



Legislation Details (With Text)

File #: Ord 11-90 **Version:** 1

Type: Ordinance **Status:** Passed

In control: City Council

Final action: 9/28/2011

Title: Amending Chapter 163, Traffic Code - Abandoned Vehicles, of the Saint Paul Legislative Code, to comply with state law changes and to update or eliminate outdated language.

Sponsors: Kathy Lantry

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/28/2011	1	Mayor's Office	Signed	
9/28/2011	1	City Council	Adopted	Pass
9/21/2011	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
9/7/2011	1	City Council	Laid Over to Third Reading/Public Hearing	
8/24/2011	1	City Council	Laid Over to Second Reading	

Amending Chapter 163, Traffic Code - Abandoned Vehicles, of the Saint Paul Legislative Code, to comply with state law changes and to update or eliminate outdated language.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1

Chapter 163 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 163.01. Definitions.

The following definitions and terms shall apply in the interpretation and enforcement of the chapter:

(1) *Disabled.* For the purposes of this chapter, "disabled" means partially or completely dismantled or appearing either to be undrivable or to be lacking any of those parts of a motor vehicle which are essential to the functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

(2) *Abandoned motor vehicle.* "Abandoned motor vehicle" means a motor vehicle, as defined in Minnesota State Statutes, Section 169.011, which has been voluntarily surrendered by its owner to the City of Saint Paul or to a person duly licensed under Minnesota Statutes, Section 168B.4009 or which has remained for more than forty-eight (48) hours in a condition described by one of the following:

- a. On public property in violation of either the Saint Paul Legislative Code or Minnesota Statutes;
- b. On private property without consent of the person in control of the property;
- c. Disabled;

- d. Not secure from entry;
- e. Without license plates properly ~~conspicuously~~ displayed thereon; or
- f. With license plates which have an expiration date more than ninety (90) days prior to the date of inspection.

(3) *Abandoned motor vehicle--Exemptions.* For the purposes of this chapter, the following vehicles shall not be considered abandoned motor vehicles:

a. A classic or pioneer car, as defined in Minnesota Statutes, Section 168.10; provided, that it is kept secure and as long as it has substantial potential for further use consistent with its usual functions;

b. Vehicles on the premises of a motor vehicle and parts dealer, junkyard, junk dealer, motor vehicle salvage dealer, automobile repair garage, or body ~~shop~~ shop who is licensed under Chapters 401, 408, 422, or 423 of the Saint Paul Legislative Code;

c. A vehicle kept inside an enclosed garage or storage building;

d. A vehicle which is registered to the owner or occupant of the property and which is being kept for repair on the property; provided, that the vehicle is kept for no longer than thirty (30) days in a disabled condition and is kept secure from entry; and provided, that only one disabled vehicle may be kept on the property at any given time.

(Code 1956, § 467.01; Ord. No. 17377, § 1, 7-29-86)

Sec. 163.02. Abandoning a motor vehicle.

No person shall abandon a motor vehicle on any public or private property without the consent of the person in control of such property.

(Code 1956, § 467.02)

Sec. 163.03. Allowing an abandoned motor vehicle on property.

No person in charge or control of private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow an abandoned motor vehicle to remain on such property.

(Code 1956, § 467.03)

Sec. 163.04. Custody of abandoned vehicles.

The city health officer or enforcement officials of the department of safety and inspections for the city are hereby authorized to remove or have removed any motor vehicle left at any place within the city which reasonably appears to be in violation of this chapter or lost, stolen or unclaimed. The impounding and taking into custody of a motor vehicle pursuant to this chapter shall be done with the assistance of a police officer. A police officer, health officer or enforcement official of the department of ~~neighborhood housing and property improvement~~ safety and inspections for the city may enter upon private property at all reasonable hours for the purpose of inspecting such vehicle and impounding such vehicle, and it shall be unlawful for any person to prevent a policeman, health officer or enforcement official of the department of ~~neighborhood housing and property improvement~~ safety and inspections for the city from entering on private property for the purposes of carrying out his or her duties hereunder or to interfere with him or her in the lawful performance of his or her duties.

(Code 1956, § 467.04; Ord. No. 03-887, § 9, 11-5-03; C.F. No. 07-149, § 42, 3-28-07)

Sec. 163.05. Immediate sale.

When an abandoned motor vehicle is more than seven (7) model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state ~~of~~ or foreign country, it shall immediately be eligible for sale at public auction and shall not be subject to the notification, reclamation or title provisions of this chapter or other statutory or ordinance provisions.

(Code 1956, § 467.05)

Sec. 163.06. Notice.

(a) When an abandoned motor vehicle does not fall within the provisions of Section 163.05, the police department 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 motor vehicle and the place where the vehicle is being held; The notice shall inform the owner and any lien holders of their right to reclaim the vehicle under Section 163.07 and the; The notice 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 right, title and interest in the vehicle and The waiver of rights by the owner or lienholder shall be considered a consent to the sale of the vehicle at a public auction pursuant to Section 163.08.

(b) The notice shall be sent by registered mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders of record. 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. Published notices may be grouped together for convenience and economy.

(Code 1956, § 467.06)

Sec. 163.07. Right to reclaim.

(a) Within fifteen (15) days after the date of the notice required by Section 163.06 ~~the owner or any lienholder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City of Saint Paul Police Department 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 163.06.~~

(b) 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.

(Code 1956, § 467.07)

Sec. 163.08. Public sale.

(a) An abandoned motor vehicle taken into custody and not reclaimed under Section 163.07 shall be sold to the highest bidder at public auction or sale following reasonable published notice thereof unless deemed appropriate for special use by police prior to sale under 162.10(b). The purchaser shall be given a receipt in a form prescribed by the agency 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.

(b) From the proceeds of the sale of an abandoned motor vehicle, the City of Saint Paul shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all notice and publication costs incurred pursuant to this chapter. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days and then shall be deposited in the state treasury.

(Code 1956, § 467.08)

Sec. 163.09. Disposal of vehicles not sold.

Where no bid has been received for an abandoned motor vehicle, the City of Saint Paul may dispose of it pursuant to the provisions in Minnesota Statutes, Section 168B.10.

(Code 1956, § 468.09)

Sec. 163.10. Cost reimbursement.

Any of the costs incurred pursuant to the enforcement of this chapter not recovered and reimbursed to the City of Saint Paul from the sale of a motor vehicle under Section 163.08 may be charged against the property where the motor vehicle was removed from and treated as a special assessment to be collected in the manner

provided by Chapter 14 of the City Charter and Chapter 45 of this Legislative Code.
(Ord. No. 17610, § 1, 11-1-88)

Sec. 163.11. Penalty. ; ~~exception for fines paid early.~~

No person shall abandon any motor vehicle in violation of section 163.02 of this chapter or allow an abandoned motor vehicle to remain on property in violation of section 163.03 of this chapter. Any such violation shall be a petty misdemeanor, ~~except that the maximum penalty for any violation is a fine of fifteen dollars (\$15.00) if the fine is paid in the traffic violations bureau within one (1) week of the date of the violation.~~
(C.F. No. 96-781, § 1, 8-7-96)

Section 2

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.