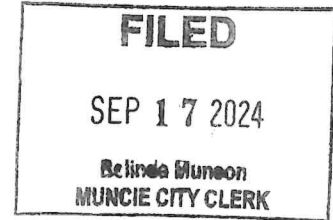


MUNCIE CITY COUNCIL
ORDINANCE NO. 24-24



**AN ORDINANCE AMENDING CHAPTER 76 (ABANDONED VEHICLES)
OF THE MUNCIE CODE OF ORDINANCES**

WHEREAS, it has been determined that it is necessary to update Chapter 76 – Abandoned Vehicles within the Muncie City Ordinances; and

WHEREAS, the City of Muncie desires to update said chapter to establish procedures to carry out the charges allowed for towing and storage of abandoned vehicles, the means of disposition of vehicles, and to establish an abandoned vehicle fund pursuant to I.C. 9-22-1-30;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF MUNCIE, INDIANA AS FOLLOWS:

Section 1. That Chapter 76 – Abandoned Vehicles within the Muncie City Ordinances is amended to read as follows:

CHAPTER 76. – ABANDONED VEHICLES

Sec. 76.01. - Purpose.

The purpose of this chapter shall be to set forth the procedures contained in IC 9-22-1, et seq., which governs the removal, storage and disposal of abandoned vehicles by units of local government along with the charges allowed for towing and storage of abandoned vehicles. Pursuant to I.C. 9-22-1-31, this ordinance is established by the fiscal body of the City to establish procedures to carry out the purpose of this section.

Sec. 76.02. - Applicability.

This chapter shall apply to "abandoned vehicles" as defined herein. However, this chapter shall not apply to any vehicle:

- (A) In operable condition specifically adapted or constructed for operation on privately owned raceways;
- (B) Stored as the property of a member of the armed forces of the United States who is on active-duty assignment;
- (C) Located on a vehicle sale lot or at a commercial vehicle servicing facility;

- (D) Located upon property licensed or zoned as an automobile scrapyard;
- (E) Registered and licensed under IC 9-8-12 (before its expiration), a historic vehicle licensed under IC 9-18.5-34; or a military vehicle registered under IC 9-18.1-8
- (F) A golf cart.
- (G) An off-road vehicle.

State Law reference— Ind. Code § 9-22-1-1

Sec. 76.03. - Definitions.

- (A) "Abandoned vehicle" shall have the definition set forth in Ind. Code § 9-13-2-1, as it may be amended.
- (B) "Storage yard" shall have the definition set forth in Ind. Code § 9-22-1-3.5, as it may be amended.
- (C) "Officer" shall have the definition set forth in Ind. Code § 9-22-1-2. Additionally, the term "officer" shall also mean designated code enforcement officers who are authorized to enforce the provisions of this chapter as designated by the Muncie Police Merit Commission/Safety Board (I.C. 36-8-3-7 *Special Officers*).

Sec. 76.04. - Abandoned vehicle notice and removal procedures.

- (A) 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 containing the following information:
 - (1) The date, time, officer's name, the department of the city, and address and telephone number to contact for information.
 - (2) That the vehicle or parts are considered abandoned.
 - (3) That the vehicle or parts will be removed after 72 hours.
 - (4) That the person or entity who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle or parts.
 - (5) That the person or entity who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.
- (B) If the tagged vehicle or parts are not removed within the 72-hour period, the police officer shall prepare a written abandoned vehicle report and take photographs in accordance with Ind. Code § 9-22-1-12 and remove the vehicle.

- (C) If, in the opinion of the officer, the market value of the abandoned vehicle is less than \$1,000.00, the officer may immediately dispose of the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs shall be forwarded to the Bureau of Motor Vehicles. A towing service may dispose of an abandoned vehicle not less than 30 days after the date on which the towing service removed the abandoned vehicle. The city shall retain the original records and photographs for at least two years.
- (D) If, in the opinion of the officer, the market value of the abandoned vehicle is in excess of \$1,000.00, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After 72 hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.
- (E) Notwithstanding the foregoing, abandoned vehicles discovered on private property shall be removed in accordance with Ind. Code §§ 9-22-1-15, 9-22-1-16; 9-22-1-17 and 9-22-1-18.

State Law Reference: IC:9-22-1

Sec. 76.05. - Abandoned vehicle report and notice to owner or lienholder.

- (A) Following the removal of a vehicle pursuant to this chapter, the officer shall prepare an additional abandoned vehicle report and provide notice to the owner or lienholder, if such information can be obtained, in accordance with Ind. Code § 9-22-1-19.
- (B) If a vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle, the vehicle may be disposed of without notice.

State Law reference— Ind. Code § 9-22-1-19; -21.

Sec. 76.06. - Disposition of abandoned vehicles.

If a person who owns or holds a lien upon a vehicle does not appear within 20 days after the mailing of a notice, the vehicle or parts may be disposed of in accordance with Ind. Code § 9-22-1-23.

Sec. 76.07. – Abandoned Vehicle Fund.

It is hereby established in the City, the Abandoned Vehicle Fund, pursuant to I.C. 9-22-1-30. The Abandoned Vehicle Fund (“Fund”) shall be a revolving fund, and all monies paid to the City for the cost of removal, storage and disposal of abandoned vehicles or parts shall be placed in the Fund. The Fund shall also have added to it such monies as may be appropriated by the Common Council and monies shall not revert, but shall remain in the Abandoned Vehicle Fund. The costs for removal, storage and disposal of any abandoned vehicle or parts not claimed by the person or entity who owns or holds a lien on the vehicle shall be paid from the Fund.

Sec. 76.08. - Fees and proceeds of sale.

- (A) The owner of an abandoned vehicle whose vehicle is towed under this Chapter shall be responsible for all towing and storage costs associated therewith.
- (B) The owner of an abandoned vehicle shall be responsible for paying the towing fee(s) associated with the towing of the vehicle under this Chapter. The towing fee for a violation under this Chapter shall be no less than \$75.00 and shall not exceed \$200.00.
- (C) The owner of an abandoned vehicle shall be responsible for paying the towing company directly for any costs incurred for the storage of the abandoned vehicle.
- (D) Proceeds for the sale of an abandoned vehicle or parts, including charges for bills of sale and money received from a person who owns or holds liens on vehicles for the cost of removal and storage, shall be credited against the costs of the removal, storage and disposal of the vehicle and shall be deposited into the city's abandoned vehicle fund pursuant to Ind. Code § 9-22-1-27.

Section 2. This Ordinance shall be in full force and effect upon its passage by the Common Council, its approval by the Mayor of the City of Muncie and its publication in accordance with the law.

Passed by the Common Council of the City of Muncie, Indiana this _____ day of _____, 2024.

	Yeas	Nays	Abstained	Absent
Jeffrey Green	_____	_____	_____	_____
Nora Evans Powell	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____
Sara Gullion	_____	_____	_____	_____
Jerry Dishman	_____	_____	_____	_____

Harold Mason Jr. _____
Dale Basham _____
Ro Selvey _____
William McIntosh _____

President Muncie Common Council

Presented by me to the Mayor for his approval, this _____ day of _____, 2024.

Belinda Munson, Muncie City Clerk

The above Ordinance is approved/vetoed by me this _____ day of _____, 2024.

Dan Ridenour, Mayor of the City of Muncie

ATTEST:

Belinda Munson, Muncie City Clerk of the Common Council

This Ordinance is proposed by Council Member

Harold Mason

This Ordinance is approved in form by Controller

[Signature]

This Ordinance is approved in form by Legal Counsel

[Signature]