

SUPPLEMENT NO. 17  
July 2013

**CODE OF ORDINANCES**

**City of**

**MUNCIE, INDIANA**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 36-11, enacted October 3, 2011.**

See the References to Ordinances for further information.

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# CODE OF ORDINANCES

CITY OF

## MUNCIE, INDIANA

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Originally Published by American Legal Publishing Co.  
Republished in 2004 by Order of the Common Council

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## Checklist of Up-to-Date Pages

(This checklist will be updated with the  
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

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In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

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**CHAPTER 76. ABANDONED VEHICLES\***

- Sec. 76.01. Purpose.
- Sec. 76.02. Applicability.
- Sec. 76.03. Definitions.
- Sec. 76.04. Abandoned vehicle notice and removal procedures.
- Sec. 76.05. Abandoned vehicle report and notice to owner or lienholder.
- Sec. 76.06. Disposition of abandoned vehicles.
- Sec. 76.07. Fees and proceeds of sale.

**Sec. 76.01. Purpose.**

The purpose of this chapter shall be to set forth the procedures contained in IC 9-22-1-1, et seq., which governs the removal, storage and disposal of abandoned vehicles by units of local government.  
(Ord. No. 36-11, § 1, 10-3-11)

**Sec. 76.02. Applicability.**

This chapter shall apply to "abandoned vehicles" as defined herein. However, this chapter shall not apply to any vehicle:

- (1) In operable condition specifically adapted or constructed for operation on privately owned raceways;
- (2) Stored as the property of a member of the armed forces of the United States who is on active duty assignment;
- (3) Located on a vehicle sale lot or at a commercial vehicle servicing facility;
- (4) Located upon property licensed or zoned as an automobile scrapyard;
- (5) Registered and licensed under IC 9-8-12 as an antique vehicle; or
- (6) A golf cart.

(Ord. No. 36-11, § 1, 10-3-11)

**State law reference**—Ind. Code § 9-22-1-1.

**\*Editor's note**—Ord. No. 36-11, § 1, adopted Oct. 3, 2011, amended former Ch. 76, §§ 76.01—76.04, in its entirety to read as herein set out. Former Ch. 76 pertained to similar subject matter and derived from Ord. No. 16-97, §§ 1—4, adopted July 7, 1997.

**Sec. 76.03. Definitions.**

(A) "Abandoned vehicle" shall have the definition set forth in Ind. Code § 9-13-2-1, as it may be amended.

(B) "Storage yard" shall have the definition set forth in Ind. Code § 9-22-1-3.5, as it may be amended.

(C) "Officer" shall have the definition set forth in Ind. Code § 9-22-1-2. Additionally, the term "officer" shall also mean designated code enforcement officers of the department of public works who are authorized to enforce the provisions of this chapter.

(Ord. No. 36-11, § 1, 10-3-11)

**Sec. 76.04. Abandoned vehicle notice and removal procedures.**

(A) 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:

- (1) The date, time, officer's name, the department of the city, and address and telephone number to contact for information.
- (2) That the vehicle or parts are considered abandoned.
- (3) That the vehicle or parts will be removed after 72 hours.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle or parts.
- (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within 72 hours.

(B) If the tagged vehicle or parts are not removed within the 72-hour period, the police officer shall prepare a written abandoned vehicle report and take photographs in accordance with Ind. Code § 9-22-1-12 and remove the vehicle.

(C) If, in the opinion of the officer, the market value of the abandoned vehicle is less than \$750.00, the officer may immediately dispose of the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs shall be forwarded to the

Bureau of Motor Vehicles. A towing service may dispose of an abandoned vehicle not less than 30 days after the date on which the towing service removed the abandoned vehicle. The city shall retain the original records and photographs for at least two years.

(D) If, in the opinion of the officer, the market value of the abandoned vehicle is in excess of \$750.00, the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After 72 hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

(E) Notwithstanding the foregoing, abandoned vehicles discovered on private property shall be removed in accordance with Ind. Code §§ 9-22-1-15, 9-22-1-16; 9-22-1-17 and 9-22-1-18.  
(Ord. No. 36-11, § 1, 10-3-11)

**Sec. 76.05. Abandoned vehicle report and notice to owner or lienholder.**

(A) Following the removal of a vehicle pursuant to this chapter, the officer shall prepare an additional abandoned vehicle report and provide notice to the owner or lienholder, if such information can be obtained, in accordance with Ind. Code § 9-22-1-19.

(B) If a vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle, the vehicle may be disposed of without notice.

(Ord. No. 36-11, § 1, 10-3-11)

**State law reference**—Ind. Code § 9-22-1-21.

**Sec. 76.06. Disposition of abandoned vehicles.**

If a person who owns or holds a lien upon a vehicle does not appear within 20 days after the mailing of a notice, the vehicle or parts may be disposed of in accordance with Ind. Code § 9-22-1-23.

(Ord. No. 36-11, § 1, 10-3-11)

**Sec. 76.07. Fees and proceeds of sale.**

(A) Charges allowed for towing of abandoned vehicles shall not exceed \$35.00. Charges allowed for the storage of any abandoned vehicle may not exceed \$4.26 per day.

(B) Proceeds of sale of an abandoned vehicle or parts, including charges for bills of sale and money received from a person who owns or holds liens on vehicles for the cost removal and storage, shall be credited against the costs of the removal, storage and disposal of the vehicle and shall be deposited into the city's abandoned vehicle fund pursuant to Ind. Code § 9-22-1-27.

(Ord. No. 36-11, § 1, 10-3-11)

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