

**CITY OF LA GRANDE
ORDINANCE NUMBER 3241
SERIES 2018**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, REPEALING ORDINANCE 3002, SERIES 2002; AND ADOPTING AN ORDINANCE OF THE CITY OF LA GRANDE, UNION COUNTY, OREGON, DEFINING NUISANCES, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EFFECTIVE DATE

THE CITY OF LA GRANDE ORDAINS AS FOLLOWS:

Section 1. Title

This Ordinance shall be known as the Public Nuisance Ordinance of the City of La Grande.

Section 2. Definitions

As used in this Ordinance, the following terms and phrases shall have the meaning set forth herein:

Chief of Police. The La Grande Chief of Police or designee.

Chronic Nuisance Property.

1. Property on which three (3) or more nuisance activities exist or have occurred during any sixty (60) day period; or,
2. Property on which or within two hundred feet (200') of which any person associated with the property has engaged in three (3) or more nuisance activities during any sixty (60) day period; or,
3. Property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, 475.005 through 475.285 and/or 475.940 through 475.995 has occurred within the previous sixty (60) days, and the Chief of Police has determined that the search warrant was based on evidence of continuous or repeated nuisance activities at the property; or,
4. Property on which continuous or repeated nuisance activities as defined in La Grande City Ordinances exist or have occurred.

City Manager. The City Manager of the City of La Grande, Oregon or designee.

Control. The ability to regulate, restrain, dominate, counteract or govern property, or conduct that occurs on a property.

Nuisance Activities. Any of the following activities, behaviors or conduct:

A. As Felonies:

1. Possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005, through 475.285, and/or 475.940 through 475.995.

B. As Felonies and/or Misdemeanors:

1. Assault or menacing as defined in ORS 163.160 through ORS 163.190.
2. Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as defined in ORS 163.415 through ORS 163.445.
3. Prostitution or related offenses as defined in ORS 167.007 through ORS 167.017.
4. Theft as defined in ORS 164.015 through 164.140.
5. Arson or related offenses as defined in ORS 164.315 through 164.335.
6. Criminal mischief as defined in ORS 164.345 through 164.365.
7. Any attempt to commit (as defined in ORS 161.405), and/or conspiracy to commit (as defined in ORS 161.450), any of the above activities, behaviors or conduct.
8. Fire or discharge of a firearm as defined under City Ordinances or State Statute.

C. As Misdemeanors:

1. Harassment as defined in ORS 166.065(1)(a).
2. Intimidation as defined in ORS 166.155 through 166.165.
3. Disorderly conduct as defined in ORS 166.025.
4. Public indecency as defined in ORS 163.465.
5. Alcoholic liquor violations as defined in ORS Chapter 471.105 through 471.482.
6. Offensive littering as defined in ORS 164.805.
7. Criminal trespass as defined in ORS 164.243 through 164.265.
8. Illegal gambling as defined in ORS 167.117, and/or ORS 167.122 through ORS 167.127.

D. As Unclassified Crimes or Violations of City Ordinances:

1. Unlawful operation of sound producing or reproducing equipment and/or excessive noise.
2. Unlawful drinking in public places as defined in La Grande Ordinances.
3. Curfew as defined in La Grande Ordinances.

Person. Any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the City of La Grande.

Person Associated With. Any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a property.

Person in Charge of Property. An agent, occupant, lessee, sublessee, contract purchaser, or other person having possession or control of property or supervision of a construction project or property. Under a rental or lease arrangement, the person in charge is the person actually in control of the property or part thereof.

Person Responsible. The person responsible for abating a nuisance includes:

- A. The owner.
- B. The person in charge of property, as defined in this Section.
- C. The person who caused a nuisance, as defined in this Ordinance or another Ordinance of the City, to come into or continue in existence.

Property. Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one (1) unit, property may be limited to the unit or the portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property used in common by all units of property, including without limitation, other structures erected on the property and areas used for parking, loading and landscaping.

Public Place. A building, way, place or accommodation, publicly or privately owned, open and available to the general public.

