

ORDINANCE No. 410

AN ORDINANCE FOR THE IMPOUNDING AND DISPOSING OF ABANDONED VEHICLES; PROVIDING FOR THE SALE OF VEHICLES ACQUIRED BY THE CITY IN LIEU OF BAIL OR IN PAYMENT OF A FINE IMPOSED BY THE RECORDER'S COURT; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: DEFINITION. AS USED IN THIS ORDINANCE UNLESS THE CONTEXT REQUIRES OTHERWISE:

(1) "Abandoned" shall mean left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the City.

(2) "City" shall mean the City of Canby, Oregon.

(3) "Costs" shall mean the expense of removing, storing or selling an impounded vehicle.

(4) "Chief of Police" includes any authorized law enforcement officer of the City.

(5) "Owner" shall mean any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

(6) "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 2: (1) It shall be the duty of the Police Department whenever a vehicle is found abandoned upon the streets or alleys in the same position for a period of two (2) days to:

(a) Make a routine investigation to discover the owner and request removal of the vehicle, and

(b) If the owner is not found to place a Notice upon the windshield or some other part of the vehicle easily seen by the passing public.

(2) Such Notice shall state that the Police Department will remove and impound the vehicle under the provisions of this ordinance within twenty-four (24) hours of the day of the posting unless:

(a) The owner removes the vehicle; or

(b) Good cause is shown, satisfactory to the Chief of Police why such vehicle should not be removed by the owner or removed and impounded by the City.

Section 3: (1) An abandoned vehicle which remains in the same position for a period of twenty-four (24) hours after a Notice to remove has been posted upon such vehicle and no person has appeared to show good cause why such vehicle should not be removed, shall constitute a nuisance.

(2) It shall be the duty of the Police Department to

remove any vehicle which shall constitute a nuisance under the provisions of this ordinance and store such vehicle upon City property or store the same in a private garage pending investigation into the ownership of such vehicle.

Section 4: The Police Department, after impounding any vehicle in accordance with the provisions of this ordinance shall:

- (1) Make a diligent inquiry as to the name and address of the owner of the vehicle.
- (2) Examine such vehicle for license number, motor number, serial number, make, style and any other information which will aid in the identification of the ownership of the vehicle, and
- (3) Thereafter immediately transmit all available information pertaining to such vehicle to the Department of Motor Vehicles for the State of Oregon with an inquiry for the name and address of the owner whenever such vehicle is required by law to be registered with the Department of Motor Vehicles of the State of Oregon.

Section 5: If the owner is identified he shall be notified immediately by registered mail or certified mail that such vehicle is held by the Police Department of the City. The Notice to the owner shall also state:

- (1) The reason for impounding the vehicle.
- (2) The existing costs charged against the vehicle.
- (3) An estimate of future costs including the cost of advertising the vehicle for sale, and
- (4) That unless the owner redeems the vehicle within ten (10) days from the day of mailing the Notice, if the address of the owner is within the State of Oregon, or within twenty (20) days of the day of mailing the Notice if the address of the owner is without the State of Oregon, and pays all the costs, the vehicle:

(a) Will be advertised for sale in accordance with Section 6 of this ordinance; and

(b) Will be sold at a public auction at a definite time and place within the City to the highest and best bidder for cash.

Section 6: (1) If the owner cannot be identified after compliance with Section 4 or no claim is made by a notified owner within the time specified by Section 5, sub-paragraph (4), of this ordinance, the Chief of Police shall cause to be published in a newspaper of general circulation within the City, a Notice of Sale, or in lieu of a publication of such Notice, the Chief of Police shall cause to be posted in three (3) public and conspicuous places within the City, a Notice of Sale. The Notice of Sale shall state:

(a) The sale is of abandoned property in possession of the City.

(b) A description of the vehicle, including the type, make, motor number, serial number and any other information which will aid in accurately identifying the vehicle.

(c) The terms of the sale, and

(d) The date, time and place of the sale.

(2) The Notice of Sale shall be published two (2) times if published in a newspaper and the first publication shall be made not less than ten (10) days prior to the date of the proposed sale and the second publication shall be made not less than three (3) days prior to the date of the proposed sale. In cases where the Notice of Sale is posted rather than published, the posting shall be made ten (10) days prior to the date of the sale.

