

ORDINANCE NO. 2002.03

**ORDINANCE TO AMEND CHAPTER 8, ARTICLE 17
OF THE LAPORTE COUNTY CODE; JUNK AND ABANDONED VEHICLES**

WHEREAS, due to numerous problems involving the enforcement removal of junk and abandoned vehicles, it is necessary to take steps to amend the enforcement provisions and expand the current ordinance of abandoned and junk vehicles, and;

NOW THEREFORE, be it resolved by the LaPorte County Board of Commissioners that

SECTION I.

Chapter 8, Article 17 is hereby rescinded.

SECTION II.

That a new Chapter 8, Section 17 is hereby adopted pursuant to Exhibit "A".

SECTION III.

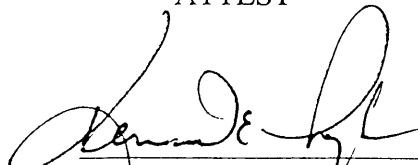
That all other ordinances, parts of ordinances in conflict herein are hereby rescinded.

SECTION IV.

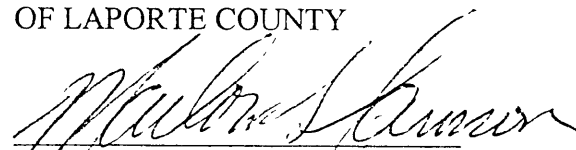
This ordinance shall take effect immediately upon its passage and posting as prescribed by law.

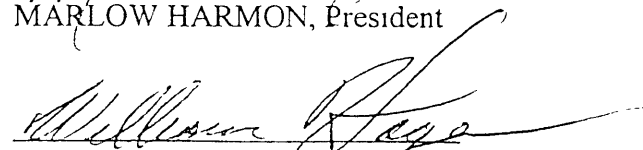
DATED this 19th day of February, 2002.

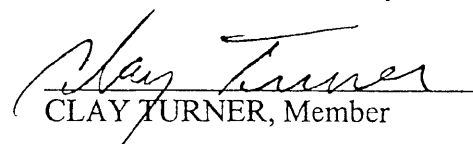
ATTEST


KEN LAYTON, Auditor

BOARD OF COMMISSIONERS
OF LAPORTE COUNTY


MARLOW HARMON, President


WILLIAM HAGER, Vice President


CLAY TURNER, Member

ABANDONED AND JUNK VEHICLES

SECTION 8-1000, PURPOSE

To monitor, control or prohibit the keeping of motor vehicles without current license plates or any junked or abandoned vehicles on private or public property and providing penalties for the violation thereof.

SECTION 8-1001, DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a difference meaning;

- a. Enforcement Officer means any officer or agent of the LaPorte County Sheriff's Department.
- b. Vehicle means any land, air or water vehicles which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, trailers, mobile homes, snowmobiles, dune buggies, boats, airplanes and gliders
- c. Abandoned or junk vehicles shall have all the conditions as described in Indiana Code 9-13-2-1 and the same is adopted herein.

SECTION 8-1002, PARKING AND STORAGE AS A NUISANCE.

- a. It is unlawful for any person to keep, park or store any wrecked, junked or abandoned vehicles or other vehicles, or parts thereof on private or public property within the unincorporated areas of LaPorte County except in a garage or other enclosure so as not to be exposed to public view except as herein provided.
- b. The keeping, parking or storing of any wrecked, junked or abandoned

public property, except as provided herein is declared to be a nuisance and unlawful.

SECTION 8-1003, APPLICABILITY.

a It is prima facie evidence that a vehicles is junked or wrecked if such vehicles remains on private property for more than thirty (30) days and meets any of the following criteria:

1. Does not have a current license plate.
2. Has broken or missing windows or flat or missing tires and in the opinion of the enforcement officer, appears to be mechanically inoperable.
3. Has missing bumpers or fenders or is in any other way partially dismantled or appears wrecked
4. Does not have a transmission, differential or engine or appears in any other way to be mechanically inoperable.

b. It is prima facie evidence that a vehicles is abandoned if it meets any of the following criteria:

1. The vehicle is located on public property illegally.
2. A vehicle is left on public property continuously without being removed from a period of seven (7) days.
3. A vehicle is located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicles traffic or 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 that meets any of the criteria as contained in subsections (a) (1) through (5) of this section and is left on public property.
6. A vehicle that is removed by a salvage yard and or public agency upon request of an officer enforcing this ordinance and the vehicle once impounded is not claimed or redeemed by the owner or his agent within fifteen (15) days of its removal

7. A vehicle which is three (3) or more model years old and appears mechanically inoperable and is left on private property continuously in a visible location and in a location visible from public property for more than thirty (30) days.

