

Article 6 – Abandoned Vehicles

(Am. by Ord. No. 655, 6/8/00)

SECTION 4-601: DEFINED

A. A motor vehicle is an abandoned vehicle:

1. If left unattended, with no license plates or valid "In Transit" stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
2. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
3. If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
4. If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;
5. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
6. If removed from private property by the city pursuant to a municipal ordinance.

B. For purposes of this section:

1. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property; and
2. "Private property" means any privately owned property which is not included within the definition of public property.

C. No motor vehicle subject to forfeiture under state statutes shall be an abandoned vehicle under this section.

(Neb. Rev. Stat. §60-1901)

SECTION 4-602: ABANDONMENT OF VEHICLE PROHIBITED

A. No person shall cause any vehicle to be an abandoned vehicle as described in Section 4-601 (A)(1), (2), (3), or (4). (Neb. Rev. Stat. §60-1907)

B. No person in charge or control of any property within the city, other than city property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, inoperable, wrecked, junked, or discarded vehicle to remain on such property longer than 30 days. No unlicensed vehicle shall be permitted to remain on any private or public property for any length of time; provided, this section shall not apply to a vehicle in an enclosed building; to a vehicle on the premises of a business enterprise, operated in a lawful place and manner, when such vehicle is necessary to the lawful operation of the business; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. Any vehicle allowed to remain on property in violation of this section shall constitute a nuisance and shall be abated, and any person violating this section shall be guilty of a misdemeanor.

SECTION 4-603: TITLE; VEST IN LOCAL AUTHORITY OR STATE AGENCY

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid "In Transit" stickers issued pursuant to state statute affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the City Council or state agency having jurisdiction thereof as provided in Section 4-606 (Custody). Any certificate of title issued under this section to the City Council or state agency shall be issued at no cost to such authority or agency. (Neb. Rev. Stat. §60-1902)

SECTION 4-604: LOCAL AUTHORITIES; POWERS AND DUTIES

A. Except for vehicles governed by Section 4-603, the City Council having custody of an abandoned vehicle shall make an inquiry concerning the last registered owner of such vehicle as follows:

1. With license plates affixed, to the jurisdiction which issued such license plates; or
2. With no license plates affixed, to the Department of Motor Vehicles.

B. The City Council shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (1) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (2) title will vest in the City Council 30 days after the date such notice was mailed. If the agency described in subdivision (A)(1) or (2) of this section also notifies the City Council 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.

C. Title to an abandoned vehicle, if unclaimed, shall vest in the City Council (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction, (2) 30 days after the date the notice is mailed if the council will retain

the vehicle, or (3) if the last registered owner cannot be ascertained, when notice of such fact is received.

D. After title to the abandoned vehicle vests pursuant to subsection (C) of this section, the City Council may retain for use, sell, or auction the abandoned vehicle. If the council has determined that the vehicle should be retained for use, the council shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the city an announcement that the council intends to retain the abandoned vehicle for its use and that title will vest in the council 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

SECTION 4-605: LAW ENFORCEMENT AGENCY; POWERS AND DUTIES

A local law enforcement agency which has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody shall send a certified letter to each of the last registered owners stating that the vehicle is in the custody of the said law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under state statutes. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this section unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. (Neb. Rev. Stat. §60-1903.01)

SECTION 4-606: CUSTODY; WHO ENTITLED

If a state agency caused an abandoned vehicle described in Section 4-601 (A)(5) to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in Section 4-601 (A)(1), (2), (3), or (4) to be removed from public property, the state agency shall deliver the vehicle to the City Council, which shall have custody. The council shall be entitled to custody of an abandoned vehicle if the said vehicle was abandoned in the city. (Neb. Rev. Stat. §60-1904)

SECTION 4-607: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the City Council shall be held by the council without interest for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the city. (Neb. Rev. Stat. §60-1905)

SECTION 4-608: LIABILITY FOR REMOVAL

Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed nor the city 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 its contractual agent or as a result of any subsequent disposition. (Neb. Rev. Stat. §60-1906)

**SECTION 4-609: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL;
EXCEPTION; VIOLATION; PENALTY**

No person other than one authorized by the City Council shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §60-1908)

**SECTION 4-610: COSTS OF REMOVAL AND STORAGE; LAST REGISTERED
OWNER LIABLE**

The last registered owner of an abandoned vehicle shall be liable to the City Council for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)