
Sec. 30-32. Notice to remove.

- (a) Public Property. The police department is hereby authorized after proper notice is given to remove or cause to be removed, by any towing service authorized by the city, any vehicle from any street, road right-of-way, parkway, or other public parking area to a safe place of storage at the cost of the owner under the following circumstances.
- (1) When any vehicle is parked in violation of any provision of this chapter which prohibits the parking of vehicles at the place where or at the time when the vehicle is found.
 - (2) When any vehicle, the continued presence of which, because of the physical location or condition of the vehicles, poses a danger to the public safety or to the motor vehicle.
 - (3) When any vehicle is left unattended upon any street for any period of time longer (48) hours in any residential district or commercial district. The words "unattended vehicle" as used in this subsection shall mean a vehicle not owned by or in possession of the owner or legal occupant of the property adjacent to the right-of-way upon which the vehicle is parked.
 - (4) When a vehicle upon a street or right-of-way is so disabled as to constitute an obstruction to traffic, or the person in charge of the vehicle is, by reasons of physical injury or condition, incapacitated to such extent as to be unable to provide for its custody or removal.
 - (5) When any vehicle is a stolen vehicle or is subject to seizure and forfeiture under the laws of this state, or of the United States, or is subject to being held for use as evidence in a criminal trial.
 - (6) When any vehicle is parked on any city owned or leased parking facility or area designated for use in connection with the City Hall or other municipal property in violation of the posted signs and time permitted uses.
 - (7) When any vehicle, on at least two (2) prior occasions occurring within any twelve-month period, has been found stopped, standing, or parked in any place within the city limits in violation of this article and whose registered owner has failed or refused to respond to prior parking violation notices for such offenses, and shall be again found parked in any place within the city limits in violation of any provisions of this article. Release of the vehicle shall only be permitted upon payment of outstanding civil penalties, fees, and other related costs.
 - (8) When any vehicle is parked in a location which interferes with the passage of public safety vehicles.

Whenever a wrecked, junked or abandoned vehicle is parked, stored, or left upon public property in violation of this section, the enforcement officer shall post, in a conspicuous place, upon the vehicle the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:

"THIS PROPERTY, TO-WIT: (SETTING FORTH BRIEF DESCRIPTION) IS UNLAWFULLY UPON PUBLIC PROPERTY KNOWN AS (SETTING FORTH BRIEF DESCRIPTION OF LOCATION) AND MUST BE REMOVED WITHIN (48) HOURS FROM THE DATE OF THIS NOTICE; OTHERWISE IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND DESTROYED BY ORDER OF THE CITY OF BELLE ISLE WITH THE COST OF REMOVAL ASSESSED AGAINST THE VEHICLE OWNER. FAILURE TO COMPLY WILL RESULT IN A CRIMINAL CHARGE AGAINST THE VEHICLE OWNER. IF YOU DESIRE A HEARING UPON THIS MATTER, YOU MUST REQUEST ONE BY NOTIFYING THE ENFORCEMENT OFFICER, EITHER ORALLY OR IN WRITING, WITHIN THE TEN-DAY PERIOD OF COMPLIANCE PRESCRIBED HEREIN. BY ORDER OF THE CITY OF BELLE ISLE, BELL ISLE CITY CODE, CHAPTER 30, ARTICLE II, DATED THIS _____ DAY OF _____, 20____ (SETTING FORTH THE DATE OF POSTING OF NOTICE)

SIGNED: (SETTING FORTH NAME, TITLE, ADDRESS AND TELEPHONE NUMBER OF ENFORCEMENT OFFICER)"

Such notice shall be not less than eight by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements.

- (b) *Private property.* Whenever the enforcement officer shall find any wrecked, junked or abandoned vehicle placed, parked, or stored in violation of this article on private property within the city, the enforcement officer shall give written notice to the owner, tenant, occupant, or lessee of the property upon which such vehicle is located of the intention of the city to impound and dispose of such vehicle as provided in this section. The written notice required by this section shall be deemed to have been served if:
- (1) A copy thereof is personally delivered to the party to be notified;
 - (2) A copy is left at the party's usual place of residence with some person of the family above 15 years of age and informing such person of the contents thereof;
 - (3) A copy is mailed by either registered or certified United States mail with return receipt requested; or
 - (4) A copy is attached to the vehicle if the whereabouts of the party to be notified is unknown.

