

Policy Title: **Abandoned Vehicles**

Policy No: 259

Policy Subject: Environment and Compliance

Directorate: Development & Environment

Department: Environment and Compliance

Responsible Officer: Chief Executive Officer

Authorised by: North Burnett Regional Council

Adopted Date: Policy & Planning Meeting – 3 September 2013

Review Date: 3 September 2015

Authorities:

DEFINITIONS:

Hazardous	Causing or is likely to cause, danger, hindrance or obstruction to traffic or is preventing, hindering or obstructing or is likely to prevent, hinder or obstruct the use of road or part of the road for a lawful purpose.
Vehicle	Includes any part of the vehicle
Abandoned Vehicle	A vehicle which has no current registration or number plates
Road	<p>(a) Includes a bus way under the <i>Transport Infrastructure Act 1994</i>; and</p> <p>(b) Includes an area that is –</p> <ul style="list-style-type: none"> i. Open to or used by the public and is developed for, or has 1 of its uses, the driving or riding of motor vehicles, whether on payment of a fee or otherwise; or ii. Dedicated to public use as a road; but <p>(c) Does not include an area declared under a regulation not to be a road.</p> <p><i>Example of an area that is a road –</i> <i>A bridge, cattle grid, culvert, ferry, ford, railway crossing, shopping centre car park, tunnel or via duct</i></p>

PURPOSE:

Documents the actions required when:

- A vehicle has been left on a road unattended whether temporarily or for a time or in a place, condition, way or circumstance where it is hazardous; or
- The driver of the vehicle cannot be located or has failed to immediately remove the vehicle when required.

REFERENCES:

Transport Operations (Road Use Management) Act 1995

RESPONSIBILITY:

Chief Executive Officer
 Director Development and Environment
 Manager Environmental Health
 Compliance Officers
 Administration Assistant

PROCEDURE:

1. Check the vehicle and ascertain if it's currently registered or has number plates.
 - a) If the car is **registered/ unregistered** and **has number plates**, inform the police of the vehicle's location for their further action. For unregistered vehicles the Police may authorise Council to remove the plates at the time of towing and deliver them to the Queensland Transport or the Police Station.
 - b) If the car is **not registered** or has **no number plates** then contact police to ascertain if they are aware of the abandoned vehicle and the owner's details. If possible obtain a copy of the *Qld Police Service 'Vehicle Details' sheet* listing last known, registered owner's details.
2. Place the *Abandoned Vehicle sticker* on the driver's side of the windscreen, specifying that the vehicle must be removed within (a minimum of) 48 hours. Photograph the scene and the sticker in position and complete a '*Vehicle Impounding Form*'
3. After the 48 hour time frame expires and Council has not been contacted by the owner, Council may then remove the vehicle from the road.
4. Raise a purchase order for the towing of the vehicle and liaise with the contractor for a mutually convenient time to collect. At least one Council officer must be present at the collection. Together with the towing contractor, inspect the vehicle and complete the '*Pre-existing damage and condition report*'.
5. Either at the time of towing, or as soon as practicable after the vehicle is delivered to the holding yard, a minimum of two Authorised Officers shall take an inventory of the vehicle contents. All items which might be regarded as having monetary or personal value must be listed, removed from the vehicle and taken to secure storage in a Council Office. Any non-standard items forming part of the vehicle (such as stereo equipment, alloy wheels, roof racks and accessories) should also be listed and photographed.
6. As soon as practicable, and certainly within 14 days, after removal of the vehicle, a written notice (2012 Impounded Vehicle - Notice to last Owner) must be sent by registered post, to the last registered owner. If this is not possible, then the notice

must be given by public advertisement in the Central and North Burnett Times or other local newspapers.

7. Create a new record in the "Impounded Vehicles Register". Store the:
 - Vehicle Impounding Form
 - Condition/Damage Report
 - Police 'Vehicle Owners Details' sheet
 - 'Vehicle Contents Inventory' and any photographs
 - Copy of "Notice to last Owner" with proof of Registered Post Sticker attached, in the file.

8. If contacted by the owner Council must not deliver possession of vehicle to owner or to another person acting on owner's behalf unless the following have been complied with;
 - (a) Application for release of the vehicle must be in writing addressed to the CEO, and signed by the applicant.
 - (b) The applicant shall have proof of ownership or proof of the applicant's right to the possession of the vehicle, or in the case of the applicant being a person acting on behalf of the owner, shall have furnished proof to the satisfaction of the CEO.
 - (c) The applicant shall have paid all expenses incurred in connection with the removal and detention of the vehicle, and the service or advertisement of any notices.
 - (d) The applicant must sign a receipt of the delivery.

9. If, within one month after the notice is served or advertised, the owner has not claimed the right to the possession of the vehicle, Council may;
 - (a) Advertise in a local paper that Council will offer the vehicle for sale by 'Expression of Interest', with details of the process stated in the advertisement.
 - (b) This Expression of Interest must not be finalised less than 14 days after the advertisement in the paper.
 - (c) Contact the Records Management Department to notify them of the Expression of Interest and who will be 'tasked' with the responses.
 - (d) Prior to advertising determine if any of the vehicles are encumbered by performing a PPSR (Personal Property Security Register) search via the website www.ppsr.gov.au
 - (e) If a security interest is found contact the holder of the security to advise them of Council's possession of this vehicle and offer them the opportunity to re-claim the vehicle by paying Councils costs.
 - (f) The successful submission of interest will be selected by the Chief Executive Officer, and a letter of notification sent in the mail with suitable instructions for payment.
 - (g) Letters notifying unsuccessful submissions will be sent in the mail.
 - (h) If no offer is received, Council may dispose of the vehicle.

