

Chapter 51 – Abandoned Property

51.010. Definitions. As used in this Chapter, the following terms shall mean:

Abandoned property. Any unattended motor vehicle, trailer, all-terrain vehicle, out-board motor or vessel removed or subject to removal from public or private property as provided in this Chapter, whether or not operational.

Person. Any natural person, corporation, or other legal entity.

Right-of-way. The entire width of land between the boundary lines of a public road or state highway, including any roadway.

Roadway. That portion of a public road or state highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Towing company. Any person or entity which tows, removes or stores abandoned property.

51.020. Abandoned vehicles prohibited.-No person shall abandon any motor vehicle on the right-of-way of any public road or state highway, or on property owned by the City, or on any private real property owned by another without his consent.

51.030. Open storage of inoperable vehicles or public safety hazards prohibited.-The open storage of inoperable vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

51.040. Obstructing the flow of traffic prohibited.-Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or state highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than two hundred twenty five dollars (\$225.00)

51.050. Towing of abandoned property on public real property.

(A) Any law enforcement officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:

- (1) Any abandoned property on the right-of-way of any state highway, or interstate highway or freeway in the City, left unattended for more than

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forty-eight (48) hours, provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;

(3) Any abandoned property which has been abandoned under Section 51.020 of this Code or Section 577.080 RSMo.;

(4) Any abandoned property which has been reported as stolen or taken without consent of the owner;

(5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal;

(6) Any abandoned property which due to any other state law or City ordinance is subject to towing because of the owners' outstanding traffic or parking violations;

(7) Any abandoned property left unattended in violation of a state law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.

(B) When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity it shall complete a crime inquiry and inspection report.

(C) Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

51.060. Towing of abandoned property on private real property.

(A) Generally: The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 51.030, or are derelict, junk, scrapped, disassembled, or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 51.070. When a City agency other than the Police Department authorizes a tow under this Section, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.

(B) Towing authorized by City Police Department: If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:

- (1) The abandoned property is left unattended for more than forty-eight (48) hours; or
- (2) In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

(C) Towing authorized by real property owner, lessee, or property or security manager:

(1) The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Section may be made only under any of the following circumstances:

(a) Sign: There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-(24)-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

(b) Unattended on owner-occupied residential property: The abandoned property is left unattended on owner-occupied residential property with four residential units or less and the owner, lessee, or agent of the real property in lawful possession has notified the City Police Department and ten (10) hours have elapsed since that notification; or

(c) Unattended on other private real property: The abandoned property is left unattended on private real property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.

(2) Pursuant to this Section, any owner or lessee in lawful possession of real

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property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060 RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:

- (a) The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;
- (b) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
- (c) The license plate or registration number and the state of issuance, if available;
- (d) The physical location of the property and the reason for requesting the property to be towed;
- (e) The date the report is completed;
- (f) The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
- (g) The towing company's name and address;
- (h) The signature of the towing operator;
- (i) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
- (j) Space for the name of the law enforcement agency notified of the abandoned property and for the signature of the law enforcement official receiving the report; and
- (k) Any additional information the Missouri Director of Revenue deems appropriate.

(3) Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Section B of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.

(4) The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the national crime information center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.

(5) The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the Department of Revenue.

(6) No owner, lessee, or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.

(D) Written authorization required; delegation of authority to tow.

(1) Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.

(2) General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a fire department or the state fire marshal.

51.070. General provisions and procedures.

(A) Payment of charges. The owner of abandoned property removed as provided in this Section shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Missouri statutes.

(B) Crime inquiry and inspection report. Upon the towing of any abandoned property pursuant to Section 51.050 or under authority of a law enforcement officer or local government agency pursuant to Section 51.060, the City Police Department, where it authorized such towing or was properly notified by another government agency of such towing, shall promptly make an inquiry with the national crime information center

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(NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.

If the abandoned property is not claimed within ten (10) working days of the towing, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one copy of the report to the storage facility and one copy to the towing company. A towing company in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall comply with

(C) Reclaiming property. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

(D) Lienholder repossession. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

(E) Notice to owner. Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

- (1) The public agency authorizing the removal; or
- (2) The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

Adopted by Ordinance 6/14/93. Amended by: Ordinance #15, 11/13/95. Ordinance #35, 11/11/96. Ordinance #52, 5/12/97. Ordinance #825, 9/10/18.