

## CHAPTER 90: ABANDONED AND JUNKED MOTOR VEHICLES

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### § 90.01 INTENT AND PURPOSE.

It is the intent of the town to prohibit the abandonment of motor vehicles on public streets or on public or private property within the town and the town may enforce this subchapter by removing and disposing of junked or abandoned motor vehicles according to the procedures prescribed herein. ('85 Code, § 96.15)

### § 90.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED MOTOR VEHICLE.** A motor vehicle shall be deemed to have been abandoned for the purposes of this subchapter in the following circumstances:

- (1) It is left unattended upon a street or highway for longer than 12 hours in violation of a law or ordinance prohibiting parking;
- (2) It is left unattended on property owned or operated by the town for a period longer than 24 hours;
- (3) It is left unattended on any public street or highway for a period longer than seven days; or if motor vehicle is creating a roadway hazard or blocking lanes of travel, it will immediately be towed when vehicle is unattended. (Ord. revised 09-1-19)
- (4) It is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours.

**JUNKED MOTOR VEHICLE.** A vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or removed in the manner in which it was originally intended to move; or

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(3) Is more than five years old and appears to be worth less than \$100. ('85 Code, § 96.16) (Am. Ord. passed 10-13-88)

### **§ 90.03 DUTY OF OWNER TO REMOVE.**

(A) If a motor vehicle is abandoned or junked on a public street or highway, it shall be the duty and

responsibility of the owner of that motor vehicle to cause the removal thereof immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain abandoned on a public street or highway after notice has been duly given to that person to have the vehicle removed.

(B) If a motor vehicle is junked on private property, it shall be the duty and responsibility of the owner of such motor vehicle to cause the removal thereof immediately and to pay all cost incident to such removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain junked on private property after notice has been given to such person to have the vehicle removed. ('85 Code, § 96.17) (Am. Ord. passed 10-13-88) Penalty, see § 10.99

### **§ 90.04 REMOVAL BY TOWN.**

Whenever any motor vehicle is abandoned or junked on a public street or highway, or on property owned or operated by the town, or on private property, any vehicle may be removed by or under the direction of the Building Inspector or Chief of Police, or their designee to a storage garage or area; provided, no merely abandoned vehicle shall be removed from private property without the written request or permission of the owner, lessee, or occupant thereof unless the same has been declared by the Building Inspector or the Board of Aldermen to be a health or safety hazard. ('85 Code, § 96.18) (Am. Ord. passed 10-13-88)

### **§ 90.05 COSTS OF REMOVAL; NOTICE TO OWNER.**

(A) When an abandoned or junked motor vehicle is removed from private property at the request of the owner, lessee, or occupant thereof, the person at whose request the vehicle is removed shall be required to pay or otherwise indemnify the town for any expenses incurred by reason of the removal and storage of the vehicle.

(B) The owner of any vehicle removed hereunder from any public street or highway, or any property owned or operated by the town, or any private property, shall pay to the town all reasonable costs incident to the removal and storage of the vehicle and to locating the owner thereof.

(C) Written notice of each removal of an abandoned or junked vehicle and of the possible sale or disposition thereof shall be given as promptly as possible to the owner thereof at his last known address according to the latest registration certificate or certificate of title on file with the State Department of Motor Vehicles.

(D) Notice need not be given to the registered owner when the vehicle does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible. ('85 Code, § 96.19)

### **§ 90.06 SALE OF ABANDONED MOTOR VEHICLES.**

If an abandoned motor vehicle is worth \$100 (value to be determined by the Building Inspector) or more and should the owner thereof refuse to pay the aforementioned costs or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search, it shall, after being

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held by the town for 30 days and after 20 days written notice to the registered owner at his last known address if his identity is known, and to the holders of all liens of record against the vehicle, and to the State Department of Motor Vehicles, be sold by the Building Inspector or his designee at public auction. However, any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs, including administrative and legal fees of the town which have accrued to date. ('85 Code, § 96.20)

### **§ 90.07 DISPOSITION OF PROCEEDS OF SALE OF ABANDONED MOTOR VEHICLE.**

The proceeds of the sale of an abandoned motor vehicle shall be paid to the town and the Finance Director shall pay from the proceeds the costs of removal, storage, investigation, sale, and liens, in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the town for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the sale, the funds shall be deposited into the town's General Fund and the owner's rights therein shall be forever extinguished. ('85 Code, § 96.21)

### **§ 90.08 DISPOSITION OF JUNKED MOTOR VEHICLES.**

(A) With the consent of the owner, the Building Inspector, or his designee, may dispose of any vehicle as a junked motor vehicle without holding it for any prescribed period of time.

