

ORDINANCE NO. 1187

AN ORDINANCE CONCERNING ABANDONED, DISABLED AND HAZARDOUS VEHICLES ON A PUBLIC WAY AND AMENDMENT OF CERTAIN CITY VEHICLE CODE SECTIONS.

The City of Sweet Home does ordain as follows:

Section 1. A Sweet Home Municipal Code Chapter 10.11 is hereby created to codify in the Code Section 2, 3 and 4 of this Ordinance.

Section 2. Definitions:

Abandoned Vehicle: A vehicle left unoccupied and unclaimed on the public way for a continuous period for more than 48 hours.

Disabled Vehicle: A disabled vehicle shall include a wrecked, partially dismantled, dismantled and/or junked vehicle that cannot be lawfully driven upon a public way, a vehicle not currently licensed and/or a vehicle that cannot be driven in its present condition whether for safety reasons or operational malfunction.

Hazardous Vehicle: A hazardous vehicle means a vehicle left in a location or condition that constitutes an immediate or continuous hazard to the safety of persons using a public way in the City. For example not for limitation the following are hazardous vehicles:

- a. Vehicles with leaking petroleum or other potential hazardous fluids.
- b. Vehicles with broken glass/windows.
- c. Vehicles storing refuse and garbage as to present a particular health hazard.
- d. Vehicles parked so that any part of the vehicle extends within the paved portion of the travel lane.
- e. Vehicles parked so that any part of the vehicle extends within the highway shoulder or bicycle lane.

Hearing Timely Requested: A hearing is timely requested to prevent the removal of the vehicle until after a hearing if it is requested before the vehicle is removed and a hearing is timely requested to object to the removal and custody of the vehicle and the charges associated therewith if it is submitted to the City of Sweet Home as the law specifies not more than 5 days from the mailing of the Notice or affixing the Notice to the vehicle. The 5 day period does not include holidays, Saturday or Sundays.

Public Way: Any highway, road, street, alley, thoroughfare and place including bridges, viaducts and other structures within the boundaries of the City of Sweet Home open, used or intended for use

of the general public for vehicles or vehicular traffic as a matter of right.

Reference Provision: Prohibited Parking Sweet Home Municipal Code 10.08.030, Prohibited Parking In Parking Facility ORS 98.805 and Sweet Home Municipal Code 10.08.120, Movement Of Illegally Parked Vehicles On Highway By Police ORS 810.430, Discarded Vehicles On Private Property Sweet Home Municipal Code 10.16.040, Abandoned Vehicles On Private Property ORS 98.830, Abandoned Vehicles On Public Property (not public way) Sweet Home Municipal Code 10.08.135.

Section 3. The procedures set forth in ORS 819.110 to and including ORS 819.260 for abandoned, discarded and hazardous vehicles upon a public way shall be followed as set forth for the City of Sweet Home an authority described therein with the definitions of this ordinance to apply to the concerned vehicle.

Section 4. The authority to remove vehicles under this ordinance is an addition to any other authority to remove a vehicle as allowed by law.

Section 5. Sweet Home Code Section 10.08.030(G) is amended to read as follows: Vehicles that are parked in violation of subsections C(4) and E of this section may be towed and disposed of as if the vehicle were an "abandoned vehicle" under ORS 819.110 to ORS 819.260 inclusive. Vehicles that are parked in violation of subsection F may be towed and disposed of as if the vehicle were a "traffic hazard" under ORS 819.120 to ORS 819.260 inclusive with notice being given within forty eight hours. The persons involved shall have all the rights and duties created thereby. This authority to tow and dispose of the vehicle is in addition to any other authority to tow or dispose of vehicles.

Section 6. Sweet Home Municipal Code Section 10.08.120 is amended to read as follows: Towing of Unlawfully Parked Vehicles from Parking Facility ORS 98.805, to and including ORS 98.818, are adopted and incorporated by reference into this chapter as though fully set forth herein.

Section 7. Sweet Home Municipal Code Section 10.08.135 is created to read as follows: The procedures for removal of abandoned motor vehicles under ORS 98.830 to ORS 98.840 inclusive may be used for removing abandoned motor vehicles from City of Sweet Home owned property (excluding public ways) in addition to any other method to remove motor vehicles as provided by law.


Section 8. Sweet Home Municipal Code Sections 10.16.010, 10.16.020, 10.16.030 and 10.16.150 are hereby repealed as well as the adoptive Ordinance 951 (1986) and the adoptive Ordinance 991 (1989).

PASSED by the Council and approved by the Mayor this 12th day
of December, 2006.



Mayor

ATTEST:



City Manager - Ex Officio
City Recorder