

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 General Provisions

10.08 Administration and Enforcement

10.12 Parking

10.16 Miscellaneous Vehicle and Traffic Regulations

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Chapter 10.04

GENERAL PROVISIONS

Sections:

10.04.010 Short title.

10.04.020 Applicability of state traffic laws.

10.04.030 Definitions.

10.04.010 Short title.

This title may be cited as city of Toledo uniform traffic ordinance.
(Ord. 1072 § 1, 1979)

10.04.020 Applicability of state traffic laws.

Violations of provision in ORS Chapters 801 through 823, as constituted in the 1987 Replacement Part and known as the Oregon Vehicle Code, shall be an offense against the city.
(Ord. 1184 § 1, 1988; Ord. 1169, 1985; Ord. 1072 § 2, 1979)

10.04.030 Definitions.

A. In addition to those definitions contained in the Oregon Vehicle Code, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

"Bus stop" means a space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

"Holiday" means New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day,

and any other day proclaimed by the council to be a holiday.

"Loading zone" means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

"Motor vehicle" means every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment, and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

"Person" means a natural person, firm, partnership, association or corporation.

"Street" means road or highway as defined in ORS 801.305.

"Taxicab stand" means a space on the edge of a roadway designated by sign for use by taxicabs.

"Traffic lane" means that area of the roadway used for the movement of a single line of traffic.

"Vehicle" as used in subsequent sections of this chapter, includes bicycles.

B. As used in this chapter, the singular includes the plural, and the masculine includes the feminine. (Ord. 1184 § 2, 1988; Ord. 1072 § 3, 1979)

Chapter 10.08

ADMINISTRATION AND ENFORCEMENT

Sections:

10.08.010 Powers of the council.

10.08.020 Duties of the city manager.

10.08.030 Public danger.

10.08.040 Standards.

10.08.050 Authority of police and fire officers.

10.08.060 Impoundment of vehicles.

10.08.070 Violation--Penalty.

10.08.010 Powers of the council.

A. Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance.

B. The powers of the council shall include, but not be limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;

4. Designation of parking meter zones;
 5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
 6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
 7. Initiation of proceedings to change speed zones;
 8. Revision of speed limits in parks.
- (Ord. 1072 § 4, 1979)

10.08.020 Duties of the city manager.

The city manager or his designate is authorized to exercise the following duties:

- A. Implement the ordinances, resolutions and motions of the council by installing traffic control devices. Such installations shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.
 - B. Establish, maintain, remove or alter the following classes of traffic controls:
 1. Crosswalks, safety zones and traffic lanes;
 2. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies;
 3. Parking areas and time limitations, including the form of permissible parking.
 - C. In exercising these duties, the city manager shall take into consideration budgetary, scheduling and manpower restrictions on the city in addition to the need for traffic control devices and parking and safety measures.
- (Ord. 1077, 1979; Ord. 1072 § 5, 1979)

10.08.030 Public danger.

Under conditions constituting a danger to the public, the city manager or his designate may install temporary traffic control devices deemed by him to be necessary.

(Ord. 1072 § 6, 1979)

10.08.040 Standards.

The regulations of the mayor and common council or its designate shall be based upon:

- A. Traffic engineering principles and traffic investigations;
 - B. Standards, limitations and rules promulgated by the Oregon Transportation Commission;
 - C. Other recognized traffic control standards.
- (Ord. 1072 § 7, 1979)

10.08.050 Authority of police and fire officers.

- A. It shall be the duty of police officers to enforce the provisions of this title.
 - B. In the event of a fire or other public emergency, officers of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this title.
- (Ord. 1072 § 8, 1979)

10.08.060 Impoundment of vehicles.

A. Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

B. The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of the ordinance of the city relating to impoundment and disposition of vehicles abandoned on the city streets.

C. The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this title.

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

E. Whenever a police officer observes a vehicle parked in violation of a provision of this title, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as is provided in subsection B of this section.

(Ord. 1072 § 38, 1979)

10.08.070 Violation--Penalty.

A. Violation of Sections 10.16.010 through 10.16.060 and Sections 10.24.010 through 10.24.130 will constitute a Class B infraction.

B. Violation of Sections 10.12.010 through 10.12.090, 10.16.070, 10.16.080, 10.16.100, 10.20.010

and 10.20.020 of this title will constitute a Class C infraction.