SECTION 8-1004, EXEMPTIONS.

- a. Any salvage yard or junkyard, properly zoned as such or operating as a lawful non-conforming use, and not in violation of any zoning ordinance, shall be exempt from the provisions of this division. Such salvage yard or junkyard shall be enclosed by a fence at least six (6) feet in height so that such junked or wrecked vehicles shall not be readily visible to the public.
- b. Any person lawfully engaged in the business of selling new and used automobiles on real estate properly zoned therefore may display the new or used vehicles for sale without having license plates.
- c. Any person engaged in the repair of automobiles may store wrecked automobiles on their property provided that they are not in violation of any zoning ordinance for a period not to exceed thirty (30) days. Such thirty (30) day period shall not apply to a single vehicle but to an accumulative, continuous period involving any number of vehicles. Further, in the event that any person engaged in the repair of automobiles shall store the same entirely within the confines of a fenced in area with the fence at least six (6) feet in height so that stored automobiles shall not be readily visible to the public, such person shall not be considered in violation of this Article so long as such person does not violate any zoning ordinances of LaPorte County or in the opinion of the enforcement officer such storage yard does not constitute a salvage or junkyard

- d. Boats shall be excepted provided they have a current DNR sticker or license as provided by State law and are stored in a manner not to interfere with the enjoyment of property of adjoining landowners.
- e. Any person who disagrees with any decision of any enforcement officer involved with the enforcement of this Article shall be entitled to a hearing before the LaPorte County Board of Commissioners or an appropriate administrative law judge if an administrative law judge has been adopted by the LaPorte County Commissioners concerning such order. In the event that an administrative law judge ordinance has been adopted by the LaPorte County Board of Commissioners, an appeal of enforcement shall be made pursuant to that ordinance as opposed to directly to the LaPorte County Board of Commissioners.

SECTION 8-1005, REMOVAL.

- a. The enforcement officer is authorized to issue a warning or written demand to the owner, occupant, agent or person in possession of the premises on which any wrecked, junked or abandoned vehicle is kept in violation of this ordinance notifying such person to remove such vehicle from the premises within ten (10) days from the receipt of such notice. Upon the failure or refusal of such person to remove such vehicle within the time period specified, a ticket will then be issued requiring such individual to appear before a hearing office designated by the LaPorte County Board of Commissioners concerning the failure to remove such vehicle. After hearing all facts, such hearing officer may determine that such vehicle is not violation of this ordinance or, if in violation,

1. Remove such vehicle within a specified period of time and/or be subject to fines not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day for each day such violation continues to exist.
 2. Order a storage yard to remove such vehicle and assess the costs of such removal and storage to the owner.
 3. If such vehicle is not claimed by the owner from the storage yard within fifteen (15) days from removal by paying the actual costs of such removal and storage or if not claimed within the time period specified by Indiana Code 9-22-1 et seq, such vehicle may be sold and disposed of as provided accordingly.
- b. If in the opinion of the officer, the market value of such vehicle or parts thereof are determined to be less than Five Hundred Dollars (\$500.00), the officer may immediately order the disposal of such vehicle to an automobile scrap yard pursuant to the provisions of I.C. 9-22-1-13 or any subsequent amendments thereto.
- c. The removal and disposal of abandoned vehicles chapter I.C. 9-22-1 as promulgated by the State Legislature is made a part of this ordinance and shall govern all areas not specifically addressed herein and LaPorte County specifically adopts the procedures contained therein for the sale and disposal of abandoned vehicles once such vehicle has been impounded or towed and held beyond the fifteen (15) days and prescribed by this ordinance without any owner claiming such vehicle.
- d. The powers given to the LaPorte County Sheriff Department in this division are intended in no way to abridge or void existing authority given to any other department or agency of LaPorte County or enforcement of any other order that is now in effect.

SECTION 8-1006, PENALTIES.

a. Any person violating this article shall be subject to any or all penalties as provided in article eleven (11) of this chapter specifying penalties and fines for violation of this chapter