

THE TOWN OF INDIAN SPRINGS VILLAGE

ORDINANCE REGULATING ABANDONED
OR JUNKED MOTOR VEHICLES*

Sec. 1.0. Definitions.

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Town council. The town council of the Town of Indian Springs Village, Alabama.

Junked motor vehicle. Any motor vehicle which does not have lawfully affixed thereto an unexpired license plate, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

Motor vehicle. Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers and trailers.

Private property. Any real property within the town which is privately owned and which is not public property as defined in this section.

Public property. Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Sec. 2.0. Parking, storing or leaving on public or private property.

No person shall park, store, leave or permit the parking, storing or leaving of any junked motor vehicle of any kind, whether attended or not, upon any public or private property within the town for a period of time in excess of seventy-two hours. The presence of a junked motor vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the

*State law reference-Abandoned motor vehicles, Code of Ala. 1975, § 32-13-1 et seq.

town and properly operated in the appropriate business zone, pursuant to the zoning laws of the town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

Sec. 3.0. Notice to remove--Generally.

Whenever it comes to the attention of the town council that any nuisance as defined in section 2.0 exists in the town a notice in writing shall be served upon the owner of the vehicle or the occupant of the land where the nuisance exists, or, in case there is no such occupant, upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this ordinance.

Sec. 4.0. Same--Procedure.

The town council shall give notice of removal to the owner or occupant of the private property where it is located, at least seven days before the time of compliance. It shall constitute sufficient notice when a copy of the notice is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered or certified mail to the owner or occupant of the private property at his last known address. When such vehicle is located on public property, the town council or its designee may cause the vehicle to be removed without notice to the owner of the vehicle.

Sec. 5.0. Same--Contents.

The notice shall contain the request for removal within the time specified in this ordinance, and the notice to remove; the town or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

Sec. 6.0. Responsibility for removal and expenses incurred.

Upon proper notice and opportunity to be heard, the owner of the junked motor vehicle and the owner or occupant of the private property on which it is located, either or all of them, shall be responsible for its removal. In the event of removal from private property and disposition by the town, the owner of the vehicle and the owner or occupant of the private property where the junked motor vehicle is located, shall be liable for the expenses incurred. In the event of removal and disposition by the town from public property (with or without notice), the owner of the vehicle shall be liable for the expenses incurred. Costs and expenses assessed shall include reasonable attorney's fees and court costs incurred in the enforcement of this ordinance.

Sec. 7.0. Hearing-Request.

The person to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the town council or its designee within the seven day period of compliance prescribed in section 4.0 for the purpose of defending the charges by the town.

Sec. 8.0. Same--Procedure.

The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of such hearing at least three days in advance thereof. At any such hearing the town and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

Sec. 9.0. Removal from property; interference with removal.

If the violation described in the notice has not been remedied within the seven day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the town council or its designee, the town clerk or his designees shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person to enter upon private property for the purpose of removing a vehicle under the provisions of this ordinance.

Sec. 10.0. Notice of removal.

Within forty-eight hours of the removal of such vehicle, the town clerk shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that such vehicle has been impounded and stored for violation of this ordinance. The notice shall give the location where the vehicle is stored and the costs incurred by the town for removal and storage.

Sec. 11.0. Appraisal and disposition.

Upon removing a vehicle under the provisions of section 9.0, the town shall, after ten days, cause it to be appraised. The town clerk shall execute an affidavit describing the vehicle, including the license plates or vehicle identification number, if any, and stating the location and appraised value of the vehicle. The town clerk, after complying with the above, shall summarily dispose of the vehicle and execute a certificate of sale. The town clerk

shall give notice of public sale not less than seven days before the date of the proposed sale.

Sec. 12.0. Public sale--Generally.

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the town clerk shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser, and the copy thereof is to be filed with the clerk of the town. Should the sale for any reason be invalid, the town's liability shall be limited to the return of the purchase price.

Sec. 13.0. Same--Notice.

The notice of sale shall state:

- (a) That the sale is of abandoned property in the possession of the town.
- (b) A description of the vehicle, including make, model, license number and any other information which will accurately identify the vehicle.
- (c) The terms of the sale.
- (d) The date, time and place of the sale.

Sec. 14.0. Redemption of impounded vehicles.

The owner of any vehicle seized under the provisions of this ordinance may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the town council of such sum as it may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, not to exceed fifty dollars plus two dollars per day for storage for each vehicle redeemed.

Sec. 15.0. Failure of owner or occupant to pay removal expenses.

Upon the failure of the owner or occupant of property on which junked motor vehicles have been removed by the town to pay the unrecovered expenses incurred by the town in such removal, a lien shall be placed upon the property for the amount of expenses.

Sec. 16.0 Provisions-Severable.

The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the other parts of this ordinance.