Section 3. Nuisances Affecting Public Health

No person shall cause or permit a nuisance affecting public health on property owned or controlled by the person. The following are nuisances affecting public health and may be abated, as provided in this Ordinance:

- A. Open vaults or privies constructed and maintained within the City, except those constructed and maintained in connection with construction projects in accordance with State Health Division regulations.
- B. Accumulations of debris, rubbish, manure and other refuse which are not removed within a reasonable time and which affect the health of the City.
- C. Stagnant water that affords a breeding place for mosquitoes and other insect pests.
- D. Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial wastes, or other substances placed in or near the water in a manner which will cause harmful material to pollute the water.
- E. Decayed or unwholesome food offered for human consumption.
- F. Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.
- G. Drainage of liquid wastes from private premises.
- H. Cesspools or septic tanks that are in an unsanitary or unsafe condition or that cause an offensive odor.
- I. Mastics, oil, grease, or petroleum products allowed to be introduced into the sewer system by a user connected to the sewer system.
- J. The deposition of an animal carcass or part thereof, or any excrement or sewage, industrial waste, or any putrid, nauseous, decaying, deleterious, offensive, or dangerous substance in a stream, well, spring, brook, ditch, pond, river, or other inland waters within the City, or the placing of such substances in such position that high water or natural seepage will carry the same into such waters.
- K. The plowing, unpermitted burning, disturbing, or cultivating of a field, yard or other plot of land that creates a dust or smoke problem.
- L. The establishment of new livestock use in violation of the Land Development Code.

Section 4. Nuisances Affecting Public Safety

No person shall create a public safety hazard by:

- A. Maintaining or leaving, in a place accessible to children, a container with a compartment of more than one and one-half (1-1/2) cubic feet capacity and a door or lid that locks or fastens automatically when closed and which cannot be easily opened from the inside.
- B. Being the owner or otherwise having possession of property on which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet (4') or more and a top width of six inches (6") or more and failing to cover or fence it with a suitable protective construction.
- C. Maintaining any building, structure or premises which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard to the vicinity where it is located.
- D. Maintaining any building, structure or premises contrary to the provisions of the City of La Grande Land Development Code.
- E. Maintaining any building, structure or premises contrary to the provisions of any building, electrical, plumbing, mechanical, fire, housing or dangerous building code adopted by the City.
- F. Maintaining any building, structure or premises in an abandoned, partially destroyed or unreasonable state of partial construction. An unreasonable state of partial construction is defined as any unfinished, abandoned or damaged building or structure where the appearance or other conditions cause visual blight, are offensive to the senses, create a harborage for rodents or pests or detrimentally affect property in the vicinity.
- G. Maintaining any building, structure or premises having dry rot, warping, termite infestation, decay, excessive cracking or peeling as to render the building or structure unsightly or in a state of disrepair.
- H. Maintaining any building or structure with missing doors and/or windows or doors and/or windows with broken glass.

Section 5. Attractive Nuisances

No owner or person in charge of property shall permit on the property:

- A. Unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to the public.
- B. Lumber, logs, or piling placed or stored in a manner so as to be attractive,

dangerous and accessible to the public.

- C. Abandoned, vacant and unsafe houses that are attractive, dangerous and accessible to the public.
- D. Abandoned, vacant and unsafe vehicles that are attractive, dangerous and accessible to the public.

This Section does not apply to authorized construction projects with reasonable safeguards to prevent injury or death to the public.

Section 6. Noxious Vegetation.

- A. No owners or persons in charge of real property shall allow noxious vegetation on their property or in the public right-of-way abutting their property. Noxious vegetation, as defined below, is declared a nuisance.
- B. The owner or person in charge of real property shall abate, cut down or otherwise destroy noxious vegetation on the property as often as needed to prevent such vegetation from becoming a fire, health or traffic safety hazard or going to seed. The owner and the person in charge shall be jointly and severally liable for the cost of abatement, as provided in this Ordinance.
- C. For purposes of this Ordinance, "noxious vegetation" means:
 - 1. Vegetation that is, or is likely to become:
 - a. A health hazard;
 - b. A fire hazard;
 - c. A traffic hazard, because it impairs the view of a public thoroughfare, or otherwise makes use of a thoroughfare hazardous.
 - 2. Poison Oak
 - 3. Poison Ivy
 - 4. Blackberry bushes, which extend into a public way, a pathway frequented by the public, cross a property line, or which are used for a habitation by trespassers.
 - 5. A growth of Velvetleaf, Rush Skeletonweed, Common Bugloss, Hoary Cress (White Top), Musk Thistle, Spotted Knapweed, Meadow Knapweed, Russian Knapweed, Scotch Broom, Leafy Spurge, Dyer's Woad, Perennial Pepperweed, Dalmation Toadflax, Purple Loosestrife, Tansy Ragwort, Buffalo Burr, Jointed Goatgrass, Diffuse Knapweed,

