

AN ORDINANCE AMENDING CHAPTER 91 AND SECTION 10.99, AND DELETING SECTIONS 130.03, 150.30, 150.31, 150.32, 150.33, 150.34, 150.35, 150.36, AND 150.99 OF THE BERNE CITY CODE

WHEREAS, the City of Berne has adopted the Berne City Code of Ordinances which includes ordinances that restricts and governs acts which may be considered as nuisances in the city; and

WHEREAS, said ordinances were passed over a number of years as matters arose which the City Council deemed necessary to address; and

WHEREAS, the City Council now believes that it would be beneficial to the City and to its citizens for said ordinances to be expressed and otherwise set forth in the Berne City Code in a more uniform manner;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BERNE, INDIANA, AS FOLLOWS:

SECTION 1. Title IX, Chapter 91 of the Berne City Code, is hereby amended to read as follows:

**CHAPTER 91. NUISANCES.
PUBLIC NUISANCES**

§ 91.1.1 Public Nuisances Prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

§ 91.1.2 Public Nuisance Defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- In any way render the public insecure in life or in the use of property; or
- Greatly offend the public morals or decency; or
- Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way; or
- Is injurious to health, or indecent, or offensive to the senses, or an obstruction to the full use of property, so as essentially to interfere with the comfortable enjoyment of life or property.

§ 91.1.3 Public Health Nuisances.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of § 91.1.2:

- All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death;
- Accumulations of decayed animal or vegetable matter (packing for animal compost methods), trash, rubbish, rotting lumber, bedding, packing material, junk vehicles, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed, or may be a fire hazard;
- All stagnant water in which mosquitoes, flies or other insects can multiply;
- The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
- The pollution of any public well or cistern, stream, river, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;
- Any use of property, substances or things within the City emitting or causing foul, offensive, noisome, repulsive, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health or any appreciable number of persons within the City; or any slaughter house;
- All abandoned wells not securely covered or secured from public use;
- All noxious weeds;
- Any accumulation of junk, rubbish, scrap metal, scrap plastic, paper, cardboard, automotive parts, building materials, machinery, equipment, dead trees, or parts thereof, upon any premises in a residential area.

(k) Any structure used for the collection or deposit of trash or garbage that has an open door allowing access into said structure, except when the door is open to allow the structure to be used for the deposit or removal of trash or garbage, or to allow the structure to be cleaned or repaired.

(l) Crop residue, including, but not limited to, corn cobs, bean stalks and corn stalks that exits the property upon which it was harvested and accumulates on neighboring property.

§ 91.1.4 Public Nuisances Offending Morals and Decency.

(a) The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of § 91.1.2:

- All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;
- All gambling devices and slot machines;
- All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified for the purpose of sale without a permit or license as provided for by this Code or State law;
- Any place or premises within the City where City ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;
- Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Indiana or the ordinances of the City.

(b) Public nuisances offending morals and decency shall also mean:

- Any place in or upon which prostitution (as described in I.C. 35-45-4);
- Any public place in or upon which sexual conduct (as defined in I.C. 35-49-1-9); or
- Any public place in or upon which the fondling of the genitals of a person; is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose.

§ 91.1.5 Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of § 91.1.2:

- All buildings erected, repaired or altered within the City in violation of the provisions of the ordinances of the City relating to materials and manner of construction of buildings and structures.
- All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway.
- All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- All limbs of trees which project over a public sidewalk less than eight (8) feet above the surface thereof or less than ten (10) feet above the surface of a public street.
- All use of display of fireworks except as provided by the laws of the State of Indiana and ordinances of the City.
- All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use; or shall be an invitation to children and endanger the lives of such children, or which, because of its condition has become a fire hazard.
- All wires over streets, alleys or public grounds.
- All loud and discordant noises or vibrations of any kind, except as may be permitted under a zoning ordinance.
- All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City of which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- All parking, location or relocation of any trailer, boat trailer, truck commercial vehicle, storage unit, motor home, recreational vehicle (RV), camper shell, all terrain vehicle (ATV), camper or camping trailer, on any public street, alley or right of way for a period of more than 24 hours over a 1 month period.
- All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalks.
- All abandoned refrigerators, iceboxes or similar containers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only with the strength of a small child.
- Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- Any sign, marquee, or awning which is in an unsafe condition, or which overhangs any roadway, or which overhangs any sidewalks less than eight (8) feet above the sidewalk surface.
- Any nuisance so defined by the Indiana Code.

