

TITLE V – POLICY AND ADMINISTRATION

CHAPTER 142
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142.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Abandoned Vehicle" shall mean any of the following:
(Code of Iowa, Sec. 321.89[1b])
 - A. A vehicle that has been left unattended on public property for more than forty-eight (48) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable, or
 - B. A vehicle that has remained illegally on public property for more than seventy-two (72) hours, or
 - C. A vehicle that has been unlawfully parked on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours, or
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days, or
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

However a vehicle shall not be considered abandoned for a period of five (5) days if its owner or operator is unable to move the vehicle and notifies the police authority responsible for the geographical location of the vehicle and requests assistance in the removal of the vehicle.

2. "Demolisher" shall mean any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. "Police Authority" shall mean the Iowa highway safety patrol or any law enforcement agency of a county or city.

(Code of Iowa, Sec. 321.89[1a])

142.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority may, and on the request of any other authority having the duties of control of highway or traffic, shall take into custody any abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. A police authority taking into custody an abandoned vehicle determined to create a traffic hazard shall report the reasons constituting the hazard in writing to the appropriate authority having duties of control of the highway. The police authority may employ its own personnel, equipment and facilities or hire other personnel, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

(Code of Iowa, Sec. 321.89[2])

142.03 NOTICE BY MAIL. The police authority which takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within twenty-one (21) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the vehicle and that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by police authority or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle within the twenty-one (21) day reclaiming period, the owner and lienholders shall no longer have any right, title, claim, or interest in or to the motor vehicle. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the expiration of the twenty-one (21) day reclaiming period.

(Code of Iowa, Sec. 321.89[3a])

142.04 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under section 142.03. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mail notice in section 142.03.

(Code of Iowa, Sec. 321.89[3b])

142.05 EXTENSION OF TIME. The owner or any lienholders may, by written request delivered to the police authority prior to the expiration of the twenty-one (21) day reclaiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

(Code of Iowa, Sec. 321.89[3c])

142.06 FEES FOR IMPOUNDMENT. The owner or lienholder shall pay three dollars (\$3.00) if claimed within five (5) days of impounding, plus one dollar (\$1.00) for each additional day within the reclaiming period plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by resolution of the Council.

(Code of Iowa, Sec. 321.89[3a])

142.07 DISPOSAL OF OPERABLE VEHICLES. If an abandoned motor vehicle which is operable has not been reclaimed as provided herein, the police authority shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])

142.08 DISPOSAL OF INOPERABLE VEHICLES. Inoperable abandoned vehicles shall be disposed of as follows:

1. Disposal by City. Any totally inoperable abandoned vehicle or any such inoperable vehicle left on private property by other than the owner or person in charge of the private property shall be disposed of by the police authority to a demolisher unless it is deemed practicable to sell it as provided in Section 142.07. A sale to a demolisher shall not require the notification procedures or public auction, but an endeavor shall be made to obtain as much compensation as possible to defray any costs to the City.

(Code of Iowa, Sec. 321.89[4])

2. Disposal of Other Persons. A person or the City or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may, without notification procedures, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable, to a demolisher for junk without the title.

(Code of Iowa, Sec. 321.90[2e])

142.09 PROCEEDS FROM SALE. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the reimbursement fund of the Iowa Department of Public Safety. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Public Safety.

(Code of Iowa, Sec. 321.89[4])

142.10 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. When a demolisher acquires a motor vehicle under Section 142.08, demolisher shall apply to the police authority for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model and serial number of the motor vehicle. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the State Department of Public Safety for cancellation.

(Code of Iowa, Sec. 321.90[3a])