

ORDINANCE NO. 5254

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE TITLE 13 BY ADDING A NEW CHAPTER 13.80 ENTITLED NUISANCE VEHICLES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany is adding Albany Municipal Code Section 13.80, Nuisance Vehicles, to remove nuisance vehicles from the public right of way.

WHEREAS, uninsured, suspended or revoked, or intoxicated motor vehicle drivers on a public road present a hazardous nuisance and liability for lawful operators, and

WHEREAS, taking custody of vehicles being operated by uninsured, suspended or revoked, or intoxicated drivers will reduce these occurrences and improve public safety; and

WHEREAS, it is in the best interest of public safety to return these vehicles to the unimpaired rightful owner or possessor upon proof of legal operator's license and insurance.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Amending Albany Municipal Code Title 13. The Albany Municipal Code Title 13 is hereby amended by adding a new Chapter 13.80 entitled Nuisance Vehicles as follows:

Sections:

- 13.80.010 Impounding certain vehicles as nuisances.
- 13.80.020 Notification to owner.
- 13.80.030 Hearing.
- 13.80.040 Release of impounded vehicle.
- 13.80.050 Towing and storage liens.
- 13.80.060 Criminal investigations.

13.80.010 Impounding certain vehicles as nuisances.

A vehicle may be impounded, without prior notice, and towed and stored at the owner's expense, when a traffic citation is issued or an arrest is made under Oregon's Vehicle Code because probable cause exists that:

- (1) The driver's license of the operator of the motor vehicle is suspended or revoked, or
- (2) The vehicle or its operator are without liability insurance as required by the financial responsibility laws of the State of Oregon, or
- (3) The operator of the motor vehicle was under the influence of intoxicants at the time of the operation.

13.80.020 Notification to owner.

At the time the vehicle is impounded, a copy of the impound notice will be given to the driver. Additional notice will be made as provided in City Ordinance, Abandoned Vehicles 13.70-070 (Post-Tow Notice).

13.80.030 Hearing.

Any hearing contesting the validity of the impoundment, and the reasonableness of any towing or storage charges, will be conducted as provided in City Ordinance 13.70 (Abandoned Vehicles).

13.80.040 Release of impounded vehicle.

The owner of the impounded vehicle, or the owner's authorized agent, may redeem the vehicle upon payment of the towing and storage expenses incurred, including payment of an administrative fee of \$50 to the City of Albany, whether or not the motor vehicle is returned to the person who was operating it at the time of impoundment. The owner must also provide proof of ownership or right to possession, proof of current insurance on the vehicle, and a valid driver's license for either the owner or driver designated by the owner to operate the vehicle upon its release.

If the vehicle is stored by a commercial towing company or similar business, the vehicle may be released only upon the presentation of a signed release form from the Albany Police Department. The Police Department release will not be provided until full payment of the administrative fee.

13.80.050 Towing and storage liens.

A person or business who, at the request of the Albany Police Department, takes a vehicle into custody under the provisions of this chapter shall have a lien on the vehicle and its contents for reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle and its contents shall be a possessory chattel lien in accordance with ORS 87.152 and may be foreclosed in the manner provided in ORS 87.152 to ORS 87.212. If the appraised value of the vehicle is \$1,000 or less, the vehicle may be disposed of in the manner provided in ORS 819.220.

If the vehicle is taken into custody under the provisions of this chapter and held by the City rather than by a private garage, the vehicle and its contents shall be disposed of in the manner provided in ORS 819.210 to 819.260.

13.80.060 Criminal investigations.

The provisions of this chapter shall not apply to a vehicle that is being held as part of a criminal investigation.

Section 2. Automatic Expiration. This ordinance shall automatically expire twelve months following its initial effective date unless, prior to such expiration, it is reenacted or otherwise amended to delete this automatic expiration provision.

Section 3. Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by Council: September 4, 1996

Approved by Mayor: September 4, 1996

Effective Date: September 4, 1996



Mayor

ATTEST:



City Recorder

Chapter 13.80

NUISANCE VEHICLES

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