

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 25-36

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 8, ABANDONED VEHICLES,
JUNK CARS, AND JUNK, OF THE GREENWOOD MUNICIPAL CODE (1993), AS
AMENDED, ADDRESSING WRECKED, JUNK, OR ABANDONED VEHICLES
WITHIN THE CITY OF GREENWOOD.**

WHEREAS, pursuant to Ind. Code § 9-22-1, the City of Greenwood ("City") has the authority to regulate wrecked, junk, and abandoned vehicles;

WHEREAS, Ind. Code §9-22-1-30 provides that the Common Council shall, by ordinance, establish procedures to carry out the abandoned vehicle Chapter of the Indiana Code, including the charges allowed for towing and storage of abandoned vehicles and the means of disposition of vehicles;

WHEREAS, the legislative body of the City ("Council") is responsible for determining ordinance violations and penalties for violations including, without limitation, violations of the traffic code;

WHEREAS, the Council now desires to adopt this ordinance deleting and replacing provisions of Chapter 6, Article 8 Abandoned Vehicles, Junk Cars, and Junk of the City of Greenwood Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. Greenwood Municipal Code (1993), Chapter 6, Article 8 Abandoned Vehicles, Junk Cars, and Junk, Sections 6-295 through 6-302 are hereby amended to delete the language in its entirety and inserting the following language in its place to read as follows:

**ARTICLE 8.
ABANDONED VEHICLES, JUNK CARS, AND JUNK.**

Sec. 6-295 Definitions and application.

(a) Abandoned vehicle is any vehicle which:

- (1) is located on public property illegally;
- (2) is left on public property continuously for three days without being moved, except as hereafter provided;
- (3) is located on public property in a way so as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way;
- (4) is left on private property without the consent of the owner or person in control of that property for more than 48 hours;
- (5) the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;
- (6) 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;
- (7) 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. A vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible; or

- (8) was repaired or stored at the request of the owner; that has not been claimed by the owner; and for which the reasonable value of the charges associated with the repair or storage remain unpaid more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored.
- (b) An Abandoned Vehicle also includes a vehicle that has been towed and the owner or lienholder does not appear and pay all costs; or the owner of a vehicle cannot be determined by a search conducted under this Article.
- (c) Junked or wrecked vehicle is any vehicle which, because of accident, age, misuse, mechanical or structural deterioration, or dismantling and removal of necessary parts or structural elements, has become inoperable or incapable of safe operation as a vehicle, and is:
 - (1) left on public property; or
 - (2) left on private property in public view, except for purposes of repair or salvage as hereafter permitted.
- (d) Mechanically Inoperable Vehicle is a vehicle that is missing wheels, motors, tires, transmission, or other major parts that affect the operability of such vehicle; a vehicle that is so extensively damaged it cannot be self-propelled or moved in the manner in which it was originally intended to move; or a vehicle that has sunken into the ground or has vegetative overgrowth to such an extent that the vehicle cannot be moved from its location under its own power.
- (e) Officer is a member of the City of Greenwood Code Enforcement Department or the Greenwood Police Department.
- (f) Owner is the last known record titleholder of a vehicle according to the records of the Bureau of Motor Vehicles.
- (g) Public Agency is the local agency given the responsibility by statute or ordinance for the removal, storage and disposal of abandoned vehicles.

Sec. 6-296 Wrecked, Junked, and Abandoned Vehicles Declared Nuisance.

- (a) Wrecked, Junked, and Abandoned vehicles are detrimental to the health, safety, and welfare of the general public. These vehicles constitute a hazard to the health and welfare in that such vehicles furnish shelter and breeding places for vermin and insects. These vehicles constitute a hazard to safety in that such vehicles can have areas of confinement which cannot be opened from the inside such as trunk compartments and engine compartments and present physical dangers to the safety and well-being of the citizens. The keeping, parking, or storage of these vehicles therefore constitutes dangerous conduct, use, and possession of property inimical to the public health, safety, and welfare. In addition, such vehicles are a detriment to the economic welfare of the state, by producing a scenic blight which is adverse to the maintenance and continuing development of the municipalities in the state. Therefore, such vehicles are declared to be a public nuisance and safety and health hazard.
- (b) In addition to the remedies provided in this Section, nuisance vehicles may be abated pursuant to the provisions of this Code prohibiting and abating nuisances.

Sec. 6-297 Wrecked, Junk, and Abandoned Vehicles Prohibited.