Yellow Starthistle, Canada Thistle, Catchweed Bedstraw, Kochia, Sulphur Cinquefoil, Puncturevine, Quackgrass, Wild Oat, Water Hemlock, Poison Hemlock, Morning Glory, Horsetail Rush, Scotch Thistle, Russian Thistle or Cereal Rye.

6. Any non-ornamental grasses over ten (10") inches in height that are not part of a managed landscape design effort.
 7. Any vegetation included on the list of noxious weeds for Union County as adopted by the Union County Board of Commissioners, including amendments to said list that occur after the date of this Ordinance.
- D. Each year, prior to the growing season, the City Manager shall publish a notice once in a newspaper of general circulation in the City, informing owners and persons in charge of property of their duty to keep their property free from noxious vegetation. The notice shall state that the City is willing to abate the nuisance on a particular parcel of property at the request of the owner or person in charge of the property for a fee sufficient to cover the City's abatement costs. The notice shall also state that, even in the absence of such requests, the City intends to abate all such nuisances ten (10) or more days after the final publication of the notice and to charge the cost of doing so on a particular parcel of property to the owner or the person in charge of the property, or to place a lien on the property.
- E. It is not the intent of the City of La Grande to classify as a nuisance managed landscape designs that employ vegetation species native to the Grande Ronde Valley, provided that no noxious vegetation exists and that a buffer strip at least ten feet (10') in width exists between the managed natural landscaping area and any combustible structure. The term "managed landscape design" is defined to mean landscapes that are managed under the provisions of a written plan, approved by the City, with a budget and workforce in place to implement such plan. The term does not apply to landscapes that exist as the result of neglect by the owner or person in charge of the property.

Section 7. Scattering Rubbish

No person shall deposit, on public or private property, rubbish, trash, debris, grass clippings, tree limbs, refuse or any substance which would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal, or vehicle traveling on a public way.

Section 8. Trees

- A. No owner or person in charge of property that abuts on a street or public sidewalk shall permit trees, bushes, brush, limbs, shrubbery, flowers or other vegetation on the property to interfere with street or sidewalk traffic or impair the visibility of official street or traffic control signs. An owner or person in charge of property which abuts on a street or public sidewalk shall keep all trees and bushes on the premises, including the adjoining parking strip, trimmed, so that any overhanging portions are at least eight feet (8') above the sidewalk and at least thirteen feet and six inches (13' 6") above the roadway.
- B. No owner or person in charge of property shall allow a dead or decaying tree to stand, if it is a hazard to the public or to persons or property on or near the property.
- C. No owner or person in charge of property which abuts on a street or public sidewalk, shall allow a stump to remain following a tree removal. When removed, trees shall be removed at least flush with ground level and stumps shall be removed or ground to at or below the level of the surrounding ground, and all debris removed.
- D. The property owner is responsible for the timely removal of leaves and tree limbs which fall onto the sidewalk, street and other public right-of-way. No owner or person in charge of property shall sweep or rake grass clippings, leaves, or tree limbs onto public sidewalks, streets, or other public right-of-way.
- E. No owner or person in charge of property shall allow any fence, structure, or vegetation to violate the Clear Vision Area or Sight Triangle provisions of the Land Development Code.

Section 9. Fences

- A. No owner or person in charge of property shall construct or maintain a barbed-wire fence, or permit barbed-wire to remain as part of a fence, along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six feet, six inches (6' 6") high.
- B. No owner or person in charge of property shall construct, maintain, or operate an electric fence along a sidewalk or public way, or along the adjoining property line of another person, without the written permission of the City Manager.