§ 91.1.6 Abatement of Public Nuisances.

(a) *Inspection of premises.* Whenever a complaint is made to the Mayor or the Mayor's designee that a public nuisance exists or has existed within the City, he shall promptly notify the Building and Planning Director, and another City official whom the Mayor shall designate, who shall forthwith inspect or cause

to be inspected the premises and shall make a written report of their findings to the Mayor or the Mayor's designee. Whenever practicable, the inspection officers shall cause photographs to be made of the premises and shall file the same in the office of the City Clerk-Treasurer.

(b) *Summary abatement.*

(1) *Notice to owner.* If the inspection officers shall determine that a public nuisance exists on private property and that there is a great and immediate danger to the public health, safety, peace, morals or decency, the Mayor may direct the Chief of Police, or a police deputy, to serve a notice on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises. If the inspection officers shall determine that a public nuisance exists on private property and that there is not a great and immediate danger to the public health, safety, peace, morals or decency, then such notice may be served the owner or the occupant or person causing, permitting or maintaining such nuisance by certified mail, return receipt requested or by posting a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 48 hours and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.

(2) *Abatement by City.* If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Building and Planning Director, and another City official whom the Mayor shall designate, shall cause the abatement or removal of such public nuisance.

(c) *Abatement by court action.* If the inspecting officers shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, they shall file a written report of their findings with the Mayor, who shall cause an action to abate such nuisance to be commenced in the name of the City. The City Attorney may initiate an action to abate or enjoin such nuisances.

§ 91.1.7 Cost of Abatement.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. Said cost of the abatement shall include, but not be limited to, court costs, attorney's fees and interest on any amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals that may be used. The Clerk-Treasurer shall send a notice to the owner of the cost of abatement, and the owner shall then have thirty (30) days from the mailing of said notice to reimburse the City. If said cost of abatement is not reimbursed within sixty (60) days of the mailing of said notice, the Clerk-Treasurer shall file a certified copy of the statement of costs in the Auditor's office of Adams County, and the Auditor shall place the amount so claimed on the tax duplicate against the lands of the landowner affected by the lien, and the same shall be collected as taxes disbursed to the General Fund of the City.

§ 91.1.8 Graffiti.

(a) *Definitions.*

Graffiti shall include markings which deface, deform, mar or which cause the defacing, deforming, or mar of any public or private property including by way of illustration and not limitation, buildings, trees, lampposts, poles, hydrants, bridges, piers, sidewalks, streets, and alleyways, or the surface of any public or private property located upon any public thoroughfare or right-of-way, or upon any public place within the City. However, this section shall not prohibit the posting of notices required by law to be posted.

Owner shall mean all public and private property owners in the City.

(b) *Violations, penalties.*

- It shall be unlawful for any person to cause the appearance of graffiti on public or private property within the Berne corporate city limits.
- Any person who violates this section shall, upon conviction, be fined in an amount not to exceed \$2,500.
- All fines collected pursuant to the immediately preceding subsections (a) and (b) herein shall be deposited in a special fund (the "Fund") for reimbursement to qualified owners of expenses incurred pursuant to this section.

