOR IMPOUNDING AND DISPOSAL OF SUCH VEHICLES; ALSO FIXING

PENALTIES AND SETTING UP A SPECIAL FUND THEREFORE."

"WHEREAS, in many areas of the Town . . . abandoned or junked vehicles have been permitted to remain on property for long periods of time; and

WHEREAS, said abandoned or junked vehicles are also found along the streets, highways or in other public places in the Town . . . from time to time; and

WHEREAS, the storage of said junked vehicles and/or the abandonment of such vehicles either on property or along the streets, highways or other public places in the Town cause an unsightly appearance to the neighborhood; create, extend and aggravate urban blight; create hazards to the health, safety and welfare of citizens and residents of the community, including property owners, neighbors and children; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated or prohibited; . . ."

('82 Code, Ord. No. 9-1982, passed 12/28/82)

Further Information

'82 Code, Ord. No. 9-1982

Indiana Code [9-9-1.1-2](#)

Date Passed: 12/22/1982