

614. ABANDONED AND JUNKED MOTOR VEHICLES

614.010. DECLARATION OF PURPOSES. The accumulation and storage of abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicles within the City is hereby found to create an unsightly condition, tending to reduce the value of private property, to invite plundering, to create fire hazards and to constitute an attractive nuisance creating a hazard to children.

614.020. DEFINITIONS.

1. Motor Vehicle. Means every vehicle which is self-propelled, including, but not limited to cars, trucks, buses, motorcycles, snowmobiles, and tractors.

2. Abandoned motor vehicle. Any motor vehicle that has remained:

- a. in an inoperable condition on public property; or
- b. on public property illegally for more than 48 hours; or
- c. on private property without the consent of the person in control of that property.

3. Junked motor vehicle. Any motor vehicle:

- a. without a motor vehicle license plate currently valid in Minnesota or any other state or foreign country; or
- b. with or without motor vehicle license plates, which vehicle is wrecked, partially dismantled or inoperative.

Any vehicle which is kept in an enclosed garage or storage building shall not be considered a junked motor vehicle.

614.030. ABANDONMENT OF MOTOR VEHICLES PROHIBITED. No person shall abandon a motor vehicle within the City.

614.040. PARKING OF JUNKED MOTOR VEHICLES PROHIBITED. No person shall park or permit the parking of any junked motor vehicle on any property within the City.

614.050. IMPOUNDMENT OF ABANDONED VEHICLES. The police department shall take into custody and impound any abandoned motor vehicle immediately upon determination that it has been abandoned.

614.060. NOTICE TO OWNERS OF JUNKED VEHICLES. Upon determination that a motor vehicle is a junked vehicle, the owner shall be notified of the violation by regular mail,

and be required to repair the junked vehicle, obtain the necessary licenses for the vehicle, remove it from the property, and/or place the vehicle in a garage within ten (10) days. If the motor vehicle remains a junked motor vehicle after the ten (10) days, the police department shall issue a criminal citation to the owner of the property upon which the vehicle is parked and/or to the registered owner of the motor vehicle.

614.070. DISPOSAL OF ABANDONED VEHICLES. Notwithstanding Paragraph 613.010, the following shall apply to abandoned motor vehicles that have been impounded:

1. When an abandoned vehicle is taken into custody, the police department shall give notice of the taking within ten days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under Paragraph 614.070, (2), and shall state that failure of the owner or lien holders to exercise their right to reclaim the vehicle be deemed a waiver by them of all right, title and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to Paragraph 614.070, (3), (4), or (5).

The notice shall be sent by regular mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

2. The owner of the abandoned motor vehicle or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City, upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice required by Paragraph 614.070, (1).

Nothing in Paragraph 614.050, 614.060, or 614.070, (1) shall be construed to impair any lien of a garage keeper under the laws of this State, or the right of a lien holder to foreclose. For the purposes of this Section, "garage keeper" is an operator of a parking facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

3. An abandoned motor vehicle taken into custody and not reclaimed under Paragraph 614.070, (2), shall be sold to the highest bidder at public auction or sale, following two weeks published notice. The purchaser shall be given a receipt, in a form prescribed by the Registrar of Motor Vehicles, which receipt shall be sufficient title to dispose of the vehicle. However, before such a vehicle is issued a new certificate of title, it may be required to receive a motor vehicle safety check and an emissions test.

4. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public

auction, and shall not be subject to the notification, reclamation, or title provisions of Paragraph 614.070, (1), or (2).

5. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Code. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for six (6) months and then shall be deposited in the City treasury.

6. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it pursuant to contract under M.S.A. 168B.09 and 168B.10.

614.080. CRIMINAL PENALTIES. Any person violating any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor.

614.090. OTHER REMEDIES. Nothing herein shall preclude the City from obtaining such other remedies as the City deems necessary, appropriate and advisable in the circumstances, including, but not limited to, seeking civil relief through the District Court against the owner of any private property upon which any abandoned or junked vehicle is located.