



CITY OF SOUTH BEND

DEPARTMENT OF COMMUNITY INVESTMENT

July 7, 2026

President Canneth Lee
South Bend Common Council
3rd Floor – South Bend City Hall
South Bend, IN 46601

Filed in Clerk's Office

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

Re: Ordinance Updates – Vehicle Regulations

Dear President Lee:

Attached for consideration by the South Bend Common Council (“Council”) are updates to the existing South Bend Municipal Code including Chapter 20, Article 3 – Abandoned Vehicles, Chapter 20, Article 11 – Parking of Trucks Having More than Eleven Thousand Pounds’ Gross Vehicle Weight, Section 16-53 – Conditions constituting public nuisances, and Section 20-84 – Parking on sidewalk, alley or parkway.

The proposed ordinances focus on updating South Bend’s regulations around vehicles to improve clarity, align with Indiana law, address gaps in parking enforcement, and strengthen the City’s ability to protect quality of life.

I request that the proposed amendments be included on the full Council agenda for first reading and assignment to the Residential Neighborhoods Standing Committee on July 13, 2026.

Thank you for your consideration.

Sincerely,

Liz Maradik
Chief Neighborhoods Officer

BILL NO. 41-26

Jul 7, 2026

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 20, ARTICLE 3 OF THE SOUTH BEND
MUNICIPAL CODE TO UPDATE DEFINITIONS, PROCEDURES, AND
ENFORCEMENT PROVISIONS RELATING TO ABANDONED VEHICLES**

STATEMENT OF PURPOSE AND INTENT

The Common Council finds that abandoned vehicles present risks to public health, safety, and welfare, contribute to neighborhood deterioration, impede the orderly use of public rights-of-way and private property, and may create hazardous conditions affecting residents and visitors. The Council further finds that the City's abandoned vehicle regulations should be periodically updated to ensure consistency with Indiana law and to provide effective administrative tools for vehicle removal and disposition.

The purpose of this ordinance is to revise and modernize the City's abandoned vehicle regulations by: (1) Clarifying the definitions applicable to abandoned vehicles and related terms; (2) Aligning local procedures with Indiana Code Chapter 9-22-1 governing abandoned motor vehicles; (3) Establishing clear standards for addressing vehicles abandoned on public property, public rights-of-way, and private property; (4) Providing effective procedures for notice, towing, storage, removal, and disposal of abandoned vehicles and for the recovery of associated costs; (5) Preserving neighborhood appearance and property values by addressing vehicles that are mechanically inoperable, dismantled, improperly stored, or otherwise abandoned; and (6) Clarifying statutory exceptions applicable to certain classes of vehicles, including antique, historic, military, and specialty vehicles.

It is the intent of the Common Council that these provisions be interpreted and administered in a manner that promotes public safety, protects property rights, supports neighborhood revitalization efforts, and provides the City with efficient and legally compliant mechanisms for addressing abandoned vehicles throughout the community.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, as follows:

SECTION I. Chapter 20, Article 3 of the South Bend Municipal Code shall be amended as follows:

ARTICLE 3. ABANDONED VEHICLES¹

Sec. 20-27. Nuisance declared; public agency designated; revolving fund established.

- (a) Abandoned vehicles are detrimental to the health and safety of the general public and are declared to be a public nuisance and a health and safety hazard.
- (b) The Board of Public Works shall be the public agency responsible for the removal, storage and disposal of abandoned vehicles. The Board shall act through the Department of Community Investment, and may employ personnel and acquire equipment, property and facilities and enter into contracts as necessary for the purpose of removal, storage and disposition of abandoned vehicles.
- (c) An "Abandoned Vehicle Fund" is created into which all proceeds from the sale of abandoned vehicles, and all handling expenses recovered shall be placed. The Common Council shall annually appropriate sufficient tax monies to said fund and any monies remaining in the fund at the end of the year shall not revert to the general fund.
- (d) IC 9-22-1-1 et seq., the "Abandoned Motor Vehicles" chapter, as promulgated by the Indiana State Legislature, is made a part of this article and shall govern all areas not specifically addressed herein.

