

ORDINANCE NO. 2025-16

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, AMENDING CHAPTER 8.25 OF THE WHITESTOWN TOWN CODE (ABANDONED AND UNREGISTERED VEHICLES)

WHEREAS, the Town of Whitestown, Indiana (“Town”) is a municipality duly organized and existing under the provisions of Ind. Code § 36-5-1; and

WHEREAS, pursuant to Ind. Code § 36-5-2-2, the Town Council (“Town Council”) of the Town is the legislative body of the Town;

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the Town Council may adopt ordinances and resolutions for the performance of the functions of the Town; and

WHEREAS, the Town, pursuant to Indiana Code §9-21-1-3, within the reasonable exercise of its police power, may, by ordinance regulate vehicular parking; and

WHEREAS, the Town has previously regulated the parking and storage of abandoned and unregistered vehicles on public and private property within its corporate limits, such regulation being codified, in part, under Whitestown Town Code §8.25; and
and

WHEREAS, the Town Council of the Town now finds that it is in the interests of public safety and welfare to amend the regulation of abandoned and unregistered motor vehicles on Town streets and private property.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Whitestown, Indiana, as follows:

Section 1. The foregoing recitals are incorporated herein by reference.

Section 2. Whitestown Town Code § 8.25 is hereby amended and shall read as follows:

“8.25.010 Definitions.

(A) For the purpose of this chapter, the following definitions shall apply:

ABANDONED MOTOR VEHICLE.

- (a) A vehicle located on public property illegally;
- (b) A vehicle left on public property without being moved for three 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 private property for more than 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 other than this chapter if the impounded vehicle is not

claimed or redeemed by the owner or the owner's agent within 20 days after the vehicle's removal; and

- (g) A vehicle that is at least three model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days.

MOTOR VEHICLE. Except as otherwise provided in this chapter, a vehicle that is self-propelled. The term does not include a farm tractor, implement of husbandry, or motorized bicycle.

UNREGISTERED MOTOR VEHICLE. Any vehicle which is not registered as required by state law, specifically I.C. 9-18-2-1 and the requirements to obtain the appropriate indicia of ownership, such as a license plate or renewal tag, and display the same as required by I.C. 9-18-2-7 and all regulations of the State Bureau of Motor Vehicles.

- (B) The definitions from Indiana Code § 9-13-2, applicable to motor vehicle law generally, are hereby incorporated by reference hereto.

8.25.020 Declaration of Nuisance Outside Lawfully Operated Scrapyards, Salvagers, and Junkyards.

Due to the danger to the safety of children and the risk to the public health from vermin, insects and rodents that secret themselves in unused vehicles, all abandoned or unregistered motor vehicles are hereby declared to be a nuisance, except as otherwise provided in WMC [8.25.030](#).

8.25.030 Open Storage Restricted.

It shall be unlawful for any person or entity to openly store or allow to remain in the open upon public or private property within the corporate limits of Whitestown, any abandoned motor vehicle or unregistered motor vehicle for a period of three days or more on such public street or other public property, or for a period of 48 hours on private property without the consent of the owner or person in control of the private property, or for a period of 20 days or more on any private property, unless it is in connection with an automobile sales or repair business enterprise which operates under a duly issued and exhibited sales or repair license and is located in an area properly zoned for such an enterprise. The provisions of this chapter shall not apply to auto salvage yards or junkyards duly operated and licensed area zoned for such activity. ~~[Ord. 2001-12; Ord. 1987-06 § 1; Ord. 1984-05 § 10; Ord. 1975-05 § 3. Prior code Title 3, Art. 9, Ch. 3, § 1]~~

