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ORDINANCE NO. 2549

SERIES 1978

AN ORDINANCE FOR THE DISPOSAL OF IMPOUNDED, RECOVERED OR DEPOSITED
PERSONAL PROPERTY; REPEALING ORDINANCE NO. 2259, SERIES 1970; REPEALING
ORDINANCE NO. 1970, SERIES 1961; AND DECLARING AN EMERGENCY

THE CITY OF LA GRANDE DOES ORDAIN AS FOLLOWS:

Section 1: DEFINITION.

(1) "Abandoned", shall mean left unclaimed with the
City of La Grande for a period exceeding thirty (30) days.

(2) "City" shall mean the City of La Grande.

(3) "Costs" shall mean the expenses of removing, storing,
selling and protecting an item of personal property.

(4) "Chief of Police" includes any authorized law enforce-
ment officer of the City.

(5) "Owner" shall mean any individual, firm corporation,
or unincorporated association with a claim of ownership or
of any interest, legal or equitable, in any item of personal
property.

(6) "Vehicle" shall mean every device, except bicycles,
in, upon, or by which any person or property is or may be
transported, driven, or drawn upon a public highway.

Section 2: APPLICATION OF ORDINANCE. This Ordinance shall apply
to all personal property impounded, recovered, or deposited with the
City of La Grande, and shall include property now, or hereafter in
custody of the City.

Section 3: RECORDS TO BE MAINTAINED BY CITY. When personal
property of any nature is deposited, impounded, recovered or otherwise
comes into the possession of the City of La Grande, except items
seized as evidence, the City shall record a description of the property,
the date of its reception, and any identifying characteristics. Items
seized as evidence shall be tagged and stored according to the rules
and regulations adopted by the Chief of Police.

1 Section 4: DISPOSITION OF VEHICLES.

2 (1) It shall be the duty of the Police Department, whenever a
3 vehicle is left upon the streets or alleys in the same position for a
4 period exceeding forty-eight (48) hours to:

5 (a) Make an investigation to determine the owner and
6 request removal of the vehicle; or

7 (b) Failing to discover the owner by such a process, to
8 make an diligent inquiry as to the name and address of the owner
9 of the vehicle by examining such vehicle for license number,
10 identification number, make, style and other information which
11 will aid in the identification of the ownership of the vehicle,
12 and transmitting all available information pertaining to such
13 vehicle to the Motor Vehicles Division of this State with an
14 inquiry for the name and address of the owner, whenever such
15 vehicle is required by law to be registered with the office.

16 (c) If the owner is not identified, to place a notice upon
17 the windshield, or some other part of the vehicle easily seen by
18 the passing public.

19 (2) The notice shall state that the Police Department will
20 remove and impound the vehicle under the provisions of this ordinance,
21 forty-eight (48) hours after the time of posting, unless:

22 (a) The owner removes the vehicle; or

23 (b) Good cause is shown, satisfactory to the Chief of
24 Police, why such vehicle should not be removed by the owner or
25 removed and impounded by the City.

26 Section 5: IMPOUNDING NUISANCE.

27 (1) An abandoned vehicle which remains in the same position for
28 a period of forty-eight (48) hours after an owner has been requested
29 to remove it or after a notice to remove it has been posted upon the
30 vehicle, no person has appeared to show good cause why the vehicle
31 should not be moved, shall constitute a nuisance.

32 (2) It shall be the duty of the Police Department to remove a

1 vehicle which constitutes a nuisance under the provisions of this
2 ordinance, store the vehicle and dispose of it pursuant to the pro-
3 visions of this ordinance.

4 (3) After impoundment, the Chief of Police shall cause the
5 vehicle to be appraised.

6 Section 6: SALE OF VEHICLES HAVING A VALUE LESS THAN \$100.

7 (1) If the vehicle is appraised at \$100 or less, the Chief of
8 Police shall file with the Department of Motor Vehicles an affidavit
9 describing the vehicle, including the license plates, if any, stating
10 the location and appraised value of the vehicle, and stating that the
11 vehicle will be junked or dismantled. The Chief of Police shall state
12 that notice of intent to junk or dismantle a vehicle has been sent
13 with notification of the location of the vehicle to the owner, or that
14 a diligent search has been made to find the owner and it has not been
15 successful.