Sec. 20-28. Definitions.

For the purpose of this article the following terms shall have the following meanings:

- (a) *Abandoned vehicle* means:²
 - (1) A vehicle located on public property illegally;
 - (2) A vehicle left on the public right-of-way without being moved for three (3) days;
 - (3) A vehicle left on public property owned by the City, other than the public right-of-way, without being moved for twenty-four (24) hours;
 - (4) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
 - (5) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours;
 - (6) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;

¹Editor's note(s)—Ord. No. 6971-81, enacted Oct. 12, 1981, effected a total revision of former Art. 3, §§ 20-27—20-30. Said former sections pertained to similar subject matter and were derived from Ord. No. 6333-78, § 1; Ord. No. 6383-78, § 1; and Ord. No. 6492-78, § 1.

State law reference(s)—Abandoned vehicles generally, IC 9-22-1-1 et seq.

²State law reference(s)—IC 9-13-2-1 sets forth the state's definition for "abandoned vehicle."

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- (7) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this article, if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal;
 - (8) A vehicle which is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subsection, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible; or
 - (9) A vehicle that was repaired or stored at the request of the owner that has not been claimed by the owner and for which the reasonable value of the charges associated with the repair or storage remain unpaid for more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored..
- (b) *Automobile scrapyard* means a business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.
 - (c) *Bureau* refers to the Bureau of Motor Vehicles.
 - (d) *Fiscal body* means the Common Council of the City of South Bend, Indiana.
 - (e) *Officer* means a regular member of the South Bend Police Department and any Neighborhood Code Enforcement Officer.
 - (f) *Owner* means the last known record title holder of a vehicle, according to the records of the Bureau under IC 9-17-1-1 et seq.
 - (g) *Person* means an individual, firm, corporation, association, fiduciary or government entity.
 - (h) *Private property* means all property other than public property.
 - (i) *Public agency* means the Board of Public Works.
 - (j) *Public property* means a public right-of-way, street, highway, alley, sidewalk, park or other municipal property.
 - (k) *Towing service* means a business that engages in moving, removing, storing and impounding disabled vehicles.
 - (l) *Vehicle* has the meaning set forth in I.C. 9-13-2-196, as amended.
 - (m) *Visible from public property* means that a vehicle can be seen from public property and includes vehicles which have been covered by a temporary covering that allows the form and outline of the vehicle to remain visible from public property.

Sec. 20-29. Procedure for notice, removal and disposal of abandoned vehicles; fees.

- (a) No person shall abandon a vehicle on any public or private property without the permission of the person having the right to possession or control of the property upon which the vehicle is left.

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- (b) The owner of an abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage and disposal of same.
 - (c) The procedure for tagging, removal, storage, and disposal of abandoned vehicles shall be as set forth in Indiana Code 9-22-1 et seq., as amended.
 - (d) Fees: In accordance with this article the owner shall be charged a fee for the towing and storage of his vehicle. The fee for towing vehicles pursuant to this section shall not exceed five hundred dollars (\$500.00) based on actual charges incurred. The fee for storage of vehicles pursuant to this section shall not exceed fifty dollars (\$50.00) per day, based on actual charges incurred. The charges fixed by the City for towing and storage of abandoned vehicles shall be filed with the Bureau.
 - (e) Upon complaint of a private property owner or person in control of the property upon which a vehicle has been left for more than forty-eight (48) hours without the consent of the owner or person in control, an officer shall follow the procedure set forth in this article for removal of said vehicle.
 - (f) Neither the owner, lessee or occupant of the property from which an abandoned vehicle is removed, or any public agency, towing service or automobile scrapyard, is liable for any damage to the vehicle occurring during its removal, storage or disposition.
 - (g) Under the authority set forth in Indiana Code 9-22-1-31, the City may establish procedures for carrying out the provisions of this Section, including but not limited to contracting for the services described herein.

