

Chapter 10.42

ABANDONED VEHICLES

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10.42.010 **Definitions.**

For the purposes of this chapter, the following words shall have the following meanings:

Public property shall mean any public right-of-way, street, alley, highway, park or other state, county or municipally owned property.

Private property shall mean any privately owned property which is not included within the definition of public property. (Ord. 15646 §1; July 9, 1990: P.C. §10.30.070: Ord. 10647 §2; December 18, 1972: prior Ord. 8664 §1; March 1, 1965).

10.42.020 **Abandoned Motor Vehicle; Defined.**

A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

- (a) With no number plates affixed thereto for more than six hours on any public property;
- (b) For more than twenty-four hours on any public property except a portion thereof on which parking is legally permitted;
- (c) For more than forty-eight hours after the parking of such vehicle shall become illegal;

or

- (d) For more than seven days on private property if left initially without permission of the owner or after permission of the owner shall be terminated. (Ord. 15646 §2; July 9, 1990: P.C. §10.30.080: Ord. 10647 §3; December 18, 1972: prior Ord. 8664 §2; March 1, 1965).

10.42.030 Abandoned Motor Vehicle; \$100.00 or Less; Title Vests in City.

If an abandoned vehicle, at the time of abandonment, has no number plates of the current license year affixed or valid registration and is of a wholesale value, taking into consideration the condition of the vehicle, of \$100.00 or less, title shall immediately vest in the City of Lincoln. (Ord. 15646 §3; July 9, 1990: P.C. §10.30.090: Ord. 12274 §1; May 8, 1978: prior Ord. 10645 §4; December 18, 1972: Ord. 8664 §3; March 1, 1965).

10.42.040 Police Department; Duties.

(a) Except for vehicles governed by Section 10.42.030, the Police Department shall make an inquiry as follows concerning the last registered owner of each abandoned vehicle in its custody:

(1) An abandoned vehicle with number plates affixed, to the jurisdiction which issued such number plates; or

(2) An abandoned vehicle with no number plates affixed, to the Department of Motor Vehicles.

(b) The Police Department shall give notice to the last registered owner, if any, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after five days from the date such notice was mailed. If the agency described in subsection (a) of this section also notifies the department that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. Notice required by this subsection shall be either by personal service or by registered mail.

(c) Title to such abandoned vehicles, if unclaimed, shall vest in the City of Lincoln five days from the date such notice is mailed, or if the last registered owner cannot be ascertained, when notice of such fact is received. (Ord. 15646 §4; July 9, 1990: P.C. §10.30.100: Ord. 10647 §5; December 18, 1972).

10.42.050 Sale by Police Department.

The Police Department shall have the authority to sell at public sale all vehicles after title vests in the city. (Ord. 15646 §5; July 9, 1990: P.C. §10.30.110: Ord. 10647 §6; December 18, 1972).

10.42.060 Proceeds of Sale; Disposition.

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the city shall be held by the city without interest, for the benefit of the owner of such vehicle for a period of two years. If not claimed within such two-year period, such proceeds shall be paid into the General Fund of the city. (Ord. 15646 §6; July 9, 1990: P.C. §10.30.120: Ord. 10647 §7; December 18, 1972).

10.42.070 Last Registered Owner Liable for Removal and Storage Costs.

The last registered owner of an abandoned vehicle shall be liable to the City of Lincoln for the cost of removal and storage of such vehicle. (Ord. 15646 §7; July 9, 1990: P.C. §10.30.130: Ord. 10647 §8, December 18, 1972).

10.42.080 Liability for Removal.

Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle shall be removed nor the State of Nebraska nor the City of Lincoln shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the city, or as a result of any subsequent disposition. (Ord. 15646 §8; July 9, 1990: P.C. §10.30.140: Ord. 10647 §9; December 18, 1972).

10.42.090 Destroy, Deface or Remove Parts; Unlawful; Exceptions; Violations; Penalty.

No person other than one authorized by the appropriate city officials shall destroy, deface, or remove any part of a vehicle which is left unattended on a street or other public place without number plates affixed or which is abandoned. Anyone violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100.00. (Ord. 15646 §9; July 9, 1990: P.C. §10.30.150: Ord. 10647 §10; December 18, 1972).

10.42.100 Unlawful to Abandon a Vehicle.

It shall be unlawful for any person to abandon a vehicle or cause a vehicle to become an abandoned vehicle. (Ord. 15646 §10; July 9, 1990: P.C. §10.30.160: Ord. 10647 §11; December 18, 1972).

10.42.110 Keeping of Unregistered, Wrecked or Junked Vehicles Unlawful; Exceptions; Penalty.

It shall be unlawful for any person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, to allow any nonoperating, wrecked, junked, or partially dismantled vehicle to remain on such property longer than thirty days. It shall be unlawful for any person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, to allow any motor vehicle or trailer which has been unregistered for more than thirty days to remain on such property. This section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise, a vehicle on the premises of a farmstead as defined in Neb. Rev. Stat. § 15-905 (1943 as amended) when necessary for the operation of the farmstead, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner, or a vehicle on the premises of a person who has obtained a hobbyist permit for the restoration of said vehicle.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, such person shall be fined in a sum not to exceed \$500.00, except that each person so convicted shall be fined in a sum of not less than \$100.00 for the first offense, not less than \$200.00 for the second offense, and not less than \$300.00 for the third offense and each offense thereafter. Each day that a violation of any of the provisions of this section continues shall constitute a distinct offense and shall be punishable as such. (Ord. 17764 §1; November 13, 2000: prior Ord. 16954 §1; March 18, 1996: Ord. 15646 §11; July 9, 1990: P.C. §10.30.170: Ord. 10647 §12; December 18, 1972).

10.42.115 Hobbyist Permit.

A hobbyist permit for the restoration or repair of up to two non-operating, wrecked, junked, or partially dismantled vehicles on any premises used for residential purposes may be granted to the resident of such premises as follows:

(a) Application for the hobbyist permit shall be filed in writing with the City Clerk on a form provided by the City and shall contain the name and address of the applicant and the make, model, year and vehicle identification number of each vehicle to be restored or repaired.

(b) The vehicle(s) to be restored or repaired shall be owned by the applicant.

(c) The permit shall cover the vehicle(s) only and does not authorize the storage of miscellaneous vehicle parts or junk contained in, on or near the vehicle(s).

(d) The fee for such hobbyist permit shall be \$50.00 per vehicle.

(e) All such permits shall expire on the 180th day following the date of issuance thereof. The hobbyist permit for the vehicle(s) shall be renewable one time only upon payment of the \$50.00 per vehicle. (Ord. 17764 §2; November 13, 2000; prior Ord. 16954 §2; March 18, 1996).

10.42.120 Violations; Penalty.

Any person violating any of the provisions of Sections 10.42.010 through 10.42.120, except for Sections 10.42.090 and 10.42.110, shall be guilty of a misdemeanor, and upon conviction thereof, such person shall be fined in a sum not to exceed \$500.00, or be imprisoned in the county jail for a period of not to exceed six months, or be both so fined and imprisoned. (Ord. 16954 §3; March 18, 1996; prior Ord. 15646 §12; July 9, 1990; P.C. §10.30.180; Ord. 10647 §13; December 18, 1972).