16 (2) Upon completion and forwarding of the affidavit and an
17 expiration of a period of fifteen (15) days, the Chief of Police may,
18 without notice of public auction, dispose of the vehicle and execute a
19 certificate of sale in the form provided for by this ordinance.

20 Section 7: NOTICE TO OWNER OF RECEIPT OF PROPERTY BY THE CITY.

21 If the name and residence of the owner of the impounded, recovered or
22 deposited personal property is known to the City, a notice shall
23 immediately be sent to the owner containing the following information:

24 (1) A description of the property.

25 (2) Identifying characteristics of the property that would
26 indicate that the person receiving the notice is the owner.

27 (3) Reasons for the item of personal property being in the
28 custody of the City.

29 (4) A statement that if the property is not reclaimed within
30 thirty (30) days it will be sold, expenses of towing, storage, sale,
31 and administration deducted from the sale price and the balance remitted
32 to the recorder-treasurer.

1 Section 8: RIGHT OF CITY TO SELL PROPERTY. If personal property
2 retained by the City is not claimed and taken away within thirty (30)
3 days after the date it was received, the property shall be sold in the
4 manner provided for in this ordinance. All items of personal property,
5 except vehicles having a value of less than \$100, shall be sold at
6 public auction.

7 Section 9: NOTICE OF SALE. If the name and residence of the
8 owner is not known, a notice shall be published in a newspaper pub-
9 lished in Union County containing a description of the property, and a
10 statement that the property shall be sold at public auction, along with
11 the date of the auction. The notice provided for herein shall be
12 published twice in a newspaper published in Union County, and the last
13 publication shall be at least ten (10) days prior to the sale date.

14 Section 10: PERSONAL PROPERTY SALE PROCEDURES.

15 (1) If no claim has been made before the time set for the sale
16 of the personal property, the Chief of Police shall, at the time
17 appointed, within view of the property to be sold, offer the property
18 for sale to the highest bidder for cash. If no bids are received for
19 an item of property, the Chief of Police may dispose of it in his
20 discretion without the necessity of taking further bids.

21 (2) On the consummation of a sale, the Chief of Police shall
22 make, execute and deliver on behalf of the City, a bill of sale
23 signed by himself as Chief of Police, conveying the property in
24 question to the purchaser, and delivering possession of the property
25 to the purchaser.

26 (3) The sale and conveyance shall be without redemption. The
27 proceeds of this sale shall be first applied upon storage, towing
28 bills, publication fees and other costs of the keeping and sale, the
29 balance shall go to the general fund of the City.

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

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CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. _____, Series 1978, entitled An Ordinance for the Disposal of Impounded, Recovered, or Deposited Personal Property; I did on the _____ day of _____, 197____, sell to _____ for the sum of \$_____ cash, the following described personal property:

(Description of Property)

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 _____, 197____, at La Grande, Oregon.

City of La Grande

NOTE: The City of La Grande assumes no responsibility as to the condition of title of the above-described property. In case this sale for any reason be invalid, the liability of the City is limited to the terms of the purchase price.

(5) Upon completion of the sale provided for in this ordinance, the Chief of Police shall deliver the proceeds of the sale, with an itemized statement of the costs of the sale, administration and storage charges, to the city recorder-treasurer.

Section 11: ORDINANCES REPEALED: Ordinance number 2259, Series 1970, and Ordinance number 1970, Series 1961, are repealed.

Section 12: EMERGENCY CLAUSE. Inasmuch as it is essential to the preservation of the public health, welfare, peace and safety of the citizens of the City of La Grande that this ordinance be effective immediately upon its enactment, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED and ADOPTED this 6th day of September, 1978, by
Four (4) Council Members voting therefor.

APPROVED this 6th day of September, 1978.

By: James C. Peterson
Mayor

ATTEST:

R. M. Shan
Recorder-Treasurer