Sec. 20-30. Exceptions.

This article does not apply to the following vehicles:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;
- (3) A vehicle located on a vehicle sales lot;;
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard; or
- (5) An antique vehicle registered and licensed under I.C. 9-18-12 (before its expiration), a historic vehicle licensed under I.C. 9-18.5-34, or a military vehicle registered under I.C. 9-18.1-8;
- (6) A golf cart; or
- (7) An off-road vehicle.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and any publication required by law.

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock __.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

Jul 7, 2026

BILL NO _____
ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

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- (b) The Board of Public Works shall be the public agency responsible for the removal, storage and disposal of abandoned vehicles. The Board shall act through ~~the~~ the Department of Community Investment Neighborhood Code Enforcement Office, and may employ personnel and acquire equipment, property and facilities and enter into contracts as necessary for the purpose of removal, storage and disposition of abandoned vehicles.
- (c) An "Abandoned Vehicle Fund" is created into which all proceeds from the sale of abandoned vehicles, and all handling expenses recovered shall be placed. The Common Council shall annually appropriate sufficient tax monies to said fund and any monies remaining in the fund at the end of the year shall not revert to the general fund.
- (d) IC ~~89~~-22-1-1 et seq., the "Abandoned Motor Vehicles" chapter, as promulgated by the Indiana State Legislature, is made a part of this article and shall govern all areas not specifically addressed herein.

Sec. 20-28. Definitions.

For the purpose of this article the following terms shall have the following meanings:

- (a) *Abandoned vehicle* means:²
 - (1) A vehicle located on public property illegally;
 - (2) A vehicle left on ~~public property~~ the public right-of-way without being moved for three (3) days;
 - (3) A vehicle left on public property owned by the City, other than the public right-of-way, without being moved for twenty-four (24) hours;
 - (4)
 - ~~(3)~~ A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
 - (54) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours;

¹Editor's note(s)—Ord. No. 6971-81, enacted Oct. 12, 1981, effected a total revision of former Art. 3, §§ 20-27—20-30. Said former sections pertained to similar subject matter and were derived from Ord. No. 6333-78, § 1; Ord. No. 6383-78, § 1; and Ord. No. 6492-78, § 1.

State law reference(s)—Abandoned vehicles generally, IC 9-22-1-1 et seq.

²State law reference(s)—IC 9-13-2-1 sets forth the state's definition for "abandoned vehicle."

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- (56) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;
- (67) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this article, if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal;
- (78) A vehicle which is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subsection, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible; or
- (89) A vehicle that was repaired or stored at the request of the owner that has not been claimed by the owner and for which the reasonable value of the charges associated with the repair or storage remain unpaid for more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored. ~~vehicle located on public property without a state license plate.~~
- (b) *Automobile scrapyard* means a business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.
- (c) *Bureau* refers to the Bureau of Motor Vehicles.
- (d) *Fiscal body* means the Common Council of the City of South Bend, Indiana.
- (e) *Officer* means a regular member of the South Bend Police Department and any Neighborhood Code Enforcement Officer.
- (f) *Owner* means the last known record title holder of a vehicle, according to the records of the Bureau under IC 9-17-1-1 et seq.
- (g) *Person* means an individual, firm, corporation, association, fiduciary or government entity.
- (h) *Private property* means all property other than public property.
- (i) *Public agency* means the Board of Public Works.
- (j) *Public property* means a public right-of-way, street, highway, alley, sidewalk, park or other municipal property.
- (k) *Towing service* means a business that engages in moving, removing, storing and impounding disabled vehicles.
- (l) ~~Vehicle refers to an automobile, motorcycle, truck, trailer, semitrailer, tractor, bus, school bus, recreational vehicle or motorized bicycle~~ has the meaning set forth in I.C. 9-13-2-196, as amended.
- (m) *Visible from public property* means that a vehicle can be seen from public property and includes vehicles which have been covered by a temporary covering that allows the form and outline of the vehicle to remain visible from public property.
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Sec. 20-29. Procedure for notice, removal and disposal of abandoned vehicles; fees.

