

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

ORDINANCE NO. 8

AN ORDINANCE DECLARING ABANDONED VEHICLES IN LINCOLN COUNTY,
OREGON TO BE A PUBLIC NUISANCE AND PROVIDING FOR THE IMPOUNDING AND
DISPOSITION OF ABANDONED VEHICLES.

THE COUNTY OF LINCOLN BY IT'S BOARD OF COMMISSIONERS ORDAINS
AS FOLLOWS:

Section 1. The purpose and policy of this ordinance is to declare abandoned vehicles to be unsightly and deleterious to Lincoln County and this enactment is to protect the health, safety and welfare of the people of Lincoln County by providing for an orderly procedure for the impounding and disposition of such vehicles; that the collection, impounding and disposition of abandoned vehicles is hereby declared to be the public policy of Lincoln County, Oregon.

Section 2. Definitions as used in this ordinance, unless the context requires otherwise:

(1) "Abandoned" shall mean left unoccupied and unclaimed or in a damaged or dismantled condition upon streets, alleys, highways, parks, public roads, county roads or other public place or places in Lincoln County excepting any such place or places within any incorporated city in Lincoln County, Oregon.

(2) "County" shall mean the County of Lincoln.

(3) "Costs" shall mean the expense of moving, storing, or selling impounded vehicles.

(4) "County Sheriff" includes any authorized law enforcement officer of Lincoln County, Oregon.

(5) "Owner" shall mean any individual, firm, corporation or any incorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

(6) "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationery rails or tracks.

Section 3.

(1) It shall be the duty of the County Sheriff, whenever a vehicle is found abandoned in the same position for a period of forty-eight (48) consecutive hours, to:

(a) Make a routine investigation to discover the owner and request that the owner move the vehicle: and

(b) If the owner is not found, to place a notice visible to the passing public upon the windshield or some part of the vehicle.

(2) Such notice shall state that the County Sheriff will remove and impound the vehicle under the provisions of this ordinance within forty-eight (48) hours of the time of posting, unless:

(a) The owner removes the vehicle; or

(b) Good cause is shown, satisfactory to the County Sheriff, why such vehicle should not be moved by the owner or removed and impounded by the County.

Section 4.

(1) An abandoned vehicle which remains in the same position for a period of forty-eight (48) hours after a notice to remove has been posted upon such vehicle, and no person has appeared to show good cause why such vehicle should not be moved, shall constitute a nuisance.

(2) It shall be the duty of the County Sheriff to remove any vehicle which shall constitute a nuisance, under the provisions of this ordinance, and store such vehicle upon County property, pending investigation into the ownership of such vehicle.

Section 5. The County Sheriff, after impounding any vehicle in accordance with the provisions of this ordinance, shall:

(1) Make a diligent inquiry as to the name and address of the owner of the vehicle.

(2) Examine such vehicle for license number, motor number, serial number, make, style, and any other information which will aid in the identification of the ownership of the vehicle; and

(3) Thereafter, immediately transmit all available information pertaining to such vehicle to the Department of Motor Vehicles of Oregon, with an inquiry for the name and address of the owner, whenever such vehicle is required by law to be registered with the office of the Department of Motor Vehicles of the State of Oregon.

Section 6. If the owner is identified, he shall be notified immediately by certified mail that such vehicle is held by the County Sheriff. The notice to the owner shall also state:

(1) The reason for impounding the vehicle.

(2) The existing costs charged against the vehicle.

(3) An estimate of future costs, including the cost of advertising the vehicle for sale; and

(4) That unless the owner redeems the vehicle, within ten (10) days from the day of mailing the notice if the address of the owner is within the State of Oregon, or within twenty (20) days of the day of mailing the notice if the address of the owner is without the State of Oregon, and pays all costs, the vehicle:

(a) Will be advertised for sale, in accordance with Section 7 of this ordinance; and

(b) Will be sold at a public auction, at a definite time and place within the County to the highest and best bidder for cash.

Section 7.

