

ORDINANCE NO. 1732

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 10.20 BY ADDING AUTHORITY TO TOW AND IMPOUND VEHICLES IN THE POSSESSION OF A PERSON TAKEN INTO CUSTODY.

WHEREAS, persons taken into custody by a law enforcement officer often have no other person to drive their vehicle to a place of safety; and

WHEREAS, a vehicle left parked is at risk of theft or damage; and

WHEREAS, the City of Milwaukie could be liable for any damage done to a vehicle left unattended; and

WHEREAS, for the protection of those unattended vehicles, the City Council wishes to give the police authority to tow and impound vehicles left legally parked by a person taken into custody; now, therefore,

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 10.20 of the Milwaukie Municipal Code is amended by adding Section 10.20.110 to read as follows:

Section 10.20.110 Authority to impound vehicles in possession of a person taken into custody.

(a) When a vehicle is in the possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle is available, the vehicle may be towed without prior notice. (b) Reasonable disposition means that a person known and acceptable to the arrestee is on the scene, or readily available, with a valid driver's license and no impairment, and the officer determines that no circumstances exist which would render that person incapable of driving the vehicle to a place of safety.

Read the first time on February 16, 1993, ~~1992~~, and moved to a second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on February 16, 1993, ~~1992~~.

Signed by the Mayor on February 16, 1993, ~~1993~~.

Craig J. Lomnicki
Craig Lomnicki Mayor

ATTEST:

Pat Duval
City Recorder

APPROVED AS TO FORM:

Michael C. Robinson
City Attorney