

**CHAPTER 19**  
**ABANDONED VEHICLES AND UNCLAIMED PROPERTY**

**SECTION 1**

**1901.000. ABANDONED VEHICLES.**

**1901.001. PURPOSE.**

Minnesota Statute Chapter 168B, and MN Rules Chapter 7035, as they may be amended from time to time, are hereby adopted by reference. This Chapter is adopted under the authority of MN Statute Chapter 168B.09 Sub. 2, as it may be amended from time to time. If any of these provisions are less stringent than the provisions of MN Statute 168B or MN Rules Chapter 7035, as they may be amended from time to time, the Statute or Rule shall take precedence.

**1901.002. DEFINITIONS.**

As used in this Chapter, unless the context clearly indicates or requires a different meaning, the following words shall be defined to mean:

A. ABANDONED VEHICLE.

1. A motor vehicle, as defined in M.S. § 169.011, as it may be amended from time to time, that:
  - a. Has remained illegally:
    - i. For a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted, or
    - ii. On private property for a period of time, as determined under 1901.004.2.b of this Chapter, without the consent of the person in control of the property, and
  - b. Lacks vital component parts or is in an inoperable condition that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
2. A classic car or pioneer car, as defined in MN Statute 168.10, as it may be amended from time to time, is not considered an abandoned vehicle;
3. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with MN Statute 161.242, as it may be amended from time to time, or that are licensed and

maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles;

4. A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ or court order is in effect.

B. DEPARTMENT. The Minnesota Department of Public Safety.

C. IMPOUND. To take and hold a vehicle in legal custody. There are two types of impounds: public and non-public.

D. IMPOUND LOT OPERATOR or OPERATOR. A person who engages in impounding or storing, usually temporarily, unauthorized, or abandoned vehicles. Operator includes an operator of a public or non-public impound lot, regardless of whether tow truck service is provided.

E. JUNK VEHICLE. A vehicle that;

1. Is three years old or older;
2. Is extensively damaged, with the damage including things as broken or missing wheels, motor, drive train or transmission;
3. Is apparently inoperable;
4. Does not have a valid, current registration plate.

F. MOTOR VEHICLE. The meaning given in MN Statute 169.01, as it may be amended from time to time.

G. MOTOR VEHICLE WASTE. Solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

H. MPCA. Minnesota Pollution Control Agency.

I. NON-PUBLIC IMPOUND LOT. An impound lot that is not a public impound lot.

J. PUBLIC IMPOUND LOT. An impound lot owned by or contracting with a unit of government under Section 1901.010 of this Chapter.

K. UNAUTHORIZED VEHICLE. A vehicle that is subject to removal and impoundment pursuant to Section 1901.004 of this Chapter or MN Statute 168B.035, as it may be amended from time to time, but is not a junk vehicle or an abandoned vehicle.

- L. UNIT OF GOVERNMENT. Includes a state department or agency, a special purpose district and a county, statutory or home rule charter city, of town.
- M. VITAL COMPONENT PARTS. Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train, and wheels.

**1901.003. VIOLATION TO ABANDON MOTOR VEHICLE.**

Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of the property, or locates or keeps a junk vehicle on residential property outside an enclosed structure, is guilty of a misdemeanor.

**1901.004. AUTHORITY TO IMPOUND VEHICLES.**

A. ABANDONED OR JUNK VEHICLES.

The City Administrator, or his or her designee, or any police officer employed by the City may take into custody and impound any abandoned or junk vehicle if the vehicle is on public property. If the abandoned or junk vehicle is located on private property, the vehicle shall not be removed or impounded until the provisions of 1901.004.2.c are complied with.