C. Violation of Section 10.16.110 of this title will constitute a Class D infraction.
(Ord. 1296 § 1, 2003; Ord. 1244 § 8 (part), 1996; Ord. 1072 § 39 (part), 1979)
(Ord. No. 1326, 6-3-2009)

Chapter 10.12

PARKING

Sections:

- 10.12.010 Method of parking.
- 10.12.020 Prohibited parking or standing.
- 10.12.030 Use of loading zone.
- 10.12.040 Unattended vehicles.
- 10.12.050 Standing or parking of buses and taxicabs.
- 10.12.060 Restricted use of bus and taxicab stands.
- 10.12.070 Lights on parked vehicle.
- 10.12.080 Extension of parking time.
- 10.12.090 Exemption.
- 10.12.100 Citation on illegally parked vehicle.
- 10.12.110 Failure to comply with parking citation attached to parked vehicle.
- 10.12.120 Owner responsibility.
- 10.12.130 Registered owner presumption.

10.12.010 Method of parking.

A. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

B. The operator who first begins maneuvering his motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive him of his priority or block his access.

C. Whenever the operator of a vehicle discovers that his vehicle is parked close to a building to which the fire department has been summoned, he shall immediately remove the vehicle from the area unless otherwise directed by police or fire officers.
(Ord. 1072 § 15, 1979)

10.12.020 Prohibited parking or standing.

- A. No person shall park or stand:
 - 1. A vehicle in violation of state motor vehicle laws.
 - 2. A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of thirty (30) consecutive minutes.
 - 3. A motor truck as defined by ORS 801.355 on a street between the hours of nine p.m. and seven

a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation.

B. No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

1. Displaying the vehicle for sale;
2. Repairing or servicing the vehicle, except repairs necessitated by an emergency;
3. Displaying advertising from the vehicle;
4. Selling merchandise from the vehicle, except when authorized.

(Ord. 1184 § 3, 1988; Ord. 1072 § 16, 1979)

10.12.030 Use of loading zone.

No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case, when the hours applicable to the loading zone are in effect, shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed thirty (30) minutes.

(Ord. 1072 § 17, 1979)

10.12.040 Unattended vehicles.

Whenever a police officer finds a motor vehicle parked unattended with the ignition key in the vehicle, the police officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

(Ord. 1072 § 18, 1979)

10.12.050 Standing or parking of buses and taxicabs.

The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively; except that this provision shall not prevent the operator of a taxicab from temporarily stopping his vehicle outside a traffic lane while loading or unloading passengers.

(Ord. 1072 § 19, 1979)

10.12.060 Restricted use of bus and taxicab stands.

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop; except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

(Ord. 1072 § 20, 1979)

10.12.070 Lights on parked vehicle.

No lights need be displayed upon a vehicle that is parked in accordance with this title upon a street where there is sufficient light to reveal a person or object at a distance of at least five hundred (500) feet from the vehicle.

(Ord. 1072 § 21, 1979)

10.12.080 Extension of parking time.

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

(Ord. 1072 § 22, 1979)

10.12.090 Exemption.

The provisions of this title regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

(Ord. 1072 § 23, 1979)

10.12.100 Citation on illegally parked vehicle.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this title, the officer finding the vehicle shall take its license number, and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a parking citation for the operator to answer to the charge against him or pay the penalty imposed within five days during the hours and at a place specified in the citation.

(Ord. 1072 § 34, 1979)

10.12.110 Failure to comply with parking citation attached to parked vehicle.

If the operator does not respond to a parking citation affixed to a vehicle within a period of five days, the city recorder may send to the owner of the vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event that the letter is disregarded for a period of five days, a warrant for his arrest will be issued.

(Ord. 1072 § 35, 1979)

10.12.120 Owner responsibility.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent.

(Ord. 1072 § 36, 1979)

10.12.130 Registered owner presumption.

In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he was then the owner in fact.

(Ord. 1072 § 37, 1979)

Chapter 10.16

MISCELLANEOUS VEHICLE AND TRAFFIC REGULATIONS

Sections:

10.16.010 Crossing private property.

10.16.020 Unlawful riding.

10.16.030 Roller skates, skateboards and similar devices.

10.16.040 Damaging sidewalks and curbs.

10.16.050 Removing glass and debris.

10.16.060 Storage of motor vehicle on streets.

10.16.070 Pedestrians must use crosswalks.

10.16.080 Right angles.

10.16.090 Vehicle forfeiture as result of repeat driving while under the influence of intoxicants.

10.16.100 Violation of posted truck routes.

10.16.110 Prohibited braking.

10.16.010 Crossing private property.

No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

(Ord. 1072 § 9, 1979)

10.16.020 Unlawful riding.

A. No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person riding within a truck body in space intended for merchandise.