Section 10. Surface Waters, Drainage

- A. The owner or person in charge of property shall install and maintain, in a proper state of repair, adequate drainpipes or a drainage system, so that rainwater, spring water, ice, or snow will not fall from the building, structure, or parking lot onto a street or public sidewalk, or to flow across the sidewalk, unless permission has been received from the City Manager.

Section 11. Defective Sidewalks; Snow and Ice

- A. No owner nor person in charge of property, improved or unimproved, abutting on a public sidewalk, shall permit:
 - 1. Snow to remain on the sidewalk for a period longer than the first four (4) hours of daylight after the snow has fallen;
 - 2. Ice to remain on the sidewalk for more than four (4) hours of daylight after the ice has formed, unless the ice is covered with sand, ashes, or other suitable material, to assure safe travel.
- B. No person shall place nor deposit snow, except snow removed from public sidewalks, on any parking strip or street.
- C. No owner of property, improved or unimproved, abutting on a public sidewalk, shall permit the sidewalk to deteriorate to such a condition that, because of cracks, chipping, weeds, tree roots, raising, settling, covering by dirt, or other similar occurrences, the sidewalk becomes a hazard to persons using it.
- D. The City shall not be liable to any person for loss or injury to a person or property suffered or sustained by reason of any accident on sidewalks caused by ice, snow encumbrances, obstructions, cracks, chipping, weeds, settling, raising, tree roots, holes covered by dirt, or other similar conditions. Abutting property owners shall maintain sidewalks free from such conditions and are liable for any and all injuries to persons and property arising as a result of their failure to so maintain the sidewalks.

Section 12. Noise Disturbances

- A. The following acts are declared to be violations of this Section, but such enumerations shall not be deemed to be exclusive:
 - 1. Operation of a motor vehicle with the motor or auxiliary equipment in operation on a public right-of-way or on private property between the hours of 10:00 p.m. and 7:00 a.m., if the noise so produced is plainly audible within a dwelling unit. This Subsection shall not apply to City or publicly owned or publicly contracted vehicles or equipment; to the normal operation of commercial or private vehicles designed and used for transportation of passengers; to other commercial or private vehicles

being loaded or unloaded in a commercial area, or sanitation and waste disposal vehicles; or to commercial or private vehicles or equipment used for snow removal or environmental emergencies.

2. The use of a motor vehicle, motorcycle or motorized vehicle, whether or not designed for use on public roads at any time or under any condition of grade, load, acceleration, deceleration, movement, or at rest, whether or not in repair or operated in such manner as to create loud or unnecessary grating, grinding, rattling, motor winding, squealing, screeching, or other tire noise or any other unnecessary noise.
3. The sounding of any horn, gong, siren, or signal device on any automobile, motorcycle or other vehicle on any street, except as a necessary warning of danger to property or person or as permitted to be used by authorized emergency vehicles or in connection with work being done by authorized agencies.
4. The use of any mechanical device, operated by compressed air, steam, gasoline, or otherwise, unless the noise created is in connection with work being done by authorized agencies and/or is effectively muffled between the hours of 10:00 p.m. and 7:00 a.m.
5. The erection, including excavation, demolition, alteration or repair of any building or structure, other than between the hours of 7:00 a.m. and 10:00 p.m. The Chief of Police may grant an exception to a person from this subsection if the Chief of Police determines that the public interest requires it.
6. The use or operation of any device designed for sound production or reproduction, including, but not limited to, any radio, television set, musical instrument, stereophonic equipment, loudspeaker, sound production or reproduction device, bell, drum or chime, between the hours of 10:00 p.m. and 7:00 a.m., so as to be plainly audible within any dwelling unit which is not the source of the sound, or use of such equipment on public property or on a public right-of-way so as to be plainly audible fifty feet (50') or more from the source of the sound.
7. The gathering of any number of persons upon premises, either public or private, and the creation of excessive noise from the collective voices of such persons between the hours of 10:00 p.m. and 7:00 a.m. Excessive noise means noise which is plainly audible within any dwelling unit which is not the source of the sound.
8. Exemptions for Subsections 6 and 7 shall be considered as follows:
 - a. Exemption – Outright: The following events or gatherings shall be

exempt from the above stated requirements:

