

CHAPTER 38

ABANDONED PROPERTY

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38.01.000 DEFINITION. For use in this chapter, the term “Abandoned Property” means any of the following:

1. “Abandoned Property” or “Abandoned Vehicle”. means any of the following:
 - A. A vehicle or property that has been left unattended on public property for more than twenty-four hours. Vehicles must lack current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle or property that has remained illegally on public property for more than twenty-four hours.
 - C. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
 - E. Any vehicle parked on the roadway determined by a police authority to create a hazard to other vehicle traffic.
2. “Demolisher”. means any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck or dismantle vehicles.
3. “Police Authority”. means the West Burlington Police Department.

38.02.000 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. The Police Department may take into custody any abandoned property or abandoned vehicles found within the City limits. The Police Department may employ its own personnel, equipment and facilities or hire other personnel, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned property.

38.03.000 NOTICE BY MAIL. The Police Department shall notify, within twenty days, by certified mail, the last known registered owner of the vehicle or property, all lien holders of record, and any other known claimant to the vehicle or property or any other personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle or property has been taken into custody. Notice shall be deemed given when mailed. The notice shall inform the owner of a description of the vehicle or property, the right to reclaim the vehicle or property within ten days after the effective date of notice.

38.04.000 NOTIFICATION IN NEWSPAPER. If the identity of the owner of the abandoned vehicle or property cannot be determined, notice by one publication in one newspaper of general circulation in the City shall be sufficient to meet all requirements or notice. The published notice may contain multiple listings of abandoned vehicles or property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 38.03.000.

38.05.000 EXTENSION OF TIME. The owner may, by written request delivered to the Police Department prior to the expiration of the ten day reclaiming period, obtain an additional five days within which the vehicle or property may be reclaimed.

38.06.000 DISPOSAL OF ABANDONED VEHICLES OR PROPERTY. If an abandoned vehicle or property has not been reclaimed as provided for in 38.03.000, the police authority or designate shall make a determination as to whether or not the vehicle or property shall be sold for public or personal use. If the vehicle or property is not sold for use, it shall be sold for junk, or demolished and sold as scrap. The police authority or designate shall sell the vehicle or property at public auction. Notwithstanding any other provision of this section, a police authority or designate, which has taken into possession any abandoned vehicle which lacks an engine, two or more wheels, another part which renders the vehicle totally inoperable, or which has a fair market value of less than five hundred dollars as determined by the police authority or designate, may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures in subsection 38.03.000.

38.07.000 EXCEPTIONS. This chapter shall not apply to abandoned vehicles or property the disposal of which is specifically regulated by the State Code of Iowa.

38.08.000 CITY LIABILITY. Neither the City nor any employees thereof shall be liable for damages by reason of the removal, sale or disposal of any abandoned property under the provisions of this chapter.