

**ORDINANCE 2017-22**

**TO AMEND THE ELLETTSVILLE TOWN CODE REGARDING  
ABANDONED VEHICLES**

**BE IT ORDAINED AND ADOPTED** by the Town Council of Ellettsville, Indiana:

**Section 1.** The following revisions are hereby made to Chapter 94 of the Ellettsville Town Code regarding abandoned, salvaged and scrapped vehicles.

When an existing section of the ordinance is being amended, the text of the existing provision will appear in this style type, additions will appear **in this style type**, and deletions will appear ~~in this style type~~.

§ 94.01 TITLE.

This chapter shall be known and cited as the abandoned vehicle code.

§ 94.02 PURPOSE.

This chapter establishes the procedures for carrying out within the incorporated areas of the town the provisions of I.C. 9-13-2-1 and 9-22-1, which prescribe the requirements for the removal, storage, and disposal of abandoned vehicles in this state.

§ 94.03 **Police Department** ~~TOWN MARSHAL, DEPARTMENT OF PLANNING SERVICES AND CODE ENFORCEMENT OFFICER;~~ POWERS AND DUTIES.

- (A) The **Police Department** ~~Town Marshal and the Department of Planning Services~~ **is** the ~~agencies~~ **agency** of this municipal unit responsible for the removal, storage, and disposal of abandoned vehicles and parts under I.C. 9-13-2-1 and 9-22-1. ~~The Code Enforcement Officer of the Planning Services Department, or a designated representative of the Planning Department, shall be responsible for removal/towing from private property, all abandoned/salvage vehicles, with the same powers, restrictions and guidelines, as the Town Marshal.~~
- (B) The **Police Department** ~~Town Marshal and/or the Department of Planning Services~~ shall have the powers and duties prescribed for a public agency in I.C. 9-13-2-1 and 9-22-1; however, the **Police Department** ~~Town Marshal~~ shall not employ personnel, acquire equipment, property, and facilities, or enter into towing contracts for the purpose of removal, storage, or disposal of abandoned vehicles without the approval of the Town Council.

(C) The **Police Department** ~~Town Marshal and/or the Department of Planning Services~~ shall have the power to establish procedures for carrying out the provisions of this chapter so long as those procedures are not more restrictive than the provisions of I.C. 9-13-2-1 and 9-22-1.

- 1) 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:
  - a) The date, time, officer's name, public agency, and address and telephone number to contact for information;
  - b) That the vehicle or parts are considered abandoned;
  - c) That the vehicle or parts will be removed after 72 hours;
  - d) That the person who owns the vehicle will be held responsible for all cost incidental to the removal, storage and disposal of the vehicle.
  - e) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.

#### § 94.04 TOWING, REMOVAL, AND STORAGE CHARGES.

The town does not set the fees for towing or storage. Fees are assessed by local towing companies.

#### § 94.05 SALE OF ABANDONED VEHICLES.

The town does not elect to be responsible for the sale of abandoned vehicles and parts and defers to the Bureau of Motor Vehicles as the governmental agency with the authority and responsibility under I.C. 9-13-2-1 and 9-22-1 for the sale of abandoned vehicles and parts.

#### ~~§ 94.06 LANDOWNER RESPONSIBLE FOR ABANDONED VEHICLE OR VEHICLE PARTS ALLOWED TO REMAIN ON PROPERTY.~~

~~It shall be unlawful for any person to suffer or permit any abandoned vehicle or vehicle parts to be placed or remain on the real estate owned, occupied or controlled by that person.~~

#### ~~§ 94.07 NOTICE OF VIOLATIONS.~~

~~Notice of violation shall be sent to either the owner of the property, or to the individual violating the ordinance if not the owner, by the Director of Planning or the Planning Department's Code Enforcement Officer in the following ways:~~

- ~~(A) By delivering the notice personally to the violator or owner of the property;~~
- ~~(B) By mailing the notice to the violator or owner of the property by regular mail to the violator or landowner's last known address;~~
- ~~(C) By mailing the notice by certified mail to the violator or owner of the property at the violator or landowner's last known address; or~~

(D) By posting the notice to the vehicle(s) in violation.


§ 94.99 PENALTY.

Any person or persons violating any of the provisions of this chapter commits a Class E ordinance violation and shall be fined for each offense. Each day's violation shall constitute a separate offense. The fine for each offense shall be \$25 per day.

**Section 2.** This ordinance shall take effect upon final publication as provided by law.

This Ordinance was adopted by the Ellettsville Town Council on the 27<sup>th</sup> day of December, 2017 at the Ellettsville Town Hall, Ellettsville, Indiana.


**ELLETTSVILLE TOWN COUNCIL**

  
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Brian Scott Oldham, President

**Attest:**

  
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Sandra Hash, Ellettsville Clerk-Treasurer

This Ordinance was published in the Ellettsville Journal on the 10<sup>th</sup> day of January, 2017.

  
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Sandra C. Hash, Clerk/Treasurer