- 1) Traditional events held for public benefit, such as Youth and Adult Sport Leagues, Eastern Oregon University and La Grande School District sporting events, shall be exempt from regulated hours.
 - 2) Activities and events directly related to the annual Fourth of July celebration until 11:30 p.m.
 - 3) Activities and events directly related to the annual New Year's Eve celebration until 12:30 a.m.
- b. Exemption – Administrative: The Chief of Police may grant an exemption from this subsection for the following events or gatherings that provide a community benefit:
- 1) Community events and gatherings that are endorsed by the City of La Grande City Council, such as Crazy Days, Celebrate La Grande, Union County Fair, and other similar community events.
 - 2) Special events that are approved by City Department Directors and which are held in a public park or on public property, such as music in Max Square, Moonlight Softball Tournament, parades, and other similar events.
- c. Exemption – City Council: The City of La Grande City Council may grant an exception for other events and gatherings.
- d. For events not specifically listed, the City Manager is authorized, at his or her sole discretion, to determine whether or not an event qualifies for an outright, administrative or City Council exemption.

Section 13. Radio and Television Interference

- A. No person shall operate or use an electrical, mechanical, or other device, apparatus, instrument, or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.
- B. This Section does not apply to devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.

Section 14. Junk

- A. No person shall keep junk outdoors on a street, lot, or premises, or in a building which is not wholly or entirely enclosed, except for doors used for ingress and egress.

- B. The term "junk," as used in this Section, includes all inoperative motor vehicles, motor vehicle parts, abandoned automobiles and vehicles, machinery, machinery parts, appliances or appliance parts, iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.
- C. This Section does not apply to junk kept in a licensed junk yard, recycling center, or automobile wrecking house.

Section 15. Notices and Advertisements

- A. No person shall affix or cause to be distributed any placard, bill, advertisement or poster upon any real or personal property, public or private, without first securing permission from the owner or person in charge of property. This Section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the City regulating the use of and location of signs and advertising.
- B. This Section shall not be construed to prohibit the distribution of material during any parade or public gathering.

Section 16. Building Debris Associated with Damage Caused by Fire, Flood, Earthquake or Other Causes

A. Damaged Buildings

Any structure or property damaged in whole or in part, by fire, flood, earthquake or other causes, to the extent the building may not be safely occupied for commercial and/or residential purposes shall immediately be made safe so that it does not pose a danger to persons or other structures (as determined by the Building Official).

B. Abatement by Owner

The owner(s) of such damaged structures shall, within one hundred twenty (120) days from the date of the damage, obtain either a Building Permit to rebuild the structure to current Building Code Standards, or remove the remaining debris or structure, level the building site and landscape the property. If a Building Permit is issued, the owner shall have an additional thirty (30) days to commence work and such work shall be completed within one (1) year of permit issuance, unless weather or other conditions beyond the control of the owner warrant an extension of time pursuant to Subsection C of this Section. If the property owner elects to not obtain a Building Permit within the one hundred twenty (120) days, then any basement or below-grade areas shall be filled, and the entire building site shall be leveled and landscaped within this same one hundred twenty (120) day time period. Such work shall be done without causing damage to the structural integrity of the adjacent buildings. Filling shall be accomplished in a manner that will allow for future construction on the property, as determined by the Building Official. Landscaping shall consist of vegetation, ground cover and irrigation

as approved by the Community Development Director/Planner.

C. Extensions Permitted

The City Manager shall have the authority to grant extensions, of no more than an additional one hundred twenty (120) days each, to the time limits established in this Ordinance if the property owner can show:

1. That a qualified engineer or architect is preparing the plans and specifications to submit for the Building Permit, or
2. That a crime or insurance investigation has prevented owner performance as required by this Ordinance, or
3. That weather conditions or other conditions beyond the control of owner have caused a delay in commencing or completing the required work, or
4. That rebuilding of the building(s) requires permits that take longer time frames to obtain, or
5. That cleanup work requires particular pieces or quantities of equipment that are not readily available locally, or
6. That other factors exist that are deemed reasonable by the City Manager or City Council on appeal.

