

Chapter 54. Traffic and Vehicles

Article II. Administration and Enforcement

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, as defined by Indiana Code 9-13-2-1, as amended from time to time.

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 division 3 of this chapter, for which Parking Charge Notices have been issued and have not been paid 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 registered owner is chargeable with the violation

Sec. 54-74. Towing and impoundment authority.

- (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 in accordance with this division 2 and the Town of Munster Police Department Tow Policy
- (b) Whenever there is a violation of this Code or a town ordinance under which a vehicle is to be towed, the code enforcement officers of the town are authorized to have the vehicle

removed by a qualified towing contractor in accordance with this division 2 and the Town of Munster Police Department Tow Policy.

- (c) Whenever there are four (4) or more noticed and unpaid violations of the Metered Parking regulations set forth in division 3 of this chapter, the Town's metered-parking management service is authorized to have the vehicle removed by a qualified towing company in accordance with this division 2.

Sec. 54-75. Towing and storage charges.

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

- (a) All towing service providers and garage keepers shall provide the owner of each towed vehicle or the owner's agent with an itemized invoice.
- (b) Storage fees will not be charged until the vehicle has been impounded for at least 24 hours.
- (c) The towing service provider's and garage keeper's itemized invoices 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 and garage may charge for towing, removing, and storing vehicles as outlined below:

Towing Fee Schedule

| Services Provided | Rate Per Vehicle Fee |
|------------------------------|-------------------------------------|
| Standard tow | \$ 200.00 |
| Motorcycle rack or tie down | Additional \$ 50.00 |
| Standard winch and tow | Up to \$ 75.00 (in addition to tow) |
| Standard winch only | \$ 150.00 |
| Disconnect linkage (no keys) | \$ 25.00 |

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| Storage per day outside | \$ 50.00 |
| Storage per day inside | \$ 75.00 |
| 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 | \$ 50.00 |

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

(a) Police department and code enforcement tows.

- (1) Any towing service provider or garage-keeper who desires to perform towing and/or storage services for the police department and code enforcement within the town for the amounts set forth in the Towing Fee Schedule in sec. 54-75 must do the following:
 - a. Successfully complete the Town of Munster Contractor License Permit annually including background checks on owner and all drivers operating in the Town of Munster.
 - b. Successfully complete the Town of Munster Police Department Tow Service Provider Application annually
 - c. Provide proof of a current certificate of insurance naming the Town of Munster as additional insured.
- (2) ~~Authorized towing contractors.~~ Any towing service provider ~~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.

(b) Metered parking management service tows.

- (1) Any towing service provider or garage-keeper who performs towing and/or storage services for the Town of Munster Park Board, through its contracted parking management service, for the amounts set forth in the Towing Fee Schedule in sec. 54-75 must do the following:
 - a. Successfully complete the Town of Munster Contractor License Permit annually.
 - b. Provide proof of a current certificate of insurance naming the Town of Munster and the Town of Munster Park Board as additional insureds.
- (2) The town shall contract with contractors and garage-keepers in a manner which is nondiscriminatory and approved by the Town of Munster Park Board 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. 54-75.

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- (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.