

FRIDLEY CITY CODE
CHAPTER 114. ABANDONED JUNK OR UNSAFE MOTOR VEHICLES
(Ref. 295, 1068, 1093, 1236)

114.01. PURPOSE

Abandoned junk and unsafe motor vehicles constitute a hazard to the health and welfare of the residents of the community in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well being of children and other citizens. Motor vehicles contain fluids that if released into the environment can and do cause significant health risks to the community. The condition of vehicles that are junked and abandoned, junk or unsafe significantly increase the likelihood that these dangerous fluids might be so released. Abandoned, junk or unsafe motor vehicles and other scrap metals also constitute a blight on the landscape of the city and therefore are detrimental to the environment. The abandonment and retirement of motor vehicles and other scrap metal constitutes a waste of a valuable source of useful metal. It is therefore in the public interest that the present accumulation of abandoned, junk or unsafe motor vehicles and other scrap metals be eliminated, that future abandonment of motor vehicles and other scrap metals be prevented, and that other acceptable and economically useful methods for the disposal of abandoned junk or unsafe motor vehicles and other forms of scrap metal be utilized. (Ref. 1236)

114.02. DEFINITIONS

1. Abandoned Motor Vehicle.

A motor vehicle that has remained outdoors on property within the City for a period of more than 48 hours on public property illegally or has remained for a period of more than 48 hours on private property without consent of the person in control of such property or in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City or a duly authorized agent of the City. A classic car or pioneer car, as defined in Minnesota Statutes, shall not be considered an abandoned motor vehicle within the meaning of this Section.

2. Unsafe Motor Vehicle.

Any vehicle located outdoors on property within the city in which any systems including braking, steering, suspension, electrical, lighting, motor, drive train system are not functioning or a vehicle that cannot legally be driven or is in violation of any state, federal or local vehicle equipment or safety regulation including, but not limited to Minnesota statutes.

3. Junk Motor Vehicle.

A motor vehicle that is located outdoors on property in the city that meets any of the following criteria shall be defined as a junk vehicle:

- A. Any motor vehicle that is not in operable condition.
- B. Any motor vehicle that is partially dismantled.
- C. Any motor vehicle that is a source of repair or replacement parts for other vehicles.
- D. Any motor vehicle that lacks vital component parts.
- E. Any motor vehicle that is not currently registered and properly licensed for operation with and by the State of Minnesota.

4. Vital Component Parts.

Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

5. Motor Vehicle Definition:

A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transports persons or property or pulls machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, 3-wheelers, 4-wheelers and snowmobiles.

114.03. ABATEMENT

The City, or its duly authorized agent, may take into custody and impound any abandoned junk or unsafe motor vehicle.

A vehicle may be impounded after notice of such proposed impoundment (in a form similar to that set forth herein) has been securely attached to and conspicuously displayed on the vehicle for a period of five days prior to such impoundment excluding Saturdays, Sundays and city holidays for the following reasons:

- A. When such vehicle is parked and/or used in violation of any law, ordinance or regulation; or
- B. When such vehicle is abandoned, junk or unsafe.

114.04. VEHICLES IMMEDIATELY SUBJECT TO PUBLIC SALE

When an abandoned motor vehicle is more than seven (7) model years of age, lacks vital component parts and does not display a license plate currently valid in Minnesota or in any other state or foreign country, it shall immediately be eligible for sale by a duly authorized agent of the City or at public auction and shall not be subject to the notification or reclamation procedures established by this Chapter. (Ref 1236)

114.05. NOTICE

1. When an abandoned motor vehicle does not fall within the provisions of Section 114.04, the City shall give notice of the taking within ten (10) days. The notice shall set forth the date and place of the taking, the year, make, model and serial, number of the abandoned, junk or unsafe motor vehicle and the place where the vehicle is being held, shall inform the owner and any lienholders of their right to reclaim the vehicle under Section 114.06 and shall state that failure of the owner or lienholders to exercise their right to reclaim the vehicle shall be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to Section 114.07.