D. Abatement By The City

1. If the reconstruction or demolition and grading are not completed within the time limits imposed by this Ordinance, the City Council may cause the building(s) to be demolished, and the property cleaned up, graded and landscaped after having a hearing on the need and feasibility of doing the same. After hearing and decision of the City Council to proceed with cleanup, demolition, or other action, the City Manager shall give the property owner thirty (30) calendar days written notice of the impending demolition and cleanup prior to commencement of the work, unless such time would put the public at unreasonable risk. If the property owner does not commence the required work by the end of the thirty (30) day notice period, the City Manager shall file a Notice of Noncompliance in the Union County Deed Records. Said notice shall include:
 - a. A legal description of the subject property;
 - b. An estimate of the costs to bring the subject property into compliance with this Ordinance; and
 - c. A statement that if the final cost is not paid within thirty (30) days of

the date of billing by the City, that such costs shall become a lien on the property.

2. The City Manager shall have the right to enter into or upon any property or investigate or cause the removal of debris.
3. The Finance Director of the City shall keep an accurate record of the expense incurred by the City in the demolition of the building and property clean up. Such expenses shall include a ten percent (10%) surcharge of all costs, including contracts, to offset the expense of the administrative overhead.
4. The total amount of the cost of the abatement shall be assessed against the property. If the costs of the abatement are not paid within thirty (30) days from the date the property owner is billed by the City, a lien against the property shall be filed with the office of the County Clerk and may be foreclosed in any manner provided by Oregon law governing lien foreclosure.
5. Interest shall be charged on the outstanding lien, at a rate determined by Resolution of the City Council, until it is paid in full.

E. Previously Destroyed Buildings

Owners of buildings destroyed by fire, earthquake, flood, or other causes prior to the effective date of this Ordinance, shall have one (1) year from the effective date of this Ordinance to comply.

Section 17. Nuisance Vehicles

A. Nuisance Vehicles Defined

The following motor vehicles are hereby declared to be nuisances and subject to seizure and impoundment. A motor vehicle is defined under the terms of the Oregon Motor Vehicle Code.

1. A motor vehicle illegally parked on a public street in a traffic lane where parking is prohibited to designated classes of vehicles or periods of time or at any time when the vehicle interferes with the intended use of such traffic lane.
2. A motor vehicle in possession of a person taken into custody by a police officer.
3. A motor vehicle being operated by a person whose operator's license is suspended or revoked under the terms of the Oregon Motor Vehicle Code.
4. A motor vehicle from which a firearm has been discharged.

5. A motor vehicle that does not have evidence of insurance, or is operated by a person who does not have evidence of insurance, as required by the Oregon Motor Vehicle Code.
6. A motor vehicle in which the operator is arrested and charged with driving under the influence of intoxicants, in violation of the provisions of the Oregon Motor Vehicle Code.
7. A motor vehicle in which the operator is driving without driving privileges, in accordance with the Oregon Motor Vehicle Code, except where the operator's license is invalid for the sole reason of being expired for less than one (1) year.

B. Forfeiture

The following motor vehicles are hereby declared to be nuisances and subject to forfeiture.

1. A motor vehicle operated by a person whose operator's license is suspended or revoked as a result of conviction for:
 - a. Driving under the influence of intoxicants, in violation of the provisions of ORS 813; or
 - b. Any degree of manslaughter or criminally negligent homicide, as those terms are defined in ORS Chapter 163, involving a motor vehicle.
2. A motor vehicle operated by a person who has been determined to be an habitual traffic offender under the terms of ORS 809.600 to 809.660, who has been convicted within five (5) years of the date of the seizure for driving under the influence of intoxicants, in violation of the provisions of ORS Chapter 813.
3. All forfeiture proceedings pursuant to this Ordinance shall be conducted in accordance with the provisions of Oregon Laws, Chapter 791 (1989).

C. Impoundment Proceedings

All impoundment proceedings pursuant to this Ordinance shall be conducted in accordance with Oregon Revised Statutes and as supplemented below:

1. All vehicles towed and impounded shall be towed and impounded by a licensed tow company under contract with the City of La Grande, to a storage site operated by the towing company.
2. The owner of the impounded vehicle, or the owner's authorized agent,

may reclaim such vehicle upon providing proof of ownership, proof of compliance with the financial responsibility laws of the Oregon Motor Vehicle Code, a valid operator's license, and the payment of a towing bill and any other fees, fines or bills associated with the impounding of the motor vehicle.

