

TITLE 15
VEHICLES AND TRAFFIC

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Chapters:

- 15.08 Riding or driving over walks**
- 15.10 Speed limits**
- 15.14 Noise limits**
- 15.16 Parking**
- 15.20 Weight limits**
- 15.22 Removal and Disposal of Abandoned Vehicles**

Chapter 15.08

RIDING OR DRIVING OVER WALKS

Sections:

15.08.010 Riding or driving over walks

15.08.010 Riding or driving over walks. To prohibit riding or driving over walks inside the corporation, except where there is a public or private driveway. Any one violating such ordinance shall be fined not less than \$5.00 or more than \$50.00. (Ord. 9, S1, July 10, 1924)

Chapter 15.10

SPEED LIMITS

Sections:

- 15.10.010** **Maximum Speed Limits**
- 15.10.020** **Penalty for Violation**

15.10.010 Maximum Speed Limits. No person shall drive or operate a motorized vehicle along, upon or across any public street or roadway in the Town of Spurgeon in excess of the maximum speed limit. The maximum speed limit is hereby established at twenty-five (25) miles per hour, except for State Road 61 upon which the limits are set by the state of Indiana. (Ord. 2009-2, S15.10.010, Sept. 2, 2009) (Ord. 8, S1, July 10, 1924)

15.10.020 Penalty for Violation. Violations of this chapter will constitute a moving traffic offense. Whenever a police officer shall find that such offense has been committed, such officer shall prepare a written notice to appear in court in conformity with I.C. 9-30-3-6, and the Indiana Information and Summons form shall be used for that purpose. The penalty for such violation shall be the penalty prescribed for a Class C infraction by IC. 34-28-5-4. (Ord. 2009-2, S15.10.020, Sept. 2, 2009)

Chapter 15.14

NOISE LIMITS

Sections:

- 15.14.030 Mufflers and Noise Limits**
- 15.14.040 Penalty for Violation**

15.14.030 Mufflers and Noise Limits. A motor vehicle shall not be equipped with muffler cut-outs, bypasses or similar device which produces noise of a nature or volume, such as it is enough to significantly interfere with the ordinary comforts of occupants of adjoining property or of other property in the immediate vicinity. (Ord. 2009-2, S15.10.030, Sept. 2, 2009) (Ord. 8, S2, July 10, 1924)

15.14.040 Penalty for Violation. Violations of this chapter will constitute a traffic offense under I.C. 9-19-8. Whenever a police officer shall find that such offense has been committed, such officer shall prepare a written notice to appear in court in conformity with I.C. 9-30-3-6, and the Indiana Information and Summons form shall be used for that purpose. The penalty for such violation shall be the penalty prescribed for a Class C infraction by I.C. 34-28-5-4. (Ord. 2009-2, S15.10.040, Sept. 2, 2009)

Chapter 15.16

PARKING

Sections:

15.16.010 Parking prohibited

15.16.010 Parking prohibited.

- (1) No parking at entrance of fire truck drive. (Ord. 129, Dec. 11, 1933)

Chapter 15.20

WEIGHT LIMITS

Sections:

15.20.010 Established

15.20.010 Established. The Town Council of the Town Of Spurgeon, Pike County, Indiana has set a limit of ten tons be in place for the weight of vehicles, exempting Farm Equipment, that travel down the side roads of the Town of Spurgeon. (Ord. 2009-2, Apr. 1, 2009)

Chapter 15.22

REMOVAL AND DISPOSAL OF ABANDONED VEHICLES

Sections:

15.22.010	Adoption of Indiana Code 9-22-1 et. Seq.
15.22.020	Vehicle Defined
15.22.030	Abandoned Vehicle Defined
15.22.040	Parts Defined
15.22.050	Enforcement Authority
15.22.060	Responsibility and Liability of Owner of Abandoned Vehicle or Parts
15.22.070	Tagging Abandoned Vehicle or Parts
15.22.080	Abandoned Vehicle Report
15.22.090	Disposal of Vehicle or Parts
15.22.100	Towing and Storage of Vehicle or Parts
15.22.120	Non-Liability for Loss or Damage
15.22.130	Search by Indiana Bureau of Motor Vehicles for Owner or Lien Holder
15.22.140	Charges Allowed for Towing and Storage
15.22.150	Severability
15.22.160	Other Ordinances or Statutes
15.22.170	Effective Date

15.22.010 Adoption of Indiana Code 9-22-1 et. Seq. This ordinance specifically adopts the provisions of Indiana Code 9-22-1-1 through 9-22-1-32 inclusive. (Ord. 2020-1, S15.22.010, Feb. 5, 2020) (Ord. 2018-1, S6.34.010, Jan. 3, 2018)

15.22.020 Vehicle Defined. The term “vehicle” refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle. (Ord. 2020-1, S15.22.020, Feb. 5, 2020) (Ord. 2018-1, S6.34.020, Jan. 3, 2018)

15.22.030 Abandoned Vehicle Defined.

- (1) The term “abandoned vehicle” means the following:
 - A. A vehicle located on public property illegally.
 - B. A vehicle left on public property without being moved for three (3) days.
 - C. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.