The City Clerk shall serve, or cause to be served, such written notice of removal, as required by this section, upon the owner, tenant, occupant, or lessee of the private property where the vehicle is located at least ten days prior to the time of compliance. If the name of such party or such person's place of residence or post office address cannot be ascertained after diligent search and inquiry, or in the event a notice sent by either registered or certified mail shall be returned undelivered, it shall constitute sufficient notice when a copy of the same is posted in a conspicuous place either upon the private property on which the vehicle is located, or upon the vehicle itself, advising the owner and all persons interested in the vehicle of the intention of the city to impound and dispose of such vehicle. Such notice shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. The notice shall contain a demand for removal within the time specified by this article, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property and/or vehicle owner, and that the city or its designee shall cause to have filed a criminal charge against such owner or occupant. Such notice shall be substantially in the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:

"THIS PROPERTY, TO-WIT: (SETTING FORTH BRIEF DESCRIPTION) LOCATED AT (SETTING FORTH BRIEF DESCRIPTION OF LOCATION) IS UNLAWFULLY STORED AND IN VIOLATION OF BELLE ISLE CITY CODE CHAPTER 30, ARTICLE II, AND MUST BE REMOVED WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE; OTHERWISE, IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND DESTROYED BY ORDER OF THE CITY OF BELLE ISLE WITH THE COST OF REMOVAL ASSESSED AGAINST THE VEHICLE OWNER, AND/OR OCCUPANT OR OWNER OF THE PROPERTY UPON WHICH SAID VEHICLE IS LOCATED. FAILURE TO COMPLY WITH THIS NOTICE OF REMOVAL WILL RESULT IN A CRIMINAL CHARGE AGAINST THE VEHICLE OWNER, AND/OR OCCUPANT OR OWNER OF THE PROPERTY UPON WHICH SAID VEHICLE IS LOCATED. IF YOU DESIRE A HEARING UPON THIS MATTER, YOU MUST REQUEST ONE BY NOTIFYING THE ENFORCEMENT OFFICER, EITHER ORALLY OR IN WRITING, WITHIN THE TEN-DAY PERIOD OF COMPLIANCE PRESCRIBED HEREIN. BY ORDER OF THE CITY OF BELLE ISLE, BELLE ISLE CITY CODE, CHAPTER 30, ARTICLE II, DATED THIS _____ DAY OF _____, 20__ (SETTING FORTH DATE OF POSTING OF NOTICE)

"SIGNED: (SETTING FORTH NAME, TITLE, ADDRESS AND TELEPHONE NUMBER OF ENFORCEMENT OFFICER)"

- (c) Release of any vehicle shall only be permitted after payment of outstanding civil penalties, fees, tickets, and other related costs. ~~Public property. Whenever a wrecked, junked or abandoned vehicle is parked, stored, or left upon public property in violation of this section, the enforcement officer shall post, in a conspicuous place, upon the vehicle the following form:~~

~~"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:~~

~~"THIS PROPERTY, TO-WIT: (SETTING FORTH BRIEF DESCRIPTION) IS UNLAWFULLY UPON PUBLIC PROPERTY KNOWN AS (SETTING FORTH BRIEF DESCRIPTION OF LOCATION) AND MUST BE REMOVED WITHIN (48) HOURS FROM THE DATE OF THIS NOTICE; OTHERWISE IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND DESTROYED BY ORDER OF THE CITY OF BELLE ISLE WITH THE COST OF REMOVAL ASSESSED AGAINST THE VEHICLE OWNER. FAILURE TO COMPLY WILL RESULT IN A CRIMINAL CHARGE AGAINST THE VEHICLE OWNER. IF YOU DESIRE A HEARING UPON THIS MATTER, YOU MUST REQUEST ONE BY NOTIFYING THE ENFORCEMENT OFFICER, EITHER ORALLY OR IN WRITING, WITHIN THE TEN DAY PERIOD OF COMPLIANCE PRESCRIBED HEREIN. BY ORDER OF THE CITY OF BELLE ISLE, BELL ISLE CITY CODE, CHAPTER 30, ARTICLE II, DATED THIS _____ DAY OF _____, 20____ (SETTING FORTH THE DATE OF POSTING OF NOTICE)~~

~~SIGNED: (SETTING FORTH NAME, TITLE, ADDRESS AND TELEPHONE NUMBER OF ENFORCEMENT OFFICER)"~~

~~Such notice shall be not less than eight by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements.~~

~~(Ord. No. 01-05, § 1, 11-20-2001; Code 1991, § 7-34)~~