(c) *Owners.*

- Any owner or tenant shall notify the City of Berne Police Department (the "Department") within 48 hours of the appearance of graffiti on their property.
- Upon notification, the Department shall cause an inspection of the graffiti to be made, a police report to be filed, and shall begin an investigation as the Department deems necessary and prudent.
- Once an inspection has been made, the owner shall have 10 business days in which to remove or cover the graffiti.
- Noncompliance with the removal provision of this section shall occur at the expiration of the ten (10) business-day period if the graffiti has not been either removed or covered.
- In the event of such noncompliance, the Building and Planning Director or his designee shall issue a written notice to the violating owner. Said notice shall order the owner to correct the noncompliance by removal and/or covering of the graffiti within five (5) days of receipt of notice. Such notice may be served either personally on the owner or sent by certified mail with a return receipt requested. If the owner is a nonresident of the City, notice shall be sent to owner's last known address.

(6) If the owner fails to abate the violation within the time prescribed by the notice, the owner shall be deemed to have granted permission to the respective city official to cause a designee of the City to enter the property for the limited purpose of covering and/or removing such graffiti.

(7) The Clerk-Treasurer shall make a certified statement of the actual cost incurred by the City in such covering and/or removal, and issue a bill for such costs, including administrative costs and removal costs, which bill shall be delivered to the owner either by hand or by certified mail, return receipt requested. The owner shall, within ten (10) days of receipt or refusal of such notice, pay the amount due at the Clerk-Treasurer's office.

(8) Any notice of violation or bill issued under this section may be appealed to the Board of Public Works and Safety if notice of appeal is refused to the Clerk-Treasurer within seven (7) days of the owner's receipt or refusal of the notice of violation. The Board of Public Works and Safety shall hear any properly requested appeal at a regularly scheduled meeting within 15 business days following receipt of such appeal request and shall make a determination at the meeting at which it hears the appeal or at its subsequent regularly scheduled meeting.

(9) If the owner fails to pay a bill issued under this section within the time specified, the Clerk-Treasurer shall certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the City.

(d) Nothing contained herein shall be construed to preclude any criminal investigation by the Department or any other law enforcement agency.

GRASS, WEEDS, DEBRIS, AND OTHER RANK VEGETATION

§ 91.2.1 Removal of Grass, Weeds, Debris, and Other Such Rank Vegetation.

(a) *Definitions.*

Debris shall include the remains of something broken-down or destroyed.

Rank Vegetation shall include those weeds and growing vegetation which is excessively vigorous in growth, woefully conspicuous, malodorous and/or flagrant.

Weeds shall include any plant that is not valued where it is growing, and is of rank growth, tends to overgrow or choke out more desirable plants and/or is listed as a weed in the U.S. Department of Agriculture publication entitled *Common Weeds of the United States*, or in any similar government publication.

Grass shall include vegetation consisting of typically short plants with long narrow leaves, growing wild or cultivated on lawns.

(b) *Violation.* It is a violation of this section to have weeds, rank vegetation and/or debris on any real property ("property") located within the City's corporate limits.

(c) *Requirement to Cut.* All owners of real property ("property") located within the City shall cut and remove weeds and other rank vegetation growing thereon that exceeds an average height of eight (8) inches, and shall keep their property clear of debris. Grass shall at all times be cut to an average height of no more than eight (8) inches.

(d) *Discharge of Cut Grass.* No property owner shall cause or allow to cause the discharge of cut grass debris onto any public street, alley or right of way unless such cut grass debris is immediately removed, in its entirety, from said public street, alley or right of way.

(e) *Violation Notice.* In the event of a violation of this section, the Building and Planning Director ("Director") or his designee, or an officer of the Police or Fire Department shall issue a written notice ("Violation Notice") to the violating landowner. The Violation Notice shall identify the violation and order the landowner to correct the same within five (5) calendar days from the date on which the Violation Notice is served on the landowner ("Abatement Period"). Personal service, service by U.S. certified mail or any other manner service recognized in the Indiana Rules of Trial Procedure shall constitute proper service upon the landowner for purposes of this section.

(f) *Appeal.* Any Violation Notice issued pursuant to this section may be appealed to the Board of Public Works and Safety ("Board") if written notice of appeal is served on the landowner. The timely appeal of a Violation Notice shall toll the abatement period pending the issuance of a decision thereon by the Board.