B. No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

(Ord. 1072 § 10, 1979)

10.16.030 Roller skates, skateboards and similar devices.

A. No person shall:

1. Use roller skates, in-line skates or skateboards on either sidewalks or streets in the Main Street areas as defined by the Toledo Zoning Ordinance, as adopted by Ordinance No. 1286.
2. Use any other streets for traveling on roller skates, in-line skates, skateboards, skis, toboggans, sleds, or similar devices except to cross at a crosswalk. When crossing at a crosswalk, such person shall have all rights, and shall be subject to all duties, applicable to pedestrians.

B. Any roller skates, skateboards, skis, toboggans, sleds or similar devices used to violate this section by a person previously cited for violation of this section shall be impounded by the police officer and held until released by order of the municipal court or other court of competent jurisdiction.

C. Roller skates, skateboards, skis, toboggans, sleds or similar devices used to violate this section may be impounded for a period not to exceed ninety (90) days in addition to any other penalty or fine. Impounding is not the exclusive punishment.
(Ord. 1316 § 1, 2007; Ord. 1246 § 1, 1996; Ord. 1186 § 1, 1988; Ord. 1184 § 4, 1988; Ord. 1072 § 11, 1979)

10.16.040 Damaging sidewalks and curbs.

A. The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

B. No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C. No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.
(Ord. 1072 § 12, 1979)

10.16.050 Removing glass and debris.

A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street.
(Ord. 1072 § 13, 1979)

10.16.060 Storage of motor vehicle on streets.

No person shall store or permit to be stored on a street or other public property, without permission of the council, a motor vehicle or personal property for a period in excess of seventy-two (72) hours. Failure to move a motor vehicle or other personal property for a period of forty-eight (48) hours shall constitute prima facie evidence of storage of a motor vehicle.
(Ord. 1072 § 14, 1979)

10.16.070 Pedestrians must use crosswalks.

No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within one hundred fifty (150) feet of a marked crosswalk.
(Ord. 1072 § 26, 1979)

10.16.080 Right angles.

A pedestrian shall cross a street at a right angle unless crossing within a crosswalk.

(Ord. 1072 § 27, 1979)

10.16.090 Vehicle forfeiture as result of repeat driving while under the influence of intoxicants.

A. Lincoln County Code Sections 2.3000 through 2.3015, in effect as of this date and as amended in the future, relating to forfeiture of vehicles as the result of repeat driving while under the influence of intoxicants (DUII), is applicable in the city of Toledo.

B. City staff shall work with county staff to provide the city of Toledo police department with procedures and forms to implement the county's DUII forfeiture program in the city of Toledo.

C. An emergency is declared because the New Year celebration is the busiest time of the year, the sheriff's department is geared up to begin the program December 31st, and the purpose of this section is the preservation of public health, safety and welfare. Therefore, this chapter shall become effective immediately upon its passage.

(Ord. 1308 §§ 1--3, 2005)

10.16.100 Violation of posted truck routes.

A. A person commits the offense of violation of posted truck routes if appropriate signs designating truck routes are posted and the person does not operate a vehicle in compliance with the posted requirements.

B. Authority to establish and change truck routes for purposes of this section is established in ORS 810.040.

C. It is a defense to a charge of violation of this section if the person so charged can establish that the person could not reach the person's destination without traveling upon the street, road or highway prohibited under the posted requirements, or

D. The person so charged has a permit issued by the city of Toledo allowing travel upon the street, road or highway prohibited under the posted requirements.

(Ord. No. 1326, 6-3-2009)

10.16.110 Prohibited braking.

A. No person shall operate a motor vehicle within the city in a manner that creates or causes excessive noise. Any manner of braking, including but not limited to, dynamic braking devices, exhaust braking, compression braking or Jake or Jacob braking shall be considered excessive noise and a violation of this section.

B. A person is not in violation of this section if the person uses an engine brake in an emergency situation to avoid imminent danger to a person or to property.

(Ord. No. 1326, 6-3-2009)

Chapter 10.20

BICYCLES

Sections:

10.20.010 Bicycle operating rules.

10.20.020 Impounding.

10.20.010 Bicycle operating rules.

In addition to observing all other applicable provisions of this title and state law pertaining to bicycles, a person shall:

A. Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the provisions relating to the parking of motor vehicles;

B. Not ride a bicycle upon a sidewalk, except on designated bicycle paths.

(Ord. 1072 § 24, 1979)

10.20.020 Impounding.

A. No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

B. A bicycle left on public property for a period in excess of twenty-four (24) hours may be impounded by the police department.