- D. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
 - E. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
 - F. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.
 - G. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. (Ord. 2020-1, S15.22.030A, Feb. 5, 2020) (Ord. 2018-1, S3A, Jan. 3, 2018)
- (2) A vehicle otherwise fitting the definition of an abandoned vehicle shall not be considered an abandoned vehicle if it is:
- A. A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
 - B. A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
 - C. A vehicle located on a vehicle sale lot or at a commercial vehicle servicing or leasing facility.
 - D. A vehicle located upon property licensed or zoned as an automobile scrapyard.
 - E. A vehicle registered and licensed under Indiana Code 9-18-12 as an antique vehicle. (Ord. 2020-1, S15.22.030B, Feb. 5, 2020) (Ord. 2018-1, S3B, Jan. 3, 2018)
- (3) A vehicle shall not be considered an abandoned vehicle if it is stored in a garage or other building or within a fenced area which blocks the vehicle from public view. (Ord. 2020-1, S15.22.030C, Feb. 5, 2020) (Ord. 2018-1, S3C, Jan. 3, 2018)

15.22.040 Parts Defined. The term “parts” refers to all components of a vehicle that as assembled do not constitute a complete vehicle. (Ord. 2020-1, S15.22.040, Feb. 5, 2020) (Ord. 2018-1, S6.34.030, Jan. 3, 2018)

15.22.050 Enforcement Authority. The Spurgeon Police Department, is hereby designated to carry out the provisions of this ordinance or the provisions of Indiana Code 9-22-1-1 through 9-22-1-32. For the purposes of this ordinance, the preceding authorized persons may hereafter be referred to as “officer.” (Ord. 2020-1, S15.22.050, Feb. 5, 2020) (Ord. 2018-1, S6.34.040, Jan. 3, 2018)

15.22.060 Responsibility and Liability of Owner of Abandoned Vehicle or Parts. The person who owns an abandoned vehicle or parts is responsible for the abandonment and liable for all of the costs incidental to the removal, storage, and disposal of the vehicle or the parts. All costs incurred shall constitute a lien against the vehicle or parts, and the vehicle or parts shall not be released until all such costs are paid. (Ord. 2020-1, S15.22.060, Feb. 5, 2020) (Ord. 2018-1, S6.34.050, Jan. 3, 2018)

15.22.070 Tagging Abandoned Vehicle or Parts.

- (1) An officer authorized under 15.22.050 who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:
 - A. The date, time, officer’s name, public agency, and address and telephone number to contact for information.
 - B. That the vehicle or parts are considered abandoned.
 - C. That the vehicle or parts will be removed after seventy-two (72) hours.
 - D. That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
 - E. That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within seventy-two (72) hours. (Ord. 2020-1, S15.22.070, Feb. 5, 2020) (Ord. 2018-1, S6.34.060, Jan. 3, 2018)

15.22.080 Abandoned Vehicle Report. If a vehicle or a part tagged under 15.22.070 is not removed within the seventy-two (72) hour period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts. (Ord. 2020-1, S15.22.080, Feb. 5, 2020) (Ord. 2018-1, S6.34.070, Jan. 3, 2018)

15.22.090 Disposal of Vehicle or Parts. If, in the opinion of the officer, the market value of an abandoned vehicle or parts determined under 15.22.080 is less than five hundred dollars (\$500.00), the officer may immediately dispose of the vehicle to an automobile scrapyard. A copy of the abandoned vehicle report and photographs relating to the

abandoned vehicle shall be forwarded to the Indiana Bureau of Motor Vehicles. The city shall retain the original records and photographs for at least two (2) years. (Ord. 2020-1, S15.22.090, Feb. 5, 2020) (Ord. 2018-1, S6.34.080, Jan. 3, 2018)

15.22.100 Towing and Storage of Vehicle or Parts. If, in the opinion of the officer, the market value of the abandoned vehicle or parts determined under 15.22.080 is at least five hundred dollars (\$500.00), the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts. After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage area. (Ord. 2020-1, S15.22.100, Feb. 5, 2020) (Ord. 2018-1, S6.34.090, Jan. 3, 2018)

15.22.120 Non-Liability for Loss or Damage. The Town of Spurgeon shall not be liable for the loss or damage to a vehicle or parts occurring during the removal, storage or disposition of a vehicle or parts under this ordinance. (Ord. 2020-1, S15.22.120, Feb. 5, 2020) (Ord. 2018-1, S6.34.100, Jan. 3, 2018)

15.22.130 Search by Indiana Bureau of Motor Vehicles for Owner or Lien Holder.

- (1) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage area the officer or storage lot shall prepare and forward to the Indiana Bureau of Motor Vehicles an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:
 - A. The make.
 - B. The model.
 - C. The identification number.
 - D. The number of the license plate. (Ord. 2020-1, S15.22.130A, Feb. 5, 2020) (Ord. 2018-1, S6.34.101A, Jan. 3, 2018)
- (2) The officer or storage lot shall request that the bureau advise the officer or storage lot of the name and most recent address of the person who owns or holds a lien on the vehicle. (Ord. 2020-1, S15.22.130B, Feb. 5, 2020) (Ord. 2018-1, S6.34.101B, Jan. 3, 2018)

15.22.140 Charges Allowed for Towing and Storage.

- (1) The owner of an abandoned vehicle which is not removed within the seventy-two (72) hour period is responsible for the towing and storage charges incurred by the Town of Spurgeon. (Ord. 2020-1, S15.22.140, Feb. 5, 2020) (Ord. 2018-1, S6.34.102, Jan. 3, 2018)

15.22.150 Severability. If any provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance. (Ord. 2020-1, S15.22.150, Feb. 5, 2020) (Ord. 2018-1, S6.34.103, Jan. 3, 2018)

15.22.160 Other Ordinances or Statutes.

- (1) All ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinance or parts of ordinances are hereby ratified, re-established and confirmed. (Ord. 2020-1, S15.22.160A, Feb. 5, 2020)
- (2) This ordinance shall not limit the authority of the Town of Spurgeon from towing a vehicle prior to the seventy-two (72) hour period if authorized by another ordinance or statute. (Ord. 2020-1, S15.22.160B, Feb. 5, 2020)

15.22.170 Effective Date. This ordinance shall be in full force and effective from and after its passage by the Town Board. (Ord. 2020-1, S15.22.170, Feb. 5, 2020)