(B) Any unclaimed junked motor vehicle as defined by this subchapter shall be held for a period of at least 15 days. The owner of any vehicle may claim his vehicle during the 15 day retention period by exhibiting proof of ownership to the Building Inspector and after paying all reasonable costs incident to the removal and storage of the vehicle plus administrative expenses. If after the vehicle is held 15 days it remains unclaimed, the vehicle may be destroyed or sold at private sales as junk. Within 15 days after final disposition of a junked motor vehicle, written notice thereof shall be given to the Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined. ('85 Code, § 96.22) (Am. Ord. passed 10-13-88)

### **§ 90.09 DISPOSITION OF PROCEEDS OF SALE OF JUNKED MOTOR VEHICLE.**

The proceeds of the sale of a junked motor vehicle, after all costs of removal, storage, investigation, and sale, and satisfaction of any liens of record on the vehicle have been deducted therefrom, shall be held by the Town Finance Director for 30 days and paid to the registered owner upon demand. If the owner does not appear to claim the remainder of the proceeds within 30 days after disposal of the vehicle, the funds shall be deposited into the town's General Fund and the owner's rights therein shall be forever extinguished. ('85 Code, § 96.23)

### **§ 90.10 DISPOSITION OF UNIDENTIFIED VEHICLES.**

Vehicles not displaying a license plate and whose identification numbers have been removed or defaced so as to be illegible may be destroyed or sold at a private sale, without regard to value, after being held for 48 hours. ('85 Code, § 96.24)

### **§ 90.11 IMMUNITY.**

Neither the town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen vehicle for disposing of the vehicle as contemplated by this chapter. ('85 Code, § 96.25)

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### **§ 90.12 EXEMPTION.**

Nothing in this chapter shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place or manner. ('85 Code, § 96.26) (Am. Ord. passed 10-13-88)

### **§ 90.13 REQUIREMENTS FOR WRECKER TOWING SERVICE PROVIDERS FOR CODE ENFORCEMENT USE.**

(A) Any wrecker firm contracting with the town to provide towing services shall comply with the following requirements:

(1) If the wrecker firm and storage area are physically located within the town's limits or within the extraterritorial jurisdiction, then an eight-foot screening fence shall be provided around the vehicular storage area.

(2) The wrecker firm desiring entry on the rotation list must have at least a two-ton wrecker equipped with half-inch cable. All wreckers must have approved tow-sling, dollies, and dual wheels on the rear, emergency revolving lights and tools.

(3) The wrecker firm must have a well-lighted fenced area for the purpose of storing and keeping vehicles. The wrecker firm is liable for theft or vandalism to a wreckee's property. Towed vehicles must be stored in the enclosed area until claimed by the owner.

(4) The wrecker firm must show evidence of carrying insurance in the following amounts:

- (a) Each person, \$100,000.
- (b) Each occurrence, \$300,000.
- (c) Property damage, \$50,000.

(5) The wrecker firm must provide 24-hour service. The firm may have one daytime number and two nighttime numbers and must answer by the first five rings or lose the call.

(6) The wrecker firm must permit annual inspection of vehicles, equipment and storage area by the Town of Fremont Code Enforcement staff.

(7) All wrecker firms within the Town must be duly licensed by the Town to conduct business.

(8) The wrecker firm's vehicles must be properly registered by the State Department of Motor Vehicles and drivers of the wrecker firm's vehicles must be properly licensed to drive by the state.

(9) The wrecker firm shall at all times have qualified operators available for their wreckers who must not be drinking while answering a call.

(B) A wrecker firm who is found to be in noncompliance in any of the requirements that are set forth in this section shall be removed from the wrecker rotation list immediately and shall be notified in writing by the Town Administrator of the removal and the reasons for its decision. A wrecker firm may be added back on the list when the noncompliance is corrected at the discretion of the Town Administrator.

(C) A wrecker firm who is dissatisfied in any way with the administration of the requirements to provide wrecker service shall file a written statement to the Town Administrator. If the Town Administrator cannot satisfy the complainant, a statement shall be filed with the Town Board of Aldermen/Alderwomen for their consideration.

(Am. Ord. passed 12-16-25)