

Bill No. 124-23

ORDINANCE NO. 123-23

AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING ORDINANCE NO. 49-22 "AN ORDINANCE PROVIDING FOR THE REMOVAL AND DISPOSAL OF ABANDONED VEHICLES AND ENFORCEMENT OF INDIANA CODE 9-22-1 BY THE ST. JOSEPH COUNTY DEPARTMENT OF INFRASTRUCTURE, PLANNING & GROWTH WITHIN THE UNINCORPORATED AREAS OF ST. JOSEPH COUNTY, AND CREATING A FUND FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THIS ORDINANCE"

WHEREAS, the St. Joseph County Council previously adopted Ordinance No. 49-22 commonly known as the "St. Joseph County Abandoned Vehicle Ordinance"; and

WHEREAS, in the time since enforcement of Ordinance No. 49-22 has begun, issues have arisen which have highlighted the need for additions to and revisions of the same for clarity, simplicity of enforcement, and the public health, safety and welfare ;and

WHEREAS, the St. Joseph County Council desires to amend Ordinance No. 49-22 as provided below.

NOW, THEREFORE, be it ordained by the County Council of St. Joseph County, Indiana that:

Section 1. Section 3. Definitions is hereby amended to read as follows:

As used in this Ordinance, "Abandoned Vehicle" means:

- (1) 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.
- (2) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
- (3) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter 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.
- (4) 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.
- (5) 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 for more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored.

As used in this Ordinance, "Department" means the St. Joseph County Infrastructure, Planning & Growth Department.

As used in this Ordinance, "vehicle" means (1) a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway, or (2) a watercraft as defined by Ind. Code § 9-13-2-198.5; that is of a type that must be registered under Ind. Code § 9-18-2 *et seq.* (before its expiration) or Ind. Code § 9-18.1 *et seq.*, other than an off-road vehicle or a snowmobile under Ind. Code § 9-18-2.5 *et seq.* (before its expiration) or Ind. Code § 9-18.1-14 *et seq.*

Section 2. Subsection (a)(3)(iii) of Section 4. Procedure is hereby amended to read:

* * *

3. The notice served on the owner and placed in a prominent place on the vehicle or parts shall contain the following information:

* * *

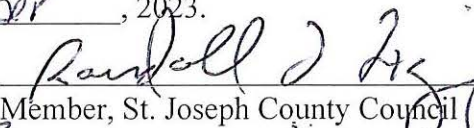
(iii) That the owner has the right to request a hearing regarding the towing of this vehicle or parts, which if requested within seventy-two (72) hours of this notice will prevent the towing of your vehicle, and which remains available to you following the towing of your vehicle (if applicable) until the twentieth day following the mailing of notice that your vehicle has been towed.

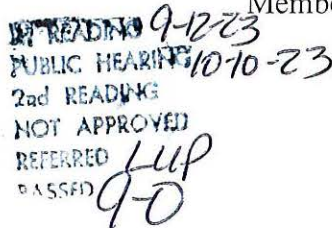
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Section 3. All the Ordinances or parts of Ordinances in conflict herewith are hereby repealed. All Ordinances or parts of Ordinances not in conflict with this Ordinance continue in full force and effect.

Section 4. This Ordinance shall be in full force and effect immediately upon its passage by the County Council and approval by the Board of Commissioners, and any other steps required by Indiana law for such Ordinances have been taken.

Passed and adopted this 10 day of October, 2023.


Member, St. Joseph County Council



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PETITIONER: AREA PLAN COMMISSION

This bill came before the St. Joseph County Council the 10 th day of October, 2023, and was voted to duly pass/not to pass, this Ordinance.


President, County Council

VOTES

YES 9

NO 0

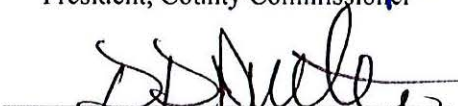
ATTEST:


Auditor, St. Joseph County

Presented by me to the Board of Commissioners of the County of St. Joseph Indiana this 11 th day of October, 2023, at the hour of 12 o'clock P M.

This Ordinance approved and signed by the Board of Commissioners of St. Joseph County, Indiana on the 17 th day of October, 2023, at the hour of 6 o'clock P M.


President, County Commissioner


Vice President, County Commissioner


Member, County Commissioner

ROBERT L. KRUSZYNSKI JR.
County Surveyor
SKY K. MEDORS, P.E.
County Engineer
WILLIAM S. SCHALLIOL, ESQ.
Executive Dir. of Economic Development
ABBY E. WILES, AICP
Executive Dir. of Area Plan Commission



ST. JOSEPH COUNTY
ESTABLISHED 1830

DEPARTMENT OF INFRASTRUCTURE, PLANNING & GROWTH

BOARD OF COMMISSIONERS
CARL H. BAXMEYER
District 1
DEREK D. DIETER
District 2
DEBORAH A. FLEMING, D.M.D.
District 3

124-23
September 12, 2023

Honorable Council of St. Joseph County
4th Floor, County-City Building
227 W Jefferson Blvd.
South Bend, IN 46601

RE: Ordinance Amending Ordinance 49-22 "An Ordinance Providing for the Removal and Disposal of Abandoned Vehicles and Enforcement of Indiana Code 9-22-1"

Dear Council Members:

Enclosed are proposed amendments to the Abandoned Vehicle Ordinance No. 49-22 that adds inoperable boats and watercraft as enforceable under this ordinance and adds language clarifying the owner's right to appeal.

In the process of enforcing this Ordinance, the Code Enforcement Department has encountered several inoperable boats and watercraft that we would like to remove as part of our enforcement activities. Though removal of inoperable boats and watercraft would have been authorized by Indiana law, Ind. Code § 9-22-1 et seq., if it had been included in the Ordinance adopting that law, this authority was unintentionally omitted when the original Ordinance was drafted.

Section 2 of this proposed amendment adds to the required language for notices under this Ordinance. The current Ordinance requires the notice to state, "That the owner has the right to request a hearing regarding the towing of this vehicle or parts" but does not explicitly state the time periods in which this hearing is available. The proposed update adds the language "which if requested within seventy-two (72) hours of this notice will prevent the towing of your vehicle, and which remains available to you following the towing of your vehicle (if applicable) until the twentieth day following the mailing of notice that your vehicle has been towed." This will make clear to vehicle owners that their right to request a hearing regarding the towing of their vehicle lasts up to the point where the vehicle may statutorily be sold.

Please include the attached ordinance on the Council agenda for first reading at your September 12, 2023, Council meeting, and set it for public hearing at your October 10, 2023, Council meeting.

Please feel free to contact me if you have any questions.

Sincerely,

Abby Wiles
APC Director

Enclosed: Ordinance