

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) CHAPTER 13 70 TITLED ABANDONED VEHICLES.

WHEREAS, the City of Albany is amending AMC Chapter 13 70, Abandoned Vehicles, to address the numerous complaints of abandoned vehicles that are received by the City; and

WHEREAS, many of these vehicles are inoperable and unregistered, and

WHEREAS, current regulations create a loophole which allows individuals to remove pre-tow notice stickers and move their vehicle a small distance, therefore nullifying the notice; and

WHEREAS, when this occurs, law enforcement must repost the sticker and wait an additional 24 hours creating a repetitive and time-consuming process; and

WHEREAS, this causes additional complaints from residents and additional work for City staff.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS.

Amending AMC Title 13, Vehicles and Traffic. AMC Chapter 13.70 is hereby amended to change Sections 13.07.020 and 13.07.050.

Sections.

- 13 70 010 Definitions.
- 13 70 020 Abandoned vehicles prohibited.
- 13 70 050 Pre-towing investigation and notice.

13 70 010 Definitions.

As used in this chapter, unless the context requires otherwise:

- (1) "Abandoned" means a vehicle left unoccupied and unclaimed, or in such a damaged or disabled or dismantled condition that the vehicle is inoperable; or not currently licensed through the division, if such a license is required by law
- (2) "Chief of Police" means an authorized law enforcement officer of the City or another City employee authorized to enforce this chapter
- (3) "City" means the City of Albany, Oregon.
- (4) "Division" means the Motor Vehicle Division of the State of Oregon or the corresponding state agency of the state in which the vehicle is registered or licensed.
- (5) "Hazardous vehicle" means a vehicle left in a location or condition that constitutes an immediate and continuous hazard to the safety of persons using the streets or alleys of the City For example, and not for limitation, the following are hazardous vehicles:
 - (a) Vehicles blocking public or private rights-of-way
 - (b) Vehicles with leaking petroleum or other hazardous fluids.
 - (c) Vehicles blocking fire hydrants.
 - (d) Vehicles with broken glass/windows.
- (6) "Owner" means any individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, or ownership of any interest, legal or equitable, in a vehicle.
- (7) "Private garage" means a private storage yard, garage, or other storage place selected by the Chief of Police.

- (8) "Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a public highway, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks. (Ord. 4971 § 1, 1991, Ord. 3562 § 1, 1971).

13.70.020 Abandoned vehicles prohibited.

- (1) No vehicle that the Chief of Police has reason to believe is abandoned, by means of being unoccupied and unclaimed, shall be parked or left standing on the right-of-way of a City street, alley, or City property for a period in excess of 24 hours.
- (2) No vehicle that the Chief of Police has reason to believe is abandoned, by means of being in a damaged, disabled, or dismantled condition rendering it inoperable; or not currently licensed though the division, if such a license is required by law, shall be parked or left standing on the right-of-way of a City street, alley, or City property.
- (3) A vehicle so parked or left standing may be taken into custody by the Chief of Police and shall be held at the expense of the owner of the vehicle. The Chief of Police may use department personnel, equipment, and facilities for removal and storage of the vehicle or may hire other personnel, equipment, and facilities for that purpose. (Ord. 4971 § 1, 1991, Ord. 3562 § 2, 1971).

13.70.050 Pre-towing investigation and notice.

- (1) The Chief of Police investigating a vehicle in violation of AMC 13.70.020 shall.
- (a) Make a routine investigation to discover the owner and request removal of the vehicle.
- (b) Failing to discover the owner by such a process, make a diligent inquiry as to the name and address of the owner by examining the vehicle for a license number, identification number, make, style, or any other information that will aid in the identification of the owner. When such vehicle is required by law to be registered with the Division, the Chief of Police shall inquire by license and/or VIN number with the Division for the name and address of the owner.
- (c) Whether or not the owner is identified, affix a pre-tow notice upon the vehicle where it can be easily seen.
- (d) **If a vehicle is found in the same condition as described in AMC 13.70.020(2) in which a pre-tow notice was affixed, within 30 days of the original notice, the owner shall be considered notified and the vehicle shall be taken into custody by the Chief of Police.**
- (2) This section does not apply to a hazardous vehicle. (Ord. 5249 § 1, 1996, Ord. 4971 § 1, 1991, Ord. 3562 § 5, 1971).

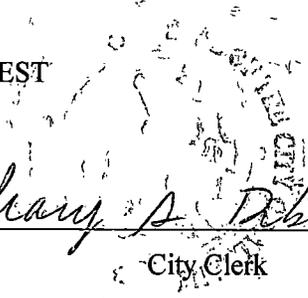
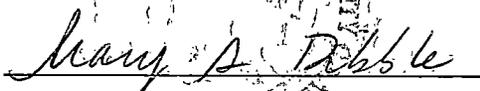
Passed by Council. March 28, 2018

Approved by Mayor. March 28, 2018

Effective Date: April 27, 2018


Mayor

ATTEST



City Clerk