- (a) No person shall abandon a vehicle on any public or private property without the permission of the person having the right to possession or control of the property upon which the vehicle is left.
- (b) The owner of an abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage and disposal of same.
- (c) The procedure for tagging, removal, storage, and disposal of abandoned vehicles shall be as set forth in Indiana Code 9-22-1 et seq., as amended. If, in the opinion of the officer, the market value of an abandoned vehicle is five hundred dollars (\$500.00) or less, the officer shall attach thereto in a prominent place a notice tag containing the following information:
 - ~~(1) The date, time, officer's name, public agency and address and telephone number to contact for information.~~
 - ~~(2) The vehicle is considered abandoned.~~
 - ~~(3) The vehicle will be removed after seventy-two (72) hours.~~
 - ~~(4) The owner will be held responsible for all costs incidental to the removal, storage and disposal.~~
 - ~~(5) The owner may avoid costs by removal of the vehicle within seventy-two (72) hours.~~
- (d) If the tagged vehicle which, in the opinion of the officer, has a market value of less than five hundred dollars (\$500.00), is not removed within seventy-two (72) hours the officer shall:
 - ~~(1) Prepare a written abandoned vehicle report of the vehicle including information on the condition, missing parts, and other facts that substantiate that the market value is less than five hundred dollars (\$500.00).~~
 - ~~(2) Take photographs to illustrate the condition of the vehicle.~~
 - ~~(3) Immediately remove the vehicle to an automobile storage area or scrapyard.~~
 - ~~(4) Within seventy-two (72) hours after removal or disposal of the vehicle, the Department of Code Enforcement shall forward a copy of the abandoned vehicle report and photograph relating to same to the Bureau of Motor Vehicles and shall retain the original records and photographs for at least two (2) years.~~
- (e) If, in the opinion of the officer, the market value of an abandoned vehicle is five hundred dollars (\$500.00) or more, the officer shall make reasonable effort to ascertain the owner or person who may be in control of the vehicle by inquiry of other persons in the neighborhood. Thereafter, the officer shall attach to the vehicle in a prominent place a notice tag containing the following information:
 - ~~(1) The date, time, officer's name, public agency and address and telephone number to contact for information.~~
 - ~~(2) The vehicle is considered abandoned.~~
 - ~~(3) The vehicle will be removed after seventy-two (72) hours.~~

