

ORDINANCE NO. 2026-5

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURRAY, IOWA, BY AMENDING PROVISIONS PERTAINING TO ABANDONED VEHICLES

Be It Enacted by the City Council of the City of Murray, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 80 of the Code of Ordinances of the City of Murray, Iowa, is repealed and the following adopted in lieu thereof:

CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Ability of Owner to Retain Personal Property

80.04 Notice to Owner, Lienholders, and Other Claimants

80.05 Reclamation of Abandoned Vehicles

80.06 Fees for Impoundment

80.07 Auction of Abandoned Vehicles

80.08 Disposal of Totally Inoperable Vehicles

80.09 Proceeds from Sales

80.10 Duties of Demolisher

80.01 DEFINITIONS. For use in this chapter, the following terms are defined.

1. “Abandoned vehicle” means any of the following:

(Code of Iowa, Sec. 321.89(1)(a))

A. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.

(Code of Iowa, Sec. 321.89(1)(a)(1))

B. A vehicle that has remained illegally on public property for more than 24 hours.

(Code of Iowa, Sec. 321.89(1)(a)(2))

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 24 hours.

(Code of Iowa, Sec. 321.89(1)(a)(3))

D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process in Section 80.04.

(Code of Iowa, Sec. 321.89(1)(a)(4))

E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

(Code of Iowa, Sec. 321.89(1)(a)(5))

F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

(Code of Iowa, Sec. 321.89(1)(a)(6))

2. “Demolisher” means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck or dismantle vehicles.

(*Code of Iowa, Sec. 321.89(1)(b)*)

3. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.

(*Code of Iowa, Sec. 321.90(1)*)

4. “Personal property” means and is limited to items that are readily accessible from the vehicle and that do not require dismantling of any part of the vehicle, including all of the following:

A. Prescription medication for the vehicle owner or for a legal dependent of the vehicle owner.

B. Prosthetic devices, durable medical equipment, and mobility enhancing equipment as defined under 701 of the *Iowa Administrative Code* 220.7.

C. Childcare items.

D. Uniforms or clothing required for the vehicle owner’s employment.

E. Personal identification.

F. Credit cards or debit cards.

G. A cellular telephone.

H. A portable or mobile computer including but not limited to a tablet.

I. Tools of trade which are essential equipment, instruments, or machinery required to perform a specific job, profession, or craft in which the vehicle owner is currently employed.

J. A purse or wallet.

K. Essential documents or records relating to legal, financial, tax, or employment matters.

L. Prescription eyeglasses.

M. Hearing aids.

N. Dentures.

O. Keys not associated with the vehicle in custody of the private entity.

(*Code of Iowa, Sec. 321.89(3A)(b)(2)*)

5. “Police authority” means the State Patrol or any law enforcement agency of a county or city.

(*Code of Iowa, Sec. 321.89(1)(c)*)

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned

vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle. The owners, lienholders, or other claimants of the abandoned vehicle shall not have a cause of action against a private entity for action taken under this chapter if the private entity provides notice as required by Section 80.04.

(Code of Iowa, Sec. 321.89(2))

80.03 ABILITY OF OWNER TO RETAIN PERSONAL PROPERTY. While a private entity has custody of an abandoned vehicle, a registered owner may reclaim personal property that is not attached to the vehicle on one occasion during the 20-day vehicle reclamation period. The registered owner shall provide the private entity a written list identifying the personal property to be reclaimed from inside the vehicle, which shall be reclaimed during the normal business hours of the private entity. Reclaiming personal property from within the vehicle does not constitute reclaiming the vehicle. A private entity may determine the manner in which personal property is retrieved from a vehicle subject to safety and security procedures established by the private entity for the area where the vehicle is stored. Retrieval of personal property does not constitute a waiver of the private entity's lien upon the vehicle or any remaining contents in the private entity's custody, if applicable.

(Code of Iowa, Section 321.89(3A)(b)(1))

80.04 NOTICE TO OWNER, LIENHOLDERS, AND OTHER CLAIMANTS.

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody, no more than 10 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.

(Code of Iowa, Sec. 321.89(3)(a))

2. Notice shall be deemed given when mailed. The notice shall include all of the following:

(Code of Iowa, Sec. 321.89(3)(b))

- A. A description of the year, make, model, and vehicle identification number of the vehicle.

(Code of Iowa, Sec. 321.89(3)(b)(1))

- B. The location of the facility where the vehicle is being held.

(Code of Iowa, Sec. 321.89(3)(b)(2))

- C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 20 days after the effective date of the notice. Persons may reclaim the vehicle upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.

(Code of Iowa, Sec. 321.89(3)(b)(3))

- D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.

(Code of Iowa, Sec. 321.89(3)(b)(4))

E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.

(Code of Iowa, Sec. 321.89(3)(b)(5))

3. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90(1) of the *Code of Iowa* and may proceed to sell or dispose of the vehicle.

(Code of Iowa, Sec. 321.89(3)(c))

4. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity, or of the assessment of fees and charges provided by this section, may ask for an evidentiary hearing before the police authority to contest those matters.

(Code of Iowa, Sec. 321.89(3)(d))

5. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 20-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

(Code of Iowa, Sec. 321.89(3)(e))

6. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 20-day reclaiming period.

(Code of Iowa, Sec. 321.89(3)(f))

7. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Subsection 2. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2.

