

AN ORDINANCE FOR THE IMPOUNDING)
AND DISPOSITION OF ABANDONED)
VEHICLES, AND DECLARING AN)
EMERGENCY..)

ORDINANCE BILL NO. 8
for 1965

ORDINANCE NO. 1174

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

SECTION 1. DEFINITIONS. As used in this Ordinance, unless
the context requires otherwise:

(1) "Abandoned" shall mean left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the city.

(2) "City" shall mean the City of Lebanon, Oregon.

(3) "Costs" shall mean the expense of removing, storing or selling an impounded vehicle.

(4) "Chief of Police" includes any authorized law enforcement officer of the city.

(5) "Owner" shall mean any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

(6) "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(7) "Private Garage" shall mean a reputable, private storage yard, garage, or other storage place selected by the Council or Chief of Police.

SECTION 2. (1) It shall be the duty of the police department, whenever a vehicle is found abandoned upon the streets or alleys in the same position for a period of 72 hours, to:

(a) Make a routine investigation to discover the owner and request removal of the vehicle, and

(b) If the owner is not found, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.

(2) Such notice shall state that the police department will remove and impound the vehicle under the provisions of this ordinance, within 24 hours of the day of posting, unless:

(a) The owner removes the vehicle; or

(b) Good cause is shown, satisfactory to the chief of police, why such vehicle should not be removed by the owner or removed and impounded by the city.

SECTION 3. (1) An abandoned vehicle which remains in the same position for a period of 24 hours after a notice to remove has been posted upon such vehicle, and no person has appeared to show good cause why such vehicle should not be moved, shall constitute a nuisance.

(2) It shall be the duty of the police department to remove any vehicle which shall constitute a nuisance, under the provisions of this ordinance, and store such vehicle upon city property, or in a private garage, pending investigation into the ownership of such vehicle.

SECTION 4. The police department, after impounding any vehicle in accordance with the provisions of this ordinance, shall:

(1) Make a diligent inquiry as to the name and address of the owner of the vehicle.

(2) Examine such vehicle for license number, motor number, serial number, make, style, and any other information which will aid in the identification of the ownership of the vehicle, and

(3) Thereafter, immediately transmit all available information pertaining to such vehicle to the Secretary of State of Oregon, with an inquiry for the name and address of the owner, whenever such vehicle is required by law to be registered with the office of the Secretary of State of the State of Oregon.

SECTION 5. If the owner is identified, he shall be notified immediately by registered mail that such vehicle is held by the police department of the city. The notice to the owner shall also state:

(1) The reason for impounding the vehicle.

(2) The existing costs charged against the vehicle.

(3) An estimate of future costs, including the cost of advertising the vehicle for sale, and

(4) That unless the owner redeems the vehicle, within 10 days from the day of mailing the notice if the address of the owner is within the State of Oregon, or within 20 days of the day of mailing the notice if the address of the owner is without the State of Oregon, and pays all the costs, the vehicle:

(a) Will be advertised for sale, in accordance with Section 6 of this ordinance; and,

(b) Will be sold at a public auction, at a definite time and place within the city to the highest bidder for cash.

SECTION 6. (1) If the owner cannot be identified after compliance with Section 4, or no claim is made by a notified owner within the time specified by Section 5⁽⁴⁾ of this ordinance, the chief of police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:

(a) The sale is of abandoned property in possession of the city.

(b) A description of the vehicle, including the type, make, motor number, serial number, and any other information which will aid in accurately identifying the vehicle.

(c) The terms of the sale, and

(d) The date, time, and place of the sale.

(2) The notice of sale shall be published two times, the first publication shall be made not less than 10 days prior to the date of the proposed sale, and the second shall be made not less than 3 days prior to the date of the proposed sale.

SECTION 7. (1) An owner may redeem a vehicle impounded under the provisions of this ordinance, before a sale has taken place, by applying to the police department, whereupon he shall:

(a) Submit evidence of his ownership or interest in the vehicle, satisfactory to the chief of police, that such claim is rightful, and

(b) Pay the costs due and owing at the time the application to redeem is made.

(2) Upon compliance with Subsection (1) of this Section, the chief of police shall execute a receipt for the owner and cause the vehicle to be returned to him.

SECTION 8. (1) If no claim shall have been made to redeem an impounded vehicle before the time set for the sale of such vehicle, the chief of police shall hold a sale at the time and place appointed within the view of the vehicle to be sold.

(2) The vehicle shall be sold to the highest and best bidder, providing that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the chief of police shall enter a bid on behalf of the city in an amount equal to such costs.

(3) The proceeds of such sale shall be applied:

- (a) To the payment of costs incurred by the city, then
- (b) To the payment of costs charged by the private garage, and
- (c) The balance, if any, shall be transferred to the treasurer of the city to be credited to the general fund.

SECTION 9. (1) 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 the copy thereof filed with the city recorder of the city.

(2) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. _____ entitled "An Ordinance for the Impounding and Disposition of Abandoned Vehicles" and pursuant to due notice of the 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 therefor, the following described personal property, to wit:

(brief description of the 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_____.

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

SECTION 10. Upon such sale being consummated the chief of

police shall deliver the vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption.

SECTION 11. This ordinance shall apply to all abandoned vehicles now in the possession of the city as well as to as such vehicles as may hereafter be impounded.

SECTION 12. In the enforcement and execution of the provisions of this ordinance, the chief of police shall charge and collect the following charges:

- (a) \$ 10.00 for towing.
- (b) \$ 1.00 per day for storage.

SECTION 13. Where the council selects a private garage, the council shall also establish reasonable fees for such services by resolution, with the following conditions:

(1) The city shall not be liable for services rendered by a private garage from any source other than such amounts as may be collected from the owner on redemption, or from a purchaser upon sale, after the city shall have deducted its expenses, unless the city shall be the purchaser of the vehicle.

(2) No lien shall be created by this ordinance in favor of the private garage upon the vehicle for such services.

(3) The vehicle shall not be released from the private garage except upon a receipt, signed by the chief of police, proffered by the purchaser.

SECTION 14. That this Ordinance being required for the peace, health and safety of the said City, an emergency is hereby declared to exist and said Ordinance shall be in full force and effect immediately upon its passage by the council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 16th day of February, 1965.

John R. Blalock
Mayor

ATTEST:

Van R. Jones
City Recorder