

ORDINANCE NO. 17- 09

AN ORDINANCE REVISING CITY CODE SECTION 6.400 – 6.530 PROVIDING FOR IDENTIFICATION OF ABANDONED VEHICLES AND SEIZURE OF VEHICLES IDENTIFIED IN CITY CODE SECTION 6.500

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. **Revision of Astoria City Code 6.400 6.530** Astoria City Code section 6.400 – 6.530 is revised to read as follows:

6.400 **Abandoned Vehicles.**

- (1) Abandoned vehicles and disabled vehicles shall be governed, impounded and disposed of as provided by Oregon Revised Statutes (ORS) 819.100 to 819.215.
- (2) Exception: Downtown Parking Area. An exception to subsection (1) shall be vehicles which are abandoned, disabled, parked or left standing in the downtown parking area, as defined in City Code 6.355, and located at signed or metered parking spaces which have been designated for two (20) hours parking time or less. Such vehicles may be taken into custody and removed from the location after twenty-four (24) hours. A notice of intent to tow shall be affixed to a vehicle after a parking citation has been issued for "Over 24 hours at one location." This section specifically exempts the provision for mailing a notice of intent to tow. Authority for ordering the removal of the vehicles in violation of this section shall be vested in the parking control officer(s) and/or law enforcement officials. Notice after removal, vehicle redemption, and disposal of vehicles shall be governed by ORS 819 to 180.215.

VEHICLE SEIZURE AND FORFEITURE

6.500 **Seizure and Forfeiture.** The following vehicles are declared to be nuisances and are subject to seizure and forfeiture:

- A. A motor vehicle operated by a person who is criminally driving while suspended or revoked or in violation of a permit, in violation of ORS 811.182;
- B. A motor vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010, where the person has:

- A. Motor vehicles operated by a person who is in violation of ORS 813.010, driving while under the influence of intoxicants; or
- B. Motor vehicles operated by a person who is without driving privileges in violation of ORS 807.010 (Driving without a drivers license), or his/her driving privileges have been canceled, suspended or revoked under provisions of Chapter 809 or the Oregon Vehicle Code or ORS 811.175; or
- C. Motor vehicles operated by a person in violation of the Oregon Financial Responsibility Laws, as described in ORS 806.010 and 806.012.

6.520 **Forfeiture Proceedings.** All forfeiture proceedings pursuant to this chapter shall be conducted in accordance with Sections 1 to 14 and 22, Chapter 791, Oregon laws, 1989, as amended by Chapter 218, 2337, 276, 291, 791, 800 and 924, Oregon Laws, 1991, or as such laws may be hereafter amended.

6.530 **Impoundment.**

- A. Notice that a vehicle has been impounded shall be given by Astoria Police Department to the owners, lessors and security interest holders as shown in the records of the Department of Transportation, in the same manner and within the same time limits as provided in ORS 819.180. The notice shall include a copy of this code section.
- B. A seized vehicle shall be released to an owner, lessor or security interest holder upon proof of compliance with financial responsibility requirements, proper vehicle registration, a driver's license valid in the state of Oregon, and payment of all administrative fees associated with the impoundment, towing and storage of the vehicle and its contents. Proof shall be presented to the Astoria Police Department which shall authorize the person storing the vehicle to release it. .
- C. A person entitled to lawful possession of an impounded vehicle may request a hearing to contest the validity of the impoundment. The request must be made within the time limits provided in ORS 809.716, and the hearing shall be conducted in the manner set forth in that statute. *[Section 6.530C amended by Ordinance No. 99-18, passed September 21, 1999.]*
- D. If the vehicle is not reclaimed within thirty (30) days after impoundment, it may be disposed of by the City or its contract agents pursuant to the provisions of ORS 819.210.

Section 2. Effective Date. This ordinance shall become effective 30 days after its adoption.

ADOPTED BY THE CITY COUNCIL THIS 15TH DAY OF MAY 2017
APPROVED BY THE MAYOR THIS 15TH DAY OF MAY 2017

Arlene LaMear
Mayor

ATTEST:



City Manager

ROLL CALL ON ADOPTION
Councilor Nemlowill
 Brownsen
 Price
 Jones
Mayor LaMear

YEA	NAY	ABSENT
X		
X		
X		
X		
X		