

CHAPTER 12-20 ABANDONED VEHICLES

12-20-1

PURPOSE

The purpose of this chapter is to eliminate the accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property which may create a condition tending to reduce the value of private property, to provide blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property, except as expressly permitted in this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this chapter.

Legislative History:

Ordinance No. 6, Article III,
Ordinance No. 389, 7/18/06.
Ordinance No. 532, 05/31/16

Authority:

SDCL §§ 32-20-12 to 32-30-18 §26, 4-8-74.

12-20-2

DEFINITIONS OF TERMS

- A. **Public Nuisance Vehicle.** Any vehicle that is abandoned, wrecked, dismantled or any inoperative part thereof that is on public or private property, not including streets and highways, and that creates a condition as may be described in chapter 12-20-1.
- B. **Abandoned Vehicle.** A vehicle is considered abandoned if it is left on the streets, highways, or public property in such inoperable or neglected condition that the owner's tend to relinquish further rights or interests in it may be reasonably concluded:
1. In reaching a reasonable conclusion, one must consider the amount of time the vehicle has not been moved, its condition, statements from the own, witnesses, etc.
 2. In reference to street or public right of way, abandonment is presumed to have occurred if a vehicle is parked, resting, or otherwise immobilized on any street or public right of way and has not been moved for more than seventy-two (72) hours; lacks the important equipment necessary to operate safely and legally on the streets and highways of this State. Such vehicles are presumed to be a hazard to public safety and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the City. Abandoned vehicle also means any vehicle left on private property without the permission of the landowner or tenant.
- C. **Removal Agency.** Any public body, private or nonprofit organization authorized by the City to remove and salvage vehicles that are in violation of this Chapter.

Legislative History:

Ordinance No. 389, 07/18/06.
Ordinance No. 532, 05/31/16

Authority:

SDCL §§ 32-20-12 to 32-30-18

12-20-3

RECREATIONAL AND UTILITY VEHICLES

Recreational vehicles such as boats, trailers, pull-type campers, self-contained recreational vehicles or mini-motor homes, utility trailers and the like, may be parked when mounted on or to a motor vehicle on public streets for a period not exceeding seventy-two (72) hours after which time said vehicle will be deemed to be abandoned and is subject to the provisions of Section 12-20-8, et. seq., herein. This section shall not apply to vehicles located in an enclosed building, or to a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise or to a vehicle in an appropriate storage place, or to a depository maintained in a lawful place and manner by the City or authorized by the City.

Legislative History:

Ordinance No. 389, 07/18/06.
Ordinance No. 532, 05/31/16

Authority:

SDCL §§ 32-20-12 to 32-30-18

12-20-4

REPAIR OF VEHICLES

No person shall repair any motor vehicle on any street except as may be necessary in order to remove such vehicle to some other place.

Legislative History:

Ordinance No. 6, Article III, §26, 4-8-74
Ordinance No. 532, 05/31/16

Authority:

SDCL §§ 32-20-12 to 32-30-18

12-20-5

REMOVAL OF CARS ILLEGALLY PARKED

Whenever the City Police Department finds a vehicle, including recreational vehicle, to be in violation of this Chapter, it is authorized to place written notice on the vehicle that it will be removed to a garage or place of safety unless the owner removes the vehicle from public property within 24 hours of the giving of the notice. After the expiration of the 24-hour period, any vehicle on a street, highway or public property may be removed by a removal agency to a garage or place of safety. Nothing in this section precludes the police department from immediately removing a vehicle that constitutes an imminent health, safety or fire hazard.

Legislative History:

Ordinance No. 5, Article III, §42, 3/11/74
Ordinance No. 532, 05/31/16

Authority:

SDCL Ch. 32-33

12-20-6

DUTY OF PROPERTY OWNERS

- A. No person owning, in charge of or in control of any real property within the City whether as owner, tenant, occupant, lessee or otherwise, shall allow an abandoned vehicle, partially dismantled, non-operating, wrecked or junked vehicle or vehicle in a state of substantial disrepair to remain on such property in violation of this Chapter; except that this section shall not apply with regard to a vehicle in an enclosed building, or to a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or authorized by the City.

B. No vehicle of any nature may be parked in the front yard of any real property within the City except that part used for driveways and parking areas.