8.25.040 Removal Procedures on Public property; Compliance With State Law; Notices.

- (1) Whenever the Chief of Police for Whitestown or his or her duly appointed deputies, or any other individual designated under Ind. Code §9-22-1-2, determines that an abandoned motor vehicle or unregistered motor vehicle is located or is stored or parked in the open upon public property within the corporate limits he or she shall follow the requirements of I.C. 9-22-1-11 through 9-22-1-14, including preparing and posting a notice tag, preparing a report and photographs and disposing of the vehicle and issue such an order to the owner of such vehicle to remove said vehicle within three days.
- (2) Notice of such order to remove said vehicle shall be served upon the registered owner of the vehicle if the owner is known to the officer, or placed on the vehicle if the owner is not known or cannot be located.
- (3) If the vehicle is not removed within three business days pursuant to such order and notice, the Chief of Police shall cause the vehicle to be removed by a junk or salvage yard or

wrecker service at the owner's expense. ~~[Ord. 2008-11 § 5; Ord. 2001-12; Ord. 1984-05 § 10; Ord. 1975-05 § 4. Prior code Title 3, Art. 9, Ch. 3, § 2]~~

- (4) Impounded vehicles shall be released either upon payment by the registered owner, operator, or authorized representative of same, of the fees charged for towing and storage, or upon order of the Chief of Police or his designee, or upon the order of a court of appropriate jurisdiction.
- (5) The form of all notices shall be issued pursuant to the provisions of I.C. 9-22-1-11.

8.25.050 Removal Procedures on Private property.

(1) Whenever the Chief of Police of Whitestown or his duly appointed deputies determines that an abandoned motor vehicle or unregistered motor vehicle is located, stored or parked in the open upon private property within the corporate limits of the Town and without consent of the owner or person in control of that property for more than 48 hours, he or she shall follow the requirements of I.C. 9-21-1-11 through 9-21-1-14, including preparing and posting a notice tag, preparing a report and photographs and disposing of the vehicle and issue such an order to the owner of such vehicle to remove said vehicle. If such vehicle is not removed within three days pursuant to such order and notice, the Chief of Police or his designee shall cause such vehicle to be removed by a wrecker service, the cost and expense of such removal and storage shall be paid by the registered owner of the such vehicle.

(2) Whenever the Chief of Police or his/her designee determines that an abandoned motor vehicle or unregistered motor vehicle is located or stored in the open upon private property within the corporate limits of the Town, he or she shall issue an order to the owner of such vehicle to remove said vehicle within 20 days. Notice of such order shall be served upon the owner of the vehicle if the owner is known to the officer and can be located. If no owner of the vehicle can be found, notice of such order shall be placed upon such vehicle and copies of such notice shall be served upon any adult owning or occupying the real estate on which such vehicle is located or by posting the order to any residence or building on the real property on which the vehicle is located. If no residence or building is present on the real estate, notice shall be securely affixed to said vehicle, and said notice shall constitute notice to the owner and occupant of the real estate and to the owner of the vehicle. If said vehicle is not removed within 10 business days pursuant to such order and notice, and if such order is not stayed by the issuing officer pursuant to a written request showing good cause for a permanent or temporary stay, the Chief of Police shall cause such vehicle to be removed by a wrecker service, the cost and expense of such removal and storage by the wrecker service shall be paid by the owner of such vehicle.

8.25.060 Active restoration.

The active restoration of a disassembled or temporarily inoperable vehicle by its owner shall be a defense to a violation issued under this chapter if a securely fitting car cover is affixed to the duly licensed vehicle and the restoration of the vehicle is completed within one year from the notice of violation.

8.25.070 Fines and penalties.

In addition to remedies provided herein, any person violating this chapter shall be guilty of an ordinance violation and, upon conviction, shall be fined in an amount not to exceed \$250.00 per occurrence. Each day the violation is allowed to continue after the owner is found in violation of this chapter shall constitute a separate offense."

Section 3. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as the effective date of this Ordinance, such repeal to have prospective effect only. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 4. If any section, provision, or part of this Ordinance is for any reason declared to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 5. The remaining portions of Whitestown Town Code §8.25 are not affected by this Ordinance upon its passage.

Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Town Council and such publication as required by law.

(Signature Page to follow)

PASSED by the Town Council of the Town of Whitestown, Indiana, this ____ day of _____, 2025,
by a vote of ____ in favor and ____ against.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA

Dan Patterson, President

Eric Nicols, Vice President

Cheryl Hancock

Tobe Thomas

Courtenay Smock

ATTEST:

Matt Summer, Clerk-Treasurer