(g) *City to abate.* If the landowner fails to timely abate each violation set forth in a Violation Notice, the landowner shall be deemed to have granted permission to the City to enter the landowner's property for the limited purpose of cutting and/or removing such debris, grass, weeds or rank vegetation located thereon and identified in the Violation Notice. In such case, the Clerk-Treasurer, or his designee, shall prepare a certified statement as to the actual administrative and other costs incurred by the City in taking such action, and serve a copy of the invoice on the landowner. Said invoice shall be for a minimum of One Hundred Dollars (\$100.00) due to the administrative costs incurred by the City. The landowner shall, within seven (7) calendar days from the date on which the landowner is served with such invoice ("Payment Period"), pay in full the

amount stated thereon to the Clerk-Treasurer.

(h) *Appeal of costs.* Any invoice issued pursuant to this section may be appealed to the Board of Public Works and Safety if written notice of appeal is served on the Clerk-Treasurer within two (2) days from the date on which the invoice is served on the landowner. The timely appeal of an invoice shall toll the payment period pending the issuance of a decision thereon by the Board.

(i) *Failure to pay.* If the landowner fails to timely pay an invoice issued pursuant to this section, the Clerk-Treasurer, or his designee, shall certify to the County Auditor the amount of the invoice, plus any additional administrative costs incurred in the certification of the same. The Auditor shall place the total amount so certified on the tax duplicate for the property at issue, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the City.

(j) *Time of appeals.* The Board shall hear any timely requested appeal of a Notice of Violation or invoice within 30 calendar days following receipt of the same, and shall thereafter promptly issue a written decision granting or denying, in whole or in part, the appeal. The date on which the Board's decision is served on the landowner shall thereafter become the first calendar day of the abatement period or payment period, as applicable.

(k) This section supplements and does not limit any other remedy or action available in law or in equity regarding the subject matter hereof.

§ 91.2.2 Collection of Monies from Property Owners.

If the owner fails to pay said sum assessed for the removal and/or cutting of the debris, weeds, or rank vegetation within the time prescribed, the Clerk-Treasurer shall file a certified copy of the statement of costs and fine in the Auditor's office of Adams County, and the Auditor shall place the amount so claimed on the tax duplicate against the lands of the landowner affected by the lien, and the same shall be collected as taxes disbursed to the General Fund of the City.

JUNK, JUNK CARS AND ABANDONED VEHICLES

§ 91.3.1 Definitions of Junk, Junk Cars and Abandoned Vehicles.

(a) **Junk** shall mean any articles in any form composed of or consisting of any of the following enumerated secondhand, discarded, abandoned or cast-off metals or materials, namely, iron, brass, bronze, copper, tin, zinc, lead or any other metals or compounds thereof, broken glass, rags, clothing, rubber, plastics, and synthetic substances and fabrics, bottles, papers, feathers or any other waste material or any compound or by-product of the foregoing enumerated materials; junk shall also include and mean, wrecked, abandoned or dismantled automobile or parts thereof.

(b) **Junk Car** shall mean any motor vehicle which does not bear a currently valid license plate, and is not kept in a garage or building. Junk Car shall also include any vehicle from which there has been removed the engine, transmission or differential or which is otherwise partially dismantled or inoperable and left on public premises or which has been left unattended for more than (30) days on private premises in a location visible from public premises and/or private premises at ground level.

(c) **Abandoned Vehicle** shall mean any motor vehicle, car, boat, and other means of motorized transportation that is left on public premises without the consent of the owner or person in control of such premises, or on a public street, alley or right of way for a continuous period of time exceeding thirty (30) days. Abandoned Vehicle shall also include any vehicle located on public premises illegally or in such manner as to constitute a hazard or unreasonable obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.

(d) **Exemptions.** The provisions of this chapter shall not apply to any vehicle located on a properly zoned vehicle sale lot, at a properly zoned commercial vehicle servicing facility, at a properly zoned automobile scrap yard, and any motor vehicle eligible for registration and licensing under I.C. 9-18-12-1, 9-18-12-2, 9-18-12-4 through 9-18-12-6 as an antique vehicle.

