

CHAPTER 4

General Offenses

ARTICLE 1

JUNK CARS

Sec. 4-1-1 Definition: Junk Car

For the purpose of this Ordinance "junk car" shall mean any motor vehicle or the remains thereof which

- a. does not bear a currently valid license plate, or
- b. is not housed in a garage or other building. (Ord. 93 Sec. 1; Ord. 95-8-1)

Sec. 4-1-2 Junk Cars: Nuisance

Junk cars as herein defined are declared to be nuisances except where situated in lawfully operated junk yards, yards lawfully operated for vehicles awaiting permission for junking from the Bureau of Motor Vehicles, or upon lots utilized by new or used car dealers at their legally recognized places of business. (Ord. 93 Sec. 2; 95-8-1)

Sec. 4-1-3 Order of Removal

Any Town Marshall or Deputy Town Marshall may order any junk car removed within ten (10) days following the giving of notice of an order for removal as hereinafter provided; however, if the "junk car" is, without the giving of any further notice, a vehicle described by Section 4-1-6, then the notice required by Sec. 4-1-4 hereinafter, is not required to be given, and the provisions of Sec. 4-1-6 et. seq. may be followed. When ordering such vehicle removed, the Town Marshall or Deputy Town Marshall may remove such vehicle, or cause the same to be removed to any Town-owned or operated property, or to a private garage or place, where so authorized pursuant to a contract, where the same shall be impounded and detained as hereinafter

provided by Sec. 4-1-6 et. seq. of this Article. (Ord. 93 Sec. 3; 95-8-1)

Sec. 4-1-4 Notice

Notice of order of removal as provided by Sec. 4-1-3 hereinabove, shall be placed upon such junk car, and a copy thereof shall be served upon:

- a. Any one adult occupying the real estate upon which the junk car is located,
- b. The owner of the junk car if such owner can be found.

A notice affixed to any building on the real estate shall constitute notice to the owner or occupant of the real estate and to the owner of the junk car. If there is no building on the real estate, said notice may be affixed elsewhere on the real estate. (Ord. 95-8-1)

Sec. 4-1-5 Impoundment of Illegally Parked Vehicles--Authorized

Any vehicle parked or left standing unattended upon any street or public place in the Town, except for vehicles found to have been abandoned under the terms of Article 1.5 of this Chapter (Article 4, Sec. 1.5 Abandoned Vehicles) of this chapter, at any time or place, in violation of any of the provisions of this chapter, any other ordinance of the Town, any statute, or any vehicle known to have been stolen and so left on any street, is hereby declared to be a public nuisance as an unlawful obstruction upon the street or public place, and a hazard to traffic thereof, and any police officer (including but not limited to the Town Marshall and deputy Town Marshall), upon discovering any such vehicle so parked or kept standing, unattended, or when it is attended and the operator or occupant, if able to do so, refuses or fails to move it, on request, shall attach to such vehicle, or serve upon such person, a notice of such violation, and in addition to and independent of the penalty and remedy for such violation, such officer may remove such vehicle, or cause the same to be removed, to any Town-owned or operated property, or to a private garage or place, where so authorized pursuant to a contract, where the same shall be impounded and detained, as hereinafter provided. (Ord. 95-8-1)

Sec. 4-1-6 Removal, Impoundment at Risk of Owner

The removal and impoundment of a vehicle pursuant to this Article shall be accomplished with reasonable care, but otherwise shall be at the risk of the owner, his agent or representative. (Ord. 95-8-1)

Sec. 4-1-7 Removal and Release Expenses to be Borne by Owner; Payment Prerequisite to Release

The expenses of and resulting from removal and storage of a vehicle pursuant to this

Article shall be borne by the owner, his agent or representative, and before surrendering such vehicle, such expense shall be paid by or for such owner, his agent or representative, for the use and benefit of the Town, or of the Person who operates or has charge of such garage, or other place of storage, whether a public or a private garage, or place, unless it shall be otherwise ordered by a judge of any court. (Ord. 95-8-1)

Sec. 4-1-8 Charges

In no event shall the charge for driving or towing in, impounding and receiving for storage of any vehicle impounded pursuant to this Article, or under any contract authorized by this Article exceed the initial sum of Fifty Dollars (\$50.00), to which may be added storage charges of Four Dollars (\$4.00) per day, or fraction thereof, payable to vehicles so stored on property owned or rented by the Town or in lieu thereof, such reasonable storage charges shall be assessed at the rate fixed in any contract entered into pursuant to this section for storage of such impounded vehicles for each day, or fraction thereof, on and after the day that such vehicle is impounded. (Ord. 95-8-1)

Sec. 4-1-9 Release Authorizations

Vehicles impounded pursuant to this Article shall be released only upon order of the Office of the Town Marshall, the Town Council, or upon an order of the judge of any court having jurisdiction therein. (Ord. 95-8-1)

Sec. 4-1-10 Procedure Where Alleged Violator Innocent

In the event that any judge shall find from the evidence that a vehicle impounded pursuant to this Article was not parked or left standing in violation of any provision of this Article, any other Ordinance of the Town or of any statute, the judge may order the vehicle restored to such owner his agent or representatives, without penalty or the assessment of any charges provided for in this Article. (Ord. 95-8-1)

Sec 4-1-11 Contracts for Towing, Storage

In order to make feasible and adequate arrangements for towing in, impounding and caring for impounded vehicles, in addition to the Town's own facilities therefor, the Town Council is hereby authorized to examine the facilities of other persons and the general conditions of garages and other places and facilities suitable for towing in impounding and storage of vehicles which may be impounded, and to solicit prices and terms from the persons operating or controlling the same, for such uses and services, and to contract, as authorized by law, with any person owning or operating any such garage, place or facility, for the driving or towing in, impounding, receiving and storing of any such vehicles which may be impounded in such garage, place or facility, pursuant to the terms of such contract and the provisions of this

Article, any other Ordinance, or of any statute. (Ord. 95-8-1)

Sec. 4-1-12 Impoundment No Bar to Other Penalties

The removal, impounding and storage of a vehicle pursuant to this Article shall in no way supersede, bar, excuse, or prevent a prosecution of any person, or in any way relieve him from the penalty prescribed for his violation of any provision of this Article, of any other Ordinance of the Town, or of any statute, for the violation of which by such person any such vehicle has been so removed, impounded and stored, but such remedies and penalties are declared to be distinct and separate means of enforcing obedience to this Article and to law. (Ord. 95-8-1)

Sec. 4-1-13 Additional Penalties

The penalties set forth at Article 3 of this Chapter shall apply to this Article, in addition to the other provisions of enforcement provided by this Article. (Ord. 95-8-1)

ARTICLE 1.5

ABANDONED VEHICLES

Sec. 4-1.5-1 Definitions

The following definitions shall apply in the interpretation and enforcement of this Article.

a) **Property** shall mean any real property within the Town which is not a street or highway. (Ord. 95-8-1)

b) **Street or Highway** shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, and shall include but not be limited to every fire lane or alley and any other public way. (Ord. 95-8-1)

c) **Vehicle** shall mean a machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery, and whether currently licensed or registered or not, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons. (Ord. 95-8-1)

d) **Abandoned Vehicle** shall further have the meaning set forth at I.C. 9-13-2-1. A stored vehicle titled to and owned by a U.S. Serviceman, as provided by I.C. 9-22-1-1 shall not