

LaPORTE COUNTY ORDINANCE NUMBER 97- 12

AN ORDINANCE REGULATING JUNKED OR ABANDONED VEHICLES

WHEREAS, it has come to the attention of the Board of Commissioners that there are numerous junked or abandoned vehicles on private property;

WHEREAS, said junked or abandoned vehicles cause a public nuisance by being unsightly, an attractive nuisance and potential environmental hazards;

WHEREAS, the State of Indiana has amended the state statutes regarding abandoned, salvaged and scrap vehicles which had previously been incorporated into the County Ordinance;

WHEREAS, the County should amend its Ordinance to incorporate the current state law;

WHEREAS, the County should set fees for the privilege of being designated to and actually towing said vehicles.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

- I. That Article 5 of Chapter 6 of the LaPorte County Code Junked or Abandoned Vehicles, be and it hereby is, repealed and the following substituted in lieu thereof:

"Article 5. Junked or Abandoned Vehicles.

Section 6-34 Adoption of State Law by Reference.

The County of LaPorte, Indiana, adopts as its abandoned vehicle ordinance Public Law 2, Section 10 of the Acts of 1991 (Indiana Code Sections 9-22-1-1 through 9-22-1-32) as amended, except as hereinafter modified.

Section 6-35 Enforcement Officer.

The Building Commissioner of the County of LaPorte, Indiana, in cooperation with the Sheriff's Department and Health Department, shall be the enforcement officer under this Article.

Section 6-36 Penalties.

The enforcement officer, in addition to any other remedy provided by Indiana Code Sections 9-22-1-1 through 9-22-1-32, may, in writing, order any person who is the owner of an abandoned vehicle or who permits an abandoned vehicle to remain on private property which is either owned or controlled by said person to remove the abandoned vehicle from public view. In no event shall there be more than three (3) abandoned vehicles out of public view without proper license and/or registration on the property. Covering the abandoned vehicle does not constitute out of public view. Out of public view requires the abandoned vehicle to be within an enclosed structure or improvement on the property. The failure of any person to comply with said order within seventy-two (72) hours of its receipt shall subject said person to civil fine as follows:

- a. Each day of non-compliance with the provisions of the order constitutes a separate and distinct violation. Judgment of up to five hundred dollars and 00/100 (\$500.00) per day may be entered for a violation of this Article.
- b. The County Attorney shall enforce this Article by civil action.

Section 6-37.

The Board of Commissioners shall designate one towing and storage facility in each of the following divisions of the County:

- i. North of U.S. Highway 6 and East of Range Road;
- ii. North of U.S. Highway 6 and west of Range Road; and
- iii. South of U.S. Highway 6.

Section 6-38.

Each designated towing and storage facility shall provide proof of insurance for liability, workmens compensation and such other insurance as may be required by the Board of Commissioners. Liability insurance shall be an amount not less than one million dollars and 00/100 (\$1,000,000.00).

Section 6-39.

Each designated towing and storage facility must be a licensed salvage yard legally able to store the abandoned vehicles.

Section 6-40.

Each designated towing and storage facility shall pay the County an annual registration fee of five hundred dollars and 00/100 (\$500.00) and ten dollars and 00/100 (\$10.00) for each vehicle towed.

Section 6-41.

Each designated towing and storage facility shall dispose of the vehicle in accordance with the Indiana Code Sections set forth above in Section 6-34 of this Article 5 and the rules and regulations of the Indiana Department of Motor vehicles.

Section 6-42 through Section 6-45. Reserved for future use."


II. This Ordinance shall be in full force and effect beginning the 15th day of July, 1997, and after its enactment and publication as prescribed by law.

ATTEST:


KENNETH LAYTON, Auditor

BOARD OF COMMISSIONERS


CLAY TURNER, President


RICHARD J. KRUSE, Vice-President

Dated: July 15, 1997


H.J. "BUD" KINTZELE, Member

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