

ORDINANCE NO 614

AN ORDINANCE PROVIDING FOR THE IMPOUNDING AND DISPOSITION OF ABANDONED AND IMPOUNDED VEHICLES; AND REPEALING OTHER ORDINANCES AND PART OF ORDINANCES IN CONFLICT HEREWIT.

THE CITY OF MILWAUKIE DOES 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 street or alleys of the City.

(2) Impounded shall mean impounded by a police officer to be held as evidence or because of the inability or failure of the operator to safely move the same.

(3) "City" shall mean the City of Milwaukie.

(4) "Costs" shall mean the expenses of removing, storing and selling an impounded vehicle.

(5) "Chief of Police" shall include any authorized law enforcement officer of the City.

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

(7) "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.

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 48 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, with 48 hours of the 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 48 hours after notice to remove has been posted upon such vehicle, and no person has appeared to show cause why such vehicle should not be removed, 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 store the same in a private garage pending investigation into the ownership of such vehicle.

Section 4. The police department, after impounding any vehicle as provided here above; or when the same has been unclaimed within 48 hours, after a release has been issued for a vehicle impounded as evidence; shall;-

(1) Make a diligent inquiry as to the name and address of the owner, and any other person having any interest therein.

(2) Examine such vehicle for a 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, or to the similar officer of any other state wherein such vehicle is registered, 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 or Oregon or similar officer of any other state wherein such vehicle may be registered.

Section 5. If the owners is identified, he shall be notified immediately by registered mail that the 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 costs of storage, and advertising the vehicle for sale, and
- (4) That unless the owner redeems the vehicle within 15 days from the date of mailing the notice, if the address of the owner is within the State of Oregon; and within 20 days of the day of mailing the notice is 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 public auction, at a definite time and place within the City to the highest and best 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 the ordinance, the chief of police shall cause to be published in a newspaper of general circulation within the City of 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 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 9 days prior to the date of the proposed sale, and the second shall be not less than 2 days prior to the date of the proposed sale.

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

- (a) Submit evidence of his ownership or interest in the vehicle 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 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 which are entered are less than the costs incurred by the City, the chief of police shall enter a bid in behalf of the City in an amount equal to such costs, but not exceeding the actual value of the vehicle.

(3) The proceeds of such sale shall be applied;-

- (a) To the payment of the costs incurred by the City, and
- (b) The balance, if any, shall be transferred to the City 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 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. 614, 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 behalf of the City of Milwaukee, on the ____ day of _____, 19____, sell at public auction to

FOR _____
 for the sum of \$_____ cash, _____ being the highest and best bidder, and that being the highest and best bid therefor, the following described personal property, to-wit;--

And in consideration of the payment of the said sum of \$_____, the receipt of which is hereby acknowledged, I have this date delivered to said purchaser the foregoing property.

Dated this _____ day of _____ 19_____.

City of Milwaukee

BY _____ Chief of Police.

(Notice; The City of Milwaukee assumes no responsibility as to the condition of the said property or the title thereto. In event that 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 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 possession of the City as well as to all such vehicles as may hereby 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) \$_____ for towing.
- (b) \$_____ per day for storage.

Section 13. All other ordinances and parts of ordinances in conflict herewith hereby are repealed.

Read the first time April 25th, 1955.

Read the second time and passed May 9th, 1955.

Signed by the mayor this 9th day of May, 1955.

ATTEST Edward B. Mullins MAYOR

Ellen Martin Recorder.