

CITY OF CHASKA CODE OF ORDINANCES

CHAPTER 14

ARTICLE III. ABANDONED VEHICLES

Section 51. Definitions.

For the purpose of this article the following words and phrases shall have the meanings ascribed to them:

Abandoned vehicles: Shall mean any vehicle as defined herein that has remained for a period of more than forty-eight (48) hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight (48) hours on private property without the consent of the person in control of such property or is in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the City of Chaska or the Chaska City Police Department. Any motor vehicle coming into possession of the City or its Police Department by seizure, confiscation or other means and such vehicle has remained unclaimed after notice to the last registered owner hereinafter provided shall be deemed to have been abandoned. A classic car or pioneer car, as defined in Minnesota Statutes, Section 168.10, shall not be considered an abandoned vehicle within the meaning of this article.

Official garage: Shall mean a towing operator other than a City employee who has entered into a contract with the City to provide towing and/or storage services to the City.

Property: Shall mean any real property within the City, whether public or private, and shall include streets, alleys or highways.

Vehicle: Shall mean any machine as defined in Minnesota Statutes, Section 168.011 or 169.01, and shall include snowmobiles.

Vital component parts: Means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including but not limited to the motor, drive train and wheels. (Ord. No.190, Sec. 2, 10/27/69; Ord. No.272, Sec. 1, 12/4/78)

Section 52. Declaration of public nuisance.

The accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperative vehicles as defined herein 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 the health and safety of minors. The accumulation and outside storage of such vehicles are determined to be in the nature of rubbish, litter and unsightly debris and are hereby declared to constitute a public nuisance, which may be abated as provided herein or as provided under any other ordinance of the City or by the laws of the State. (Ord. No.190, Sec. 1, 10/27/69)

Section 53. Storage of abandoned, junked or dismantled vehicles prohibited.

(a) No person shall park, store or leave, or permit the parking, storing or leaving of any abandoned vehicle upon any property, including private property, within the City unless:

(1) Such vehicle is so stored or parked on private property in connection with a duly licensed or authorized business or commercial enterprise, operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise; or

(2) Such vehicle is completely enclosed within a building; or

(3) Such vehicle is stored or parked on private property of the owner thereof, or a member of his family, for the purpose of making repairs thereto; provided that at all times while said vehicle is so stored at least one-half (1/2) of the total number of wheels of said vehicle are in contact with the ground and only one (1) such vehicle shall be so stored or maintained at anyone time.

(b) In the event of a vehicle stored as provided in paragraph (3) above, said vehicle may be so stored for a period not to exceed twenty-one (21) days, at which time the vehicle shall be deemed abandoned. (Ord. No.190, Sec. 3,10/27/69; Ord. No.272, Sec. 2, 12/4/78)

Section 54. Abandonment of motor vehicle deemed misdemeanor; impoundment authorized; procedure.

(a) Any person who abandons a motor vehicle on any public or private property without the consent of the person in control of such property is guilty of a misdemeanor; and, the City of Chaska may take into custody or impound any abandoned motor vehicle.

(b) Whenever any member of the Police Department or person authorized by the Chief of Police shall cause (to be removed) or remove any vehicle pursuant to the provisions of the Code of Ordinances he shall accomplish such removal by requesting a tow and storage from the "official garage." (Ord. No. 272, Sec. 3, 12/4/78)

Section 55. Notice to owner of abandoned vehicle, owner of real property prior to public sale; proceeds of sale.

(a) Whenever it shall appear that a violation of the provisions of this article exists and whenever the motor vehicle involved does not fall within the provisions of Section 56 of this chapter, the City Clerk, Police Chief, or other police officer shall, when said vehicle is on public property, give written notice to the last known registered owner thereof at his/her address, which notice shall state whether or not said vehicle is abandoned, and if not abandoned the same will have ten (10) days from date of the notice, and the manner in which said vehicle may be reclaimed. In the event said vehicle is on private property the same type notice shall be given but in addition to the last registered owner, the owner of the property shall also be given notice.

(b) Any abandoned vehicle which has been in the possession of the City for thirty (30) days or more and remains unclaimed by the registered owner thereof may be disposed of by the Chief of Police by public auction or sale.

(c) Published notice shall be given in the official newspaper at least ten (10) days prior to the sale and the last registered owner shall also be given mailed notice thereof at least ten (10) days prior to said sale. The vehicle shall be sold to the highest bidder.

(d) The proceeds received from the sale of any such vehicle sold pursuant to the terms hereof shall be deposited in the general fund.

(e) In the event the owner of any vehicle sold pursuant to the terms of this article makes application with the Chief of Police within six (6) months from the date of sale and produces proof of ownership, the proceeds of said sale less costs incurred on behalf of the City shall be reimbursed to him. (Ord. No.190, Sec. 4, 10/27/69; Ord. No.272, Sec. 4, 12/4/78)

Section 56. Removal and sale without notice.

When an abandoned motor vehicle is more than seven (7) 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 provisions of Section 55 of this chapter .

Section 57. Entry upon private property for removal or abatement.

(a) Any person, at the direction of the City Clerk, Police Chief or any other police officer of the City, is hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this article.

(b) It shall be unlawful for any person to interfere, hinder or refuse to allow such person so authorized to enter upon private property for the purpose of enforcing this article. (Ord. No.190, Sec. 7, 10/27/69)

Section 58. Authority of City to contract towing service; fees to be specified.

The City may enter into a contract on behalf of the City with any person, firm or corporation who will obtain or provide adequate facilities to handle the tows and the storage of vehicles requested by the City. Such contract shall provide the fees, which fees shall not be exceeded in any case involving the tow or storage requested by the City. (Ord. No.272, Sec. 5(a), 12/4/78)

Section 59. Towing service to file bond.

Every towing operator to whom a contract is awarded for towing and storage shall, upon the execution of such contract, file with the City Clerk of the City of Chaska a bond, approved by the City Attorney, in such amount as may be determined by the City Council. (Ord. No.272, Sec. 5(b), 12/4/78)