

ORDINANCE NO. 2025- 10

**ORDINANCE REPLACING REGULATIONS
ON ABANDONED VEHICLES**

WHEREAS, the Town of Chalmers, Indiana, (the "Town") approved an Ordinance on February 22, 1988, regulating the abandoned vehicles within the Town of Chalmers; and

WHEREAS, the Town wishes to replace said Ordinance with an updated Ordinance; and

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

Section 1: The Town hereby revokes the Ordinance on regulations for Abandoned Vehicles approved on February 22, 1988, and replaces said regulations as follows:

Section 90.01 UNLAWFUL ACT; DEFINITIONS.

(A) It is unlawful for any person to keep, park, or store any wrecked, junk or abandoned vehicle, or part thereof, on any public or private property within the town when the vehicle, or part thereof, is not kept in a garage, structure, or other enclosure not visible from the street or neighbors' property, regardless of business zone, so as to not be exposed to public view and access.

(B) For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. Any vehicle which:

- (1) Is located on public property illegally;
- (2) Is left on public property continuously for three (3) days without being moved, except as hereafter provided;

(3) Is located on public property in a way so as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way.

(4) Is left on private property without the consent of the owner or person in control of that property for more than 48 hours.

(5) Is six or more model years old and mechanically inoperable, and is left on private property in a location visible from public property for more than 30 days, except as hereafter provided.

(6) Is not legally registered and licensed with the state, whether on public or private property.

(7) Not otherwise being an abandoned vehicle as heretofore defined, has been removed by the town or a private towing service under authority of an officer enforcing any statute or ordinance providing for impoundment and storage of the vehicle, and the vehicle is not claimed or recovered by the owner or agent within 15 days of being impounded and stored.

PUBLIC PROPERTY. Includes public rights-of-way and easements.

VEHICLE. Any motor vehicle designed for use on the public streets and highways, and required to be licensed for use by the Indiana Bureau of Motor Vehicles, whether or not a particular vehicle is actually so used or so licensed.

WRECKED/JUNK VEHICLE. Any vehicle which, because of accident, age, misuse, mechanical or structural deterioration, or dismantling and removal of necessary parts or structural elements, has become inoperable or incapable of safe operation as a vehicle, and is:

(a) Left on public property; or

(b) Left on private property in public view, except for purposes of repair or salvage as hereafter permitted.

Section 90.02 PUBLIC HAZARD; JURISDICTION; ENFORCEMENT DUTIES.

(A) It is hereby found and declared that keeping, parking, or storage of any wrecked, junk or abandoned vehicle, or parts thereof, on public or private property exposed to public view, except as expressly authorized herein, poses a threat and endangerment to the public in that the vehicles may be an attractive nuisance resulting in a risk of physical harm to children or others, may pose a fire hazard, may pose a traffic hazard, or may serve as areas for the breeding or harborage of rodents or other noxious and injurious animals; and that the keeping, parking or storage of the vehicles therefore constitutes dangerous conduct, use and possession of property inimical to the public health, safety and welfare. If the vehicle is determined by the enforcement officer to be an immediate danger to the safety and welfare of the public, the officer may immediately proceed to have the vehicle towed or taken to a safe place for storage as provided by I.C. 9-21-16-3.

(B) The following officers of the Town shall have concurrent jurisdiction and duties for the enforcement of this chapter:

- (1) The Town Marshal and his or her deputies; and
- (2) The Code Enforcement Officer.

Section 90.03 EXCEPTIONS TO RESTRICTIONS; PERMITTED STORAGE.

It is permissible to keep, park or store a wrecked, junk or abandoned vehicle, and the prohibitions and strinctions of this chapter do not apply, in the following circumstances:

- (A) The vehicle is kept in an enclosed area on private premises out of view;
- (B) The vehicle is an antique vehicle registered pursuant to I.C. 9-18-12, and would not be considered an abandoned, wrecked or junk vehicle except for its being mechanically inoperable;

(C) A vehicle which is operable and has a valid Indiana license plate will not be considered an abandoned vehicle if it is legally parked on a public street within one block of the residence of the registered owner or lessee of the vehicle, notwithstanding the fact that the vehicle may be left so parked for a continuous period of more than three days without being moved;

(D) An operable vehicle may be stored or parked on public property for a continuous period of more than three days if it is owned or leased, or is properly authorized by, the public authority having charge over the public property; or

(E) An operable motor vehicle may be legally parked on a public street, or an inoperable vehicle may be stored on private property, notwithstanding the provisions of §90.01, if it is parked or stored as the property of a member of the armed forces of the United States who is on active duty assignment and absent from the community for that purpose.

Section 90.04 ENFORCEMENT; ABATEMENT PROCEDURE

If any enforcement officer finds a wrecked, junk or abandoned vehicle being kept, parked or stored in violation of this chapter, the enforcement officer shall forthwith begin action to abate the violation and remove the offending vehicle or part thereof in accordance with the procedures prescribed by I.C. 9-22-1-1 *et seq.* and by this section. If the vehicle is determined to be an abandoned vehicle as defined by §90.01, other than division (7) of the definition, the enforcement officer shall attach a tag to the vehicle of the type and in the manner described in I.C. 9-22-1-11, and if the vehicle is not removed and properly disposed of by the owner within 72 hours, the enforcement officer shall then proceed to have the vehicle removed and towed or taken to a safe place of storage as provided by I.C. 9-22-1-14 through 9-22-1-16, irrespective of the officer's estimation of the market value of the vehicle or parts and notwithstanding the

