

CITY OF AVOCA

TITLE III: PUBLIC SAFETY
CHAPTER 10: ABANDONED AND DAMAGED VEHICLES

10.01 PURPOSE. The purpose of this ordinance is to protect the health, safety, and welfare of the citizens, and to prevent the unreasonable interference with the comfortable enjoyment of life or property by providing for removal of abandoned and damaged motor vehicles and machinery and the elimination of open storage of abandoned and damaged motor vehicles and machinery except as authorized by the Zoning Code.

10.02 DEFINITIONS. The following definitions shall be applied in the abatement of abandoned vehicle and damaged vehicle nuisances:

1. “Abandoned vehicle” shall mean any of the following:
 - A. A motorized or non-motorized vehicle that has been left unattended on public property (streets and public grounds) for more than 24 hours and lacks current registration plates or two or more structural parts which renders the vehicle inoperable for lawful use upon a public street; or
 - B. A motorized or non-motorized vehicle that has remained illegally on public property for more than 24 hours; or
 - C. A motorized or non-motorized vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than 24 hours; or
 - D. A motorized or non-motorized vehicle that has been impounded and has not been reclaimed for a period of 10 days.
2. “Abatement costs” shall mean the reasonable costs incurred by the city in abating a nuisance. These costs may include, but are not limited to the costs for labor, towing, impoundment, disposal, storage, equipment used, and administrative expenses.
3. “Damaged vehicle” shall mean any vehicle not capable of lawful operation upon a public street or highway. One or more of the following conditions shall be presumptive evidence that a vehicle is not capable of lawful operation upon a public street or highway:
 - A. It is not equipped with one or more operable headlamps as required by Code of Iowa, Chapter 321.385.

- B. It is not equipped with one or more operable rear lamps when required by Code of Iowa, Chapter 321.387.
- C. It is not equipped with one or more operable signal lamps when required by the provisions of Code of Iowa, Chapter 321.404.
- D. It is not equipped with operable brakes when required by Code of Iowa, Chapter 321.430 and 321.431.
- E. It is not equipped with an operable horn when required by Code of Iowa, Chapter 321.432.
- F. It is not equipped with a muffler in good working order as required by Code of Iowa, Chapter 321.436.
- G. It is not equipped with adequate mirrors when required by Code of Iowa, Chapter 321.437.
- H. It is not equipped with a windshield and one or more windows as required by Code of Iowa, Chapters 321.438 and 321.444.
- I. It is not equipped with operable windshield wipers as required by the provisions of Code of Iowa, Chapter 321.439.
- J. It is not equipped with tires or when the tires attached to the vehicle do not meet the requirements of Code of Iowa, Chapter 321.440.
- K. It is not equipped with any other part the lack of which renders the vehicle inoperable.
- L. Any vehicle or part of a vehicle which has become a habitat for rats, mice or snakes or any other vermin or insects.
- M. Any vehicle which is not capable of moving in both forward and reverse gears.
- N. Any vehicle which because of its condition or method of storage constitutes a threat to public safety.
- O. Any other machinery which because of its condition or method of storage constitutes a threat to public safety.

10.03 REMOVAL OF ABANDONED VEHICLE NUISANCE. The City may remove and impound any abandoned vehicle nuisance. Impoundment shall be in any city owned garage or area, or in any designated private facility.

10.04 NOTICE TO OPERABLE ABANDONED VEHICLE OWNERS AND LIENHOLDERS. Upon impoundment the City shall notify by certified mail within three days of having taken possession of an operable abandoned motor vehicle the last known registered owner of the vehicle and all lienholders of record at their last known addresses. Notice shall be deemed given when mailed. Notice shall describe year, make, model, and serial number and/or Vehicle Identification Number (VIN); set forth the location of the facility where it is being held; inform the owner and any lienholders of their rights to reclaim the abandoned vehicle within fourteen (14) days after the effective date of the notice upon payment of all abatement costs; and that failure to claim the vehicle will result in its sale or demolition.

10.05 NOTICE TO UNIDENTIFIABLE OWNERS OF OPERABLE ADBANDONED VEHICLE NUISANCES. If the identity of the last registered owner of an operable abandoned vehicle cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one official newspaper shall be made by the City and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed by a notice through certified mail.

10.06 MANDATORY EXTENSION OF RECLAIMING PERIOD. The owner or any lienholder may, by written request to the authorized official prior to the expiration of the 14 day reclaiming period, obtain an additional 14 days in which the vehicle may be reclaimed.

10.07 ABATEMENT COSTS. The owner or any lienholder shall pay all abatement costs prior to reclaiming an operable abandoned vehicle.

10.08 AUCTION OF OPERABLE ADANDONED VEHICLES: If an abandoned vehicle is operable but is not reclaimed within the 14 day period provided for in this Chapter, the Police Chief shall make a determination as to whether or not the abandoned vehicle should be sold for use upon the public streets and highways. If it is to be sold for such use, it shall first be inspected as required by law, have a valid certificate of inspection affixed, and shall then be sold at auction, and title given in accordance with the law.

10.09 INOPERABLE ABANDONED VEHICLES. Any inoperable abandoned vehicle nuisance, removed by the City shall be disposed of to a demolisher or auctioned off.

10.10 DAMAGED VEHICLE NUISANCE. The City hereby declares that the parking or storage of damaged vehicles on private property within the corporate limits of the City where not authorized by law is a nuisance because the same is injurious to health, indecent and offensive to the senses, and is an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life and property.

10.11 DAMAGED VEHICLE EXCEPTIONS. The provisions of this Chapter shall not apply:

1. To damaged vehicles kept on private property within an enclosed building,
or
2. To damaged vehicles kept on private property in conformance with the City Zoning Ordinance by a person licensed as an authorized vehicle recycler under the provisions of the Code of Iowa, Chapter 321H.