

CHAPTER 140

ABANDONED VEHICLES

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140.01 **DEFINITIONS.** For use in this chapter the following terms are defined:

1. "Abandoned vehicle" means any of the following:  
(Code of Iowa, Sec. 321.89[1a])

A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable, or

B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours, or

C. A vehicle that has been unlawfully parked on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or

D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process in 140.03, or

E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic, or

F. A vehicle that has been impounded by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

(Code of Iowa Sec. 321J.4B)

2. "Demolisher" means any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. "Police Authority" means the Iowa state patrol, any law enforcement agency of a county or city, or any special security officer employed by the state board of regents.

(Code of Iowa Sec. 262.13)

**140.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES.** A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned vehicle on private property. A police authority taking into custody an abandoned vehicle which has been determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, Preserving, storing, or disposing of abandoned vehicles. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle. The owners, lienholders, or other claimants of the abandoned vehicle shall not have a cause of action against a private entity for action taken under this section, if the private entity provides notice as required by 140.03 to those persons whose names were provided by the police authority.

**140.03 NOTICE BY MAIL.** Notification of owner, lienholders, and other claimants. A police authority or private entity which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model, and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this section. The notice shall also state that the failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the Vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. The notice shall state that any

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Person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property with the ten (10) day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants, after the expiration of the ten-day reclaiming period.

(Code of Iowa, Sec. 321.89[3a])

**140.04 NOTIFICATION IN NEWSPAPER.** If the identity of the last registered owner 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 newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 140.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 140.03.

(Code of Iowa, Sec. 321.89[3b])

**140.05 EXTENSION OF TIME.** The owner, lienholders or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the ten-day reclaiming period, obtain an additional five (5) days within which the vehicle or personal property may be reclaimed.

(Code of Iowa, Sec. 321.89[3c])

**140.06 FEES FOR IMPOUNDMENT.** The owner or lienholder shall pay the following fees to the police department upon claiming the vehicle:

Impound processing fee - fifteen dollars (\$15.00)

Storage and towing fee charged by the authorized tow company according to current agreement (if such agreement exists) or established fee schedule of the tow company.

In situations where the vehicle is stored on City-owned property, the additional daily storage rate is set at ten dollars (\$10.00) Per day.

**140.07 DISPOSAL VEHICLES.** If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority or private entity shall sell the vehicle at public auction. Notwithstanding any other provision of this section, a police authority or private entity, which has taken into possession any abandoned vehicle which lacks an engine, two or more wheels, another part which renders the vehicle totally inoperable, or which has a fair market value of less than five hundred dollars as determined by the police authority or private entity, may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures in 140.03. The purchaser of the vehicles takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a certificate of title if sold for use upon the highways. If the vehicle is sold or disposed of to a demolisher for junk, the demolisher shall make application for a junking certificate to the county treasurer within thirty days of purchase and shall surrender the sales receipt in lieu of the certificate of title.

(Code of Iowa, Sec. 321.89[4])

**140.08 PROCEEDS FROM SALES.** From the proceeds of the sale of an abandoned vehicle the police authority, if the police authority did not hire a private entity, shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to 140.03 and 140.04, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administration costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the road use tax fund. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, and all other costs which result from placing abandoned vehicle in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the road use tax fund and are the obligation of the last owner or owners, jointly and severally. The director of transportation shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund. If a private entity has been hired, the police authority may file a claim from the department for reimbursement of towing fees which shall be paid from the road use tax fund.

(Code of Iowa, Sec. 321.89[4])



CHAPTER 141

JUNK AND JUNK VEHICLES

141.01 Definitions

141.02 Junk and Junk Vehicles Prohibited

141.03 Junk and Junk Vehicles a Nuisance

141.04 Exceptions

141.05 Notice to Abate

**141.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled or wrecked automobiles, or parts of automobiles, or iron, steel, or other old or scrap ferrous or nonferrous material.

2. "Junk Vehicle" means any vehicle legally placed in storage with the County Treasurer or unlicensed, stored within the corporate limits of the City and which has any one of the following characteristics:

A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

B. Broken or Loose Part. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece.

C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

D. Flammable Fuel. Any vehicle unlicensed or legally placed in storage with the County Treasurer which contains gasoline or any other flammable fuel.

E. Inoperable. Any motor vehicle if it lacks an engine, wheels or other parts which renders said motor vehicle unfit for legal use, or which cannot be immediately started and moved under its own power, as demonstrated by the owner to the police officer.

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F. Unsafe and Unattended. Any vehicle left unattended up on blocks, jacks or elevated in any other way which constitutes a threat to the public health.

G. Storage. Any vehicle used as storage for items such as rags, old rope, batteries, paper, trash bags, machinery, mechanical parts, scrap housing goods, dead plant material or any similar material.

For the purpose of this subsection, "stored" shall not include vehicles situated on the premises of operating auto body shops, vehicles repair shops, service stations or similar commercial businesses, as long as the vehicle does not stay on the premises for more than 30 days.

3. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

4. "Property" means either private or public real property within the City.

5. "Unlicensed" means any vehicle which is not displaying a valid current license as required by the laws of the State.

6. "Structure" means full enclosed building that does not allow the contents to be viewed from the outside. A structure does not include a car cover or tarp.

**141.02 JUNK AND JUNK VEHICLES PROHIBITED.** It shall be unlawful for any person to store, accumulate, or allow to remain on any property in the person's control, any junk or junk vehicle.

**141.03 JUNK AND JUNK VEHICLES A NUISANCE.** It is hereby declared that storage within the corporate limits of any junk or a junk vehicle upon private property owned or controlled by the owner of the junk or junk vehicle, unless excepted by Section 141.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is stored upon private property in violation hereof, the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

(Code of Iowa, Sec. 364.12[3a])

CODE OF ORDINANCES, WEBSTER CITY, IOWA

**141.04 EXCEPTIONS.** The provisions of this chapter shall not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operating within the City.

**141.05 NOTICE TO ABATE.** Upon discovery of any junk or junk vehicle stored upon private property in violation of Section 141.03, the police authority shall within five (5) days initiate abatement procedures as outlined in Sections 56.01 through 56.09.

(Code of Iowa, Sec. 364.12[3a])