Legislative History:
Ordinance No. 6, Article III, §30, 4-8-74.
Ordinance No. 532, 05/31/16

Authority:
SDCL §§ 32-20-12 to 32-30-18

12-20-7

TICKETING, FINES AND REMOVAL

The removal agency that physically removes the vehicle shall have the rights and obligations conferred upon it by SDCL ch. 32-36 in regard to notices, titling or disposition of the unclaimed abandoned or inoperable vehicle, except that, if not otherwise provided by state law, it shall have a possessory lien upon any vehicle removed under provisions of this sub chapter for the costs or reasonable charges in taking custody of and storing those vehicles. The City shall also have lien for any costs it incurred related to the abandoned or public nuisance vehicle.

Legislative History:
Ordinance No. 6, Article III, §31, 4-8-74.
Ordinance No. 532, 05/31/16

Authority:
SDCL §§ 32-20-12 to 32-30-18

12-20-8

NOTICE TO OWNER

It shall be the duty of the police department to attempt to notify the registered owner, and if encumbered the lien holder, of the removal and storage of any vehicle under the provisions of this chapter and where such vehicle has been stored.

Legislative History:
Ordinance No. 6, Article III, §33, 4-8-74

Authority:
SDCL §§ 32-20-12 to 32-30-18

12-20-9

RECOVERY BY OWNER, LIEN HOLDER

The registered owner or the lien holder of any vehicle removed and stored under the provisions of this article may recover the same upon the payment of all costs incident to the removal and storage of such vehicle.

Legislative History:
Ordinance No. 6, Article III, §33, 4-8-74

Authority:
SDCL §§ 32-20-12 to 32-30-18

12-20-10

SALE OF UNCLAIMED VEHICLE

If after three (3) months from the date of mailing the notice of removal and storage provided for by this article the vehicle shall remain unclaimed, such vehicle may be sold by the police department at public auction upon notice to be published in a newspaper of general circulation in the county not less than once a week for two (2) consecutive weeks.

Legislative History:
Ordinance No. 6, Article III, §34, 4-8-74
1990 Revision

Authority:
SDCL §§ 32-20-12.1 and 32-30-16

12-20-11

NOTICE OF SALE

The notice of sale provided for by this article shall contain a description of the removed and stored vehicle, including the year, make, model, serial number, color, license number,

if any, a statement that the vehicle was found abandoned, the date thereof, and the place, date and time at which such vehicle shall be sold, which date shall not be sooner than one (1) week following the date of the last publication of notice of sale.

Legislative History:
Ordinance No. 6, Article III, §35, 4-8-74

Authority:
SDCL §§ 32-20-12.1 and 32-30-16

12-20-12

LIEN FOR COSTS

The police department, or whomever is designated by the chief of police to provide storage to the abandoned vehicle, shall have a promissary lien upon any vehicle removed under the provisions of this article for the costs in taking custody of and storing such vehicle.

Legislative History:
Ordinance No. 6, Article III, §36, 4-8-74

Authority:
SDCL §§ 12-20-1

12-20-13

TITLE MAY VEST IN CITY - WHEN

If after three (3) months from the date of mailing the notice of removal and storage provided for by this article, the vehicle shall remain unclaimed, the title to such vehicle shall be vesting in the City, and such vehicle may be disposed of in any manner as may be provided by the City Council. The proceeds of any such disposal shall first be applied to the cost incurred in the enforcement of this article with the balance to be deposited to the general fund of the City.

Legislative History:
Ordinance No. 6, Article III, §37, 4-8-74
Ordinance No. 161, 12-2-86
1990 Revision

Authority:
SDCL §§ 12-20-1

12-20-14

TITLE MAY VEST IN CITY - NOTICE TO COMMISSIONER OF VEHICLES

Within thirty (30) days after acquiring title to any vehicle under the provisions of this article, the City shall notify the commissioner of motor vehicles thereof and shall provide the commissioner, on such form as he may prescribe, all facts and information relevant thereto as he may require. Upon receipt thereof, the commissioner shall appropriate mark the title and registration records and notify the owner of records at this last known address of the actions taken.

Legislative History:
Ordinance No. 6, Article III, §26, 4-8-74
1990 Revision

Authority:
SDCL §§ 32-20-12 to 32-30-18