C. In addition to any citation issued, a bicycle parked in violation of this title may be immediately impounded by the police department.

D. If a bicycle impounded under this title is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

E. A bicycle impounded under this title which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

F. Except as provided in subsection D of this section a fee of one dollar (\$1.00) shall be charged to the owner of a bicycle impounded under this section.

(Ord. 1072 § 25, 1979)

Chapter 10.24

IMPOUNDING AND DISPOSITION OF DISCARDED VEHICLES

Sections:

10.24.010 Definitions.

10.24.020 Declaration of public nuisance.

10.24.030 Prohibited action.

- 10.24.040 Investigation.
- 10.24.050 Contents of notice.
- 10.24.060 Entry on private property.
- 10.24.070 Hearing by municipal court.
- 10.24.080 Abatement by the city and appraisal.
- 10.24.090 Low-value vehicle.
- 10.24.100 Public sale notice.
- 10.24.110 Public sale.
- 10.24.120 Redemption before sale.
- 10.24.130 Assessment of costs.

10.24.010 Definitions.

As used in this chapter, the following mean:

"Costs" means the expense of removing, storing or selling a discarded vehicle.

"Discarded vehicle" means:

1. A vehicle that is in one or more of the following conditions:
 - a. Inoperative,
 - b. Wrecked,
 - c. Dismantled,
 - d. Partially dismantled,
 - e. Abandoned,
 - f. Junked;
2. Discarded vehicles include major parts of vehicles, including but not limited to, bodies, engines, transmissions, and rear ends;
3. A vehicle that does not lawfully display registration plates with unexpired stickers shall be presumed to be "abandoned." This shall be a disputable presumption.
4. For the purposes of this chapter only, a vehicle rendered temporarily inoperative but otherwise legally parked outdoors on public right-of-way adjacent to the vehicle owner's residence or on private property shall not be considered a discarded vehicle if the vehicle is secure, not creating a hazard, and repairs to the vehicle are made within thirty (30) days.

"Enforcement authority" means any authorized agent or representative of the city as set forth in Section 1.20.040.

"Person in charge of property" means an agent, occupant, lessee, contract purchaser, owner, or person having possession, control, or title to property where a vehicle is located.

"Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks. For example, and not a limitation, the following are vehicles:

1. Motor vehicle;
2. Motor home;
3. Utility trailer;
4. House or vacation trailer;
5. Implement of husbandry;
6. Article of machinery;
7. Boat;
8. Camper; or
9. Canopy or any part thereof.

"Vehicle owner" means an individual, firm, corporation or unincorporated association with an individual or joint claim or a legal or equitable interest in a vehicle.
(Ord. 1296 § 2, 2003; Ord. 1264 (part), 1997)

10.24.020 Declaration of public nuisance.

Accumulation and storage of discarded vehicles reduces property values, is unsightly, promotes neighborhood deterioration, invites plundering, creates fire hazards, is an attractive nuisance causing a hazard to minors' health and safety, creates a harborage for rodents and insects, and is injurious to the health, safety, and general welfare. Therefore, a discarded vehicle on private or public property is a public nuisance which may be abated in accordance with this chapter.

(Ord. 1296 § 3, 2003; Ord. 1264 (part), 1997)

10.24.030 Prohibited action.

A. Storage of a discarded vehicle on private property in Toledo is prohibited unless the vehicle is completely enclosed by a building, stored behind a site obscuring fence, hedge or wall, or stored by a lawfully conducted business dealing in disabled vehicles.

B. Storage of a discarded vehicle on public property in Toledo is prohibited unless the vehicle is completely enclosed by a building or stored by a lawfully conducted business dealing in disabled vehicles.

(Ord. 1296 § 4, 2003; Ord. 1264 (part), 1997)

10.24.040 Investigation.

A. When an enforcement authority investigates a discarded vehicle on private or public property and determines that a nuisance exists, the officer shall:

1. Attempt to discover the owner of the vehicle and the person in charge of the property on which the vehicle is located; and
2. Give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this chapter.

B. If the owner of the vehicle is not found, the officer shall place a notice on the windshield or some other part of the vehicle where it can be easily seen.

C. An enforcement officer may issue a citation for violation of this chapter either to the person in charge of the property and/or the vehicle owner by personal service or by registered or certified mail, and proceed with abating the nuisance as provided for in this chapter.