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- ~~(4) The owner will be held responsible for all costs incidental to the removal, storage and disposal.~~
- ~~(5) The owner may avoid costs by removal of the vehicle within seventy two (72) hours.~~
- ~~(f) If the tagged vehicle which, in the opinion of the officer, has a market value of five hundred dollars (\$500.00) or more is not removed within the seventy two hour period, the officer shall:~~
- ~~(1) Take photographs to illustrate the condition of the vehicle and shall require the vehicle to be towed to a storage area.~~
- ~~(2) Within seventy two (72) hours after the removal of an abandoned vehicle to a storage area, the Department of Code Enforcement shall prepare and forward to the Bureau an abandoned vehicle report, including the make, model, engine number if any, identification number, and number of the license plate, and request that the Bureau advise the Department of Code Enforcement of the name and most recent mailing address of the owner and of any lien holder.~~
- ~~(3) Upon receipt of the requested information from the Bureau, the Department of Code Enforcement shall advise the owner or any lien holder that the vehicle has been impounded at a certain location and must be removed within fifteen (15) days of the date of the mailing of the notice, and advising that the vehicle will be disposed of after that time. The notice should also advise that all costs incurred in removing and storing the vehicle are the owner's legal responsibility, and a detailed list of costs incurred to date and anticipated costs shall be included.~~
- ~~(4) If the owner or lien holder appears prior to the disposal of the vehicle and pays all costs incurred, he shall then be entitled to the return of the vehicle. If the owner or lien holder does not appear in fifteen (15) days after the mailing of notice, the Board of Public Works shall sell the vehicle to the highest bidder at a public sale conducted after notice under IC 5-3-1, except only one (1) newspaper insertion one (1) week before the public sale is required.~~
- ~~(5) If the vehicle is in such condition that the vehicle identification numbers or other means of identification are not available to determine the owner of record with the Bureau, the vehicle may be disposed of without notice.~~
- ~~(6) The purchaser shall be furnished a bill of sale for each abandoned vehicle sold by the Board of Public Works.~~
- ~~(gd) Fees: In accordance with this article the owner shall be charged a fee for the towing and storage of his vehicle. The fee for towing vehicles pursuant to this section shall be ninety dollars (\$90.00) not exceed five hundred dollars (\$500.00) based on actual charges incurred. The fee for storage of vehicles pursuant to this section shall be fifteen dollars (\$15.00) not exceed fifty dollars (\$50.00) per day, based on actual charges incurred. The cost for removal and storage of an abandoned vehicle not claimed by the owner or lien holder shall be paid from the Abandoned Vehicle Fund. The charges fixed by the City for towing and storage of abandoned vehicles shall be filed with the Bureau.~~

~~Proceeds of the sale of an abandoned vehicle shall be credited against the cost incidental to the removal, storage and disposal of the vehicle.~~

~~All proceeds from the sale of an abandoned vehicle, including charges for bill of sale, and all monies received from owners or lienholders for the cost of removal or storage of vehicles, shall be deposited with the City Controller and placed by him in the Abandoned Vehicle Fund. All costs incurred in the administering of this article shall be paid from the Abandoned Vehicle Fund.~~

- (he) Upon complaint of a private property owner or person in control of the property upon which a vehicle has been left for more than forty-eight (48) hours without the consent of the owner or person in control, an officer shall follow the procedure set forth in this article for removal of said vehicle.
- (if) Neither the owner, lessee or occupant of the property from which an abandoned vehicle is removed, or any public agency, towing service or automobile scrapyard, is liable for any damage to the vehicle occurring during its removal, storage or disposition.
- (jg) ~~An administrative fee of ten dollars (\$10.00) shall be collected from the owner of all impounded, abandoned, or inoperative vehicles and placed in the City's Abandoned Vehicle Fund. This fee shall be paid to the Office of the City Controller by the towing service to help defer expenses of enforcement of this article.~~³Under the authority set forth in Indiana Code 9-22-1-31, the City may establish procedures for carrying out the provisions of this Section, including but not limited to contracting for the services described herein.

Sec. 20-30. Exceptions.

This article does not apply to the following vehicles:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;
- (3) A vehicle located on a vehicle sales lot; ~~or at a commercial vehicle servicing facility;~~
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard; or
- (5) An antique vehicle registered and licensed under I.C. 9-18-12 (before its expiration), a historic vehicle licensed under I.C. 9-18.5-34, or a military vehicle registered under I.C. 9-18.1-8; ~~vehicle registered and licensed under IC 9-7-6 as an antique motor vehicle.~~
- (6) A golf cart; or
- (7) An off-road vehicle.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and any publication required by law.

³~~State law reference(s) — IC 9-22-1-27(c), addresses a public agency which administers abandoned vehicles to recover the costs incurred by that public agency for such services.~~

Canneth Lee, President, Common Council

Attest:

Bianca Tirado, City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the
_____ day of _____, 2026, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk

Approved and signed by me on the _____ day of _____, 2026, at
_____ o'clock ____ . m.

James Mueller,
Mayor, City of South Bend, Indiana