(Code of Iowa, Sec. 321.89(3)(g))

80.05 RECLAMATION OF ABANDONED VEHICLES. A private entity with custody of an abandoned vehicle shall provide an itemized account of all fees assessed to the registered owner when the registered owner reclaims the vehicle. Prior to driving an abandoned vehicle away from the premises, the registered owner shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in Section 321.20B of the *Code of Iowa*.

(Code of Iowa, Sec. 321.89(4))

80.06 FEES FOR IMPOUNDMENT. The owner, lienholder, or claimant shall pay \$3.00 if claimed within five days of impounding, plus \$1.00 for each additional day within the reclaiming period plus towing charges, if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

80.07 AUCTION OF ABANDONED VEHICLES.

1. If an abandoned vehicle has not been reclaimed as provided for in this chapter, the police authority or private entity shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority or private entity shall sell the vehicle at public auction. Notwithstanding any other provision of this section, a police authority or private entity may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures in this chapter. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a Certificate of Title if sold for use upon the highways. If the vehicle is sold or disposed of to a demolisher for junk, the demolisher shall make application for a junking certificate to the County Treasurer within 30 days of purchase and shall surrender the sale receipt in lieu of the Certificate of Title.

(Code of Iowa, Sec. 321.89(5)(a))

2. From the proceeds of the sale of an abandoned vehicle the police authority, if the police authority did not hire a private entity, shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to Section 80.04, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and shall then be deposited in the road use tax fund. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the road use tax fund and are the obligation of the last owner or owners, jointly and severally.

(Code of Iowa, Sec. 321.89(5)(b))

80.08 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. Notwithstanding any other provisions of this chapter and Sections 321.89 and 321.91 of the *Code of Iowa*, the City or any person, firm, or corporation upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures of Section 80.04, if the motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate within 30 days of receipt of the Certificate of Authority and shall surrender the Certificate of Authority in lieu of the Certificate of Title.

(Code of Iowa, Sec. 321.90(2)(e))

80.09 PROCEEDS FROM SALES. Any proceeds from the sale of an abandoned motor vehicle to a demolisher under this chapter, by one other than the owner of the vehicle, except the sale of a vehicle pursuant to an order for disposal obtained pursuant to Section 555B.8(3) of the *Code of Iowa*, shall first be applied to the person's expenses in effecting the sale, including storage, towing, and disposal charges, and any surplus shall be distributed in accordance with Section 321.89(5) of the *Code of Iowa*. The proceeds from the sale of a vehicle disposed of pursuant to Section 555B.8(3) of the *Code of Iowa*, shall be distributed in accordance with Section 555B.9 of the *Code of Iowa*.

(Code of Iowa, Sec. 321.90(2)(g))

80.10 DUTIES OF DEMOLISHER.

1. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk under the provisions of this chapter shall junk, scrap, wreck, dismantle, or demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90(3)(a))

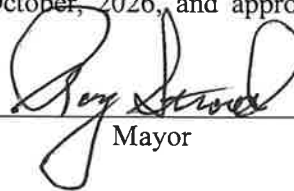
2. A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by the demolisher in the course of the demolisher's business. These records shall contain the name and address of the person from whom each motor vehicle was purchased or received and the date when the purchases or receipts occurred. The records shall be open for inspection by any police authority at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies.

(Code of Iowa, Sec. 321.90(3)(b))

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 14th day of October, 2026, and approved this 14th day of October, 2026.



Mayor

ATTEST:



City Clerk

First Reading: 10-14-26

Second Reading: Waived 10-14-26

Third Reading: Waived 10-14-26

I certify that the foregoing was published as Ordinance No. 2026-5 on the _____ day of _____, _____.

City Clerk

CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Reclamation of Abandoned Vehicles

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

80.01 DEFINITIONS. For use in this chapter, the following terms are defined:

(Code of Iowa, Sec. 321.89[1] and Sec. 321.90)

1. "Abandoned vehicle" means any of the following:
 - A. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than 24 hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. "Demolisher" means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. "Garage keeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. "Police authority" means the Iowa State Patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity,

equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

80.03 NOTICE BY MAIL.

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody, no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.
2. Notice shall be deemed given when mailed. The notice shall include all of the following:
 - A. A description of the year, make, model and vehicle identification number of the vehicle.
 - B. The location of the facility where the vehicle is being held.
 - C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.
 - D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.
 - E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.
3. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.
4. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity, or of the assessment of fees and charges provided by this section, may ask for an evidentiary hearing before the police authority to contest those matters.

5. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

6. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.

7. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles, but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

(Code of Iowa, Sec. 321.89[3])

80.04 RECLAMATION OF ABANDONED VEHICLES. Prior to driving an abandoned vehicle away from the premises, a person who received (or who is reclaiming the vehicle on behalf of a person who received) notice under Section 80.03 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in Section 321.20B of the *Code of Iowa*.

(Code of Iowa, Sec. 321.89[3a])

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder, or claimant shall pay \$3.00 if claimed within five days of impounding, plus \$1.00 for each additional day within the reclaiming period plus towing charges, if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

(Code of Iowa, Sec. 321.89[3a])

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor

vehicle or entitled lienholder for 90 days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

(Code of Iowa, Sec. 321.89[4])

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

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