

ORDINANCE NO. 881

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CANBY MUNICIPAL CODE 10.08, RELATING TO ABANDONED VEHICLES.

THE CITY OF CANBY, OREGON ORDAINS AS FOLLOWS:

Section 1. Section 10.08.010 of the Canby Municipal Code is amended to read:

SECTION 10.08.010 UNLAWFUL VEHICLE STORAGE DESIGNATED-TIME LIMIT

A. It is unlawful to park, store or leave or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind or of any motor vehicle trailer, or of motor vehicle parts either licensed or unlicensed, of any kind, for a period of time in excess of **fifteen (15) days within any one twelve (12) month period** which is in a rusted or wrecked or junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon private property within the city, 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.

B. It is unlawful to park, store or leave or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind or of any motor vehicle trailer, either licensed or unlicensed, of any kind for a period of time in excess of **forty-eight (48) hours** which is wrecked or junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon public property within the City without prior permission of the Canby Police Department.

Section 2. Section 10.08.020 of the Canby Municipal Code is amended to read:

SECTION 10.08.020 NUISANCE DECLARED--REMOVAL OR ENCLOSURE REQUIRED.

The accumulation and storage of one or more of such vehicles or of motor vehicle parts, as defined in Section 10.08.010, on private property **beyond the fifteen (15) day limit**, shall constitute rubbish and unsightly debris and a nuisance, detrimental to the health, safety and welfare of the inhabitants of the City. It shall be the duty of the registered owner of any such vehicle or vehicles, 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 **within fifteen (15) days** or to have the same **completely enclosed within a building** where it will not be visible from a street or adjacent property.

Section 3. Section 10.08.030 of the Canby Municipal Code is amended to read:

SECTION 10.08.030 NOTICE TO REMOVE OR ENCLOSE--TIME LIMIT FOR COMPLIANCE.

It shall be the duty of the chief of police to give written notice to the registered owner of any motor vehicle or motor vehicle trailer which is in violation of this chapter, as described in Section 10.08.010, and to further give such notice to the owner or lessee of the private land upon which such motor vehicle or motor vehicle

trailer or of motor vehicle parts is situated, giving notice that such vehicle violates this chapter and demanding that such motor vehicle or motor vehicles be removed from the City within seventy-two (72) hours, or that within seventy-two (72) hours the same is to be housed within a **building** where it will not be visible from a street or adjacent property. Such notice may be given by personal service or by registered mail with return receipt requested.

Section 4. Section 10.08.040 of the Canby Municipal Code is amend to read:

SECTION 10.08.040 FAILURE TO COMPLY WITH NOTICE.

If the notice is given as provided in Section 10.08.030, and the person upon whom such notice demand is made fails to remove as required by the notice such vehicle or vehicles, as the case may be, or fails to cause the same to placed in a **building** where it will not be visible from the street or **adjacent property**, then such person shall be in violation of this section and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00). **A second or subsequent violation within a twelve (12) month period shall be, upon conviction thereof, punishable by a fine of not less than five hundred dollars (\$500.00).**

Section 5. Section 10.80.070 of the Canby Municipal Code is amended to read:

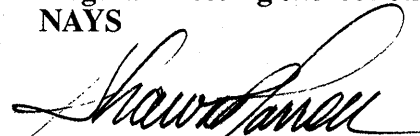
SECTION 10.80.070 REPAIR OR DISMANTLING VEHICLE PROHIBITED-EMERGENCY SERVICE

It is unlawful to disassemble, construct, reconstruct, repair and/or service motor vehicles or motor vehicle trailers of any kind upon private property where visible from a street or the property of adjoining owners for a period of time longer than fifteen (15) days within any one twelve (12) month period. **When emergency repairs are required to be made in a street, road, alley or other public thoroughfare, emergency service shall not extend over a period of two (2) hours, and shall not interfere with or impede the flow of traffic. The violation of this section shall also constitute a public nuisance and violation, which shall be punishable upon conviction, by a fine not exceeding five hundred dollars (\$500.00).**

SUBMITTED to the Council and read the first time at a regular meeting thereof on October 7, 1992, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on October 21, 1992, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City hall in Canby, Oregon.


Marilyn K. Perkett, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on October 21, 1992, by the following vote: 3 YEAS 2 NAYS


Shawn P. Carroll, Mayor

ATTEST:


Marilyn K. Perkett, City Recorder