

REQUEST FOR COUNCIL ACTION



Date Action Requested: September 16, 2024

Order Ordinance Resolution Motion Information

No. 2024-2927

Subject:

AN ORDINANCE TO MODIFY TO ADOPT CODE AMENDMENTS TO NEWBERG'S MUNICIPAL CODE RELATED TO DISCARDED VEHICLES AND VEHICLES STORED ON PUBLIC PROPERTY.

Staff:

Department: Traffic Safety Commission and Police Department

Business Session

Order On Agenda: Legislative Hearing

Hearing Type: Legislative Quasi-Judicial Administrative Not Applicable

Is this item state mandated? Yes No

If yes, please cite the state house bill or order that necessitated this action:

Recommendation:

Staff recommends that the City Council of Newberg Adopt ordinance 2024-2927, amending Newberg's Municipal Code related to discarded and stored vehicles on public property.

Executive Summary:

The Newberg Traffic Safety Commission and Newberg's Police leadership provided suggestions to update and amend Newberg's Municipal Code related to the removal of discarded and stored vehicles. The proposed amendments came about due to concerns about wasted city resources related to repeated calls for vehicles stored on public property that do not pose a safety issue and do not meet the definition of discarded.

Fiscal Impact:

The proposed changes to the municipal code are expected to reduce the waste of city officer resources in responding to calls related to vehicles stored on public property.

Council Goals:

These amendments match the intent of Council goal six to "Implement a careful and prudent fiscal policy," and goal four to "Enhance community safety" by safeguarding police resources.

ORDINANCE NO. 2024-2927



AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.15, ARTICLE I (NMC 10.15.030)
AND TITLE 8, CHAPTER 8.05 (NMC 8.05.020, 8.05.060, 8.05.070, 8.05.080).

Recitals:

1. WHEREAS, the Newberg Municipal Code prohibits the storage of vehicles on the street and outlines a process for dealing with discarded vehicles.
2. WHEREAS, the proposed changes will clarify the policy regarding discarded and stored vehicles and allow better use of police resources.
3. WHEREAS, the Traffic Safety Commission has recommended approval of the proposed code revisions to the City Council.

The City of Newberg Ordains as Follows:

1. Section 10.15.030 Storage of motor vehicles on street. is amended to read as follows:

No person shall store or permit to be stored on a street or other public property, without the permission of the chief of police, a motor vehicle or personal property. It shall constitute prima facie evidence of storage of a motor vehicle if the same is not moved, by exercise of the vehicle's own power, at least 300 linear feet (approximately one (1) city block) for a period in excess of seven (7) days.

Vehicles stored in violation of this Section 10.15.030 that do not meet the definition of discarded under NMC 8.05.020 may, at the discretion of city officers, be treated as discarded in accordance with parts (A) and (B) of NMC 8.05.070 and subjected to the procedures under NMC 8.05.080 if not removed from public property.

Penalty: See NMC 10.15.410.

2. Section 8.05.020 Definitions. is amended to read as follows:

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“48-hour notice” means a notice affixed to a vehicle pursuant to NMC 08.05.080.

“Costs” means the expense of removing, storing or selling, including administrative costs, of a discarded vehicle.

“Discarded” means any vehicle that (A) does not have lawfully affixed thereto a license plate, has affixed to it an expired license plate, has an obstructed vehicle identification number, or is not registered to the local area; and (B) exhibits one or more of the following conditions:

1. Abandonment, which may be evidenced by various conditions including vegetation growing under the car, filth on the windshield or accumulated under the car;
2. Inoperability, which may be evidenced by various conditions including missing critical elements to operate safely or an inability of the vehicle to move on its own power;
3. Wrecked; or
4. Complete or partial dismantling.

“Officer” means any authorized law enforcement officer of the city and the code compliance officer.

“Person in charge of vehicle” means any agent, occupant, lessee, contract purchaser, owner, or person having possession, control or title of property where a vehicle is located.

3. Section 8.05.060 City Officer’s Duty. is amended to read as follows:

A. A city officer is authorized at all reasonable times to examine any vehicle for the purposes of determining whether the vehicle is discarded.

B. A city officer is granted discretion to determine whether a vehicle is discarded.

C. If the owner or person in possession of private property objects to the city officer entering the private property to examine any vehicle, the city officer shall not enter such property until a warrant is issued by the municipal court allowing such entry. The warrant shall be based upon an affidavit showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this chapter as the basis for such inspection, and whether or not it is an inspection instituted by a complaint or other specific or general information concerning the vehicle in question and the property in which it is situated.

D. The municipal judge shall have the authority after reviewing such affidavit and other evidence presented to issue the warrant specifying the right to enter the property and the extent of inspection of the vehicle in question.

E. It is unlawful and a violation of this chapter for any person to interfere or attempt to prevent the city officer from entering upon private premises and inspecting any vehicle when an emergency exists or the city officer has a warrant authorizing entry.

4. Section 8.05.070 Vehicles treated as discarded. is amended to read as follows:

A vehicle that meets part (B) of the definition of discarded under NMC 8.05.020, but does not meet part (A) of the definition, may be treated as discarded, at the discretion of city officers, if the following conditions occur:

- A. The vehicle is located upon any public right-of-way, city street, alley, road, or highway within the city, or on public property for a period exceeding seven (7) days; and
- B. The City sends to the vehicle owner, or person in charge of the vehicle, written notice—by first class mail—to the address provided in the vehicle’s registration stating that the vehicle may be held in violation of this chapter if the condition of the vehicle is not corrected within 30 days of the date of the written notice. The notice shall be affixed to the discarded vehicle.

5. Section 8.05.080 Procedures to be used in taking custody, removing, and disposing of discarded vehicles. is amended to read as follows:

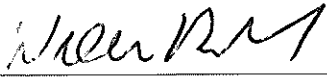
- A. A discarded vehicle, or a vehicle that may be treated as discarded in accordance with NMC 10.15.030 or 8.05.070, may be taken into custody, removed, and disposed of after a forty-eight (48) hour notice is affixed to such vehicle. The owner, or person in charge of a vehicle to which a 48-hour notice has been affixed, must remove such vehicle from public property within forty-eight (48) hours of when the notice is affixed. Vehicles not removed from public property by the vehicle’s owner or person in charge of the vehicle as required by the 48-hour notice are subject to removal by the city, at the discretion of city officers, as set forth in ORS 819.110.
- B. The uniform nuisance abatement procedure (UNAP) may be used for taking custody, removal, and disposal of discarded motor vehicles on private property.
- C. Disposal of vehicles taken into custody from private property pursuant to the UNAP may be disposed of in accordance with ORS 819.210 through 819.260.
- D. The hearing officer of the city that conducts the hearing in accordance with ORS 819.190 is the chief of police or designee.

Effective Date of this ordinance is the day of the adoption date, which is: September 16, 2024.

Adopted by the City Council of Newberg, Oregon, this 16 day of September 2024, by the following votes: **AYE: 5 NAY: 0 ABSTAIN: 0**


Rachel Thomas, City Recorder

Attest by the Mayor this 16 day of September 2024.



Bill Rosacker, Mayor

Ordinance No. 2024-2927

Exhibit A

Note: Existing text is shown in regular font.
Added text is shown in double-underline.
Deleted text is shown in ~~strikethrough~~.