- (a) It is unlawful for any person to keep, park, or store any wrecked, junk, or abandoned vehicle, or part thereof, on any public property within the City of Greenwood or on any private property within the City of Greenwood and is visible from public view, regardless of business zone.

Sec. 6-298 Exceptions to Prohibition.

- (a) It is permissible to keep, park, or store a wrecked, junk, or abandoned vehicle, and the prohibitions and restriction of this chapter do not apply, in the following circumstances:
- (1) The vehicle is kept in an enclosed area on private premises out of public view;
 - (2) The vehicle is an antique vehicle registered pursuant to Ind. Code §9-18-12, and would not be considered an abandoned, wrecked, or junk vehicle except for its being mechanically inoperable;
 - (3) A vehicle which is operable and has a valid license plate will not be considered an abandoned vehicle if it is legally parked on a public street within one block of the residence of the registered owner or lessee of the vehicle, provided the vehicle complies in all respects with the City of Greenwood Municipal Code regulating the parking of vehicles;
 - (4) An operable motor vehicle may be legally parked on a public street, or an inoperable vehicle may be stored on private property, notwithstanding the provisions of this Section, if it is parked or stored as the property of a member of the armed forces of the United States who is on active-duty assignment and absent from the community for that purpose;
 - (5) When the vehicle is located upon property licensed or zoned as an automobile scrap yard;
 - (6) When the vehicle is located on a vehicle sale lot or at a commercial vehicle servicing facility;
 - (7) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;
 - (8) A golf cart; or
 - (9) An off-road vehicle.

Sec. 6-299 Notice, removal, and disposal of wrecked, junk, and abandoned vehicles.

- (a) An officer who finds or is notified of a wrecked, junk, or abandoned vehicle and determines that such vehicle is a wrecked, junk, or abandoned vehicle as defined within this Article, the officer, subject to part (6) of this subsection, shall attach in a prominent place a notice tag containing the following information:
- (1) The date, time, officer's name, public agency, 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:
 - (i) twenty-four (24) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under Ind. Code §8-23-4; or
 - (ii) seventy-two (72) hours, for any other vehicle.
 - (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.
 - (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:

- (i) twenty-four (24) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under Ind. Code §8-23-4; or
 - (ii) seventy-two (72) hours, for any other vehicle.
- (6) If in the opinion of the officer the market value of the abandoned vehicle or parts is at least one thousand dollars (\$1,000.00) 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.
- (7) If in the opinion of the officer the market value of the abandoned vehicle or parts is at least one thousand dollars (\$1,000.00), the officer shall require the vehicle or parts to be towed to a storage yard or towing service if the vehicle is not moved after the applicable time as provided herein.
- (b) If a vehicle or a part tagged under the preceding provisions is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition and missing parts.
- (c) If the vehicle is a junk vehicle and the market value of an abandoned vehicle or parts is less than, One Thousand Dollars (\$1,000.00), is not removed within the applicable time period as provided herein, the officer shall:
 - (1) prepare a written abandoned vehicle report of the vehicle, pursuant to subsection (b) of this Section, including information on the condition, missing parts, and other facts that substantiate that the market value is less than One Thousand Dollars (\$1,000.00);
 - (2) take photographs to illustrate the condition of the vehicle;
 - (3) immediately remove the vehicle to an automobile storage yard; and
 - (4) provide a copy of the abandoned vehicle report and photographs to the storage yard, if applicable, relating to the abandoned vehicle.
- (d) A towing service or storage yard may dispose of an abandoned vehicle with a market value of less than One Thousand Dollars (\$1,000.00) not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle.
 - (1) The public agency or storage yard disposing of the vehicle shall retain the original records and photographs for at least two (2) years.
 - (2) If the vehicle is demolished, a copy of the abandoned vehicle report shall be forwarded to the Bureau of Motor Vehicles by the automobile scrap yard after the vehicle has been demolished.
 - (3) A towing service must keep and store the vehicle only in accordance with all provisions of law governing the management of impounded vehicles.
- (e) 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.
- (f) If the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of the notice as required herein, the Public Agency may sell the vehicle as unclaimed property pursuant to Ind. Code §36-1-11. The proceeds of sale shall be credited against the costs of the removal, storage, and disposal of the vehicle.

- (g) An owner of private property who finds an abandoned vehicle on their property may remove the abandoned vehicle pursuant to and consistent with Ind. Code §§9-22-1-15 & 16.
- (h) A person who owns, leases, or occupies property from which an abandoned vehicle or its contents or parts are removed, a public agency, a towing service, an automobile scrapyard, and a storage yard are not liable for loss or damage to a vehicle or parts occurring during the removal or storage of a vehicle or parts under this Article.

