

Policy Name:	Wairoa District Council Removal Of Abandoned Vehicles Policy	File Reference:	B03.02.07
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The Local Government Amendment Act (No 6) 1992 deals with procedures for dealing with abandoned vehicles. This is distinct from vehicles unnecessarily blocking roads or impeding traffic flows which are dealt with by Police in terms of the Traffic Regulations. This policy applies to roads/roadways within the roading corridor under the control of the Wairoa District Council. If the Council becomes aware of the fact that a vehicle has been left on the side of the road and appears to have been left for an excessive period or abandoned, the procedures to be used by the Council in dealing with the abandoned vehicle are as follows:

1. Identify whether the vehicle has been abandoned.

The law does not spell out just when a vehicle has become abandoned. The Council must use its judgement in this matter.

2. If a vehicle is deemed to be abandoned, decide which “abandoned vehicle” category it falls into.

The law separates abandoned vehicles into one of three categories. These categories are important, as some of the legal requirements differ from category to category.

CATEGORY	DESCRIPTION
A	Those with neither number plate nor licence label.
B	Those with either a number plate or a current licence label, but not both.
C	Those with a number plate and either <ul style="list-style-type: none"> • a current licence label, or • a label that has been expired for not more than 6 months.

3. Notify the Police.

The Council must notify the local Police Station that they have deemed the vehicle to be abandoned and therefore, intend moving it. This requirement applies to all three “abandoned vehicle” categories (A, B and C).

4. Storage.

The Council will generally not take a vehicle into storage, but will leave it on the side of the road. However, if its location is such that it constitutes a road and public safety hazard, then it may be moved to safe storage. It should not be moved to a place where it is likely to be vandalised to a greater extent than where left.

CATEGORY	STORAGE REQUIREMENTS
A & B	Store until reasonable efforts to identify and locate the owner have been completed.
C	One month storage while reasonable efforts are made to identify and locate the owner.

For category A and B vehicles, there is no longer any mandatory "storage" period.

5. Identify and locate the owner.

The law spells out what "reasonable efforts" are to identify and locate the owner involved. The following minimum procedures shall apply:

CATEGORY	MINIMUM REASONABLE EFFORTS
A, B, & C	Use the chassis and other vehicle identification numbers to identify and locate the owner.
B & C	Contact the Transport Registry Centre of Land Transport New Zealand (LTNZ) who maintain the motor vehicle register.

6. Registered security interest.

If a search within the Transport Registry Centre shows the vehicle is subject to a registered security interest then the holder of the interest must be notified of the intention to sell or dispose of the vehicle.

7. Newspaper notice.

A notice of intention to dispose of or sell the vehicle if unclaimed after 10 days must be given. The notice must be published in two issues of a daily newspaper circulating in the district in which the road from where the vehicle had been abandoned is situated.

The notice may be dispensed with if the vehicle is of little or no value.

The notice must include:

1. Vehicle description, make, model, colour.
2. Chassis number and any other identifying numbers (if known).
3. Location from which the vehicle was removed.

4. For category C vehicles, the name of the current registered owner and their last known address.

8. Disposal of the vehicle.

If the vehicle owner does not reclaim the vehicle the vehicle may be sold or otherwise disposed of.

A set of photographs of the vehicle may be useful particularly if the owner does not respond or cannot be located.

The proceeds of the sale may be used to pay for the removal and storage of the vehicle, the newspaper notice and costs of selling the vehicle. Money left over must be paid to the owner (if known).

If the former owner is not known the money may be retained.

The officer in charge is to advise Council's Chief Executive Officer of abandoned vehicles prior to instigating the disposal of vehicle process outlined above, together with their recommendation of whether or not a notice is to be inserted in the local newspaper. The decision on whether or not it is advertised and how the vehicle is to be disposed of will be made based on the officer's recommendation and the assessed value of the vehicle, together with their success in identifying the owner.

9. Owner reclaims vehicle.

The owner must pay all removal and storage expenses before the vehicle is returned.