ORDINANCE NO. 2005-7

AN ORDINANCE REGARDING: JUNK CARS

BE IT ORDAINED by the Town Council of the Town of Corunna as follows:

1. DEFINITION.

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

JUNK CAR.

(A) Any motor vehicle which:
(1) Does not bear a currently valid and legal license plate, or

(2) Does not have the appearance of or contain all of the parts and accessories of the same make and model automobile when manufactured and assembled by the manufacturer, or is partially dismantled, or

(3) Is inoperative or unsafe for highway travel, or

(4) Is located in an area not properly zoned for the storage of automobiles, or

(5) A garage or other building does not include a tarp, plastic sheeting or any other similar material or impermanent means that are used to cover a motor vehicle. A garage or other building as contemplated in this chapter is given its ordinary meaning, or

(6) and is not in a garage or other building.

(B) Any one or all of the above criteria may be used in making a determination that an automobile is a junk car.

2. DECLARED TO PUBLIC NUISANCE.

Because of the danger to health from vermin, rodents and insects and to the safety of children attracted by junk cars, junk cars are declared to be nuisances except if located in lawfully operated junk yards, or yards lawfully operated for vehicles awaiting permission for junking from the Bureau of Motor Vehicles.

3. AUTHORITY OF POLICE DEPARTMENT AND CLERK TREASURER TO ORDER REMOVAL.

Any member of the DeKalb County Sheriff's Department, the Town Marshall's Department, the Town Clerk Treasurer and the Town Code Enforcement Officer may order a junk car removed from any premises in the Town within five days after service and posting as provided

in Section 4.

4. NOTICE TO OWNER.

(A) The order to remove the junk car shall be placed upon the junk car, and copies shall be served upon any adult occupying the real estate on which the junk car is located and upon the owner of the junk car, if known.

(B) If no occupant of the real estate or owner of the junk car can be found, a copy of the order affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate, and to the owner of the junk car.

(C) If there is no building on the real estate, the order may be affixed elsewhere on the real estate.

5. DISPOSAL OF JUNK CARS.

(A) If the junk car is not removed within the time provided in Section 3, the owner of the junk car and the occupant and owner of the real estate upon which it is located shall each, on conviction, be subject to a penalty of Fifty Dollars ($50.00). Each day during which the junk car is permitted to remain and does remain on the real estate after the time fixed in said order shall constitute a separate offense.

(B) In addition, if the junk car is not removed within the time provided in Section 3, the DeKalb County Sheriff's Department, the Town Marshall's Department, Town Clerk Treasurer or the Town Code Enforcement Officer may cause the motor vehicle to be removed at the expense of the owner of the vehicle and the owner of the real estate upon which it is located, the expense to constitute a lien on the real estate; or the DeKalb County Sheriff's Department, the Town Marshall's Department, Town Clerk Treasurer or the Town Code Enforcement Officer may cause the junk car to be removed and to be disposed of in the same manner as now provided by state law for the removal and disposal of abandoned vehicles.

(C) In the event the DeKalb County Sheriff's Department, the Town Marshall's Department, Town Clerk Treasurer or the Town Code Enforcement Officer removes the motor vehicle at the expense of the owner and the expense constitutes a lien on the real estate, the DeKalb County Sheriff's Department, the Town Marshall's Department, Town Clerk Treasurer or the Town Code Enforcement Officer may, nevertheless, utilize funds contained in the Town's Abandoned Vehicle Fund, but must deposit into the Fund all proceeds from the sale of the junk car or parts thereof.

This ordinance shall be in full force and effect from and after its passage and publication as required by law. This ordinance specifically repeals Corunna Ordinance No. 75-3.

PASSED AND ADOPTED by the Town Council of the Town of Corunna, Indiana, on the 25 day of October, 2005.

Jay Christian

Lynn McDonald

Phil Arnett

ATTEST:

Cassandra Lynch, Clerk-Treasurer

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