3. If the vehicle is not reclaimed within thirty (30) days from the date of impoundment, then such vehicle shall be disposed of in accordance with the provisions of the Ordinance of the City of La Grande, Oregon, governing the impoundment of abandoned vehicles.

D. Inventories of Impounded Vehicles/Procedures

Personal property inventory provisions shall exclusively apply to the process for conducting an inventory of the personal property in an impounded vehicle and shall not be interpreted to affect any other statutory or constitutional rights that police officers may employ to search persons or search or seize possessions for other purposes.

1. The contents of all vehicles impounded by a police officer shall be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company, except under the following circumstances:
 - a. If there is reasonable suspicion to believe that the safety of either the police officer or any other person is at risk, a required inventory will be done as soon as safely practical; or,
 - b. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.
2. The purpose for the inventory of an impounded vehicle shall be to:
 - a. Promptly identify property to establish accountability and avoid spurious claims to property;
 - b. Assist in the prevention of theft of property;
 - c. Locate toxic, flammable or explosive substances; or,
 - d. Reduce the danger to persons and property.
3. Inventories of impounded vehicles shall be conducted according to the following procedure:
 - a. An inventory of personal property and the contents of open containers

will be conducted throughout the passenger and engine compartments of the vehicle, including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.

- b. In addition to the passenger and engine compartments, as described above, an inventory of personal property and the contents of open containers shall also be conducted in the following locations:
 - i. Any other type of unlocked compartments that are a part of the vehicle, including, but not limited to, unlocked vehicle trunks and unlocked car-top containers; and,
 - ii. Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- c. Unless otherwise provided in this Section, closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes.
- d. Upon completion of the inventory, the police officer will complete a report, as directed by the Chief of Police.
- e. Any valuables located during the inventory process shall be listed in a property receipt. A copy of the property receipt shall either be left in the vehicle or tendered to the person in control of the vehicle, if such person is present. The valuables will be dealt with in a manner directed by the Chief of Police.

E. Request for Hearing

A person entitled to lawful possession of a vehicle impounded may request a hearing to contest the validity of the tow. Such request must be in writing and must be received in the Municipal Court Clerk's Office (Finance Department) at La Grande City Hall, 1000 Adams Avenue, La Grande, Oregon, by five o'clock in the afternoon (5:00 p.m.) on the tenth (10th) day following the date of the vehicle impoundment; otherwise, the right to a hearing will be forfeited.

The written request should include the requester's full name and address; date of impoundment; description of vehicle; issues the requester proposes to raise during the hearing; the dates and times when the requester is unavailable to appear at a hearing; and a telephone number where the

City of La Grande

Ordinance Number ~~3240~~

Series 2018 3241

Page (18)

the date the request for a hearing is received.

Section 18. Enforcement

The responsibility and process for the enforcement of provisions of this Ordinance shall be as set forth in the City of La Grande Enforcement Ordinance.

Section 19. Severability

If any court of competent jurisdiction declares any Section of this Ordinance invalid, such decision shall be deemed to apply to that Section only, and shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

Section 20. Savings Clause

The Ordinances repealed by this Ordinance shall remain in effect to authorize the prosecution, conviction and punishment of a person who violates any of the repealed Ordinances prior to the effective date of this Ordinance.

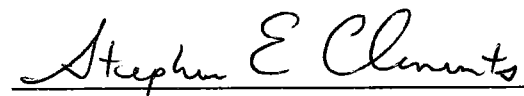
Section 21. Effective Date

This Ordinance shall become effective thirty (30) days after its adoption by the City Council of the City of La Grande, Oregon and its approval by the Mayor; specifically, August 31, 2018.

ADOPTED AND APPROVED this First (1st) day of August 2018, by Seven
(7) of Seven (7) Councilors present and voting.

ATTEST:


Angelika N. Brooks
City Recorder


Stephen E. Clements, Mayor