B. UNAUTHORIZED VEHICLES.

The City Administrator, or his or her designee, or any police officer employed by the City, may take into custody and impound any unauthorized vehicle under MN Statute 168B.035, as it may be amended from time to time. A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicted period of time:

1. In a public location not governed by MN Statute 168B.035, as it may be amended from time to time:
  - a. On a highway and properly tagged by a peace officer: 4 hours;
  - b. Located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer: immediately; or
  - c. That is a parking facility or other public property owned and controlled by a unit of government, properly posted: 4 hours.
2. On private property, only with the express permission of the owner of the property, a resident or other person in control of the premises:
  - a. This is single-family or duplex residential property: immediately;
  - b. This is private, non-residential property, properly posted: immediately;
  - c. That is private, non-residential property, not posted: 24 hours; or
  - d. That is any residential property, properly posted: immediately.

3. If permission under this section is not granted, then the City shall not remove and impound any vehicle until the procedures established in 19001.004.3 have been followed.
- C. If the vehicle is on private property, the City Administrator, or his or her designee, or any peace officer employed by the City may take into custody and impound any abandoned or junk vehicle on private property only with the permission of the owner of the property, a resident or other person in control of the premises. If permission is denied, the City may declare the existence of the abandoned or junk vehicle to be a blight or nuisance and proceed to abate the blight or nuisance as provided for in this code of ordinances. Once the abatement procedure has been completed, the City may apply for an order from a court of competent jurisdiction authorizing the removal and impoundment of the vehicle and, after the order has been granted, the City may then remove and impound the vehicle.

**1901.005. SALE; WAITING PERIODS.**

- A. SALE AFTER 15 DAYS. An impounded vehicle is eligible for disposal or sale under Section 1901.009 of this Chapter, 15 days after notice to the owner; if the vehicle is determined to be:
1. A junk vehicle; except that, it may have a valid, current registration plate and still be eligible for disposal or sale under this division (1); or
  2. An abandoned vehicle.
- B. SALE AFTER 45 DAYS. An impounded vehicle is eligible for disposal or sale under 1901.009 of this Chapter 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle.

**1901.006. NOTICE OF TAKING AND SALE.**

- A. CONTENTS; NOTICE GIVEN WITHIN FIVE DAYS. When an impounded vehicle is taken into custody, the City or impound lot operator taking it into custody shall give notice of the taking within 5 days. The notice shall:
1. Set forth the date and place of the taking; the year, make, model and serial number of the impounded motor vehicle if the information can be reasonably obtained; and the place where the vehicle is being held;
  2. Inform the owner and any lienholders of their right to reclaim the vehicle under 1901.007 of this chapter; and
  3. State that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under Section 1901.005 of this Chapter shall be deemed a waiver by them of all right, title and interest in the vehicle and contents and a consent to the

transfer of title to and disposal or sale of the vehicle and contents pursuant to Section 1901.009 of this chapter.

- B. NOTICE BY MAIL OR PUBLICATION. The notice shall be sent by mail to the registered owner, if any, of an impounded vehicle and to all readily identifiable lienholders of record. The Department makes this information available to impound lot operators for notification purposes. 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 towed from or abandoned. Published notices may be grouped together for convenience and economy.
- C. UNAUTHORIZED VEHICLES; NOTICE. If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent as required under this section, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

**1901.007. RIGHT TO RECLAIM.**

- A. PAYMENT OF CHARGES. The owner or any lienholder of an impounded vehicle shall have a right to reclaim the vehicle from the City or impound lot operator taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days, as applicable listed in this Chapter.
- B. LIENHOLDERS. Nothing in this subsection shall be construed to impair any lien of a garage keeper under the laws of the state, or the right of a lienholder to foreclose. For the purposes of this section, garage keeper 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.

**1901.008. OPERATOR'S DEFICIENCY CLAIM; CONSENT TO SALE.**

- A. DEFICIENCY CLAIM. The non-public impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage and inspection of the vehicle, minus the proceeds of the sale or auction. The claim for storage costs may not exceed the costs of:
  - 1. 25 days storage for a vehicle described in 1901.005(1) of this Chapter; and
  - 2. 55 days storage for a vehicle described in 1901.005(2) of this Chapter.