§ 91.3.2 Junk, Junk Cars and Abandoned Vehicles Declared Nuisances. Because of the danger of health by vermin and insects and because of the danger of the safety of children attracted by junk, junk cars, abandoned vehicles and junked motor vehicles are declared to be nuisances except in lawfully zoned and operated junk yards. See penalty in § 10.99.

§ 91.3.3 Storage Prohibited.

It shall be unlawful for any person to store or to allow to remain in the open upon public or private property within the City, any disassembled and/or non-operative or unlicensed, or junked, wrecked or abandoned motor vehicle for a period of thirty (30) days or more on public property, or a period off forty-five (45) days or more on private property unless it is in connection with an automobile sale or repair business in a properly zoned area.

§ 91.3.4 Enforcement for Junk.

Any enforcement under this section for junk shall take place pursuant to § 91.1.6 and § 91.1.7.

§ 91.3.5 Enforcement for Junk Cars and Abandoned Vehicles.

(a) **Discovery, Notice and Declaration of Abandonment.** In addition to the enforcement procedures as set forth in Section 91.3.4, when a City of Berne police officer (hereinafter "officer") discovers a vehicle in the possession of a person other than the owner of the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place determined by the officer. The Indiana Bureau of Motor Vehicles shall be notified within 72 hours of the location and description of a vehicle described herein. Upon receipt of notification, the Bureau shall cause a search to be made to determine and notify the person who owns the vehicle under this chapter. Pursuant to IC 9-22-17, the Bureau shall declare a vehicle abandoned and provide for disposal under this chapter if:

- The owner or lienholder under paragraph(c) below does not appear and pay all costs; or
- The owner of a vehicle cannot be determined by a search under paragraph (k) below.

(b) **Release to Owner or Lienholder of Stored Vehicle.** If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. The City shall notify the appropriate public agency of all releases under this section. The notification must include the name, signature and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and the date of release.

(c) **Tagging Abandoned or Junk Vehicle or Parts.** 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:

- The date, time, officer's name, public agency, and address and telephone number to contact for information.
- That the vehicle or parts are considered abandoned.
- That the vehicle or parts will be removed after:
 - Twenty-four hours, if the 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 under I.C. 8-23-4; or
 - Seventy-two hours, for any other vehicle.
- That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:
 - Twenty-four hours, if the 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 under I.C. 8-23-4; or
 - Seventy-two 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:

- Twenty-four hours, if the 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 under I.C. 8-23-4; or
- Seventy-two hours, for any other vehicle.

(d) **Officer's Abandoned Vehicle Report.** If a vehicle or a part tagged under paragraph (c) above is not removed within the applicable period, the officer shall prepare a written abandoned 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.

(e) **Vehicle or Parts Valued at Less than \$1,000.** If the vehicle is an abandoned vehicle and the market value of said vehicle or parts is less than \$1,000, the towing service shall immediately transfer the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs, if applicable, relating to the abandoned vehicle shall be provided to the storage yard. A towing service or storage yard may dispose of the abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. The public agency or 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 abandoned vehicle report shall be forwarded to the Bureau by the automobile scrap yard after the vehicle has been demolished.

(f) **Vehicle or Parts Valued at \$1,000 or More.** If in the opinion of the officer the market value of the abandoned vehicle or parts is at least \$1,000, 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 seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

(g) **Discovery of Vehicle Abandoned on Rental Property.**

- A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property may:
 - Obtain the assistance of an officer under § 91.3.5(j) to have the vehicle removed; or
 - Personally arrange for the removal of the vehicle by complying with subsection (B) of this section and § 91.3.5(h).
- If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag containing the following information:
 - The date, time, name and address of the person who owns or controls the private property and a telephone number to contact for information.
 - That the vehicle is considered abandoned.
 - That the vehicle will be removed after twenty-four (24) hours.
 - That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
 - That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within twenty-four (24) hours.