provisions of I.C. 9-22-1-13. The enforcement officer shall then prepare and forward an abandoned vehicle report to the Indiana Bureau of Motor Vehicles in accordance with I.C. 9-22-1-19. The Bureau of Motor Vehicles shall then take charge of the matter as provided by I.C. 9-22-1-20 and 9-22-1-22, and shall recompense the town or private towing service for the costs of removal and storage of the vehicle as hereafter provided, if the vehicle is not claimed and the charges paid by the owner or a lienholder. However, if the offending vehicle is determined by the enforcement officer to be a wrecked or junk vehicle as defined by §90.01, but is not also a prima facie abandoned vehicle in accordance with §90.01, then the enforcement officer shall attach the same notice tag and, after 72 hours, shall, if necessary, cause the offending vehicle or parts to be removed and stored in the same manner as an abandoned vehicle as heretofore provided, but shall not file an abandoned vehicle report with the Bureau of Motor Vehicles until 15 days have elapsed since the vehicle was removed and it has not been claimed and redeemed from storage by the lawful owner or agent; but if the 15 days have elapsed, the enforcement officer shall declare the impounded vehicle to be an abandoned vehicle in accordance with division (7) of the definition in §90.01, and shall forthwith prepare and file an abandoned vehicle report with the Bureau of Motor Vehicles as provided above, and the matter shall thereafter be administered in the same manner as in the case of any other abandoned vehicle.

Section 90.05 IMPOUNDMENT OF VEHICLE; RECOVERY; COSTS

(A) When feasible, a vehicle or parts thereof becoming subject to removal and storage pursuant to §90.04 above shall be so removed and stored by the Town using Town equipment, personnel and storage facilities. However, if it is not feasible to do so, the enforcement officer shall call upon the services of a private towing and storage service with

which the Town has a contract to tow and store impounded vehicles. On or before December 31 of each year, the Town Council shall:

(1) Adopt a resolution fixing the rates and charges to be assessed for the towing and storage of an impounded vehicle when removed and stored by the Town during the ensuing calendar year, which charges shall be reasonably related to the estimated actual costs incurred by the Town; and

(2) If deemed necessary, the Town Council shall make and enter into a contract with one or more private vehicle towing and storage services to remove and store impounded vehicles, when so directed by an authorized enforcement officer during the ensuing year. The contract may be made effective for more than one year, and shall stipulate the following:

(a) The rates and charges to be assessed by the private towing service for removing and storing impounded vehicles, which shall not exceed the rates and charges which the towing service would usually charge for the removal and storage of a vehicle of equivalent type, weight and size in the ordinary course of business;

(b) The towing and storage charges are the liability of the owner of the impounded vehicle, or of the Indiana Bureau of Motor Vehicles from the state Abandoned Vehicle Account, if the vehicle is not recovered by the owner and is sold pursuant to law, and that the charges are not a liability of the Town;

(c) The owner of the impounded vehicle is liable for any damages resulting from the removal or storage thereof to the extent provided by I.C. 9-22-1-4, and that the private towing service, and not the Town, is liable for any other damages arising out of the removal and storage operation to the same extent that it would be liable for the damages in the course of any usual and ordinary towing operation undertake in the normal conduct of its business; and

(d) The towing and storage service will keep and store the vehicle only in accordance with all provisions of law governing the management of impounded vehicles.

(B) Any resolution passed or contract entered into, pursuant to divisions

(A)(2)(a) or (A)(2)(b) above, shall be considered incorporated by reference into and a part of this chapter, and two copies of the resolution or contract shall be on file in the office of the Clerk-

Treasurer and available for public inspection. In addition, a copy of each current resolution or contract, or an abstract of the rates and charges provided therein, shall be filed with the Bureau of Motor Vehicles in accordance with I.C. 9-22-1-30(a)(1). The owner, lessee, or an authorized agent may recover an impounded vehicle only upon payment of the costs provided pursuant to this section and owing to the Town or to a private towing and storage service, as the case may be, for the removal and storage of the impounded vehicle.

Section 90.06 PENAL VIOLATIONS.

Any person who leaves an abandoned vehicle which is operable, and is an abandoned vehicle for the causes described in divisions (1) through (3) of the definition of abandoned vehicles in §90.01, commits an offense, respectively, of improper parking, overtime parking, and obstructive parking and shall be cited therefor, and, upon conviction, shall be fined in accordance with the schedule of penalties for the offenses provided in §70.99. Any person who keeps and maintains a junk vehicle in violation of the off-street parking regulation of the zoning code shall be cited for a zoning violation and subject to a penalty as provided therefor in accordance with the zoning code.

Section 90.99 PENALTY.

Any person, firm or corporation who violates any of the provisions of this chapter or who interferes in any way whatsoever with the due process of enforcement of any of the provisions of this chapter or who does not obey within the time fixed any order issued pursuant to this chapter, and who shall be found guilty thereof, shall be subject to a fine and penalty in the amount of \$100. Each motor vehicle involved shall constitute a separate offense, and a separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Section 2: This Ordinance shall be in full force and effect from and after its passage and adoption.

Passed and adopted by the Town Council of the Town of Chalmers on the 12th day of August, 2025.

Pamela S Brown
Pamela Brown, President

Attested by:
Renee Collier
Renee Collier, Clerk-Treasurer

Presented by me to the President of the Town Council of the Town of Chalmers on the ____ day of _____, 2025, at _____ p.m.

Renee Collier, Clerk-Treasurer

This ordinance approved and signed by me on the ____ day of _____, 2025.

Pamela Brown, President