- B. IMPLIED CONSENT TO SALE. A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under 1901.05 of this Chapter is deemed to waive any right to reclaim the vehicle and contents to the disposal or sale of the vehicles and its contents and transfer of title.

**1901.009. DISPOSITION BY IMPOUND LOT.**

A. AUCTION OR SALE.

- a. If an abandoned or unauthorized vehicle and contents taken into custody by the City or any impound lot is not reclaimed under 1901.007 of this chapter, it may be disposed of or sold at auction or sale when eligible pursuant to 1901.006 and 1901.007 of this Chapter.
- b. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles 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. Before a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

- B. UNSOLD VEHICLES. Abandoned or junk vehicles not sold by the City or public impound lots shall be disposed of in accordance with Section 1901.010 of this Chapter.

- C. SALE PROCEEDS; PUBLIC ENTITIES. From the proceeds of a sale under this section by the City or public impound lot of an abandoned or unauthorized motor vehicle, the City shall reimburse itself for the cost of towing, preserving, and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to this subsection. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the treasury of the City.

- D. SALE PROCEEDS; NON-PUBLIC IMPOUND LOTS. The operator of a non-public impound lot may retain any proceeds derived from a sale conducted under the authority of Section 1901.009 of this Chapter. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale; except that, any suspected contraband, or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

**1901.010. DISPOSAL AUTHORITY.**

The City may contract with others or may utilize its own equipment and personnel for the inventory of impounded motor vehicles and abandoned scrap metal and may

utilize its own equipment and personnel for the collection, storage and transportation of these vehicles and abandoned scrap metal. The City may utilize its own equipment and personnel only for the collection and storage of not more than five abandoned or unauthorized vehicles without advertising for or receiving bids in any 120-day period.

**1901.011. CONTRACTS; REIMBURSEMENT BY MPCA.**

**A. MPCA REVIEW AND APPROVAL.**

1. If the City proposes to enter into a contract with a person licensed by the MPCA pursuant to this section or a contract pursuant to 1901.010 of this Chapter, the MPCA may review the proposed contract before it is entered into by the City, to determine whether it conforms to the MPCA's plan for solid waste management and is in compliance with MPCA rules. A contract that does so conform may be approved by the MPCA and entered into by the City. Where a contract has been approved, the MPCA may reimburse the City for the costs incurred under the contract that have not been reimbursed under 1901.009 of this Chapter.
  2. Except as otherwise provided in 1901.010 of this Chapter, the MPCA shall not approve any contract that has been entered into without prior notice to and request for bids from all persons duly licensed by the MPCA to be a party to a disposal contract pursuant to MN Statute 116.07, as it may be amended from time to time; does not provide for a full performance bond; or does not provide for total collection and transportation of abandoned motor vehicles, except that the MPCA may approve a contract covering solely collection or transportation of abandoned motor vehicles where the MPCA determines total collection and transportation to be impracticable and where all other requirements herein have been met and the unit of government, after proper notice and request for bids, has not received any bid for total collection and transportation of abandoned motor vehicles.
- B. THE CITY MAY PERFORM WORK. If the City utilizes its own equipment and personnel pursuant to its authority under 1901.010 of this Chapter, and the use of the equipment and personnel conforms to the MPCA's plan for solid waste management and is in compliance with MPCA rules, the City may be reimbursed by the MPCA for reasonable costs incurred which are not reimbursed under 1901.009 of this chapter.
- C. THE CITY REQUIRED TO CONTRACT WORK. The MPCA may demand that the City contract for the disposal of abandoned motor vehicles and other scrap metal pursuant to the MPCA's plan for solid waste disposal. If the City fails to contract within 180 days of the demand, the MPCA, through the

Department of Administration and on behalf of the City, may contract with any person duly licensed by the MPCA for the disposal.