

ORDINANCE NO. 554

AN ORDINANCE to provide regulations covering the removal and disposal of vehicles left unattended on the streets of the City of Prineville, or otherwise within such City, and providing for the disposal of said vehicles and repealing Section 8 of Ordinance No. 529, and declaring an emergency.

THE PEOPLE OF THE CITY OF PRINEVILLE, OREGON DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

No person shall park a motor vehicle on a street or alley in the City of Prineville and leave it unattended for three (3) days or longer, or park a motor vehicle upon any vacant property in said City and leave it unattended for thirty (30) days or longer. The Marshal or any police officer may remove or cause to be removed any motor vehicle found upon any street or alley or vacant property, and for the purpose of this ordinance any motor vehicle left unattended on any vacant property within the City of Prineville for a period of thirty (30) days or longer is hereby declared to be a nuisance. When it appears to said Marshal or any police officer that the motor vehicle has been abandoned or become a nuisance, as herein stated, or permitted to so remain for at least three (3) days on the streets or the alleys of the City of Prineville without being moved or attended by its owner, or the person in charge of the same, the officer shall take possession of said vehicle and place it in storage.

SECTION 2: It shall be the duty of the Police Department of the City of Prineville, whenever any such motor vehicle or part thereof shall have been taken into possession of the said Police Department of the City of Prineville pursuant to provision of the foregoing section, or shall for any reason come into the hands of the Police Department without a claimant thereto, to either place the same upon the property of the City of Prineville for further disposition, or store the same with some reputable motor vehicle storage yard or garage, pending investigation into the ownership of said motor vehicle.

SECTION 3: Whenever any such motor vehicle, or part thereof, shall be so taken into custody of the Police Department, the same shall be held at the expense and risk of the owner, or person lawfully entitled to possession thereof.

SECTION 4: The Chief of Police, upon finding such vehicle, or coming into possession of the same, shall make diligent inquiry of all available persons as to the name and address of the owner, conditional vendor or mortgagee, or any other person interested therein, and shall examine said motor vehicle for license number, motor number, serial number, make and style, and for any other information which will aid in the identification of such motor vehicle and in the identification of the owner, conditional vendor, mortgagee, or other interested person.

SECTION 5: After having acquired all available information, the Chief of Police shall immediately transmit the same to the secretary of state of the State of Oregon with an inquiry for the name and address of the owner, conditional vendor, mortgagee, or other person interested. If the owner, conditional vendor, mortgagee, or other person interested, be found and identified, he shall be immediately notified by registered letter that said motor vehicle is held by the Chief of Police of the City of Prineville and will be sold at public auction at a definite place in the City of Prineville on a day certain at 10:00 o'clock in the morning of such day to the highest and best bidder for cash, which such sale shall not be held until 20 days have elapsed from the date of sending the registered notice.

SECTION 6: If the owner, conditional vendor, mortgagee, or other person interested, cannot be found after due diligence as herein set forth, then the Chief of Police shall cause to be published in some newspaper of general circulation, published in Crook County, State of Oregon, a notice embodying the foregoing information which shall be published two times, the first publication of which shall be made more than ten (10) days before such proposed sale.

SECTION 7: If the owner, conditional vendor, mortgagee, or other interested person, shall apply to the Chief of Police before a sale shall have taken place, for the return of said motor vehicle, and shall submit to the Chief of Police satisfactory evidence of his interest therein, and shall tender with said application the cost in the seizing, keeping, and making sale of said motor vehicle, the Chief of Police, upon being satisfied that the claim is rightful, shall surrender the same to the claimant.

SECTION 8: If no claim shall have been made before the time set for sale of said vehicle, the Chief of Police shall, at the time and place appointed, within view of the motor vehicle to be sold, offer for sale and shall sell said motor vehicle to the highest and best bidder for cash, and in default of bids from others for a greater sum, shall bid the same in for the City of Prineville at the amount of its cost incurred in the seizing, keeping, and offering for sale of the same.

SECTION 9: The proceeds of such sale shall be first applied to the payment of the costs incurred in the seizing, keeping, and making such sale, and the balance, if any, shall be paid to the treasurer of the City of Prineville to be credited to the general fund.

SECTION 10: At the time of payment of the purchase price the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and a copy thereof filed with the City Recorder of the City of Prineville, which certificate of sale shall be in substantially the following form:

"CERTIFICATE OF SALE"

This is to certify that under the provisions of Ordinance No. 554, entitled 'An ordinance to provide regulations covering the removal and disposal of vehicles left unattended on the streets of the City of Prineville, or otherwise within such City, and providing for the disposal of said vehicles and declaring an emergency,' and pursuant to due notice of time and place of sale I did on the ____ day of _____, 19__, sell at public auction to _____ for the sum of \$_____, cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(Brief description of property)

and in consideration of the payment of the said sum of \$_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

DATED This ____ day of _____, 19__.

Chief of Police

"Note: The City of Prineville assumes no responsibility as to the condition of title of the above described property. In case this sale shall for any reason be invalid the liability of the City is limited to return of the purchase price."

SECTION 11: Upon such sale being consummated the Chief of Police shall deliver the possession of said motor vehicle and said certificate of sale to the purchaser. Such sale and conveyance shall be without redemption.

SECTION 12: At any time within one year after such sale, the owners of any property sold as herein provided shall be entitled to have the balance of the proceeds of such sale paid to him out of the general fund upon making application therefor to the council and presenting satisfactory proof of ownership.

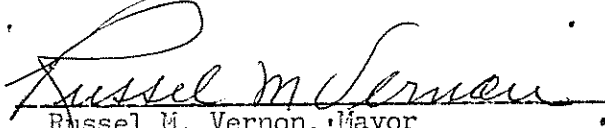
SECTION 13: This ordinance shall apply to all motor vehicles and parts thereof now in possession of the Chief of Police as well as to all such as may hereafter be taken into possession.

SECTION 14: Whereas, automobiles and motor vehicles are at this time uncalled for in charge of the Chief of Police of the City of Prineville, and costs are accruing for storage and in the preservation and care of the same and no ordinance does now provide a sufficient speedy disposition thereof, an emergency is hereby declared to exist and it is declared to be for the immediate preservation of the peace, health and safety of the City of Prineville that this ordinance take effect immediately upon its passage by the common council and approval by the mayor, and it is so ordered.

SECTION 15: Section 8 of Ordinance No. 529 is hereby repealed.

Passed by the City Council this 16th day of March, 1964.

Approved by the Mayor this 16th day of March, 1964.


Russel M. Vernon, Mayor


Frances Juris, City Recorder