

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS, COUNTY OF ADAMS,
STATE OF INDIANA, REGULATING ABANDONED VEHICLES**

WHEREAS, Indiana Code §36-1-3, et seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Board of Commissioners for the County of Adams, State of Indiana, is a unit of government within the State of Indiana and Indiana Code §36-2-2-2 provides that the Board of Commissioners for the County of Adams, State of Indiana (hereinafter referred to as the "Board of Commissioners") is the executive body for the County of Adams, State of Indiana;

WHEREAS, Indiana Code § 36-2-2-2 provides that the executive body, the Board of Commissioners, may adopt ordinances and resolutions for the performance of the functions of the County of Adams;

WHEREAS, the Board of Commissioners desire to adopt an ordinance to regulate and restrict abandoned vehicles within the jurisdiction of the County of Adams;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, COUNTY OF ADAMS, STATE OF INDIANA, AS FOLLOWS:

Section 1. Definitions. The following terms, phrases and words shall, for purposes of interpreting, enforcing and implementing this ordinance, have the following meanings set forth herein and shall be specific to this ordinance unless incorporated into another ordinance or resolution by reference.

A. "*Abandoned Vehicle*" means any vehicle that has been left unoccupied and/or unattended for a period of twenty-four (24) hours on a State Highway, United States Highway, or other public thoroughfare located in the County of Adams, and specifically includes the following:

- i. Vehicles that have expired license plates or no license plates;
- ii. Vehicles that are illegally parked and that present a hazard or obstruction to vehicular or pedestrian traffic on a State Highway, United States Highway or other public thoroughfare located within the County of Adams, State of Indiana;
- iii. Any vehicle that has remained on private property without the consent of the owner or person in control of the premises for more than twenty-four (24) hours.

B. "*Emergency Action*" means measures taken by Adams County when a Hazard has been determined to remove or extricate an Abandoned Vehicle in order to protect the public health, safety and welfare and to mitigate injury to persons and damage to property.

C. "*Hazard*" means that due to the location and/or condition of an Abandoned Vehicle, creates or has the potential to create a risk of harm to the general public, injury to persons or damage to property that can be mitigated by the immediate removal of the Abandoned Vehicle.

D. "*Notice Tag*" means a tag that is placed in a prominent and conspicuous place on the vehicle so that persons using the State highways, federal highways and other public thoroughfares in the County of Adams, State of Indiana, and must contain the following:

- i. The date, time, officer's name, public agency, and address and telephone number to contact for information;
- ii. That the vehicle or parts are considered abandoned;
- iii. That the vehicle or parts will be removed after:
 - A. Twenty-four (24) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any other highway that is designated as part of the state highway system;
 - B. Seventy-two (72) hours for any other vehicle;
- iv. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- v. 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 within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system; or
 - B. Seventy-Two (72) hours, for any other vehicle.

E. "*Public Agency*" means the Sheriff for the County of Adams, State of Indiana.

Section 2. Enforcement. This ordinance shall be enforced by the Adams County Sheriff Department.

A. *Right of Entry.* The Adams County Sheriff, Deputy Sheriffs, staff, employees, agents and/or independent contractors, shall have the right to affix a Notice Tag to any vehicle that appears to be an Abandoned Vehicle. The Adams County Sheriff, Deputy Sheriffs, staff, employees, agents and/or independent contractors, shall have the right to enter into any Abandoned Vehicle on a State highway, United States highway or public thoroughfare in Adams County without providing notice of violation to the owner of the Abandoned Vehicle for purposes of removing the Abandoned Vehicle. Additionally, upon providing notice to a landowner, the Adams County Sheriff, Deputy Sheriffs, staff, employees, agents and/or independent contractors, shall have the right to enter upon private property for purposes of enforcing this ordinance, which may include removal and extrication of the Abandoned Vehicle on said properties.

B. *Notice to Owner.* In addition to the Notice Tag, be Adams County Sheriff shall provide notice to the registered owner of any Abandoned Vehicle that is found to be in violation of this ordinance. In the event an Abandoned Vehicle is located on private land, then the Sheriff shall also provide notice of the violation to the private land owner on whose property the Abandoned Vehicle is located. The owner of the Abandoned Vehicle upon private land without the owner's consent, shall have twenty-four (24) hours in which to remove the Abandoned Vehicle or to make the repairs necessary for said vehicle(s) to no longer be abandoned.

C. *Emergency Right of Entry on to Private Land.* The Sheriff of Adams County, Deputy Sheriffs, staff, employees, agents and/or independent contractors shall have the right of entry onto private land in the event an Abandoned Vehicle presents a Hazard and Emergency Action is necessary to preserve and protect the public health, safety and welfare and to mitigate injury to persons and damage to property.

D. *Right of Removal.* The Adams County Sheriff, Deputy Sheriffs, staff, employees, agents and/or independent contractors, shall have the right to remove any Abandoned Vehicle on a State highway, United States highway or public thoroughfare in Adams County without providing notice of violation to the owner of the Abandoned Vehicle. Additionally, upon providing notice to a landowner, the Adams County Sheriff, Deputy Sheriffs, staff, employees, agents and/or independent contractors, shall have the right to remove and extricate the Abandoned Vehicle from said private land.

E. *Responsibility of Owner.* The owner of an Abandoned Vehicle is responsible for the abandonment, liable for all of the costs incidental to the removal, storage and disposal of the Abandoned Vehicle. In addition owners of Abandoned Vehicles are responsible for:

- i. The costs of storage of the Abandoned Vehicle, provided the storage costs do not exceed One Thousand Five Hundred Dollars (\$1,500.00), or whatsoever amount is set by statute.
- ii. If an Abandoned Vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the Abandoned Vehicle is not responsible for storage fees.
- iii. If an Abandoned Vehicle is sold to a person who removed, towed, or stored the vehicle, and proceeds from the sale of the Abandoned Vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale of the Abandoned Vehicle shall be returned to the previous owner of the Abandoned Vehicle if the previous owner is known.