2. The notice shall be sent by mail to the registered owner, if any, of the abandoned, junk or unsafe motor vehicle and to all readily identifiable lienholders of record. The notice shall be mailed to the registered owner at the address provided by the motor vehicle division of the Minnesota Department of Public Safety or the corresponding agency of any other state or province. A copy of such notice may be sent to the property owner where the vehicle is found. If the person mailing the notice has reason to believe that the registered owner of the vehicle, or one who claims to be the registered owner of the vehicle, is residing or in custody at some different address, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to him or her. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned junk or unsafe. Published notices may be grouped together for convenience and economy.

114.06. RECLAIM

1. The owner or any lienholder of an abandoned, junk or unsafe motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice required by Section 114.05.

2. Nothing in this Chapter shall be construed to impair any lien of a garagekeeper under the laws of this State, or the right of a lienholder to foreclose. For the purposes of this Section, "garagekeeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

3. To reclaim a motor vehicle impounded pursuant to this ordinance, the owner or lienholder must pay any costs and administrative fees incurred by the city and must agree to relocate the vehicle in accordance with local state and federal regulations. The owner or lienholder reclaiming such vehicle shall sign a "Release of Property" and shall agree to immediate impoundment without notice if such vehicle again violates this section. In addition, the City may require a bond to be posted if said vehicle has been subject to a prior impoundment.

114.07 HEARING

Any property owner who feels aggrieved by an impoundment of a vehicle under this chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the Community Development Director within twenty (20) days after the date of service of the notice by the City or other duly authorized agent. The Community Development Director shall notify the Hearing Examiner who shall notify the property owner of the date, time and place of the hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the property owner and the City. Both the property owner and the city may appear at the hearing with counsel and may call such witnesses and present such evidence as is determined by the Hearing Examiner to be relevant. Within ten (10) days after such hearing, the Hearing Examiner shall affirm, repeal or modify the order of the City or other duly authorized agent. Notice of the decision shall be mailed to the owner at the address given in the hearing request. The Hearing Examiner's order shall be accompanied by written findings of fact, and may include a finding of fact as to the violation of this chapter. Any person aggrieved by the decision of the Hearing examiner may appeal that decision to the City Council by filing notice of such appeal with the Community Development Director within twenty (20) days of the mailing of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision. If the Council affirms the Hearing Examiner's decision declaring that a violation of this chapter exists, the City shall proceed to sell the vehicles after twenty (20) days following the Council's final determination, unless the property owner obtains a court order to the contrary within said twenty (20) days. (Ref Ord 1236)

114.08. PUBLIC SALE

1. An abandoned, junk or unsafe motor vehicle taken into custody and not reclaimed under Section 114.06 becomes the property of the duly authorized agent of the City or shall be sold to the highest bidder at public auction or sale, following notice published a reasonable time in advance. The purchaser shall be given a receipt in a form prescribed by the City, which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. (Ref Ord 1236)

2. Disposing of unsold vehicles. Abandoned vehicles not sold pursuant to subdivision 1 shall be disposed of in accordance with Minnesota Statutes.

3. Disposition of sale proceeds. From the proceeds of the sale under this section of abandoned motor vehicles, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle and all administrative, notice and publication costs incurred in handling the vehicle pursuant to sections 114.01 to 114.09. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the treasury of the unit of government.

114.09. DISPOSAL AUTHORITY

1. Units of government. The city may contract with others and may utilize its own equipment and personnel for the inventory of abandoned motor vehicles and abandoned scrap metal, and if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of abandoned motor vehicles and abandoned scrap metal; provided, however, that a unit of government may utilize its own equipment and personnel for the collection and storage of not more than five abandoned motor vehicles without advertising for or receiving bids in any 120 day period.

114.10. PENALTIES

Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, or is otherwise in violation of this Chapter, is guilty of a misdemeanor and is subject to all penalties provided for such violations in Chapter 901 of this Code.