

ORDINANCE NO. 475

AN ORDINANCE RELATING TO WRECKED, JUNKED, DISMANTLED, ABANDONED AND UNLICENSED MOTOR VEHICLES; PROHIBITING THE STORAGE, REPAIR, OR DISMANTLING THEREOF ON PUBLIC OR PRIVATE PROPERTY; DECLARING THE SAME TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, in the City of Canby, motor vehicles are or may in the future be dismantled, partially dismantled, wrecked, junked, non-operating or discarded or left about the City, other than in junk yards or other appropriate places; and

WHEREAS, such conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards and other safety and health hazards to children, as well as adults; interfere with the comfort and well-being of the public; and create, extend and aggravate urban blight; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated or prohibited; NOW THEREFORE,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. It shall be unlawful to park, store or leave, or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind for a period of time in excess of seventy-two (72) hours, which is in a rusted or wrecked or junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any public or private property within the City of Canby, unless the same is completely enclosed within a building or unless it is in connection with a business enterprise, lawfully licensed by the City and properly operated in the appropriate business zone, pursuant to the zoning laws of the City of Canby; and a violation of this ordinance shall be a misdemeanor.

Section 2. The accumulation and storage of one or more of such vehicles, as hereinbefore defined, on public or private property shall constitute rubbish and unsightly debris and a nuisance, detrimental to the health, safety and welfare of the inhabitants of the City of Canby, and it shall be the duty of the registered owner of such vehicle, and

it shall also be the duty of the owner of the private property, or the lessee or other person in possession of the private property upon which such vehicle is located to remove the same from the City of Canby or to have the same housed in a building where it will not be visible from the street.

Section 3. It shall be the duty of the Chief of Police of the City of Canby to give written notice to the registered owner of any motor vehicle which is in violation of this Ordinance, as described in Section 1, or to give such notice to the owner or lessee of the private land upon which such motor vehicle is situated, giving notice that said vehicle violates this Ordinance and demanding that said motor vehicle be removed from the City of Canby within seventy-two (72) hours, or that within seventy-two (72) hours the same be housed in a building where it will not be visible from the street. Said notice may be given by personal service or by registered mail, with return receipt requested.

Section 4. If the notice is given, as provided in Section 3, and the person upon whom said notice and demand is made shall fail to remove said vehicle or vehicles, as the case may be, or shall fail to cause the same to be housed in a building where it will not be visible from the street, then said person shall be in violation of this Ordinance, and upon conviction thereof, shall be punished by a fine not exceeding FIVE HUNDRED AND NO/100 - - - (\$500.00) - - - DOLLARS, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

Section 5. As an alternate procedure, the Chief of Police may, after giving the notice required by section 3, and after waiting seventy-two hours, cause the vehicle or vehicles to be removed by a City truck or by a commercial tow truck to a commercial garage or an automobile wrecking yard, or any other suitable place for storage of the vehicle as may be designated by the Chief of Police, and within forty-eight (48) hours after the removal and storage of such vehicle by the Chief of Police, he shall give notice in the manner prescribed in Section 3 of this Ordinance to the registered owner of such vehicle, and also to the owner, lessee or person in possession of the land from which the

vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this Ordinance, and said notice shall include the location of the place where the vehicle, or vehicles, are stored, the costs incurred by the City for the removal or towing, and the storage charges accruing, which shall not exceed ONE DOLLAR per day, and that if said charges are not paid in full to the City Recorder within ten (10) days immediately following the giving of such notice, that said vehicle, or vehicles, shall be deemed to have been abandoned, and will thereafter be discarded as junk or may, in the discretion of the Chief of Police, be sold as an abandoned vehicle in the manner prescribed by Ordinance No. 410, which relates to the impounding and disposing of abandoned vehicles.

Section 6. If any vehicle is impounded and stored by the Chief of Police, under the provisions of this Ordinance or any other Ordinance of the City or pursuant to any other lawful authority of the Police Department, said vehicle shall not be released by the appointed keeper thereof until all charges connected with the removal, towing and storage of such vehicle have been fully paid, as evidenced by the City Recorder's paid receipt.

Section 7. It shall be unlawful to disassemble, construct, reconstruct, repair and/or service motor vehicles of any kind in or upon any street, road, alley or public thoroughfare in the City of Canby or in the yard of any resident, except for emergency service; provided that said emergency service shall not extend over a period of seventy-two (72) hours, except when required to be made in a street, road, alley or public thoroughfare, in which case said emergency service shall not extend over a period of two (2) hours, and does not interfere with or impede the flow of traffic. The violation of this Section shall also constitute a public nuisance, and a misdemeanor, which shall be punishable upon conviction by a fine not exceeding TWO HUNDRED AND NO/100 - - - (\$200.00) - - - DOLLARS, or by imprisonment in the County Jail for a term not exceeding thirty (30) days, or by both such fine and imprisonment.

Section 8. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

Passed on first reading at a regular meeting of the Canby City Council this 7th day of December, 1964; ordered POSTED in the manner and for the time prescribed by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on the 4th day of January, 1965, at the hour of 8:00 o'clock p.m., at the Canby City Hall.

Fred Stefani  
FRED STEFANI - Mayor

ATTEST:

J. R. Richardson  
J. R. RICHARDSON - City Recorder

Passed by the Canby City Council on final reading this 4th day of January, 1965, by the following vote: Yeas 6 . Nays 0 .

Fred Stefani  
FRED STEFANI - Mayor

ATTEST:

J. R. Richardson  
J. R. RICHARDSON - City Recorder