

CHAPTER 94: ABANDONED VEHICLES

Section

- 94.01 Nuisance
- 94.02 Definitions
- 94.03 Abandonment of vehicles
- 94.04 Leaving of wrecked, nonoperating vehicles on street
- 94.05 Wrecked or discarded vehicles; private property
- 94.06 Authority to remove
- 94.07 Prosecution
- 94.08 Claiming vehicle
- 94.09 Impoundment and sale
- 94.10 Proceeds of sale
- 94.11 Records

- 94.98 Violations

94.01 NUISANCE.

The City Council of Olivia determines and declares that vehicles that are or may in the future be abandoned in the streets and other places within the city; and are or may in the future be dismantled, partially dismantled, wrecked, junked, nonoperating, or discarded in and about the city other than in junk yards or other appropriate places; and the conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property, invite plundering, create fire hazards and other safety and health hazards to children, as well as adults, interfere with the comfort and well-being of the public and creates extends and aggravate area blight; and adequate protection of the public health safety and welfare requires that the conditions shall be regulated, abated, or prohibited. (Ord. 248, passed 7-21-1997)

’ 94.02 DEFINITIONS.

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

ABANDONED VEHICLES. Shall have the definition given in M.S. ’ 168B.011, Subd. 2, as it may be amended from time to time.

JUNK VEHICLE. Shall have the definition given in M.S. ’ 168B.011, Subd. 3, as it may be amended from time to time.

PERSON. Any person, firm, partnership, associations, corporation, company, or organization of any kind.

PRIVATE PROPERTY. Any real property which is not a duly dedicated street or highway.

STREET or **HIGHWAY.** The dedicated traveled portion of any public way between the boundaries of private property, whenever the same is open to the use of the public for the purposes of travel.

UNAUTHORIZED VEHICLE. Shall have the definition given in M.S. ’ 168B.011, Subd. 4, as it may be amended from time to time.

VEHICLE. Any device or machine designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property, and shall include, without limitation, automobiles, trucks, trailers, wagons, tractors, and motorcycles
(Ord. 248, passed 7-21-1997)

’ 94.03 ABANDONMENT OF VEHICLES.

No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city for the time or under the circumstances as to cause the vehicle reasonably to appear to have been abandoned or so as to become unauthorized as set forth in M.S. ’ 168B.04, Subd. 2, as it may be amended from time to time.
(Ord. 248, passed 7-21-1997) Penalty, see ’ 10.99

’ 94.04 LEAVING OF WRECKED, NONOPERATING VEHICLES ON STREET.

No person shall leave on any street or highway within the city any partially dismantled, nonoperating, wrecked, or junked vehicle or any vehicle not properly and currently licensed by the State of Minnesota for operation within the State of Minnesota. This section shall not apply to a vehicle left due to an emergency or accident provided that the vehicle shall not be allowed to remain for more than 24 hours or in a manner that unduly interferes with the flow of traffic or

otherwise endangers the health, safety, or welfare of the public.
(Ord. 248, passed 7-21-1997) Penalty, see ' 10.99

' 94.05 WRECKED OR DISCARDED VEHICLES; PRIVATE PROPERTY.

No person in charge or control of any property within the city whether as owner, tenant, occupant, lessee, or otherwise shall permit or allow any partially dismantled, nonoperating, wrecked, junked, discarded, or abandoned vehicle, or any vehicle not properly licensed for operation within the State of Minnesota by the State of Minnesota, to remain on the property longer than 24 hours; and no person shall leave the vehicle on any property within the city for a longer period than 24 hours, except that this section shall not apply to vehicles within a closed building or to a vehicle on the premises of a business or enterprise operated in a lawful place and manner when necessary to the operation of the business or enterprise, and except that a vehicle may be considered unauthorized after the time limits set forth in M.S. ' 168B.04, Subd. 2, as it may be amended from time to time.
(Ord. 248, passed 7-21-1997) Penalty, see ' 10.99

' 94.06 AUTHORITY TO REMOVE.

Any vehicle parked or stored in violation of any provision of this code or any ordinance of the city, or of the law of the State of Minnesota, shall be declared to be a public nuisance and the same may be abated by removing the vehicle by or under the direction of any police officer of the city by means of towing or otherwise as authorized by state law, and provided that notice that the vehicle has been impounded shall be given in compliance with M.S. ' 168B.06, as it may be amended from time to time, and any other applicable statute.
(Ord. 248, passed 7-21-1997)

' 94.07 PROSECUTION.

The impounding of any vehicle shall not prevent or preclude the institution or prosecution of any criminal proceedings against the owner or operator of the impounded vehicle.
(Ord. 248, passed 7-21-1997)

' 94.08 CLAIMING VEHICLE.

Before the owner or his or her agent shall be permitted to remove a vehicle from the possession of the city, he or she shall:

(A) Furnish satisfactory evidence to the city of his or her identity and ownership of the vehicle; and

(B) Pay the expenses of towing and storage.

(Ord. 248, passed 7-21-1997)

‘ 94.09 IMPOUNDMENT AND SALE.

(A) The city shall take into custody and impound any junked, abandoned, or unauthorized motor vehicle as defined by M.S. ‘ 168.011, as it may be amended from time to time, and as regulated by this chapter.

(B) It shall give notice of the taking as provided by law and, if the owner or any lien holder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at auction or sale following 2-weeks' published notice.

(Ord. 248, passed 7-21-1997)

‘ 94.10 PROCEEDS OF SALE.

The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the city and treated as required by state law. If the former owner or entitled lien holder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, the former owner shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the

vehicle and all administrative, notice, and publication costs incurred in its handling.

(Ord. 248, passed 7-21-1997)

‘ 94.11 RECORDS.

The city shall keep a record of all vehicles impounded by manufacturer's trade name, motor vehicle license number, V.I.N. number, and the names and addresses of the owner and of all persons claiming the vehicle and the nature and circumstances of the impounding thereof together with the violation on account of which the vehicle was impounded.

(Ord. 248, passed 7-21-1997)

‘ 94.98 VIOLATIONS.

Any person violating any of the provisions of this chapter shall be adjudged guilty of a misdemeanor. The costs of prosecution may be added as authorized by state law, the Rules of Court, and the Rules of Civil and Criminal Procedure.

(Ord. 248, passed 7-21-1997) Penalty, see ‘ 10.99