10. The proceeds of the sale or disposal shall apply as follows
 - (a) Pay all expenses of the sale or disposal;
 - (b) Pay the cost of removal and detention and advertisement of any notice served or advertised;
 - (c) If there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009 - the amount owing under the security interest*. Should the proceeds available at this point fail to cover the amount owing and the purchaser intends to re-register the vehicle, arrange to extinguish the security interest with the PPSR.
 - (d) Any money remaining shall be given to owner of vehicle, or if the owner cannot be ascertained Council may retain the funds in its general account.

11. Council may deal with any goods, equipment or thing contained in, on or about the vehicle at the time of its removal in the same way it deals with the vehicle. However, any perishable goods may be disposed of.

ATTACHMENTS

1. Abandoned Vehicle Sticker
2. Vehicle Impounding Form (double sided document)



Abandoned Vehicle Notice

This vehicle has been declared abandoned under the *Transport Operations (Road Use Management) Act 1995* by the North Burnett Regional Council. If this vehicle has not been removed by 4pm on _____ then your vehicle will be impounded by the Council. Please contact Council's Compliance Department on 1300 696 272 if you require further information.

MJP Pitt
Chief Executive Officer

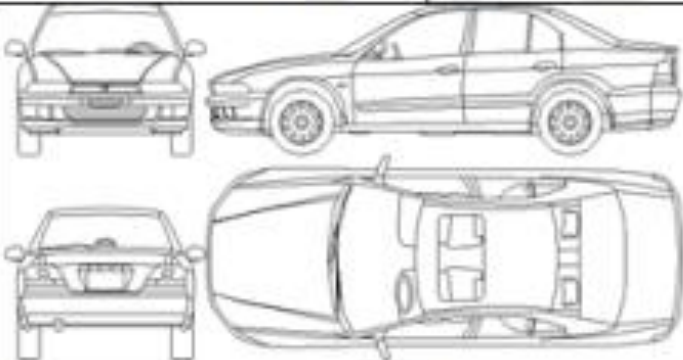

Abandoned Vehicles – Impoundment Form

Consult the 'Abandoned Vehicle Procedure' to complete this process correctly

SECTION 1

Date:		Location:			
Identified by:	Patrol	Police	Complaint	Doc ID# (if relevant):	
Vehicle Details					
Make:		Model:		Type:	Year:
Reg. No.:		Colour:		VIN:	
Police Contact Details:	Officer's Name:				
	Date /Time: / / : am/pm				
Date/ Time Sticker Deadline:	/ / : am/pm			Photo Taken:	YES NO
Vehicle removed by owner within 48hr time frame?	YES	Go to Section 3 to complete			
	NO	Go to Section 2 to complete impoundment process			

SECTION 2

Officer Impounding Vehicle:			
Photos taken of vehicle at location:	YES	NO	Vehicle Condition when Towed
		<p>Symbols to be used: o Dent ● Scratch × Chip ◊ Scuff Locked Unlocked Keys: YES NO Odometer: _____ km</p> <p>Specify any damaged glass:  _____ _____</p>	
Accessories	Fitted	Remarks	
Driving Lights	Yes/ No		
Electronic e.g. GPS, UHF	Yes/ No		
Hub Caps	Yes/ No		
Seat Covers	Yes/ No		
Tools	Yes/ No		
Other:	Yes/ No		

Towing Company:	
Operator's Name:	
Location Towed to:	
Vehicle Contents: <i>to be inventoried by 2 Authorised Officers and photographed</i>	
Glove Box Contents:	
Boot Contents:	
Interior Contents:	
Condition of Upholstery:	
Additional Accessories or Comments:	

SECTION 3	
Last Registered Owner's Name & Address:	
Notification to be sent to above:	<input type="checkbox"/> Vehicle removed by owner within 48hr time frame, send 'Abandoned Vehicle Information Notice' <input type="checkbox"/> Vehicle impounded, send 'Abandoned Vehicle Impoundment Notice' to last registered owner, (to be sent via 'Registered Post') <input type="checkbox"/> Vehicle impounded and notice given by public advertisement in the Central and North Burnett Times etc.
Evidence & Procedure Checklist:	<input type="checkbox"/> Police consulted with <input type="checkbox"/> copy of Qld Police Service 'Vehicle Details' sheet listing the last known registered owner's details obtained <input type="checkbox"/> all photographs time and date stamped, added to 'Photographic Evidence' folder in InfoXpert <input type="checkbox"/> Content's Inventory completed by 2 Authorised Officers <input type="checkbox"/> Registered Post details recorded <input type="checkbox"/> Abandoned Vehicle 'incident' added to Impounded Vehicle's Register <input type="checkbox"/> form submitted to Compliance Administration Assistant
Authorised Officers	Name: Signature:
	Name: Signature: