

ORDINANCE BILL NO. 56

FOR 1950

ORDINANCE NO. 798

Repeal

AN ORDINANCE PROVIDING FOR THE DISPOSITION OF MOTOR VEHICLES AND OTHER PERSONAL PROPERTY COMING INTO THE HANDS OF THE POLICE DEPARTMENT OF THE CITY OF LEBANON, THROUGH ABANDONMENT BY THE OWNER, ARREST, OR OTHERWISE, AND DECLARING AN EMERGENCY:

The People of the City of Lebanon Do Ordain As Follows:

Section I. It shall be the duty of the police department of the City of Lebanon, whenever a motor vehicle or other personal property shall be found abandoned upon the streets of the City of Lebanon, or be found without an owner claiming the same, or shall, by reason of arrest, or in any other manner, come into the hands of the police department without a claimant, to either place the same upon property of the City of Lebanon for further disposition, or store the same with some reputable motor vehicle storage yard or garage pending investigation into the ownership of said motor vehicle or personal property.

Section II. The Chief of Police, upon finding such motor vehicle or other personal property, or coming into possession of the same, shall make diligent inquiry of all available persons as to the name and address of the owner, conditional vendor or mortgagee, or any other person interested therein, and shall examine said motor vehicle or other personal property for license number, motor number, serial number, make, and style, and for any other information which will aid in the identification of such motor vehicle or other personal property, and in the identification of the owner, conditional vendor, mortgagee or other interested person.

Section III. After having acquired all available information the Chief of Police shall immediately transmit the same to the Secretary of State of the State of Oregon with an inquiry for the name and address of the owner, conditional vendor, mortgagee or other person interested. If the owner, conditional vendor, mortgagee, or other person interested, be found and identified, he shall be immediately notified by registered letter that said motor vehicle or personal property is held by the Chief of Police of the City of Lebanon and will be sold at public auction at a definite place in the City of Lebanon on a day certain at 10:00 o'clock in the morning of such day to the highest and best bidder for cash, which such sale shall not be held until ten days have elapsed from the receipt by the owner of the registered notice.

Section IV. If the owner, conditional vendor, mortgagee, or other person interested, cannot be found after due diligence as herein set forth, then the Chief of Police shall cause to be published in some newspaper of general circulation, published in Linn County, State of Oregon, a notice embodying the foregoing information which shall be published two times, the first publication of which shall be more than ten days before such proposed sale.

Section V. If the owner, conditional vendor, mortgagee, or other interested person, shall apply to the Chief of Police before a sale shall have taken place, for the return of said motor vehicle or other personal property and shall submit to the Chief of Police satisfactory evidence of his interest therein, and shall tender with said application the cost in seizing, keeping and making sale of said motor vehicle, the Chief of Police, upon being satisfied that the claim is rightful, shall surrender the same to the Claimant.

Section VI. If no claim shall have been made before the time set for sale of said vehicle or personal property, the Chief of Police shall, at the time and place appointed, within view of the motor vehicle or personal property to be sold, offer for sale and shall sell said motor vehicle or other personal property to the highest and best bidder for cash, and in default of bids from others for a greater sum than the cost to the City of impounding, keeping and offering for sale such vehicle at the time of such sale, the Chief of Police shall bid the same in for the City of Lebanon the amount of its costs incurred in impounding, keeping and offering for sale of the same.

Section VII. The proceeds of such sale shall be first applied to the payment of the costs incurred in the seizing, keeping and making such sale and the balance, if any, shall be paid to the Treasurer of the City of Lebanon to be credited to the general fund.

Section VIII. At the time of payment of the purchase price the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the Purchaser, and a copy thereof filed with the Recorder of the City of Lebanon, which certificate of sale shall be in substantially the following form:

CERTIFICATE OF SALE

"This is to certify that under the provisions of Ordinance No.--- entitled, 'An Ordinance providing for the disposition of Motor Vehicles and other personal property coming into the hands of the Police Department of the City of Lebanon, through abandonment by the owner, arrest, or otherwise and declaring an emergency', and pursuant to due notice of 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 therefore, the following described personal property, to-wit:

(Brief Description of Property)

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

"Dated this-----day of-----19--".

Chief of Police

"Note: The city of Lebanon assumes no responsibility as to 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 return of the purchase price."

Section IX. Upon such sale being consummated the Chief of Police shall deliver the possession of said motor vehicle or personal property and said motor vehicle or personal property, and said certificate of sale to the Purchaser, such sale and conveyance shall be without redemption.

Section X. At any time within one year after such sale, the owner of any property sold as herein provided shall be entitled to have the balance of the proceeds of such sale paid to him out of the general fund upon making application therefore to the Council, and presenting satisfactory proof of ownership.

Section XI. WHEREAS, motor vehicles are at this time abandoned upon the streets of the City of Lebanon constituting a nuisance and menace to the health and safety of those residing adjacent to said streets and it is necessary that the same be removed an emergency is hereby

declared to exist, and it is declared to be for the immediate preservation of the peace, health and safety of the City of Lebanon that this ordinance take effect immediately upon its passage by the Council and approval by the Mayor. Dec. 19, 1950

W. J. Freed
Mayor

ATTEST:

Eda Singer
City Recorder

Dec. 19, 1950