

Chapter 8-6

ABANDONED AND JUNKED MOTOR VEHICLES

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Section 8-6-1	Purpose

The purpose of this Ordinance is to protect the health, welfare and safety of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junked motor vehicles and machinery except in places authorized.

Section 8-6-2 Definitions

For use in this Ordinance, the following terms are defined:

(A) The term "ABANDONED VEHICLE" shall mean any of the following:

1. A motor vehicle that has been left unattended on public property (streets and public grounds) for more than forty-eight (48) hours and lacks current registration plates or two (2) or more wheels or other structural parts which renders the vehicle totally inoperable, or
2. A motor vehicle that has remained illegally on public property for more than seventy-two (72) hours, or
3. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or
4. A motor vehicle that has been legally impounded by order of the Chief of Police and has not been reclaimed for a period of thirty (30) days.

(B) The term "JUNKED MOTOR VEHICLE OR JUNKED MACHINERY" shall mean any motor vehicle stored within the corporate limits of Storm Lake, Iowa, not licensed for the current year as

required by law, and which, meets any one of the following characteristics, which are hereby declared a threat to the public health and safety.

1. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
2. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.
3. Any vehicle which has become the habitat of rats, mice or snakes, or any other vermin or insects.
4. Any vehicle which contains gasoline or any other flammable fuel.
5. Any other vehicle, which, because of its defective or obsolete condition, in any other way, constitutes a threat to the public health and safety.

(C) The term "JUNKED MOTOR VEHICLE OR JUNKED MACHINERY" shall also mean any vehicle stored within the corporate limits of Storm Lake, Iowa which is licensed for the current year as required by law, and which, because it meets all of the following characteristics, constitutes a threat to the public health or safety.

1. The vehicle is not stored in an enclosed structure.
2. The vehicle is not safely operable as a result of 1) collision, casualty, or gradual deterioration or 2) the vehicle has been stripped of essential parts and equipment.
3. The vehicle has been stored at its present location, or a similar location controlled by the owner, for a period of at least ninety (90) days.

Section 8-6-3 Removal Of Abandoned Motor Vehicles

The City Police may remove and impound any motor vehicle whether inoperable or totally inoperable condition as defined in 8-6-2(A)1. Impoundment shall be in any city-owned garage or area, or in any privately-owned public garage or area as designated by the City Administrator.

Section 8-6-4 Notice To Owner And Lienholders

The City Police shall notify by certified mail within three (3) days of having taken possession of the abandoned operable motor vehicle, the last known registered owner of the motor vehicle and all lienholders of record, addressed to their last known address of record that the abandoned motor vehicle has been taken into custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model and serial number of the motor vehicle, set forth the location of the facility where it is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle within fourteen (14) days after the effective date of the notice upon payment of all towing, preservation and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the motor vehicle and that such failure to reclaim is deemed consent to the sale of the motor vehicle at a public auction or

disposal of the motor vehicle to a demolisher. If the owner and lienholders do not exercise their right, they shall have no further right, title, claim or interest in or to such motor vehicle, as provided by law.

1. If the identity of the last registered owner of an abandoned but operable vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in this City shall be made by the City Police and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included.
2. The owner or any lienholder may, by written request delivered to the Police Chief prior to the expiration of the fourteen (14) days reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

Section 8-6-5 Impoundment Fee

The owner or lienholder shall pay a fee, in the amount set by Council Resolution, for each day the vehicle is impounded plus towing charges if stored by the City, or upon payment of the towing and storage fees, if stored in privately owned facilities, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages shall be established, by resolution of Council, before the provisions of this Ordinance are carried by the police.

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 8-6-6 Auction Of Operable Vehicle

If an abandoned motor vehicle which is operable has not been reclaimed as provided by Section 8-6-4, the Police Chief shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. Vehicles not sold for use upon the highways shall be sold only in accordance with the restrictions in the State law. The purchasers shall take title as provided for by law, or if sold to a demolisher no further titling of the motor vehicle shall be permitted. Proceeds from any sales shall apply to the cost of towing, preserving, storing and notification required, in accordance with state law, and any balance shall be disposed of as required by law. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the Police Chief shall apply for reimbursement from the State as provided by law.

Section 8-6-7 Inoperable Abandoned Vehicles

Any totally inoperable abandoned vehicle as defined in 8-6-2 of this Chapter, or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property, shall be disposed of, after compliance with the notification procedures of Section 8-6-4, by the City Police to a demolisher unless the demolisher deems it practicable to sell it as provided in Section 8-6-6 of this Chapter.

The sale to a demolisher need not be done at public auction, but the Police Chief shall endeavor to obtain as much compensation as possible to defray any costs to the City. A person, firm, corporation, or this City or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle, whose title certificate is faulty, lost or

destroyed, may, without notification procedure, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable to a demolisher for junk without the title.

Section 8-6-8 Duties Of Demolisher

Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such a motor vehicle. When a demolisher acquires a motor vehicle under 8-6-6 or 8-6-7 of this ordinance, the demolisher shall apply to the City Police for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle at the state department of public safety for cancellation.

Section 8-6-9 Junk Vehicles And Machinery A Nuisance

It is hereby declared that storage within the corporate limits of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, or any other private individual, unless excepted by Section 8-6- 13 of this Chapter, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk motor vehicle or machinery is stored upon private property in violation thereof, the owner of said motor vehicle who is the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

Section 8-6-10 Notice To Abate

Upon discovery of any junk motor vehicle or junk machinery stored upon private property within the corporate limits of this City in violation of 8-6-9, the Police Chief shall within ten (10) days notify by certified mail the owner of said motor vehicle or other property owner that:

1. The motor vehicle constitutes a nuisance under the provisions of this Ordinance;
2. That the owner must remove or repair the motor vehicle or machinery in accordance with the terms of 8-6-11 of this Ordinance; and
3. That failure to remove or repair the motor vehicle or machinery will be sufficient cause for its removal by the City at the owner's cost.

Section 8-6-11 Duty Of Owner To Remove Or Repair

The owner of a junk motor vehicle or junk machinery (who is the owner or person in control of the property upon which it is stored) which violates the provisions of 8-6-9 must within ten (10) days after receipt of written notice from the Police Chief remove the motor vehicle or machinery to an auto salvage yard or junk yard duly licensed by this City, or to a lawful place of storage outside the City limits, or

repair the defects which cause such motor vehicle or machinery to violate the provisions of this Ordinance, including licensing if a motor vehicle is not currently licensed.

Section 8-6-12 Abatement

If such owner of a junk motor vehicle or machinery shall fail to remove or repair the motor vehicle in accordance with the terms of 8-6-10, the City Police shall abate such nuisance by causing the motor vehicle to be removed and impounded and sold or disposed of as specified in 8-6-5, 8-6-6 or 8-6-7 and the cost of abatement shall be charged to the owner of the motor vehicle or other property owner.

Section 8-6-13 Exceptions

The provisions of this Ordinance shall not apply to a junk motor vehicle or junk machinery stored within:

- (1) A garage or other enclosed structure; or
- (2) An auto salvage yard or junk yard duly licensed by this City.

Section 8-6-14 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.