

SUBCHAPTER 3J VEHICLE IMPOUNDMENT

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3-3J-1 PURPOSE. The purpose of this Chapter is to protect the health and welfare of the citizens of Maquoketa by prohibiting the parking of junk vehicles on private and public property and to provide penalties and a procedure for the removal of junk vehicles from private property.

3-3J-2 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Junk Vehicle" shall mean:
 - a. Any vehicle with a shattered or broken out windshield, or rear window.
 - b. Any vehicle that has missing from its visible current registration plate, an axle, a tire, an engine, a bumper, door, windshield or rear window or steering wheel.
 - c. Any vehicle which has become habitat of rats, mice or snakes or any other vermin or insects.
 - d. Any other vehicle which because of its defective or obsolete condition is in any other way a threat to the public health or safety or contains gasoline or other flammable fluids.
2. "Abandoned Motor Vehicle" shall mean:
 - a. A vehicle that has been left unattended on public property for more than twenty-four (24) hours or lacks current registration plate or two or more wheels or other parts which renders the vehicle inoperable.
 - b. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.
 - c. A 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 twenty-four (24) hours.
 - d. Any vehicle parked on the highway, determined by a police authority, to create a hazard to other vehicular traffic.

However, a vehicle shall not be considered abandoned for a period of five (5) days if its owner or operator is unable to move the vehicle and notifies the police authority and requests assistance in the removal of the vehicle.

3-3J-3 ENFORCEMENT. A law enforcement official who observes an abandoned or junk vehicle or parts of a junk vehicle on private property shall follow this procedure:

The law enforcement official shall verbally warn the owner of the junk vehicle or vehicle parts to remove the junk vehicle or parts from the premises or to store the junk motor vehicle or parts in an enclosed building so that the junk vehicle or parts are hidden from the public view.

In the event that the junk motor vehicle or parts are still within public view in the City of Maquoketa after the elapse of 48 hours from the verbal warning, then the law enforcement official shall serve an abatement notice upon the property owner. The abatement notice shall clearly inform the owner of the premises or person in control of the premises or the owner of the car to remove the motor vehicle from the premises within five (5) days from the delivery of the notice.

In the event that the junk vehicle or parts of a vehicle remain on the premises 5 days after the serving of the notice of abatement, a law enforcement official may have the junk vehicle or parts of the vehicle towed to the City impound lot.

If a law enforcement official observes an abandoned vehicle or junk vehicle on the public streets or public property, the law enforcement official shall follow the following procedure:

They shall place on the windshield a Notice stating that the vehicle shall be impounded by the City police if not removed within forty-eight (48) hours.

If the vehicle remains on the public streets or the public place after the expiration of the forty-eight (48) hours, then the officer shall have the vehicle

removed to the City impound lot.

The officer shall follow the notification procedure set forth in 321.89, Paragraph 3A, within twenty (20) days of the impounding of the vehicle.

3-3J-4 PENALTIES. It shall be a municipal infraction for a person for any person to park a junk vehicle on the City street or to park a junk vehicle or parts of a vehicle on private property: and (Ord. 1142, 06-02-2018)

It is hereby declared to be a nuisance to park a junk vehicle or parts of a vehicle on private or public property: and, this nuisance may be abated under the Municipal Infractions Ordinance or the Nuisance Abatement Ordinance of the City of Maquoketa.

3-3J-5 EXCEPTIONS. It shall not be a violation of this Ordinance for a property owner to store a junk vehicle or parts of a junk vehicle in an enclosed building which covers the junk vehicle or parts of vehicle from public view.

It shall not be a violation of this Ordinance if the owner of a junk vehicle has been issued a permit by a law enforcement official to park a junk vehicle on his premises for a period of time not to exceed 30 days: and,

A law enforcement official may grant a permit for an owner to park a junk vehicle on his premises for not to exceed 30 days if the owner is making efforts to have the vehicle repaired for lawful operation on the public highways.

It shall not be a violation of this Ordinance if the owner of a body shop, in a zone of the City zoned commercial, shall retain one or more vehicles, that by this Ordinance would be classified as junk vehicles: provided however, that the junk vehicles on the premises of the body shop shall be contained in an area that is completely separated from public view by a site barrier such as a fence or equivalent site barrier.

