

Trim Container	FOL/17/993
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1. PREAMBLE

1.1 Background

Councils have the authority to impound vehicles considered to be derelict or abandoned.

If an investigation results in a vehicle being declared derelict or abandoned the owner is usually asked and given an opportunity to take remedial action to show that the vehicle is no longer derelict or abandoned. Should the owner fail to take this opportunity, the vehicle will be impounded. It may be released to the owner upon payment of a prescribed fee. If the vehicle remains unclaimed the vehicle will be held in storage for a limited time and then may be sold.

1.2 Purpose

This policy provides the authority to City of Holdfast Bay (Council) Officers to remove derelict and abandoned vehicles from the streets of the City of Holdfast Bay.

1.3 Scope

This policy applies to all the public streets/roads within the City of Holdfast Bay.

1.4 Definitions

Vehicle: According to the Road traffic Act 1961 a vehicle includes—

- (a) a motor vehicle, trailer and a tram; and
- (b) a bicycle; and
- (c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
- (d) a combination; and
- (e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground),

but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy;

Abandoned is not defined in the legislation, and an assessment in each case will be required, but factors suggesting that a vehicle is abandoned include: the absence of registration plates, labels or other means of identification, a vehicle with little value and no means to identify the owner.

ABANDONED VEHICLE POLICY

1.5 Strategic Reference

A Place that is Safe and Secure
A Place to do Business
A Place that Welcomes Visitors

2. PRINCIPLES

- 2.1. Council is committed to ensuring our streets are maintained in a safe manner by the removal of all abandoned vehicles which come to the attention of Council. These vehicles are removed from the city streets in accordance with the *Local Government Act 1999*
- 2.2 Council applies the principles of social justice, accountability, transparent process and good customer service when undertaking the removal of any abandoned vehicle using this policy.
- 2.3 Council may impound vehicles it considers to be derelict or abandoned.
- a. Owners are usually given an opportunity to take remedial action to show that the vehicle is no longer derelict or abandoned or to take other action.
 - b. Once impounded, the vehicle may be released to the owner upon payment of a prescribed fee.
 - c. If the vehicle remains unclaimed the vehicle will be held in storage for a limited time and then may be sold.
- 2.4 If a vehicle is left on a public road, a public place or on Council land for more than 24 hours an authorized person may have the vehicle removed to an appropriate place.
- 2.5 As soon as practicable after removal of the vehicle, the council must give written notice to the owner of the vehicle notifying them of the removal and the place to which the vehicle was removed.
- 2.6 The owner of the vehicle is liable to the council for any expenses incurred by the council in the removal, custody, maintenance, sale or attempted sale, or otherwise in the disposal, of the vehicle under this section, and the council may recover so much of those expenses as have not been satisfied by proceeds from the sale of the vehicle as a debt due to it.
- a. The notice must, where practicable, be served on the owner personally but if the owner is unknown or cannot be found, the notice may be given by advertisement in a newspaper circulating generally in the State.
 - i Firstly - in payment of the expenses of the sale;
 - ii Secondly - in payment of the cost of removal, custody, and maintenance of the vehicle, and of the notice served or advertised under this section;

ABANDONED VEHICLE POLICY

- iii Thirdly - in payment of the balance to the owner or if, after reasonable inquiry, an owner cannot be found, to the general funds of the council.
- b. If, in the council's opinion, it is not practicable or convenient to sell the vehicle, it may dispose of it in any way it thinks fit.

3. REFERENCES

3.1 Legislation

- *Local Government Act 1999*

3.2 Other References

Nil