

Section 1325 - Junk Cars, Racing Cars and Stock Cars

Removal and Impounding of Abandoned or Other Vehicles
Constituting a Public Nuisances.

1325.01. Definitions. Subdivision 1. The following words and terms for the purpose of this Ordinance are defined as follows:

Subd. 2. "Abandoned motor vehicle" means a motor vehicle as defined in Minnesota Statutes, Section 169.01, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, 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 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 and accepted by the City or its towing contractor. A classic car or pioneer car, as defined in Minnesota Statutes, Section 168.10, shall not be considered an abandoned motor vehicle within the meaning of this ordinance.

Subd. 3. "Towing contractor" means a person, firm or corporation under contract awarded by the City under this ordinance to tow and impound vehicles.

Subd. 4. "Vehicle constituting a public nuisance" means any motor vehicle, whether occupied or not, that is found stopped, standing, or parked in violation of the ordinances of the City of Hopkins or the laws of the State of Minnesota, or that is reported stolen, or that is found impeding firefighting, snow removal or plowing, or the orderly flow of traffic.

Subd. 5. "Vital component parts" means 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.

Subd. 6. "Junk car" means a motor vehicle to which one or more of the following conditions apply: in need of repair or maintenance of any type; not operable; partially dismantled; used as a source of parts that are sold or used to repair another vehicle; kept for scrap or salvage; not currently registered and licensed with the State of Minnesota; one or more flat or missing tires; one or more missing wheels; supported on blocks, jacks or other similar supports; one or more broken or missing windows; one or more missing doors; missing a hood or trunk.

Subd. 7. "Racing Car" means any motor vehicle designed or intended for operation on a speedway, race track, or other facility used or designed for high speed contests between two or more vehicles or for timing of speed.

Subd. 8. "Stock Car" means any motor vehicle of standard design and construction which is modified, adapted or altered in any manner to increase its speed or intended for operation on a speedway, race track, or other facility used or designed for high speed contests between two or more vehicles or for timing of speed.

Subd. 9. "Motor vehicle" means a motor vehicle as defined in Minnesota Statutes Section 169.01.

1325.03. Parking or storage for Repair, or Maintenance of Bus, Camper, Truck, Tractor, Semi-Trailer, Racing or Junk Cars or other Vehicles on Public and Private Property. No person shall cause or permit the parking, keeping or storage for more than two hours of any bus, camper, or truck, or other similar vehicles for the purpose of repair, replacement or exchange of parts or any other maintenance work thereon, in or on any public street, alley, road, highway, parking lot, park or other public property or premises in or on any private lands or premises unless such vehicles on any such private lands be within an enclosed building. No person shall cause or permit the parking, keeping or storage for more than 24 hours of any tractor, semi-trailer, racing or junk cars or other similar vehicles, in or on any public street, alley, road, highway, parking lot, park or other public property or premises in or on any private lands or premises unless such vehicles on any such private lands be within an enclosed building.

1325.05. Service and Repair on Public Place. No person shall service, repair, paint, dismantle, overhaul, or otherwise maintain or do work upon any motor vehicle on, or in any public street, avenue, alley, road highway, boulevard, parking lot or facility, park or other public property or premises.

1325.07. Certain Vehicles Declared a Public Nuisance; Removal and Impounding Thereof. Any vehicle constituting a public nuisance as defined in Section 1325.01, Subd. 4 of this Ordinance, and any stock or junk car not kept in an enclosed garage or storage building is hereby deemed and declared to be a public nuisance and such nuisance may be abated in the manner set forth in this Ordinance.

1325.09. Vehicles Constituting a Public Nuisance and Abandoned Motor Vehicles May be Taken into Custody and Impounded. The City Manager, any police officer, firefighter, or other duly authorized personnel, including the Superintendent of Roads and Snow Removal, may immediately order any abandoned motor vehicle or any vehicle constituting a public nuisance to be removed and impounded in the manner herein provided, and it shall be surrendered to the duly identified owner thereof by the towing contractor only upon payment of the towing, impoundment, storage, clerical and administrative charges set forth in the current schedule of charges and the furnishing of proof of insurance complying with the provisions of Minnesota Statutes Section 65B.48 as amended. (Amended Ord. #93-721)

1325.11. Vehicles to be Tagged. Any motor vehicle ordered impounded under this Ordinance shall be immediately tagged for identification by the Police Department, which tag shall show the disposition of the car ordered by said Police Department, and the reason for which impounded. The tag shall be delivered to the towing contractor.

1325.13. Report of Police Officer. Any police officer or other authorized person directing the impounding of any motor vehicle shall prepare a written report of the description of such vehicle, which report shall, among other things, include the following: make of car; license number; number of tires; tools and other separate articles of personal property; general description of the car with regard to condition, damaged parts, and such other information as may be necessary to describe adequately the vehicle and property delivered to the towing contractor. A copy of such report, signed by the officer, shall be delivered to the towing contractor at the time of impounding. The towing contractor shall receipt for such report, and shall check such report, and his signature thereon shall be considered a receipt for the vehicle and property described in said report. The original and one copy of said report, and towing contractor's receipt shall be filed in the Police Department. (Amended Ord. #93-721)

1325.15. Immediate Sale of Certain Vehicles. When a vehicle constituting a public nuisance or an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction pursuant to 1325.21 of this Ordinance and shall not be subject to the notification, reclamation, or title provisions of this Ordinance.

