

ORDINANCE NO. 81

AN ORDINANCE RELATING TO ABANDONED VEHICLES, AND REPEALING ORDINANCE NO. 13.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE:

SECTION 1. No vehicle shall be parked or left standing upon any public street, highway or thoroughfare, or on city property, for a period in excess of five days. Any vehicle so parked or left standing may be taken into custody by the Marshall and held at the expense of the owner or person entitled to possession thereof. The Marshall may utilize his own personnel, equipment and facilities for the removal and preservation of such vehicles, or may hire other personnel, equipment and facilities for that purpose.

SECTION 2. The Marshall shall make reasonable efforts to ascertain the name and address of the owner or person entitled to possession of any vehicle taken into custody under Section 1. If the name and address of such owner or person entitled to possession can be ascertained, the Marshall shall notify him of the location of the vehicle. If the vehicle is registered in the office of the Department of Motor Vehicles of this state, notice is deemed given when a certified letter addressed to the registered owner of the vehicle at his latest address shown by the records in the office of the Department of Motor Vehicles, return receipt requested and postage prepaid thereon, is mailed at least 30 days before the vehicle is sold under this ordinance.

SECTION 3. The owner or person entitled to possession of a vehicle taken into custody and held by the Marshall, may reclaim the vehicle at any time after it is taken into custody and before the same is sold under this ordinance, upon presentation of satisfactory proof of ownership or right to possession and upon payment of the costs and expenses incurred in the removal, preservation and custody of the vehicle; provided, however, that the owner or person entitled to possession of the vehicle shall not be liable for nor required to pay storage charges for a period of 60 days.

SECTION 4. If a vehicle is not reclaimed under Section 3 within 60 days after it is taken into custody, the Marshall shall sell the vehicle at public auction in the manner provided in ORS 23.450 to 23.480. After any vehicle has been sold under this section, the former owner or person entitled to possession has no further right, title, claim or interest in or to the vehicle itself.

SECTION 5. When any vehicle is sold under section 4, the Marshall, at the time of the payment of the purchase price, shall execute a certificate of sale in duplicate. The original certificate of sale shall be delivered to the purchaser and the copy shall be retained by the Marshall. The certificate of sale shall contain the name and address of the purchaser, the date of sale, the consideration paid, a description of the vehicle and a stipulation that no warranty is made as to the condition or title of the vehicle. The purchaser, upon presentation of the certificate of sale to the Department of Motor Vehicles and payment of the fees required by law, is entitled to be issued a certificate of title and a registration card for the vehicle.

SECTION 6. (a) When any vehicle is sold under section 4, the Marshall selling the vehicle shall transmit to the Recorder, in duplicate, a return of sale setting forth a description of the vehicle, the purchase price, the name and address of the purchaser, the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the vehicle.

(b) The Marshall shall transmit to the Recorder, with the return of sale, the balance of the proceeds of the sale after deducting the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the vehicle. Upon receipt of the return of sale and such proceeds, the Recorder shall deposit such proceeds in the General Fund of the Town.

SECTION 7. At any time within two years after the sale of a vehicle under this ordinance, the former owner of the vehicle may recover, out of the General Fund, the proceeds transmitted by the Marshall to the Recorder under this ordinance, by filing a claim with the Recorder. The claim shall be audited by the Common Council.

SECTION 8. Ordinance No. 13 of the Town of Troutdale, passed by the Council and signed by the Mayor on December 10, 1946, is hereby repealed.

Passed by the Common Council of the Town of Troutdale this 12 day of May, 1964.

YEAS: 5

NAYS: 0

Signed by the Mayor this 26 day of May, 1964.

Vernon Rothman
MAYOR

ATTEST:

J. Stanley Guffey
RECORDER