

Section 1155 – Abandonment of Motor Vehicles

Section 1155:00: Abandonment of Motor Vehicles and Regulating the Keeping and Storing of Junk Vehicles and Providing Penalties for Violations.

Section 1. Definitions. The following words and terms whenever they occur in this Ordinance are defined as follows:

- A. Person: “Person” means a natural person, firm, association, partnership or corporation and any agent of the aforesaid.
- B. Abandoned Motor Vehicle: “Abandoned motor vehicle” means a motor vehicle as defined in Minnesota Statutes, Section 169.01, which has been voluntarily surrendered by its owner to the City of Foley or to a person duly licensed under Minnesota Statutes, Section 168B.10, or which has remained for more than forty-eight (48) hours in a condition described by one of the following:
 - (1) on public property in violation of a City Ordinance or Minnesota Statutes;
 - (2) on private property without consent of the person in control of the property;
 - (3) on private property in an inoperable condition and/or has no potential use consistent with its usual function, unless kept in an enclosed garage or storage building;
 - (4) without license plates conspicuously displayed thereon; or
 - (5) with license plates which have an expiration date more than ninety (90) days prior to the date of inspection.
- C. Junk Vehicle: “Junk Vehicle” means a motor vehicle, any trailer, marine craft, snowmobile, mobile home, pick-up camper top and camping trailer which is in an inoperable condition and which is partially dismantled which is used for sale of parts or as a source of repair or replacement parts for other vehicles or which is kept for scrapping, dismantling or salvage of any kind. A Junk vehicle shall also be considered an abandoned vehicle for the purposes of this Ordinance.
- D. Inoperable Condition: “Inoperable condition” means that the vehicle has no substantial potential use consistent with its usual function and shall include a vehicle that:
 - (1) has a missing or defective part that is necessary for the normal operation of the vehicle; and

- (2) is stored on blocks, jacks or other supports; or
 - (3) does not have a current vehicle license.
- E. Abandoned Motor Vehicle Exemptions: For the purpose of this Ordinance the following vehicles shall not be considered abandoned motor vehicles:
- (1) a classic or pioneer car as defined in Minnesota Statutes, Section 168.10, provided that it is kept secure and as long as it has substantial potential further use consistent with its usual functions.
 - (2) vehicles on the premises of a motor vehicle and parts dealer, junkyard, junk dealer, motor vehicle salvage dealer, automobile repair garage or body shop;
 - (3) a vehicle screened from the view adjacent residences and public streets by landscaping or fencing or kept in an enclosed garage or storage building; or
 - (4) a vehicle which is registered to the owner or occupant of the property and which is being kept for repair on the property; provided that the vehicle is kept no longer than thirty (30) days in a disabled condition and is kept secure from entry; and provided that only one disabled vehicle may be kept on the property at any given time.
- F. Vital Component Parts: “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.

Section II. Vehicles Constituting a Public Nuisance. Abandoned and junk vehicles are declared to be a nuisance and may be abated as provided herein or as provided under any City Ordinance or Minnesota Statutes. Any vehicle, whether occupied or not, that is found stopped, standing or parked in violation of any City Ordinance or Minnesota Statutes or that is reported stolen or that is found impeding firefighting, snow removal, or plowing or the orderly flow of traffic, is declared to be a public nuisance and may be abated as provided herein or as provided under City Ordinances or Minnesota Statutes. All vehicles not removed from the public streets or right-of-way after a snowfall and after notice has been posted for snowplowing purposes, are hereby declared to be a public nuisance and may be removed as provided in this Ordinance.

Section III. Impoundment of Abandoned Motor Vehicles.

- (1) The Police Department or community service officer may take into custody and impound any abandoned motor vehicle.

- (2) The Police Department or community service officer shall give a five (5) day notice to the owner prior to the impoundment of an abandoned vehicle.
- (3) When an abandoned motor vehicle is taken into custody, the Police Department or community service officer shall give notice of the taking within ten (10) days. The notice shall set forth the date and place of the taking, the year and make, model and serial number of the abandoned motor vehicle and the place where the vehicle is being held. The Police Department or community service officer shall inform the owner and any lienholders of the right to claim the vehicle under Section III, paragraph 4 and shall state that failure of the owner and lienholder to exercise the right to reclaim the vehicle shall be deemed a waiver by them of all right, title and interest in the vehicle and consent to the sale of the vehicle at a public auction pursuant to Section III, paragraph 5.
- (4) The owner or any lienholder of an abandoned motor vehicle shall have a right to reclaim any such vehicle from the city, upon payment of all towing and storage charges resulting from the taking of the vehicle into custody within fifteen (15) days after the date of the notice required by Section III, paragraph 3.
- (5) An abandoned motor vehicle taken into custody and not reclaimed under Section III paragraphs 3 and 4, shall be sold to the highest bidder at public auction or sale following two (2) weeks published notice thereof. The purchaser shall be given a receipt which shall be sufficient title to dispose of the vehicle, the receipt shall also entitle the purchaser to register the vehicle and receive a Certificate of Title, free and clear of all liens and claims of ownership.
- (6) 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 in any other state or foreign country, it shall immediately be eligible for sale at public auction and shall not be subject to notification, reclamation or title provisions or Section III paragraph 3 or 4.
- (7) From the proceeds of sale or abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle and all notice and publication costs incurred pursuant to this Ordinance. Any remainder from the proceeds of the sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days and then shall be deposited in the treasury of the City.

Section IV. Report of Impoundment. Any Police Officer or community service officer directing the impounding of any motor vehicle shall prepare a report of description of such motor vehicle which report shall include the following: year and make of the motor vehicle, license number, model and the serial number if such information can be reasonably obtained, the number of tires, tools and other separate articles of personal property included in the vehicle; a general description of the vehicle with regard to the condition or damaged parts and such other information as shall be necessary to describe adequately the vehicle and property. The original and one (1) copy of said report shall be filed in the Police Department. A copy shall be delivered to the City Clerk.

Section V. Sale of Unclaimed Vehicles. Any vehicle taken into custody and not reclaimed shall be sold to the highest bidder at public auction sale following a reasonable published notice thereof.

Section VI. Penalty. Any person who abandons a motor vehicle on any public or private property or any person who permits a vehicle to constitute a nuisance or any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Seven Hundred Dollars (\$700) or imprisonment in the County Jail for not more than ninety (90) days or both.

Section VII. Effective Date. This Ordinance shall be effective from and after its passage and publication according to law.

The 1974 Code of Ordinances was amended by adding Section 1155 in its entirety by Ordinance Number 241, passed and adopted May 4th, 1992.

Section 1155:00, Section III and Section IV, of the 1974 Code of Ordinances was amended by Ordinance Number 396, passed and adopted January 3, 2012.