

ORDINANCE NO. 2008-5
Abandoned Vehicle Ordinance

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF FORT BRANCH, INDIANA, AS FOLLOWS:

Section 1: The Town Board finds that inoperative, junk, or abandoned vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety, morals, health, and welfare of the general public and detrimental to the economic welfare of the Town of Fort Branch by producing a scenic blight which is adverse to the maintenance and continuing development of the Town of Fort Branch, and such vehicles are hereby declared a nuisance.

Section 2: For the purpose of this ordinance, the following terms shall have the following meanings:

(a) Vehicle - any machine which is designed to transport persons or property, automobile, motorcycle, truck, trailer, semi-trailer, truck-tractor, bus, school bus, house car, motor bicycle, farm tractor, or wheeled implement or the chassis, frame, body, power components or any easily visible portions of any such machines.

(b) Abandoned Vehicle -

- (1) A vehicle located on public property illegally.
- (2) A vehicle left on public property without being moved for three (3) days.
- (3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.

(c) Public Premises - any public right-of-way, sidewalk, street, highway, alley, park or other state, county or municipally owned property.

(d) Private Premises - all property which is not classified within the definition of Public Premises.

(e) Person - all natural persons, firms, partnerships and corporations.

(f) Owner - the last known record title holder to a vehicle according to the records of the Bureau of Motor Vehicles of the State of Indiana or, in the case of an untitled vehicle, the person having custody or the right of possession thereof.

Section 3: No person shall store, park or allow to remain in the open upon public or private premises any abandoned vehicle within the limits of the Town of Fort Branch.

Section 4: If in the opinion of the officer the market value of an abandoned vehicle or parts determined under IC 9-22-1-12 is less than five hundred dollars the officer shall, if possible, dispose of the vehicle to an automobile scrap yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. The public agency disposing of the vehicle shall retain the original records and photographs for at least two years.

Section 5: This ordinance shall not apply to vehicles kept or stored in connection with an automotive repair business operating under a store license issued by the State of Indiana or to auto salvage yards or junk yards licensed by the State of Indiana.

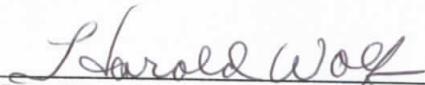
Section 6: Any person found guilty of violating any of the provisions of this ordinance or who interferes in any way whatsoever with the due process of enforcement of any of the provisions of this ordinance, or who does not obey within the time fixed any order issued pursuant to this ordinance, shall be subject to a fine in the amount of \$50.00. Each abandoned vehicle involved shall constitute a separate offense and a separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Section 7: All prior ordinance in conflict or inconsistent with this ordinance be and hereby are repealed.

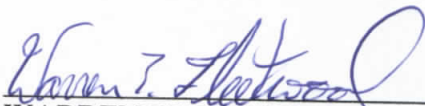
Section 8: This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND ADOPTED by the Council of the Town of Fort Branch Indiana,
this 21 day of May, 2008.

COUNCIL OF THE TOWN OF
FORT BRANCH, INDIANA



HAROLD WOLF, President


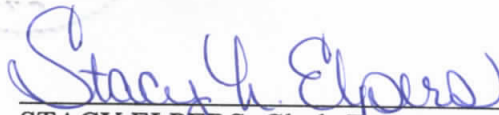


WARREN FLEETWOOD, Member



GERALD BLEDSOE, Member

ATTEST:

STACY ELPERS, Clerk-Treasurer