

ORDINANCE NUMBER 1566

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING ORDINANCE NO. 1360 PROVIDING FOR TOWING OF ABANDONED VEHICLES.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 11 of Ordinance No. 1360 is amended to read as follows:

Section 11. Abandoned Vehicles

1) No vehicle shall be abandoned on any public right-of-way in the city or on public or private property. A vehicle shall be deemed abandoned if it is disabled or left standing for a period in excess of 24 hours.

2) Any vehicle in violation of Subsection (1) may be towed and held at the owner's expense. Any person towing a vehicle shall have a lien on the vehicle and its contents for just and reasonable towing and storage charges and may retain the vehicle until the charges are paid. A lien on a vehicle valued at over \$750 may be foreclosed in the manner provided in ORS 87.152 to 87.212. Vehicles valued at \$750 or less may be disposed of by the police according to the procedure provided by ORS 483.395.

3) Before towing any vehicle the police shall make a routine investigation to locate the owner. If the owner is known, the police shall make personal contact or mail notice by registered mail, requesting that the vehicle be moved. If the owner cannot be immediately located or does not remove the vehicle, the police shall place a notice on the vehicle stating:

- a) That the vehicle is in violation of this ordinance.
- b) That the vehicle must be removed within 48 hours (not including weekends or holidays) or it will be towed.
- c) That the person towing the vehicle will have a lien on the vehicle and its contents for just and reasonable towing and storage charges and may retain the vehicle until the charges are paid or sell the vehicle to satisfy the towing and storage charges.
- d) That the owner may request a hearing on the validity of the tow and the creation and amount of the lien.
- e) How and where the owner can get further information.

4) The notice in subsection (3) is not required when the vehicle is abandoned within the public right-of-way where it may be a traffic hazard. In such cases, the police may have the vehicle towed immediately upon its discovery.

5) After the notice required by subsection (3) has been posted and the owner has still not removed the vehicle or requested a hearing, the police may order the vehicle towed, using their own personnel, equipment or facilities or those of others.

6) The police shall send notice to the owner by registered mail, if the owner is known, within 48 hours after the tow (not including weekends and holidays.) If the owner is not known, the notice shall be published once in a newspaper of general circulation in the city not more than ten days after the tow. The notice shall contain:

- a) The reason for the tow.
- b) The location of the vehicle, current towing and storage charges and an estimate of future charges.
- c) The appraised value of the vehicle.
- d) A statement that the person towing the vehicle has a lien on the vehicle and its contents for just and reasonable towing and storage charges, may retain the vehicle until the charges are paid and may sell the vehicle to satisfy the lien.
- e) The procedure necessary to redeem the vehicle.
- f) A statement that the owner may request a hearing on the validity of the tow and on the creation and amount of the lien within five days after receipt of the notice, and that failure to do so shall act as a waiver of the right to a hearing.
- g) Information regarding who to contact for further information.

7) The owner may redeem a towed vehicle before sale and disposition by submitting evidence of ownership and paying all towing and storage charges to the date of redemption. Upon redemption, a receipt shall be issued to the owner and the vehicle released. No redemption will be allowed after the vehicle is sold or disposed of.

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8) Upon the request of the owner, a hearing shall be held before the City Manager or his designee where the owner may contest the validity of the tow and the creation and amount of the lien. The hearing shall be held within 48 hours after receipt of a written request, (not including weekends and holidays), unless requested otherwise by the owner and approved by the city. If a request for hearing is received prior to towing the vehicle, the vehicle shall not be removed pending the outcome of the hearing, unless it constitutes a traffic hazard.

9) If the hearings officer determines that the tow was invalid, he shall find that the owner is not liable for any towing and storage charges and order the vehicle released to the owner and the refund of any charges already paid. If the hearings officer finds the tow was valid, he shall determine the amount of just and reasonable towing and storage charges which shall be a lien on the vehicle. If the owner does not appear at the hearing, the hearings officer may enter an order supporting the tow and the creation and amount of the lien. The decision of the hearings officer is final.

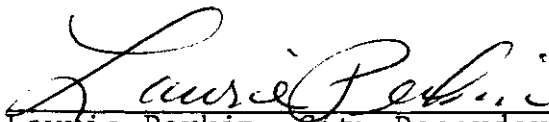
Read the first time on 9/18/84 and moved to second reading by majority vote of the City Council.

Read the second time and adopted by the City Council on 10/2/84.

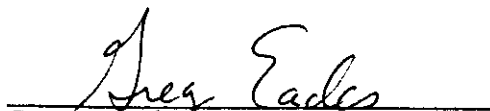
Signed by the Mayor on October 2, 1984.


Ronald D. Kinsella, Mayor

ATTEST:


Laurie Perkin, City Recorder

Approved as to form:


Greg Eades, City Attorney