

Ordinance 02-2020

Chapter 80

ABANDONED VEHICLES

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1 Definitions:

- A. Abandoned Vehicle means any of the following:
  - a. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
  - b. A vehicle that has remained illegally on public property for more than 24 hours
  - c. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours
  - d. A vehicle that has been legally impounded by order of a police authority and had not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.
  - e. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic
  - f. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fee after notification by the person or agency responsible for carrying out the impoundment order.
- B. Demolisher means a person licensed under Chapter 321H of the Code of Iowa whose business it is to convert a vehicle to junk, processed scrap or scrap metal or otherwise to wreck, or dismantle vehicles.
- C. Garage Keeper means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
- D. Police Authority means the Iowa State Patrol or any law enforcement agency of a county or city.

2. Authority to take possession of Abandoned Vehicles. A police authority, upon the authority's own initiative or upon the request of any other authority having duties of control of highways or traffic, shall take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and

addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

3. Notice by Mail. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within 20 days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed.

The notice shall describe:

- A. Year
- B. Make
- C. Model
- D. VIN (Vehicle Identification number)
- E. Personal property found in vehicle
- F. Location of the facility where vehicle is being held
- G. Inform the persons receiving notice, their right to reclaim their property Within 10 days after effective date of notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice.
- H. State that the failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimant of all right, title, claim, and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction.
- I. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in section 321.90 of the Code of Iowa, and may proceed to sell or dispose of the vehicle.
- J. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters.
- K. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or personal property.
- L. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimant after the expiration of the 10-day reclaiming period.

4. Notification in Newspaper. If it is impossible to determine with reasonable certainty the identity and address of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under section #3. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in section #3.

5. Fees for Impoundment. The owner, lienholder, or claimant shall pay \$3.00 if claimed within 5 days of impounding, plus \$1.00 for each additional day within the reclaiming period plus towing charges, if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

6. Disposal of Abandoned Vehicles. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State Law.

7. Disposal of Totally inoperable Vehicles. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

8. Proceeds from Sales. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for 90 days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

9. Duties of Demolisher. Any demolisher who purchased or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

The City Council of the City of Albion, State of Iowa, met in open session, in the City Hall, 107 S Main St, Albion, IA at 6:30 pm on June 15, 2020. The were present Mayor Schmidt, in the chair and the following named council members:

Kim Dostal      Pat Hemming      Doug Loffgren      Derek Stanton      Garrett Kaufman      Absent - 0

Whereupon, Council Member Dostal introduced a motion to approve Ordinance 02-2020 Abandoned Vehicles and waive 3<sup>rd</sup> reading. Council Member Kaufman seconded the motion. The roll was called and the vote was,

AYES: Dostal      Hemming      Stanton      Kaufman

NAYS: Loffgren

PASSED AND APPROVED this 15<sup>th</sup> day of June, 2020



Mayor, Eric Schmidt



Attest: City Clerk, Jody Wallen

