

ORDINANCE No. 806

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE SECTIONS 10.16.400(3) "IMPOUNDMENT AND DISPOSITION OF VEHICLES; GENERAL REGULATIONS", 10.16.450 "OWNER RECLAIMING VEHICLE" AND 10.44.1110(4) "SPECIFIC PENALTIES" FOR THE PURPOSE OF UPDATING THE TOWED MOTOR VEHICLE PROVISIONS; AND DECLARING AN EMERGENCY

WHEREAS, the Stayton Municipal Code (hereafter "SMC") Title 10 VEHICLES AND TRAFFIC, establishes the City of Stayton's TOWING, STORAGE AND IMPOUNDMENT OF VEHICLES requirements (SMC Chapter 10.16); and provides for SPECIFIC PENALTIES (SMC Chapter 10.44);

WHEREAS, the Stayton City Council has determined it appropriate and in the City's best interest to update SMC Sections 10.16.400(3) "IMPOUNDMENT AND DISPOSITION OF VEHICLES: GENERAL REGULATIONS" and 10.16.450 "OWNER RECLAIMING VEHICLE" to better accommodate the use of personnel time and materials, as reflected in the amendments set forth below; and,

WHEREAS, the Stayton City Council desires to amend a portion of SMC 10.44.1110, "SPECIFIC PENALTIES", specifically 10.44.1110(4), to provide that such penalties be established by Stayton City Council Resolution.

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.

10.16.400(3) IMPOUNDMENT AND DISPOSITION OF VEHICLES: GENERAL REGULATIONS

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) for violation of Oregon's Vehicle Laws, which include; 1) The driver's license is suspended or revoked; 2) Driving while under the influence of intoxicants and; 3) Driving without driving privileges or in violation of license restrictions. Vehicles will also be towed if the operator is driving an uninsured vehicle (as defined by Oregon laws), if the responsible person is abandoning a vehicle (ORS 819.100), or when removing a hazardous vehicle (ORS 819.120).

Section 2.

10.16.450 OWNER RECLAIMING VEHICLE

The legal owner, registered owner, or person entitled to possession of an unclaimed vehicle may reclaim such vehicle Monday - Friday between the hours of 8:00 a.m. and 5:00 p.m.,

excluding holidays, after the vehicle is taken into custody, and before it is sold, upon presentation of satisfactory proof of ownership or right of possession to the Stayton Police Department and payment of an impoundment fee and storage charges or posting of security is made as required under this chapter. If redemption is not made within thirty days after the vehicle is impounded, such vehicle shall be disposed of in accordance with provisions of the state law.

Section 3.

10.44.1110 SPECIFIC PENALTIES

(4) Violations of any provision of Section 10.16.400 "IMPOUNDMENT AND DISPOSITION OF VEHICLES: GENERAL REGULATIONS" is an infraction punishable by the terms and conditions established by Stayton Council Resolution.

Section 4.

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 1st day of November, 1999.

CITY OF STAYTON

Date: Nov 5, 1999 By: Henry A. Porter
HENRY A. PORTER, Mayor

Date: 11-8-99 Attest: [Signature]
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

[Signature]
DAVID A. RHOTEN, City Attorney