Section 7: (1) An owner may redeem a vehicle impounded under the provisions of this ordinance before a sale has taken place by applying to the Police Department whereupon he shall:

(a) submit evidence of his ownership or interest in the vehicle satisfactory to the Chief of Police that such claim is rightful, and

(b) Pay the costs due and owing at the time the application to redeem is made.

(2) Upon compliance with sub-section (1) of this section, the Chief of Police shall execute a receipt for the owner and cause the vehicle to be returned to him.

Section 8: (1) If no claim shall have been made to redeem an impounded vehicle before the time set for the sale of such vehicle, the Chief of Police shall hold the sale at the time and place appointed within the view of the vehicle to be sold.

(2) The vehicle shall be sold to the highest and best bidder providing that if no bids are tendered or those bids which are entered are less than the costs incurred by the City, the Chief of Police shall enter a bid on behalf of the City in an amount equal to such costs.

(3) The proceeds of such sale shall be applied:

(a) To the payment of costs incurred by the City,
and

(b) For such services as may be rendered by a private garage, and

(c) The balance, if any, shall be transferred to the Treasurer of the City to be credited to the General Fund.

Section 9: (1) At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale in duplicate, the original which shall be delivered to the purchaser and the copy thereof filed with the City Recorder of the City.

(2) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. 410 entitled "AN ORDINANCE FOR THE IMPOUNDING AND DISPOSING OF ABANDONED VEHICLES; PROVIDING FOR THE SALE OF VEHICLES ACQUIRED BY THE CITY IN LIEU OF BAIL OR IN PAYMENT OF A FINE IMPOSED BY THE RECORDER'S COURT; AND DECLARING AN EMERGENCY," and pursuant to due

notice of the time and place of sale, I did, on the ____ day of _____, 19____, sell at public auction to _____, for the sum of \$_____ cash, he, being the highest and best bidder and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(Brief description of property)

And in consideration of the payment of said sum of \$_____ receipt whereof is hereby acknowledged, I have, this day, delivered to said purchaser the foregoing property.

DATED this ____ day of _____, 19_____.

Note: The City of Canby assumes no responsibility as to the condition of title of the above described property. In case this sale shall, for any reason, be invalid, the liability of the City is limited to the return of the purchase price.

Section 10: Upon such sale being consummated, the Chief of Police shall deliver the vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption.

Section 11: This ordinance shall apply to all abandoned vehicles now in the possession of the City as well as to all such vehicles as may hereafter be impounded.

Section 12: In the enforcement and execution of the provisions of this ordinance, the Chief of Police shall charge and collect the following charges:

(a) \$5.00 for towing

(b) 25¢ per day for storage

(c) The actual cost of a newspaper publication in the event the Notice of Sale is published.

Section 13: The Chief of Police is hereby empowered and authorized to sell at either public or private sale for cash, and with or without Notice, any vehicle now on hand or hereafter acquired by the City in lieu of bail or in payment, either in part or all, of a fine imposed in a criminal action prosecuted and tried in the RECORDER'S COURT OF CANBY and providing such vehicle, if delivered and accepted as bail, was forfeited, or in the case of a fine imposed was not redeemed by the payment of such fine within the time and manner provided in the judgment order of the Court.

Section 14: The Chief of Police is further authorized to sell said vehicle for the best cash price in his opinion obtainable and execute and deliver on behalf of the City of Canby, a certificate of sale to the buyer thereof and which said certificate of sale shall be in the form provided in Section 9 of this ordinance. The proceeds of such sale, less the actual costs of sale, shall be delivered by the Chief of Police into the Recorder's Court.

Section 15: It being deemed by the City Council for the City of Canby, that an emergency exists, this ordinance shall take effect immediately upon its final passage by the City Council.

Passed on first reading at a regular meeting of the Canby City Council this 3rd day of February, 1958; ordered posted for two (2) full calendar weeks as provided by City Charter and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 3rd day of March, 1958.

Bertha E. Dedman
Bertha E. Dedman - Mayor

ATTEST:

F. G. Lawrence
F. G. Lawrence - City Recorder

Passed by the Canby City Council on final reading this 3rd day of March, 1958, by the following vote:

YEAS 6

NAYS 0

Charles Anderson
Bertha E. Dedman - Mayor Acting

ATTEST:

F. G. Lawrence
F. G. Lawrence - City Recorder