

ORDINANCE 1871

AN ORDINANCE AMENDING THE VEHICLE TOWING AND IMPOUNDMENT
REGULATIONS WITHIN THE TOWN OF MUNSTER

WHEREAS, the Town Council of the Town of Munster is the municipal legislative body of the unit; and

WHEREAS, The Town of Munster, its Staff, and consultants have reviewed and recommended various changes to the Munster, Indiana Code regarding Vehicle Towing and Impoundment; and

WHEREAS, based on those recommendations, the Munster Town Council has concluded that amendments to Chapter 54. Traffic and Vehicles, Article II. Administration and Enforcement, Division 2. Vehicle Towing and Impoundment, is appropriate; and

WHEREAS, The Munster Town Council deems it to be in the best interest of the general health, safety, and welfare of the citizens of the Town of Munster to amend Chapter 54. Traffic and Vehicles, Article II. Administration and Enforcement, Division 2. Vehicle Towing and Impoundment, of the Munster Code of Ordinances.

Now, therefore, be it **ORDAINED** by the Town Council of the Town of Munster, Lake County, Indiana as follows:

**Chapter 54. Traffic and Vehicles, Article II. Administration and Enforcement,
Division 2. Vehicle Towing and Impoundment, of the Munster Municipal Code, be
amended to read as follows:**

Division 2. Vehicle Towing and impoundment.

Sec. 54-71. Generally.

The purpose of this division 2 shall be to authorize the removal and impoundment of vehicles that, due to their location or condition or which have been involved in violations of local, state, or federal law, constitute a threat to the health, safety or welfare of the community or warrant temporary custody by the police, code enforcement, or an authorized agent of the Town of Munster.

Sec. 54-72. Abandoned vehicles.

This division 2 shall implement the requirements of Indiana Code 9-22-1 and supplement those procedures governing the removal, storage, release, and disposal of abandoned vehicles.

Sec. 54-73. Certain vehicles declared a public nuisance.

- (a) The following vehicles are hereby declared public nuisances and shall be subject to removal and impoundment in accordance with this chapter, as well as any fines or fees set by state law or town ordinance:
 - (1) Any vehicle parked or left standing unattended upon any street or public place in the town in violation of this Code, a town ordinance, or any state or federal law;
 - (2) Any vehicle known to have been stolen or wrecked and left standing on any street or public place, or any vehicle the operator of which is unable to move such vehicle by reason of his or her incapacity from injury or arrest;
 - (3) Any inoperable vehicle that is stored, maintained, or left standing on any street or public place in violation of this Code, a town ordinance, or any state or federal law, and is not the property of a member of the Armed Forces of the United States who is on active-duty assignment; and
 - (4) Any vehicle which has accumulated four (4) or more unpaid parking charges (for unrelated parking sessions) in violation of the Metered Parking regulations set forth in sec. 54-226 of this Code, for which Parking Charge Notices have been issued pursuant to sec. 54-228, and which Parking Charge Notices have not been paid, presented for compromise payment, or slated into court pursuant to this chapter.
- (b) When any vehicle satisfies the circumstances identified in subsection (a) of this section, such fact shall be prima facie evidence that the owner is chargeable with the violation

Sec. 54-74. Towing and impoundment authorized.

- (a) Whenever there is a violation of this Code, a town ordinance, or any state or federal law under which a vehicle is to be towed or public safety requires a vehicle to be towed, it shall be the duty of the police department of the town to cause the vehicle to be removed by a qualified towing contractor. The qualified towing contractor shall tow the vehicle to a vehicle storage pound operated by a qualified garage-keeper.
- (b) Whenever a code enforcement officer of the town or an agent of the metered-parking management service contracted with the town discovers a public nuisance as described in sec. 54-73, the code enforcement officer or agent of the metered-parking management service shall cause the vehicle to be removed by a qualified towing contractor. The qualified towing contractor shall tow the vehicle to a vehicle storage pound operated by a qualified garage-keeper.

Sec. 54-75. Towing and storage charges.

