

ORDINANCE 2020- 9
AMENDING
AN ORDINANCE REGARDING ABANDONED VEHICLES

WHEREAS, the City of Princeton (hereinafter “City”) currently has legislation codified at Chapter 14, Article II regarding abandoned vehicles that is obsolete due to (possibly among other things) reference to a State of Indiana statute that has been repealed.

WHEREAS, the General Assembly of the State of Indiana has passed new legislation regarding abandoned vehicles.

WHEREAS, Indiana Code 9-13-2-1 defines abandoned vehicles. Said definition makes the following (among other circumstances) an abandoned vehicle (note that this is not the verbatim definition(s) contained in the statute):

- a. A vehicle located on public property illegally.
- b. A vehicle left on public property without being moved for 24 hours.
- c. 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.
- d. A vehicle left on private property without the consent of the owner or person in control of the property for more than 48 hours.
- e. A vehicle that has had the engine, transmission, or differential removed or that is otherwise partially dismantled or inoperable (i.e. flat tires, no battery, broken windows, etc.) and left on public property.
- f. A vehicle removed by a towing service or public agency upon request of an officer enforcing a statute or ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner within twenty (20) days after the removal.
- g. A vehicle that is at least three model years old, that is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days. For purposes of this subdivision, a vehicle covered by tarpaulin, or other plastic, vinyl, rubber or cloth or textile covering is considered to be visible.
- h. A vehicle :
 - a. that was repaired or stored at the request of the owner.
 - b. that has not been claimed by the owner; and
 - c. for which the reasonable value of the charges associated with the repair or storage remain unpaid more that thirty (30) days after the date of which the repair work is completed or the vehicle is first stored.

WHEREAS, Indiana Code 9-13-2-184 defines trailer as follows:

- a. “Trailer” means, except as otherwise provided in this section, a vehicle:
 - (1) without motive power
 - (2) designed for carrying persons or property
 - (3) designed for being drawn by a motor vehicle

(4) so constructed that no part of the weight of the trailer rest upon the towing vehicle.

The term includes pole trailers and two (2) wheeled homemade trailers.

b. "Trailer", for the purposes of IC 9-21, means a vehicle:

- (1) with or without motive power
- (2) designed for carrying persons or property
- (3) designed for being drawn by a motor vehicle; and
- (4) so constructed that no part of the weight of the trailer rest upon the towing vehicle.

The term does not include pole trailers or special machinery

c. "Trailer", for purposes of IC 9-21-8-12, means the combination of any motor vehicle towing another vehicle or trailer.

WHEREAS, Indiana Code 9-22-1 provides the statutory mechanism for handling abandoned vehicles. Said statute includes, among other things, the following sections and subsections:

- a. Indiana Code 9-22-1-4(a) makes the owner of an abandoned vehicle "liable for all of the costs incidental to the removal, storage, and disposal of the vehicle parts.
- b. Indiana Code 9-22-1-4(b) limits the costs for storage of an abandoned vehicle at \$2,000.00.
- c. Indiana Code 9-22-1-4(c) provides that, if an abandoned vehicle is sold by the person who towed the vehicle, the "person who previously owned the vehicle is not responsible for storage fees".
- d. Indiana Code 9-22-1-4(d) provides that, if the abandoned vehicle is sold and there is a surplus, the surplus should be returned to the previous owner.
- e. Indiana Code 9-22-1-11 provides that an officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag with specific information. This notice must include (among other things): (1) date, time officers name, public agency, address and phone number, (2) that the vehicle or parts are considered abandoned, (3) a warning that the vehicle will be removed either: (a) after 24 hours if the abandoned vehicle is located "on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system" or (b) after 72 hours for any other vehicle, (4) that the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle, (5) that the person who owns the vehicle may avoid costs by removal of the vehicle or parts within (a) twenty-four (24) hours, if the vehicle, is located or within the right of way of an interstate highway or any highway that is designated as part of the State Highway system under Indiana Code or, (b) seventy-two (72) hours for any other vehicle.


NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF PRINCETON, INDIANA as follows:

- 1. Chapter 14, Article II of the codified code for the City is hereby repealed and rescinded.

2. The City adopts the definition of "Abandoned Vehicles" as contained in Indiana Code 9-13-2-1.
3. The City adopts the mechanism for dealing with abandoned vehicles as contained at Indiana Code 9-22-1. However, before a vehicle is titled in the same name as the owner or occupant of private property where a vehicle is located, said vehicle may not be removed earlier than ten (10) days after the vehicle has been tagged.
4. The City adopts the definition of "trailer" at Indiana Code 9-13-2-184, et al.
5. The City adopts in addition to Indiana Code that all motor vehicles and trailers be registered, titled and ~~an~~ expired plates as well as all other provisions under Indiana Code 9-13-2-1, et al.

This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

17 PASSED AND ADOPTED by the Common Council of the City of Princeton, Indiana this day of August, 2020.

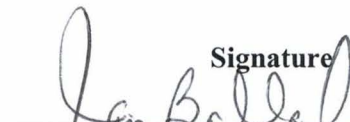
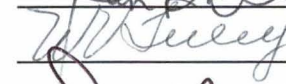
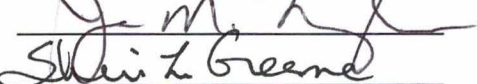



 Sheri Greene
 President, Common Council

Council Member

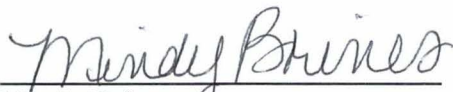
Vote (circle how you voted)

Jan Ballard	<input checked="" type="radio"/> Aye	Nay	Abstain
William "Bill" Tuley	<input checked="" type="radio"/> Aye	Nay	Abstain
Jim Maglis	<input checked="" type="radio"/> Aye	Nay	Abstain
Sheri Greene	<input checked="" type="radio"/> Aye	Nay	Abstain
Nick Burns	<input checked="" type="radio"/> Aye	Nay	Abstain

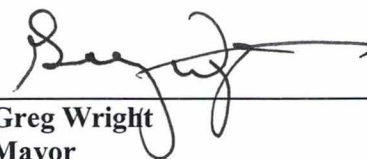
Signature

ATTEST:


Mindy Brines
Clerk-Treasurer

This Ordinance approved and signed by me this 17th day of August, 2020
at the hour of 6:05 p.m.


Greg Wright
Mayor