

ORDINANCE NO. 08-2021

VEHICLES CONSTITUING A PUBLIC NUISANCE  
AND IMPOUNDMENTS OF SAID VEHICLES

WHEREAS, Indiana Code Sections 36-1-3-1 et.seq. permit any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its municipal or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity; and

WHEREAS, the Town Board of the Town of Roann is the Town legislative body and is by law authorized to adopt ordinances and resolutions for the performance of functions for the Town of Roann; and

WHEREAS, certain vehicles constitute a danger to health from vermin and insects; a danger to children attracted by them; and a danger to health from environmental pollution created by their presence;

WHEREAS, the Town Board of the Town of Roann, Indiana deems it to be within the public interest to further the public safety, health, welfare, general aesthetics, and common good with the Town of Roann that an ordinance be established addressing certain vehicles which constitute a public nuisance; and

BE IT HEREBY ORDERED, RESOLVED and ESTABLISHED as follows:

ARTICLE 1

**Section 1.1 Vehicle as a Public Nuisance.** For purposes of this Ordinance, the term “vehicle as a Public Nuisance” shall be defined as follows:

- (1) A vehicle located on public property illegally;
- (2) A vehicle left on public property without being moved for twenty-four (24) hours;
- (3) 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;
- (4) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours;

- (5) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on **public or private** property;
- (6) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal;
- (7) A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subdivision, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth or textile covering is considered to be visible;
- (8) A vehicle which does not have lawfully attached thereto or displayed thereon a currently valid license plate permitting its operation upon highways of the State of Indiana and is not in a carport, garage or other building.

**Section 1.2 Inoperable.** For purposes of this Ordinance, the term "inoperable" shall be defined as follows: Unable to legally operate on a public highway due to mechanical issues and/or equipment violations.

**Section 1.3 Violation.** It shall be unlawful for any person owning or having custody of any nuisance vehicle to store or permit any such vehicle to remain on any private property within the Town of Roann for a period of more than ten (10) days after the receipt of notice requiring such removal and it shall be further unlawful for any person owning any private property in the Town of Roann to store or permit any such vehicle to remain on its property for more than ten (10) days after receipt of notice requiring its removal. Notice of removal shall be provided by a law enforcement officer by placing a "tag" on said vehicle in a conspicuous place.

**Section 1.4 Designation - Removal.** Whenever a law enforcement officer finds a vehicle to be a public nuisance, as defined herein, the officer shall attach to it a notice of removal. If the presence of the vehicle in a public place constitutes an immediate hazard, a law enforcement officer may cause such vehicle to be impounded immediately and within twenty-four (24) hours shall send notice of the impoundment by certified mail to the owner of such vehicle, if known, stating the fact that the vehicle has been impounded, the location of the vehicle, and the right of the owner to secure possession of the vehicle upon the payment of towing fees and storage charges.



If a vehicle or a part tagged is not removed within the applicable period, the officer shall prepare a written nuisance vehicle report of the vehicle or parts, including information on the condition and missing parts. Photographs may be taken to describe the condition of the vehicle or parts.

The officer shall arrange for a towing service to immediately transfer the vehicle to a storage yard. A towing service or storage yard may dispose of the vehicle not less than thirty (30) days after the date on which the towing service removed the vehicle. The storage yard disposing of the vehicle shall retain the original records and photographs for at least two (2) years. If the vehicle is demolished, a copy of the nuisance vehicle report shall be forwarded to the bureau by the automobile scrap yard after the vehicle has been demolished.

The Town of Roann may enter into contracts with commercial towing firms and/or storage yards for the necessary removal and storage services.

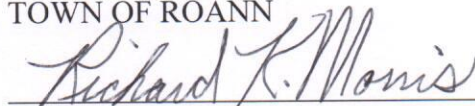
The Town Marshal is the designee by the Roann Town Board as the local agency given the responsibility for removal, storage, and disposal of nuisance vehicles.

**Section 1.5 Disposal of Vehicle/Fees.** The owner or lien holder, or authorized representative of an owner or lien holder, of any vehicle which has been removed and impounded pursuant to this Ordinance shall appear and claim said vehicle within twenty (20) days of the mailing of notice pursuant to I.C. 9-22-1-19.

This ordinance shall be in full force and effect from and after its passage by the Town Board.

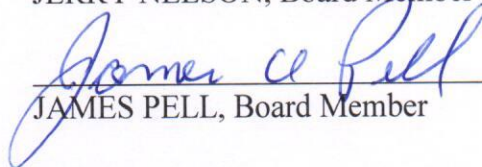
Dated this 24<sup>th</sup> day of June, 2021.

TOWN OF ROANN



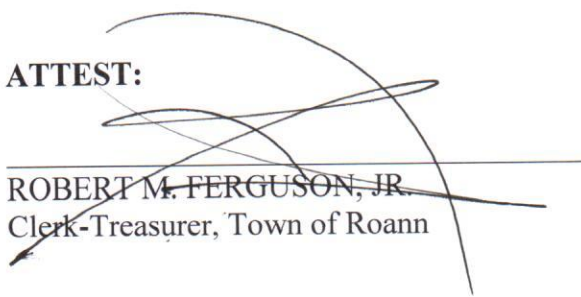
RICHARD MORRIS, President

JERRY NELSON, Board Member



JAMES PELL, Board Member

**ATTEST:**

  
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ROBERT M. FERGUSON, JR.  
Clerk-Treasurer, Town of Roann