The tow service fee schedule and policies for towing and storage for town requested tows shall be as follows:

- (a) All towing service providers on the tow roster shall provide the owner of each towed vehicle or the owner's agent with an itemized invoice. ~~Copies of these invoices shall be provided to the town on a monthly basis.~~
- (b) Storage fees will not be charged until the vehicle has been impounded for at least 24 hours.
- (c) The towing service provider's itemized invoice shall include the following: cost of the original towing service, cost of any vehicle storage fees expressed as a daily rate,

other fees including documentation fees and motor vehicle search fees, costs for services performed under a warranty, and any other services or fees identified as a single line item with an explanation and exact charge for the service.

- (d) The towing service providers with whom the town has authorized for towing and storage services may charge for towing or removing vehicles in the town as outlined below:

Towing Fee Schedule

Services Provided	Rate Per Vehicle Fee
Standard tow	\$185.00 <u>\$200.00</u>
Motorcycle rack or tie down	Additional \$40.00 <u>\$50.00</u>
Standard winch and tow	Up to \$75.00 (in addition to tow)
Standard winch only	\$125.00 <u>\$150.00</u>
Disconnect linkage (no keys)	\$20.00 <u>\$25.00</u>
Storage per day outside	\$45.00 <u>\$50.00</u>
Storage per day inside	\$55.00 <u>\$75.00</u>
Two or more trucks used	Two call-outs
Vehicles over one ton and/or use of specialized recovery unit	Fee to be determined by towing service provider
After hours vehicle release	\$40.00 <u>\$50.00</u>

Sec. 54-76. Requirements of towing service providers.

- (a) Any towing service provider or garage-keeper who desires to perform towing and/or storage services within the town for the amounts set forth in the Towing Fee Schedule in sec. 54-75 must do the following:
- (1) Successfully complete the Town of Munster Contractor License Permit annually including background checks on owner and all drivers operating in the Town of Munster.
 - (2) Successfully complete the Town of Munster PD Tow Service Provider Application annually.
 - (3) Provide proof of a current certificate of insurance naming the Town of Munster as additional insured.
- (b) Authorized towing contractors. Any towing contractor or garage-keeper who agrees in writing to perform towing and/or storage services in accordance with the Munster Police Department towing policy and for the amounts set forth in the Towing Fee Schedule in sec. 54-75 shall be deemed a qualified person for the purposes of this section. The town shall employ towing contractors and garage-keepers in a manner which is nondiscriminatory and approved by the Board of Safety and/or the Town Council.

Sec. 54-77. Release of impounded vehicles.

- (a) When a vehicle has been towed for a violation of this Code, a town ordinance, or any state or federal law under which a vehicle is to be towed or when public safety requires a vehicle to be towed, such vehicle shall be delivered only to the registered owner of the vehicle as determined by the vehicle registration, or to a person lawfully entitled to possession of the vehicle, upon payment directly to the towing service provider or garage-keeper of the applicable costs identified in sec. 54-~~74~~75.

(b) _____

_____ A police department issued tow release shall be presented to the towing service provider or garage-keeper prior to release of an impounded vehicle to the registered owner or to a person lawfully entitled to possession of the vehicle. However, if the impounded vehicle was towed on the authority of the agent of the metered-parking management service contracted with the Town of Munster for a violation of sec. 54-73(a)(4) (for four or more unpaid metered-parking violations), only, then a tow release will not be issued and is not required for release of the impounded vehicle by the towing service provider or garage-keeper.

Sec. 54-78. Unclaimed impounded vehicles.

- (a) If an impounded vehicle has not been reclaimed within 48 hours of the date of its impoundment, the department of police of the town, or a designee of the town, shall notify the last owner of record of the vehicle, as determined by the vehicle registration, of the place of impoundment of the vehicle and the ordinance violation. Notification shall be made by ordinary mail with adequate postage prepaid.
- (b) Impounded vehicles shall be disposed of in accordance with Indiana Code 9-22-1.

Secs. 54-79—54-100. Reserved.

This Ordinance shall be effective from and after adoption by this Council and compliance with I.C. §36-5-2-10.

Now, therefore, be it **ORDAINED** that the above-referenced Ordinance is hereby enacted.

ORDAINED and ADOPTED by the Town Council of the Town of Munster, Indiana, on the ____ day of _____ 2022, by a vote of ____ in favor and ____ opposed.

**TOWN COUNCIL OF THE TOWN OF MUNSTER,
LAKE COUNTY, INDIANA**

Chuck Gardiner, President

ATTEST:

Wendy Mis, Clerk-Treasurer