

**COUNTY OF LAGRANGE**  
**ORDINANCE NO. 1997-11-17a**

AN AMENDED AND RESTATED ORDINANCE 1990-5-7 PROVIDING FOR  
THE REMOVAL AND DISPOSAL OF ABANDONED VEHICLES AND  
ENFORCEMENT OF I.C. 9-9-1.1 WITHIN THE UNINCORPORATED AREAS  
OF LAGRANGE COUNTY

WHEREAS, the LaGrange County Council and the LaGrange Commissioners (the “County”) adopted Ordinance No. 1990-5-7 on May 14, 1990 (the “1990 Ordinance”) providing for the removal and disposal of abandoned vehicles and enforcement thereof within the unincorporated areas of LaGrange County, and creating a fund for the purpose of implementing the provisions of the 1990 Ordinance; and

WHEREAS, the County has been advised that the Indiana statutes governing the removal and disposal of abandoned vehicles has been amended by the Indiana State Legislature; and

WHEREAS, the County has been advised that, in order to utilize the amendments made by the State Legislature regarding the removal and disposal of abandoned vehicles, it is necessary to amend and restate the 1990 Ordinance to incorporate said amendments.

SECTION I

BE IT ORDAINED BY THE LAGRANGE COUNTY COUNCIL AND THE LAGRANGE COUNTY COMMISSIONERS THAT THE 1990 ORDINANCE IS HEREBY AMENDED AND RESTATED TO READ AS FOLLOWS:

Section 1. (a) The LaGrange County Zoning Department is hereby designated and assigned as the *Enforcement Authority* with local responsibility for the removal, storage, and disposal of abandoned vehicles and vehicle parts within the unincorporated areas of the County of LaGrange, pursuant to I.C. 9-22-1 et. seq., as now or hereafter amended, and said Enforcement Authority is hereby granted all powers reasonable and necessary for the performance of its responsibilities under this Ordinance. The LaGrange County Zoning Department may authorize and designate agents or employees of the LaGrange County Zoning Department as *Enforcement Officers* to initiate enforcement of this Ordinance as outlined in Section 4.

(b) The LaGrange County Commissioners are hereby designated and assigned as the *Hearing Authority* with local responsibility to hear all requests for a hearing relative to each notice of the Enforcement Authority as outlined in Section 4.

Section 2. There is hereby created the Abandoned Vehicle Fund which shall be a revolving fund, and all monies paid to the County for the cost of removal, storage and disposal of abandoned vehicles shall be placed in said fund and in no other place. Said fund shall also have added to it such monies as may be appropriated by the County Council. The costs of removal and storage of an abandoned vehicle or parts not claimed by the owner or lienholder shall be paid from the Abandoned Vehicle Fund. The proceeds of sale of an abandoned vehicle or parts by the Department in accordance with Section 6 shall be credited against all costs and incidents to the removal, storage and disposal of the vehicle or parts. All monies remaining in said fund at the end of each year shall remain in such fund and not revert to the General Fund. The monies in said fund shall be expended and used only for the purpose enumerated in I.C. 9-22-1 et. seq. providing for the disposal of abandoned vehicles or parts.

Section 3. As used in this Ordinance, “Abandoned Vehicle” means:

1. A vehicle located on public property illegally;
2. A vehicle left on public property without being moved for three (3) days;
3. 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;
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 from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;
6. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter 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; or

7. 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.

The remaining definitions, not altered or amended by this Section 3 and contained in I.C. 9-13-2 are adopted for other terms appearing in this Ordinance.

Section 4. (a) An Enforcement Officer who finds or is notified of a vehicle or parts to be believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

1. Date, time, Enforcement Officer's name, public agency, and address and telephone number to contact for information.
2. That the vehicle or parts are considered abandoned and will be removed by the Enforcement Authority after seventy-two (72) hours; and
3. That the person who owns the vehicle or parts will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle or parts unless he/she removes the vehicle or parts within seventy-two (72) hours.

If in the opinion of the Enforcement Officer, the market value of the abandoned vehicle or parts is at least Five Hundred Dollars (\$500.00), the Enforcement Officer shall make a reasonable effort to ascertain the name of the person who owns the vehicle or parts or may be in control of the vehicle or parts before placing a notice tag on the vehicle or parts.

(b) If the vehicle or parts are not removed within the seventy-two (72) hour period specified in said notice tag, the Enforcement Officer shall:

1. Prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated value of the vehicle or parts.
2. Cause photographs of the vehicle or parts to be taken to describe the

condition of the vehicle or parts.

3. Give an *Order to Tow* to the vehicle or parts owner of the Enforcement Officer's intention to tow the vehicle or parts to a storage area if the vehicle's or parts' market value is estimated at least Five Hundred Dollars (\$500.00) or an automobile scrap yard if the vehicle's or parts' estimated market value is less than Five Hundred Dollars (\$500.00).

The Order to Tow (hereinafter "*Order*") required by this subsection shall inform the person to whom said Order was issued that they may request a hearing if requested within ten (10) days after the Order is given, before the Hearing Authority by filing a written request for said hearing with the LaGrange County Auditor. An Order issued pursuant to this Ordinance becomes final ten (10) days after said Order is given, unless a hearing is requested before the ten (10) day period. The hearing shall be conducted by the Hearing Authority. At the hearing, the person to whom the Order was issued, any person who owns or holds a lien on the vehicle or parts, or any other person with an interest in the proceedings may appear in person or by counsel, present evidence, cross-examine opposing witnesses, and present arguments, if any, as to why the vehicle or parts should not be towed. All abandoned vehicle reports and photographs shall be retained by the County for at least two (2) years.

