

ORDINANCE NO. 839

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 10, CHAPTER 10.16, SECTION 10.16.400 RELATING TO THE STAYTON CITY TOWING ORDINANCE; AND, DECLARING AN EMERGENCY.

WHEREAS, the City of Stayton presently has a towing ordinance in the Stayton Municipal Code (SMC), Title 10, Chapter 10.16, Section 10.16.400;

WHEREAS, it is the City Council's desire to amend SMC Section 10.16.400., clarifying potentially awkward language and renumbering the section; and,

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City Council.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Stayton Municipal Code Section 10.16.400. is hereby amended to read:

10.16.400.3 Vehicles shall be impounded and towed by a towing company approved by the Oregon State Police, at the owner's expense and stored at the owner's expense (ORD 727, February 1994. §5) if a police officer has probable cause to believe that a person at, or just prior to, the time the officer stops the person, has committed an offense against Oregon's Vehicle Laws, including, but not limited to: 1) The driver is operating the vehicle while under a suspended or revoked license; 2) The driver is operating the vehicle while under the influence of alcohol or other intoxicants; 3) The driver is operating the vehicle without driving privileges or in violation of license restrictions; or 4) The driver is operating the vehicle in violation of Oregon's financial responsibility laws.

SECTION 2. Stayton Municipal Code Section 10.16.400.4 is hereby amended to read:

10.16.400.4 Vehicles will be towed at the owner's expense if vehicle is/was abandoned (ORS 819.100), or if vehicle is creating a hazard (ORS 819.120). (Ord806, Nov. 1999) (Ord. 812, April 2000).

SECTION 3. Stayton Municipal Code Section 10.16.400.5 is hereby amended to read:

10.16.400.5 Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

SECTION 4. Stayton Municipal Code Section 10.16.400.6 is hereby amended to read:

10.16.400.6 A vehicle abandoned in violation of provisions of state law relating to abandoned vehicles is subject to removal and sale in accordance with provisions of state law.

SECTION 5. Stayton Municipal Code Section 10.16.400.7 is hereby amended to read:

10.16.400.7 A vehicle which is stored in violation of the provisions of this code relating to storage of motor vehicles on streets is subject to removal and sale in accordance with provisions of state law on impoundment and disposition of abandoned vehicles (ORS 819.100 to 819.270).

SECTION 6. Stayton Municipal Code Section 10.16.400.8 is hereby added:

10.16.400.8 Vehicles removed and impounded pursuant to SMC Section 10.12.270 shall be taken to a public garage or other suitable place for storage of the vehicle, and kept until released or otherwise disposed of pursuant to this section.

- a. The owner of the vehicle, or any person authorized by the owner to act on owner's behalf, may redeem the vehicle pursuant to the procedures of Section 10.16.410 through 10.16.490.
- b. A motor vehicle so impounded shall be held and if not lawfully redeemed shall be disposed of as provided in ORS 819.210 through 819.260. A certificate of sale referenced therein shall contain the following notice:


The City of Stayton makes no warranty as to the condition of title of the above described vehicle. In the event this sale shall for any reason be invalid, the liability of the City is limited to return of the purchase price. (Ord. 667, section 1[part], 1989).

SECTION 7. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.


ADOPTED BY THE STAYTON CITY COUNCIL this 4th day of March, 2002.

CITY OF STAYTON

Date: 3/5/2002

By: 
Gerry Aboud, Mayor

Date: 3/5/2002

Attest: 
Chris Childs, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney