

ORDINANCE BILL NO. 10 FOR 1989

ORDINANCE NO. 992

AN ORDINANCE PROVIDING FOR THE DISPOSITION OF VEHICLES COMING INTO THE HANDS OF THE CITY OF SWEET HOME, THROUGH SEIZURE AND NOT OTHERWISE DISPOSED OF THROUGH THE LAW OR VEHICLES NOT OTHERWISE DISPOSED OF THROUGH THE LAW; REPEALING ORD. NO. 169; AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. Vehicles that are under the purview of this ordinance may be placed upon property of the City of Sweet Home for further disposition, and/or stored with a reputable vehicle storage yard or garage until all procedural and legal processes are finished.

After all procedural and legal processes are finished, any vehicle not returned to its owner or to a person who has a right to possession thereof, shall be disposed of as if it were a vehicle that had been taken into custody pursuant to ORS 819.130, and the persons involved shall have all the rights and duties created by ORS 819.130, 819.140, 819.150, 819.160, 819.210 to and including 819.260. However, ORS 819.160 shall apply from the time the vehicle is towed.

Section 2. Notwithstanding section 1 hereof, if the vehicle is a stolen vehicle, it shall be disposed of in accordance with the procedures set out in ORS 142.010 to and including ORS 142.060, where in conflict with those set out in section 1 hereof. Where ORS 142.010, et al, refer to County, said reference shall be changed to City and dealt with accordingly.

Section 3. Section 3 is left for expansion.

Section 4. All costs and expenses incurred in the removal, preservation and custody of the vehicle and its contents shall be paid by the person who receives the vehicle before the vehicle is returned or released, but in no case shall the person be required to pay storage charges for a period in excess of 60 days. When the vehicle or its contents is in the possession of the City, the City shall have the right to keep said property until the costs and expenses are paid.

Section 5. If no bids are entered for the vehicle or its contents at the sale, or if the highest bid entered is less than the costs incurred by the City, the City may enter a bid on behalf of the City in an amount equal to such costs and, if so bid by the City, the property shall become the

property of the City as compensation for the costs incurred or, if of no use or value to the City, shall be disposed of in such manner as the City Manager directs.

Section 6. If any vehicle or contents are sold or disposed of in accordance with a certain provision of this ordinance, and it is later discovered that the vehicle or contents should have been sold or disposed of under another provision of this ordinance, or another ordinance or statute, the sale or other disposition shall nevertheless be valid if due process was followed in said sale or disposition. Contents of a vehicle may be disposed of hereunder, but the City may also dispose of the contents by following the procedures for unclaimed property set out in Sweet Home Ord. No. 960 as now enacted or hereafter amended.

Section 7. This ordinance shall apply to all vehicles (excluding bicycles) not otherwise disposed of by the law that come into the hands of the City, which includes vehicles (excluding bicycles) seized by the Sweet Home Police Department. This ordinance shall apply to all vehicles (excluding bicycles) that are under the purview of this ordinance that are now or hereafter in possession of the City.

Section 8. The sections, subsections, or parts thereof, of this ordinance are severable. The invalidity of any section, subsection or part thereof shall not affect the validity of the remaining sections, subsections or parts thereof.

Section 9. Sweet Home Ord. No. 169 is hereby repealed.

Section 10. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

PASSED by the Council and approved by the Mayor this 28th day of March, 1989.



Mayor

ATTEST: 

City Manager - Ex Officio City Recorder