

## **Chapter 10.52 - ABANDONED VEHICLE–REMOVAL AND IMPOUNDMENT**

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### **10.52.010 Definitions.**

- A. "Abandoned motor vehicle or other personal property" means an automobile or personal property which remains upon the street or other public property for a period of time longer than forty- eight hours, the owner of which cannot be located or the owner of which refuses to remove the same.
- B. "Stolen motor vehicle or other personal property" means that property which the police department has reasonable grounds to believe to be stolen.
- C. "Unidentified motor vehicle or other personal property" means such motor vehicles or other personal property where ownership thereof cannot be ascertained. (Prior code §10-2-16 (part)).

### **10.52.020 Abandoning vehicles or other property prohibited.**

It is unlawful for any owner or any person in charge of a motor vehicle or other personal property to leave or abandon the same upon the streets or public places. (Prior code §10-2-16(part))

### **10.52.030 Removal and custody of vehicles or other property authorized–Storage charge.**

The police department is authorized in addition to any penalty that may be provided therefore, to remove an unidentified, stolen, wrecked or abandoned motor vehicle or other personal property as herein defined found upon any public thoroughfare or other property of the municipality and shall keep the same in its custody and control at such place as may be designated by said police department until redeemed by the owner; and all such unidentified, stolen, wrecked or abandoned motor vehicles or other personal property which now is in the possession of the police department shall be subject to the actual cost of removal or tow-in from the public place and a storage charge of fifty cents per day as long as the same is in possession and custody. (Prior code §10-2-16 (part)).

### **10.52.040 Removal of vehicles from private property–Procedure–Lien for costs.**

If at any time, a vehicle is parked upon private property without the consent of the owner of such property, the police department is authorized to remove said vehicle there from and to cause the same to be stored, provided the owner of such private property has first signed a complaint against the owner or operator of said vehicle.

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The municipality shall have a lien for all necessary costs of removing and storing such vehicle and said vehicle may be held by the municipality until such lien is paid. (Prior code §10-2-17).

**10.52.050 Sale of impounded vehicles or property authorized when–Disposition of funds.**

All motor vehicles and other personal property impounded or heretofore impounded by the police department and unredeemed by the owner thereof for a period of sixty days shall thereafter be subject to sale by the chief of police to the highest bidder for cash as hereinafter provided, and the proceeds of said sale shall be applied to the removal and storage charges accumulated against each article, which shall be deposited with the treasurer and credited with him and shall be kept in a separate fund for a period of one year from the date of receipt and if at the end of said year the former owner of said property has not made satisfactory proof of claim then the balance of said proceeds of sale shall be credited to the general fund of the municipality. (Prior code §10-2-18).

**10.52.060 Redemption of impounded vehicles or property–Procedure–Appeals.**

Any person claiming to be the owner of any impounded property shall make written application therefore to the police department and shall furnish such additional proof as may be required to establish said ownership. If he shall present to said department the proof of his ownership of said impounded property prior to the date of actual sale thereof, then the property itself shall be delivered to said owner under these conditions; but if said property has been sold then said department shall endorse its findings of ownership with a copy of the written application which application and findings shall be addressed to the clerk and if presented within one year after said sale, then such balance of the proceeds of the sale, after deductions, shall be paid to said owner.

Any appeal from the removal, storage and publication costs, if any assessed by the police department shall be in the same manner as provided by law. (Prior code §10-2-19).