3-3J-6 NUISANCE. It is hereby declared that the storage of abandoned motor vehicles or junk vehicles within the corporate limits of the City, with the exceptions in Section 3-3I-5 and 3-3I-81, is dangerous to the health and welfare of the citizens of the City and is a nuisance under the provisions of Section 657.1 of the 1993 Code of Iowa as amended from time to time.

3-3J-7 VIOLATION. Any property owner or person in possession of property within the corporate limits of the City with the exceptions of Section 3-3I-5 and 3-3I-8 of this Subchapter who shall allow the storage of obsolete motor vehicles or junk vehicles upon his property in his possession shall be guilty of a municipal infraction. (Ord. 1142, 06-02-2018)

3-3J-8 EXCEPTION FOR LICENSED SALVAGE YARDS OR JUNK YARDS. The provisions of this Chapter shall not apply to auto salvage yards or junk yards that are duly licensed by the City.

3-3J-9 PRIMA FACIE RESPONSIBILITY. If any obsolete motor vehicle is stored upon property in violation of this Subchapter the owner of said property shall be prima facie responsible for said violation.

3-3J-10 IMPOUNDING. If any abandoned or junk motor vehicle is stored upon property in violation of the provisions of this Subchapter or is found upon the streets and highways, parking lots, or public places reasonably appearing to be abandoned, it may be removed under the direction of the Police Chief or any police officer and may be impounded. Impoundment shall be in any City owned garage or area or in any privately owned public garage designated by the Council.

Within twenty (20) days after the impoundment of a vehicle the City shall cause a Notice that complies with Section 12 of this Ordinance to be sent by Certified Mail to everyone entitled to Notice under Section 12.

3-3J-11 IMPOUND FEES. Within twenty-one (21) days after the impoundment of any such motor vehicle the owner thereof may appear and claim the same on payment of an impoundment fee of \$20.00 for the first day of impound plus \$5.00 per day thereafter, plus towing charges if stored by the City, or upon payment of the towing charges and storage fees, if stored in a public garage, whereupon said vehicle shall be released.

3-3J-12 NOTICE. Notice to be sent by Certified Mail within twenty (20) days of taking vehicle into custody.

Last known name and address of registered owner:

(Here state the last known name and address of vehicle owner)

Lien Holders of Record:

(Here state the name and address)

Anyone else who may claim the vehicle or personal property in it:

(Here state the name and address)

You are hereby NOTIFIED that on the ____ day of _____, 20____, the following vehicle was taken into custody.

Vehicle Make: _____

Model Year: _____

Vehicle ID No.: _____

Personal Property in Vehicle: _____

The vehicle is being held at the following location: _____

You are hereby NOTIFIED that you have the right to reclaim the vehicle and the personal property within twenty-one (21) days from the mailing of this Notice upon payment of the following:

- a. Towing Charges: \$_____
- b. Preservation and Storage Charges: \$_____
- c. The cost of this Notice: \$_____

You are further NOTIFIED that your failure to reclaim the vehicle or personal property within the allowed time shall be deemed a waiver of your right title, claim and interest in the vehicle and the property.

You are further NOTIFIED that your failure to reclaim the vehicle or property shall be deemed a consent to the sale of the vehicle and property at public auction or the disposal of the vehicle by a demolisher.

You have the right to dispute the amount of the charges stated above and you may ask for an Evidentiary hearing on these charges by delivering to the office of the City Clerk at City Hall a written request for a hearing on the charges. The written request must contain your name, address, and telephone number.

If you fail to reclaim or ask for a hearing within twenty-one (21) days after the date of the mailing of this Notice as shown by the postmark, you shall no longer have any right, title, claim or interest in or to the vehicle or the property.

You are further NOTIFIED that after twenty-one (21) days from the date of the mailing of this Notice, if no one has reclaimed the vehicle or property or asked for a hearing within the time allowed, the vehicle and property will be sold at public auction unless the vehicle lacks an engine or two or more wheels or is otherwise totally inoperable. If the vehicle lacks an engine or two or more wheels or is otherwise totally inoperable, the vehicle will be disposed of to a demolisher with or without a public auction.

(Ord. 833, 05-16-1994)