Sec. 6-300 Notice to Owner or Lienholder.

- (a) Within three (3) business days after removal of a vehicle by a towing service to a storage yard or towing service under this Section, the public agency shall conduct a search of the National Motor Vehicle Title Information System or an equivalent and commonly available database to attempt to obtain the last state of record of the vehicle in order to ascertain the name and address of the person who owns or holds a lien on the vehicle.
- (b) If the owner or person or entity who may hold a lien cannot be ascertained, the vehicle is considered abandoned and may be disposed of consistent with this Ordinance and statute.
- (c) If the name and address of the owner or lienholder on a vehicle is obtained, the public agency, not later than three (3) business days after obtaining the name and address, notify the owner of the vehicle and any lienholder on the vehicle of:
 - (1) the name, address, and telephone number of the public agency or towing service;
 - (2) that storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed and the charges are not paid;
 - (3) and the earliest possible date and location of the public sale or auction.
- (d) The notice must be made by certified mail.

Sec. 6-301 Fees and Damages.

- (a) The owner of an abandoned vehicle or parts is:
 - (1) responsible for the abandonment; and
 - (2) liable for all of the costs incidental to the removal, storage, and disposal;
of the vehicle or the parts under this chapter.
- (b) The rates and charges to be assessed by a towing service for removing and storing impounded vehicles shall not exceed the rates and charges which the towing service would usually charge for the removal and storage of a vehicle of equivalent type, weight, and size in the ordinary course of its business, but under no circumstance shall the cost of storage of the vehicle exceed \$2,000.
- (c) The costs for storage of an abandoned vehicle with a length of at least thirty (30) feet may not exceed two thousand five hundred dollars (\$2,500).
- (d) If a wrecked, junk, or abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.
- (e) If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs relating to a

tow, the storage of the vehicle, and all allowable fees, as applicable, the vehicle or parts shall be released.

Sec. 6-302 Sale of Wrecked, Junk, or Abandoned Vehicles.

- (a) The proceeds from the sale by the City of wrecked, junk, or abandoned vehicles or parts, including:

(1) charges for bills of sale; and

(2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles;

shall be credited against the costs of removal, storage, and disposal of the vehicle. The remaining proceeds shall be deposited in the abandoned vehicle fund by the City Controller.

- (b) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, sale disposal, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned as described herein or Ind. Code §9-22-6, whichever is applicable.

Sec. 6-303 Penalties.

- (a) Any person who is judged to have violated the provisions of this Code is subject to a fine of up to \$500 in addition to towing and storage charges as provided herein.
- (b) All provisions and respective civil penalties are designed for enforcement through the Greenwood City Court.

Sec. 6-304 Abandoned Vehicle Fund.

- (a) This section applies to sale of wrecked, junk, or abandoned vehicles or parts by a city.
- (b) The Common Council hereby establishes the Abandoned Vehicle Fund to be administered by the City's Finance Department.
- (c) The proceeds from the sale of abandoned vehicles or parts, including charges for bills of sale; and money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles; shall be deposited in the city's abandoned vehicle fund.
- (d) The costs incurred by the City in administering this Article shall be paid from the abandoned vehicle fund.
- (e) The fiscal body shall annually appropriate sufficient money to the fund to carry out this Article. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

Section 2. All prior ordinances or parts thereof inconsistent with any provision of this ordinance are hereby repealed to the extent incompatible. This Ordinance shall have no effect upon any other sections of the Greenwood Municipal Code (1993) except as herein provided.

Section 3. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Adopted by the Common Council of the City of Greenwood, Indiana, this _____ day _____, 2025.

Michael Campbell, President
Greenwood Common Council

ATTEST:

I hereby certify that the foregoing within and attached ordinance was duly passed by the Common Council of the City of Greenwood, Indiana, at a meeting thereof held on the _____ day of _____, _____, by the following vote:

AYE: NAY:

Michael Campbell	☐	☐
Linda S. Gibson	☐	☐
Ezra J. Hill	☐	☐
J. David Hopper	☐	☐
Erin Kasch	☐	☐
David Lekse	☐	☐
Teri Manship	☐	☐
Steve Moan	☐	☐
Michael Williams	☐	☐

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2025, is presented by me this _____ day of _____, 2025, at _____ o'clock _____.m., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2025, is approved by me this _____ day of _____, 2025, at _____ o'clock _____.m.

MARK W. MYERS, Mayor of
the City of Greenwood, Indiana