

ORDINANCE NO. 1252

1252
AN ORDINANCE PROVIDING FOR THE PROCEDURE FOR THE REMOVAL, CUSTODY, PRESERVATION, REGISTERING, ADVERTISING, AND DISPOSITION OF ABANDONED AND UNCLAIMED PERSONAL PROPERTY WITHIN THE CITY OF HOOD RIVER.

WHEREAS, in the City of Hood River, items of personal property are or may in the future be abandoned or left unclaimed upon the streets or private property within the City, and the same tend to interfere with traffic and create a nuisance and hazards when on private property, and the protection of the public health, safety and welfare of the citizens and the protection of the values of private property requires that such conditions be controlled to provide a method/taking into custody such abandoned property and to provide disposition of such property which has been abandoned and/or is unclaimed, therefore,

THE CITY OF HOOD RIVER DOES ORDAIN AS FOLLOWS:

Section 1: As used in this ordinance, the following terms, words, phrases and their derivation shall have the meaning given herein:

a. The words "personal property" shall include motor vehicles whether registered or unregistered.

b. The "Chief of Police" is the Chief of Police of the City of Hood River.

c. The "City Recorder" is the City Recorder of the City of Hood River.

Section 2: No personal property which the Chief of Police has reason to believe is abandoned, disabled and unclaimed shall be parked or permitted to remain upon any street or public property for a period in excess of five days. Any personal property so parked or permitted to remain on any street or public place may be taken into custody by the Chief of Police and held at the expense of the owner or person entitled to possession thereof. The Chief of Police may utilize City personnel, equip-

ment and facilities for the removal and preservation of such vehicles or may hire other personnel, equipment and facilities for that purpose.

Section 3: Any personal property left abandoned, parked or left standing upon any private property in excess of five days without the consent of the record owner or person in lawful possession or control of the property, at the written request of either, may be removed by the Chief of Police at the expense of the owner or person entitled to possession of such personal property or vehicle in the same manner as provided in Section 1 of this ordinance, and in the event that the owner of the personal property fails to pay, then the expense shall be paid by the party making the request.

Section 4: If said personal property is removed and held by or at the direction of the Chief of Police under Sections 2 or 3 above, the Chief of Police shall forthwith provide the City Recorder with a written statement showing:

- (1) Description of the personal property sufficiently accurate to identify it;
- (2) The place where it was abandoned or taken into custody;
- (3) Place where the personal property is held;
- (4) The charges to date of report and probable future charges until disposition is made of the personal property;
- (5) The names of the owners and addresses, if known, of the property;
- (6) The names of the party making the request for the pick up and disposition of said personal property.

The City Recorder shall cause the personal property to be appraised and make an entry on the above report of the appraised value and date of the appraisal.

Section 5: The City Recorder shall make reasonable efforts to ascertain the names and addresses of the legal owner and owners or persons entitled to possession of the personal property taken into custody under the above sections. If the names and addresses of such owners or persons entitled to possession, or either of them, can be ascertained, the City Recorder shall notify each of them of the location of the personal property and that it will be sold to meet the expense of taking, holding and sale of the property. If it is a motor vehicle and registered in the office of the Department of Motor Vehicles of this state, notice shall be deemed given by registered or certified letter addressed to the registered owner of the vehicle and a similar letter addressed to the legal owner, if any, at the respective address of each shown by the records of the office of the Department of Motor Vehicles with return receipt requested and postage prepaid thereon and mailed at least twenty (20) days before the vehicle is sold as hereinafter provided.

Section 6: The owner, legal owner, or person entitled to possession of the personal property taken into custody and held by the Chief of Police may reclaim the personal property at any time after the taking into custody and before the same is sold under the provisions of this ordinance on presentation to the City Recorder satisfactory proof of ownership or right to possession and upon payment of the costs and expenses incurred in the removal, preservation, and custody of the personal property, provided, however, that the legal owner, owners or person entitled to possession of the personal property shall not be liable for nor required to pay storage charges for a period in excess of sixty (60) days.

Section 7: If the personal property is not reclaimed under the above section of this ordinance within forty-five (45) days after taking into custody, the City Recorder shall proceed to sell the personal property at public auction in the manner

of personal property sold under execution under the laws of the State of Oregon as provided by ORS 23.450 thru 23.480 and all amendments thereto. After any personal property has been sold under this provision, the former legal owner, owners or person entitled to possession has no further right, title, claim or interest in and to the personal property.

Section 8: When personal property is sold under the above provisions of this ordinance, the City Recorder at the time of payment of the purchase price shall execute a certificate of sale in duplicate, the original of which shall be delivered to the purchaser and a copy shall be retained by the City Recorder. The certificate of sale shall contain the name and address of the purchaser, the date of sale, the consideration paid, a description of the personal property, and a stipulation that no warranty is made as a condition of title of the personal property.

Section 9: When any personal property which is registered with the State Department of Motor Vehicles is sold under the provisions of this ordinance, the City Recorder shall transmit to the Department of Motor Vehicles a return of sale setting forth a description of the personal property, the purchase price, and the name and address of the purchaser, the costs incurred in the sale, and the costs and expenses involved in the removal, preservation and custody of the personal property.

Section 10: The City Recorder shall make a record of the sale setting forth the facts mentioned above and deposit the proceeds after the payment of all expenses in a fund to be known and hereby created as the "Unclaimed Personal Property Fund".

Section 11: At any time within two years after the sale of the personal property under the above provisions the former owner may recover the proceeds held by the City Recorder on filing a claim with the City Recorder and showing his ownership. The claim shall be audited and paid with other claims

against the "Unclaimed Personal Property Fund".

Section 12: That this ordinance is in no way to repeal any portion of Ordinance No. 1206, adopted December 5, 1966, but is a supplement of the provisions thereof providing for the control of abandoned personal property within the City of Hood River.

Read for the first time: May 26, 1969

Read for the second time: May 26, 1969.

PASSED by the Council of the City of Hood River
this 26 day of May, 1969.



City Recorder

APPROVED by the Mayor of the City of Hood River
this 26 day of May, 1969.



Mayor