

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: REP 114-14

Department Source: City Manager

To: City Council

From: City Manager & Staff

Council Meeting Date: December 1, 2014

Re: Report-24 Hour Abandoned Vehicle Policy

Documents Included With This Agenda Item

Council memo

Supporting documentation includes: None

Executive Summary

Per the request of Ward 2 Councilman Michael Trapp, the City of Columbia abandoned vehicle ordinance has been reviewed and compared to current Missouri Statute and a number of peer and local community ordinances. Two main differences distinguish Columbia's ordinance: it only allows 24 hours before an abandoned vehicle can be towed and it does not require prior notice to the owner of the vehicle. An examination of the other laws demonstrates the commonality of at least a 48-72 hour time frame before towing can occur, and a requisite for prior notification to the vehicle's owner.

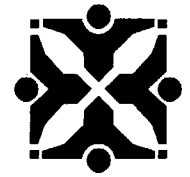
Discussion

Article 9, Abandoned Vehicles, of Chapter 14, Motor Vehicles and Traffic, of the City of Columbia Code of Ordinances includes Ordinance 14-546, which forbids abandonment of vehicles on the same street for more than 24 hours. Moreover, any city police officer or parking enforcement officer has the right to tow and impound vehicles left on the street for more than 24 hours (Sec. 14-548). There is no stipulation within the 7 sections of Article 9 that requires vehicles abandoned for more than 24 hours to be tagged and notified before towing and impoundment. Additionally, more time is allowed for vehicles parked on private property. Cars parked illegally on private property can only be towed after 48 hours (Sec. 14-551) and a wrecked vehicle can be towed from private property after 72 hours (Sec. 14-550).¹

Alternately, the current Missouri Statute allows 48 hours before the removal and disposition of an abandoned vehicle from public property (Missouri Revised Statutes, Sec. 304.157).² Springfield, MO (Sec. 106-34)³ allows 48 hours before a vehicle that appears to be abandoned can be towed and impounded. It does not require prior notice of towing, but it does require notice of the right to a hearing on the question of probable cause to impound as soon as practicable (Sec. 118-176)⁴

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Jefferson City allows a total of 72 hours before towing is enforced (Sec. 19.1).

Lawrence, KS defines an abandoned vehicle as any vehicle parked for more than forty-eight (48) consecutive hours on a public street or parking lot in the city (Sec. 17-202). The abandoned vehicle can only be towed and impounded after the owner or authorized operator has been given forty-eight (48) hours prior notice and an opportunity for hearing (Sec. 17-202).⁶ Ft. Collins, CO also only allows an abandoned vehicle to be towed after 48 hours, unless it is on private property, in which case it can be towed after 24 hours (Sec. 1801).⁷

A number of peer cities throughout the country have abandoned vehicle ordinances that allow 72 hours before towing. Portland, OR stipulates that a vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle (Sec. 16.30.225). Vehicles can only be towed after a 24 hour notice if they pose an immediate threat to public health or safety (Sec. 16.30.225).⁸ Similarly, the City of Bloomington, IN requires that an abandoned vehicle be tagged and notified for 72 hours before it can be towed and impounded (Sec. 15.52.040).⁹ Iowa City also requires 72 hour notice before a vehicle can be towed and impounded (Sec. 9-9-1)¹⁰ The City of Ann Arbor, MI specifies that a vehicle must be parked for 3 consecutive days before it shall be deemed abandoned and may be removed by the city and impounded (Sec. 2.87).¹¹

1. City of Columbia Code of Ordinances, Chapter 14, Article 9
https://www.municode.com/library/mo/columbia/codes/code_of_ordinances?nodeId=PTIICOOR_CH14MOVETR_ARTIXABVE_S14-546ABPRPALOTWURHO
2. Missouri Revised Statutes, Chapter 304, Traffic Regulations, Section 304.157
<http://www.moga.mo.gov/statutes/C300-399/3040000157.HTM>
3. Springfield, MO Code of Ordinances, Chapter 106, Sec. 34
https://www.municode.com/library/mo/springfield/codes/code_of_ordinances?nodeId=PTIICO_CH106TRVE_AR_TIINGE_S106-34ABVE
4. Springfield, MO Code of Ordinances, Chapter 118, Section 176
https://www.municode.com/library/#!/mo/springfield/codes/code_of_ordinances?nodeId=PTIICO_CH118VEHI_ARTIIITOSE_DIV2ROSY_S118-175CUTOSE
5. Jefferson City, MO Code of Ordinances, Chapter 19, Article 1
<file:///L:/Ward%20Jeff%20City%20Traffic%20Policies.pdf>
6. Lawrence, KS Code of Ordinances, Chapter 17, Section 202 <https://www.lawrenceks.org/assets/city-code/chapter17.pdf>
7. Ft. Collins, CO Traffic Code of Ordinances, Chapter 18, Section 1 <http://www.colocode.com/fctrffichtml.html>
8. Portland, OR Code of Ordinances, Chapter 16, Section 30.225
http://www.portlandonline.com/Auditor/index.cfm?c=28592#cid_16122
9. Bloomington, IN Code of Ordinances, Chapter 15, Section 52.040
<http://bloomington.in.gov/code/>
10. Iowa City, IA Code of Ordinances, Chapter 9, Section 1
http://www.sterlingcodifiers.com/codebook/index.php?book_id=953

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11. Ann Arbor, MI Code of Ordinances, Chapter 2, Section 287
https://www.municode.com/library/mi/ann_arbor/codes/code_of_ordinances

Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: N/A

Strategic Plan Impact: N/A

Comprehensive Plan Impact: N/A

Suggested Council Action

This report is only informational.

Legislative History

N/A

Department Approved

City Manager Approved