(c) If a timely and properly filed request for hearing before the Hearing Authority is requested, the Auditor shall set said hearing on the next available hearing date established by the Hearing Authority. At the conclusion of any said hearing at which a continuance is not granted, the Hearing Authority shall either (i) affirm the Order; (ii) rescind the Order; or (iii) modify the Order, but unless the person to whom the Order was issued, or counsel for that person, is present at the hearing, the Hearing Authority may modify the Order in only a manner that makes its terms less stringent.

(d) After the hearing, and if the Order is affirmed or modified by the Hearing Authority or if no hearing was timely or properly requested, and the order becomes final pursuant to subparagraph (b) above, the Enforcement Authority shall cause the vehicle or parts to be towed to a storage area. If, however, in the opinion of the Enforcement Authority, or as determined by the Hearing Authority, the market value of the vehicle or

parts is less than Five Hundred Dollars (\$500.00) the Enforcement Authority shall cause the vehicle or parts to be towed directly to an automobile scrap yard.

Section 5. (a) Within seventy-two (72) hours after removal of an abandoned vehicle or parts to a storage area, the Enforcement Authority shall forward to the bureau an abandoned vehicle report containing the make, model, identification number, license plate number, and any other description of the vehicle or parts. The abandoned vehicle report should contain a request that the bureau advise the Enforcement Authority of the name and most recent address of the person who owns or holds a lien on the vehicle or parts.

(b) The Enforcement Authority shall then by first class mail, notify the person who owns the vehicle or parts, with a copy to each person who holds a lien on the vehicle or parts that the vehicle or parts have been towed (the "*Notice of Towing*"). Said Notice of Towing must indicate that the vehicle or parts have been towed and impounded at a certain location and must be removed within twenty (20) days after the date of the mailing of the Notice of Towing and advise that the vehicle or parts will be disposed of after that time. The Notice of Towing must also advise the person who owns or holds a lien on the vehicle or parts that all costs incurred in removing and storing the vehicle or parts are the person's legal responsibility.

Section 6. (a) If the properly identified person who owns or holds a lien on a vehicle or parts appears at the storage site before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. The Enforcement Authority shall notify the bureau of all releases. Each release shall state the name, signature and address of the person who owns or holds a lien on the vehicle or parts, a description of the vehicle or parts, the costs, and the date of release.

(b) If the person who owns or holds a lien upon the vehicle or parts does not appear within twenty (20) days after the mailing of the Notice of Towing, the Enforcement Authority may sell the vehicle or parts:

1. To the highest bidder at a public sale. Notice of the sale shall be given by publication in one newspaper one week before the sale; or
2. As unclaimed property. If the vehicle or parts has an estimated value of less than One Thousand Dollars (\$1,000.00), then the Enforcement

Authority may sell the vehicle or parts at a public or private sale without advertising, unless it is worthless, in which case, it can be demolished or junked.

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

Section 7. This Ordinance does not apply to:

1. A vehicle in operable condition specifically adapted or constructed for operation on a privately owned raceway;
2. A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;
3. A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility;
4. A vehicle located upon property licensed or zoned as an automobile storage or impound yard; or
5. A vehicle registered and licensed under I.C. 9-7-6-1 to 9-7-6-6 as an antique vehicle.

Section 8. The costs for removal and storage of an abandoned vehicle or parts shall be no more than Seventy Five Dollars (\$75.00) for towing a motor vehicle or parts and no more than Ten Dollars (\$10.00) per day for storage, or as otherwise established from time to time by the LaGrange County Council and LaGrange County Commissioners. The costs for removal and storage of an abandoned vehicle or parts claimed by the person who owns or holds a lien on the vehicle or parts shall be paid by said person or persons. Costs for vehicles or parts not claimed shall be paid for from the abandoned vehicle account.

Section 9. In computing any period of time prescribed in this Ordinance, the day of the act, event or tagging, or mailing from which the designated period of time begins to run shall not be included. Such time shall begin to run on the next succeeding day and shall conclude at midnight of the last day of the period that is not a Saturday, Sunday or legal holiday.

Section 10. Any ordinances in conflict herewith are hereby repealed.

Section 11. If any section or part of any section of this Ordinance shall be declared invalid, the remaining portions of this Ordinance shall continue in effect as enacted.

Section 12. This Ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

SECTION II

No part of this Ordinance shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION III

This Ordinance shall be effective upon promulgation according to law.

Adopted and Ordained this 17 day of Nov., 1997.

BOARD OF COMMISSIONERS OF  
LAGRANGE COUNTY, INDIANA

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Philip R. Malone, President

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Josephine Schrock, Vice President

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Wayne L. Targgart, Member

ATTEST:

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Kay M. Myers, Auditor

LAGRANGE COUNTY COUNCIL

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Bernard J. Hoffman, President

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Jay Dee Hostetler

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Jack Van Antwerp

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Harold D. Gingerich (Absent)

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Richard Conley, Vice President

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Joy J. Sharp

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Michael Strawser

ATTEST:

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Kay M. Myers, Auditor