Section 3. Violations. Violations of this ordinance on or within State highways, United States highway or public thoroughfare in Adams County or on private property without the landowners consent shall be subject to removal without notice and the registered owner of the Abandoned Vehicle.

A. *Public Thoroughfares.* It shall be a violation of this ordinance for the registered owner of an Abandoned Vehicle to park or leave the Abandoned Vehicle on a State highway, U.S. highway or a public thoroughfare for a period of more than twenty-four (24) hours, and, in addition to the penalties described in Section 4 herein, the registered owner of said vehicles shall be responsible for any costs incurred by the Adams County Sheriff to remove and store the Abandoned Vehicle from the public thoroughfare.

B. *Private Property.* It shall be a violation of this ordinance for the registered owner of an Abandoned Vehicle to park or leave the Abandoned Vehicle on private land without the consent of the owner of said private land for a period of more than twenty-four (24) hours. In addition to the penalties described in Section 4 herein, the registered owner of the Abandoned Vehicle shall be responsible for any and all costs incurred by the Adams County Sheriff to remove and store the Abandoned Vehicle and shall also be responsible to the private landowner for any damages to the private land resulting from the Abandoned Vehicle and its removal.

C. *Emergency.* The registered owner of an Abandoned Vehicle shall be responsible for all costs incurred by the Adams County Sheriff to remove and store the Abandoned Vehicle that created the Hazard requiring Emergency Action to be taken.

D. *Appeal.* The owner(s) of the Abandoned Vehicle, and/or the private land, if applicable, after receiving notice of violation of this ordinance, shall have the right to appeal during the five (5) day period following receipt of notice from the Adams County Sheriff. The appeal shall be filed in writing with the Adams County Auditor.

E. *Storage of Abandoned Vehicle.* Upon removal of an Abandoned Vehicle the Adams County Sheriff shall store said vehicle(s) in a reasonable manner. Thereafter, the Sheriff shall notify the owner of the Abandoned Vehicle of the location and the daily storage fee for storing the Abandoned Vehicle and/or plus the costs of removal of said vehicle. The owner of the Abandoned Vehicle shall have thirty (30) days to notify the Adams County Sheriff, in writing, of their intent to claim the Abandoned Vehicle. After the expiration of thirty (30) days from the issuance of notice, the Sheriff may dispose of the vehicle.

Section 4. Penalties. Violations of this ordinance shall, in addition to any direct or indirect costs incurred by Adams County, the violating parties shall also be subject to the following fines for said violations.

A. Owners of Abandoned Vehicles located within or upon the State highways, U.S. Highways or public thoroughfares located within Adams County are subject to the fines as described below:

- i. FIRST OFFENSE. The registered owner of the Abandoned Vehicle shall be subject to a monetary fine, payable to the Adams County, in the amount of One Hundred Fifty and 00/100 Dollars (\$150.00) for the first offense of this ordinance;
- ii. SECOND OFFENSE. The registered owner of the Abandoned Vehicle shall be subject to a monetary fine, payable to Adams County, in the amount of Three Hundred and 00/100 Dollars (\$300.00) for the second offense of this ordinance;
- iii. THIRD OFFENSE. The registered owner of the Abandoned Vehicle shall be subject to a monetary fine, payable to Adams County, in the amount of Five Hundred and 00/100 Dollars (\$500.00) for the third offense of this ordinance and each offense of this ordinance thereafter.

B. Violations of Abandoned Vehicles located on private property within Adams County without the private landowners consent are subject to the fines as described below:

- i. FIRST OFFENSE. The registered owner of the Abandoned Vehicle shall be subject to a monetary fine, payable to Adams County in the amount of One Hundred and 00/100 Dollars (\$100.00) for the first offense of this ordinance;
- ii. SECOND OFFENSE. The registered owner of the Abandoned Vehicle shall be subject to a monetary fine, payable to Adams County, in the amount of Two Hundred Fifty and 00/100 Dollars (\$250.00) for the second offense of this ordinance;
- iii. THIRD OFFENSE. The registered owner of the Abandoned Vehicle shall be subject to a monetary fine, payable to Adams County, in the amount of Five Hundred and 00/100 Dollars (\$500.00) for the third offense of this ordinance and each offense of this ordinance thereafter.

C. The registered owners of Abandoned Vehicles that require Emergency Action shall be responsible for a fine, payable to Adams County, in the amount of Five Hundred and 00/100 Dollars (\$500.00) per occurrence.

D. Exemptions. Property that is properly zoned to store Abandoned Vehicles shall not be subject to this ordinance provided said vehicles do not create a Hazard as defined herein.

Section 5. Reporting. Within seventy-two (72) hours after removal of an Abandoned Vehicle for storage, the Sheriff of the County of Adams, State of Indiana, shall conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or hold a lien on the Abandoned Vehicle.

ADOPTED, by the Board of Commissioners, County of Adams, State of Indiana, this 7th day of November, 2017 AM, by a vote of 3 ayes and 0 nays.

BOARD OF COMMISSIONERS COUNTY OF ADAMS
Kim Fruechte, Commissioner, District #1
Rex Moore, Commissioner, District #2
Doug Bauman, Commissioner, District #3

Attested by: Kristy Stuckey/Deputy Auditor
Mary Bery, Auditor,
County of Adams, State of Indiana