1325.17. Notice. When a motor vehicle constituting a public nuisance or an abandoned motor vehicle does not fall within the provisions of 1325.09, the towing contractor shall give notice of taking within 72 hours. The notice shall:

- a) Set forth the date and place of the taking, the year, make model and serial number of the vehicle and the place where the vehicle is being held.
- b) Inform the owner and any readily identifiable lienholders of record of the towing charges then accrued against the vehicle and shall provide a schedule of storage and other charges to be made by the towing contractor.
- c) Inform the owner and any readily identifiable lienholder of record of their right to reclaim the vehicle under section 1325.19.
- d) State that failure of the owner or readily identifiable lienholders of record to exercise their right to reclaim the vehicle within fifteen (15) days from the date of the notice shall be deemed a waiver by them of all right, title, interest in the vehicle and a consent to the sale of the vehicle at a public sale or auction pursuant to 1325.21 and that the vehicle will be sold after the expiration of such fifteen (15) day period.
- e) The notice shall be sent by registered mail to the registered owner, if any, of the 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.

1325.19. Right to Reclaim. Subdivision 1. The owner or any lienholder of a motor vehicle shall have a right to reclaim such vehicle from the towing contractor upon payment of the towing, impoundment, storage, clerical and administrative fees stated in the current schedule of charges and the furnishing of proof of insurance within fifteen (15) days after the date of the notice required by 1325.17.

Subd. 2. Nothing in this Ordinance 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.

1325.21. Sale of Unclaimed Vehicles. Subdivision 1. An abandoned motor vehicle or vehicle constituting a public nuisance taken into custody and not reclaimed under Section 1325.19 shall be sold to the highest bidder at public auction or sale, following reasonable published notice thereof. The purchaser shall be given a receipt 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.

Subd. 2. If, in the opinion of the City Manager, the value of an abandoned motor vehicle or vehicle constituting a public nuisance does not justify its sale in the manner set forth in Section 1325.21, Subd. 1, the vehicle or vehicles shall be summarily sold.

Subd. 3. All motor vehicles taken into custody and not reclaimed shall be sold within a reasonable time, which shall not exceed the period of time in which the sum of all towing and storage charges, plus notice and publication costs, would equal the value of the vehicle. The towing contractor shall advise the City Manager of his designee of the estimated market value of each vehicle when taken into custody and of the estimated date by which charges against the vehicle will equal its value.

Subd. 4. From the proceeds of the sale of any vehicle constituting a public nuisance or an abandoned motor vehicle, the towing contractor shall receive the cost of towing, preserving and storing the vehicle as stated in the Towing Contract. The City shall reimburse itself for all notice and publication costs incurred pursuant to this Ordinance and clerical and administrative expenses stated in the Towing Contract. 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 General Fund of the City treasury.

1325.23. Designation of City Towing Contractor; Contract Requirements. Subdivision 1. Towing Contractor. The City Manager shall recommend to the City Council that a contract be made with a person, firm, or corporation desiring to act as towing contractor for vehicles impounded under this Ordinance. The City Council may by motion or resolution authorize the Mayor and City Manager to enter into a contract with the recommended person, firm, or corporation. (Amended Ord. #93-721)

Subd. 2. Contracts. Contracts shall be entered into in writing for a period not exceeding three years. Such towing contract shall include provisions setting forth the fees to be paid and the services to be rendered by the towing contractor, bonding and insurance requirements as determined by the City Manager, and a schedule of towing, impoundment, storage, clerical and administrative charges.

Subd. 3. Schedule of Charges. A schedule of the towing, impoundment, storage, clerical and administrative charges as set forth in the Towing Contract shall be prepared by the City Clerk and a copy thereof shall be posted by the towing contractor in a conspicuous place at his place of business, a second copy thereof shall be posted in the office of the Hopkins Police Department and a third copy shall be kept by the City Clerk for public inspection. Such schedule of charges is hereby declared to be a part of this Ordinance as fully and to the same effect as if set forth herein verbatim.

Subd. 4. Prohibited Activity. The towing contractor shall not solicit, directly or indirectly, the impounding or towing of cars under this chapter. (Amended Ord. No. 86 - 567)

1325.27. Storage of impounding vehicles. A vehicle directed to be impounded as herein provided, for the time it is taken possession of by the towing contractor and during the time its is impounded and until the same is released to the owner as herein provided, is considered to be in the custody of the city and no work shall be done thereon by an official towing contractor until such car has been released to the owner as herein provided. All such cars when ordered released by the city manager or police department shall be released to the owner without charge, other than the impounding and storage fees herein provided. The towing contractor during the time the vehicle is impounded shall not permit the owner or any other person to take or remove from the vehicle any part or parts, or change or repair any part or parts. Vehicles which have been involved in criminal proceedings and which are designated by the police department as being held for that reason, shall be held and stored in garages or other suitable buildings. Vehicles impounded for other reasons may be stored inside garages or on designated fenced or otherwise enclosed parking lots.

1325.29. Release Form. At the time of return of the vehicle the official towing contractor shall release the same by a release in writing which shall state the date of such release together with the charges enumerated thereon and the purpose for which such charges were made. The release shall be made in one original and two copies, all of which shall be signed by the towing contractor and the person to whom such release is made. The official towing contractor shall retain the original of such release and shall deliver one copy thereof to the owner of the vehicle and two copies to the police department. (Amended Ord. #93-721)