

# **Town Hall - Ordinances**

## **GENERAL**

### **ORDINANCE # 2007 - 1**

AN ORDINANCE PROHIBITING JUNKED, WRECKED, ABANDONED, DISASSEMBLED, OR INOPERABLE AND UNLICENSED MOTOR VEHICLES TO BE STORED IN OR PERMITTED TO REMAIN IN THE OPEN AND PROVIDING FOR DISPOSAL OF SAID VEHICLES

WHEREAS, the Town Council of Camden, Carroll County, Indiana, finds that junked, wrecked, abandoned, disassembled, inoperable and/or unlicensed motor vehicles create and health and safety hazards, including but not limited to the following: such vehicles attract vermin and insects and are a danger to children who may be attracted to play or be around said vehicles.

THEREFORE, said junked, wrecked, abandoned, disassembled, inoperable and/or unlicensed motor vehicles which are in the open and which are not in unlawfully operated junk or salvage yards or in connection with automotive sales or repair business enterprises are declared to be PUBLIC NUISANCES.

BE IT HEREBY ORDAINED:

(1) It is hereby unlawful for any person to store or allow to remain in the open upon public or private property within the Town of Camden, Indiana, any disassembled, and/or inoperable and/or unlicensed and/or any junked, wrecked and/or abandoned motor vehicle for a period of five (5) or more days on public property, or for a period of fifteen (15) or more days on private property, unless said vehicle is in a lawfully operated junk or salvage yard, or in connection with an automotive sales or repair business enterprise which operates under duly issued and exhibited store license and is located in a properly zoned area.

(2) The term "vehicle" refers to an automobile, a motorcycle, a truck, a trailer, a semi trailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.

(3) An "abandoned" vehicle means the following:

(A) A vehicle located on public property illegally.

(B) A vehicle left on public property without being moved there from for 5 days.

(C) 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.

(D) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than 48 hours.

(E) 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.

(F) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance 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.

(G) 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.

(4) A vehicle is not considered an abandoned vehicle if it is stored in a garage or other building or within a fenced area which blocks the vehicle from public view.

(5) The term "parts" refers to all components of a vehicle that, as assembled, do not constitute a complete vehicle.

(6) The following are exempt from the definition of an "abandoned vehicle:"

(A) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.

(B) A vehicle stored as the property of a member of the armed forces of the United States who is on an active duty assignment.

(C) A vehicle registered and licensed under the Statutes of the State of Indiana as an antique vehicle.

(7) Whenever the Town Marshal of Camden, Indiana, or President of the Town Council of Camden, Indiana shall find a violation of this Ordinance, the following procedure shall be followed:

(A) If the vehicle is on public property, a notice of the violation and an order to remove said vehicle within five (5) days shall be placed and secured on the vehicle. The owner of said vehicle shall be notified personally if he/she can be found

(B) If the vehicle is on private property, a notice of the violation and an order to remove said vehicle within fifteen (15) days shall be placed and secured on the vehicle. Additionally, copies of such notice and order shall be served on any adult occupying the real estate on which the vehicle is located by the usual method of delivering summonses and, also, upon the owner of the vehicle if his/her name and whereabouts be known. If there is no occupant of said real estate, said notice and order shall be affixed to a building, if any there be, on said real estate and shall constitute valid notice to the owner and/or occupant of said real estate and to the owner of the vehicle.

(8) The notice shall contain the following information:

(A) The identifying information of the Town of Camden, Indiana, Including but not limited to the telephone number and address and whom to contact regarding the notice.

(B) The date and time of the notice together with the name of the person posting the notice.

(C) An identification of the vehicle and/or parts and the violation of the Ordinance.

(D) The notice of the time for the removal.

(E) The responsibility of the owner for costs incidental to the removal, storage and disposal of the vehicle.

(9) After the time has elapsed after the service of the notice and order, the Town Marshal or the President of the Camden Town Council may employ personnel or enter into towing contracts for the removal, storage and disposition of junked, wrecked, abandoned, disassembled, inoperable and unlicensed vehicles as defined herein. All costs incidental to the removal, storage and disposition or disposal of the vehicle and/or parts as stated herein shall be the responsibility of the owner of the vehicle.

(10) Any person, firm or corporation who violates 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 in any order issued pursuant to this Ordinance and who shall be found guilty thereof, shall be subject to a fine and penalty in the amount of Fifty Dollars (\$50.00). Each motor vehicle involved shall constitute a separate offense and a separate offense shall be deemed committed upon each day during which violation occurs or continues.

(11) If any clause, sentence, paragraph, section or portion of this Ordinance for any reason shall be adjudged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance but shall be confined in its effect to the clause, sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which such judgment was rendered.

(12) If any provisions of this Ordinance are in contradiction of the Statutes of the State of Indiana at any time in the future, said Statutes shall control.

(13) The Town Council of Camden, Indiana, as an entity or the individual members thereof or the Town Marshal of said Town shall not be liable for the loss or damage to a vehicle or parts occurring during the removal, storage or disposition of a vehicle or parts if performed in connection with the enforcement of this Ordinance.

This Ordinance shall be in full force and effect from and after its passage and approval by the Town Council of Camden, Indiana, and publication as provided by law.

Passed: This \_\_\_\_\_ day of \_\_\_\_\_, 2007.

TOWN COUNCIL OF CAMDEN, INDIANA

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Peter F. Wagoner, President

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Andy Robison, Member

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Michelle Everett, Member

ATTEST:

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Patricia Casserly

Clerk-Treasurer