(1) If the owner cannot be identified after compliance with Section 5, or no claim is made by a notified owner within the time specified by Section 6 (4) of this ordinance, the County Sheriff shall post a written or printed notice of sale in three public places within the County of Lincoln not less than ten (10) days prior to the date of sale. One such notice of sale shall be posted at the front door of the Lincoln County Courthouse in Newport, Oregon. The notice of sale shall state:

(a) That a sale of abandoned property in possession of the County is to be held;

(b) A description of the vehicle, including the type, make, identification number, and any other information which will aid in accurately identifying the vehicle;

(c) The terms of the sale;

(d) The date, time and place of the sale.

Section 8.

(1) An owner may redeem a vehicle impounded under the provisions of this ordinance, before a sale has taken place, by applying to the County Sheriff, whereupon he shall:

(a) Submit evidence of his ownership or interest in the vehicle, satisfactory to the County Sheriff, that such claim is rightful; and

(b) Pay the costs due and owing at the time and application to redeem is made.

(2) Upon compliance with Subsection (1) of this Section, the County Sheriff shall execute a receipt for the owner and cause the vehicle to be returned to him.

Section 9.

(1) If no claim shall have been made to redeem an impounded vehicle before the time set for the sale of such vehicle, the County Sheriff shall hold a sale at the time and place appointed within the view of the vehicle to be sold.

(2) The vehicle shall be sold to the highest and best bidder, providing that if no bids are entered, or those bids which are entered are less than the costs incurred by the County, the County Sheriff shall enter a bid on behalf of the County in an amount equal to such costs.

(3) The proceeds of such sale shall be applied:

(a) To the payment of costs incurred by the County;

(b) The balance, if any, shall be transferred to the Lincoln County Treasurer to be credited to the general fund.

Section 10.

(1) At the time of payment of the purchase price, the County Sheriff shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the Lincoln County Treasurer.

(2) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

Section 10.

This is to certify that under the provisions of Ordinance No. _____ entitled, "An Ordinance Declaring Abandoned

Vehicles in Lincoln County, Oregon to be a Public Nuisance and Providing for the Impounding and Disposition of Abandoned Vehicles." and pursuant to due notice of the time and place of sale, I did on the _____ day of _____, _____, 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 the 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 _____.

Note: The County of Lincoln 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 County is limited to the return of the purchase price above set forth.

Lincoln County Sheriff

Section 11. Upon such sale being consummated, the County Sheriff shall deliver the vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption.

Section 12. This ordinance shall apply to all abandoned vehicles now in the possession of the County, as well as to all such vehicles as may hereafter be impounded.

Section 13. In the enforcement and execution of the provisions of this ordinance, the County Sheriff shall charge and collect the following charges:

- (a) \$25.00 for towing.
- (b) \$1.50 per day for storage.

Section 14. When the Board of County Commissioners selects a private garage to do the towing or the storage, or both, the Board of County Commissioners shall establish reasonable fees for such services by resolution within the following conditions:

- (1) The County shall not be liable for services rendered by a private garage from any source other than such amounts as may be collected from the owner on redemption, or from a purchaser upon sale, after the County shall have deducted its expenses, unless the County shall be the purchaser of the vehicle.
- (2) No lien shall be created by this ordinance in favor of the private garage upon the vehicle for such services.
- (3) The vehicle shall not be released from the private garage except upon a receipt, signed by the County Sheriff, proffered by the purchaser.

CERTIFICATE OF SALE

THIS IS TO CERTIFY THAT _____ AND _____ OF THE COUNTY OF LINCOLN, OREGON, HAVE THIS DAY DELIVERED TO SAID PURCHASER THE FOREGOING PROPERTY.

Section 15.

This Ordinance being necessary for the immediate preservation of the public peace, health and safety for Lincoln County, an emergency is hereby declared to exist, and therefore this ordinance shall take effect upon it's passage.

Read in full and passed and enacted by the Board of County Commissioners on this 3rd day of December, 1969.

LINCOLN COUNTY BOARD OF COMMISSIONERS

by *[Signature]*
Chairman

Albert R. Strand
Commissioner

Andy Zedwick (absent)
Commissioner

Andy Zedwick
Commissioner Approved this 9th day of December, 1969

- (1) The County shall...
- (2) No later shall be ordered...
- (3) The vehicle shall not be released from the private garage upon the vehicle...