(Ord. 1296 § 5, 2003; Ord. 1264 (part), 1997)

(Ord. No. 1332, § 1, 11-11-2009)

10.24.050 Contents of notice.

A notice issued under Section 10.24.040 shall state:

A. That the discarded vehicle is in violation of this chapter and that within ten (10) days after sending or posting the notice:

1. The vehicle must be removed from the city or to the storage yard of a lawfully conducted business dealing in disabled vehicles,
2. The vehicle must be completely enclosed within a building, or
3. If the vehicle is on private property, the vehicle must be stored behind a sight obscuring fence, hedge or wall;

B. That the alternative to compliance with subsection A of this section is to petition the municipal court clerk within the ten (10) day period described in subsection A of this section and make a written request to appear before the municipal court judge to show why the vehicle should not be immediately removed or properly stored;

C. That failure to comply with this chapter authorizes the city to remove the vehicle, charge the cost against the property from which it was removed and/or the vehicle owner, issue a citation to either the person in charge of the property and/or the vehicle owner, and/or sell the vehicle to satisfy the costs of removal and storage.

(Ord. 1296 §§ 6, 7, 2003; Ord. 1264 (part), 1997)

10.24.060 Entry on private property.

A. An enforcement authority is authorized to enter private property at all reasonable times and examine a vehicle to determine whether it is discarded. Except when an emergency exists, before entering onto private property, the officer shall obtain the consent of an occupant or a warrant of the municipal court authorizing entry for inspection.

B. No search warrant shall be issued under this chapter until an affidavit has been filed with the municipal court showing probable cause for the inspection by stating the purpose and extent of the proposed inspection, citing this chapter as the basis for the inspection, stating whether it is an inspection instituted by complaint, or giving other specific or general information concerning the vehicle in question or the property on which it is located.

C. No person shall interfere with or attempt to prevent an enforcement authority from entering private premises and inspecting a vehicle when an emergency exists or when the officer exhibits a warrant authorizing entry.

D. If required by law, the same procedures for entry onto private property shall be followed for entry onto public property.
(Ord. 1296 § 8, 2003; Ord. 1264 (part), 1997)

10.24.070 Hearing by municipal court.

A. Following a request, the municipal court shall fix a time for a hearing to show cause why a vehicle should not be abated immediately and to receive evidence and the testimony of the enforcement authority and other interested persons concerning the existence, location, and condition of the vehicle. After the hearing, the court may order the vehicle removed by the city in accordance with the provisions of this chapter.

B. The court shall make its ruling in the form of an order declaring the vehicle to be a public nuisance. The court may order the removal of more than one vehicle and may consolidate the hearings and orders relating to more than one vehicle. People receiving the notice specified in Section 10.24.040 shall be sent copies of the court order.

C. The court may impose conditions and take other action it considers appropriate under the circumstances to carry out this chapter. It may delay the time for removal of the vehicle when, in its opinion, circumstances justify such action. It shall refuse to order removal of the vehicle when the vehicle is not subject to the provisions of this chapter.
(Ord. 1264 (part), 1997)

10.24.080 Abatement by the city and appraisal.

A. Ten (10) days after giving the notice required in Section 10.24.040 or, if a hearing is held, ten (10) days after adoption of an order declaring a vehicle to be a public nuisance as required in Section 10.24.070, the city will have jurisdiction to abate the nuisance and may remove the vehicle by use of city employees or authorized independent contractors. No person shall interfere with, hinder or refuse to allow authorized persons to enter private or public property to remove a vehicle under this chapter.

B. After removing the vehicle, the city shall have it appraised.
(Ord. 1296 § 9, 2003; Ord. 1264 (part), 1997)

10.24.090 Low-value vehicle.

A. If the vehicle is appraised at one thousand dollars (\$1,000.00) or less, the enforcement authority or independent contractor may dispose of the vehicle without notice and public sale if either of the following occur:

1. The owner of the vehicle and any lessor or security interest holder shown in the records of the division sign a release, under oath, disclaiming any future interest in the vehicle;
2. The owner and any lessor or security interest holder shown in the records of the division have been sent notification of the location of the vehicle and, within fifteen (15) days after the date the notification is mailed, the persons notified have not signed releases or the vehicle has not been reclaimed. Failure to sign a release or to reclaim the vehicle shall constitute a waiver of interest in the vehicle.

B. Prior to sale, the enforcement authority or authorized independent contractor shall file an affidavit with the motor vehicles division describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle and stating that the vehicle will be junked or dismantled. The enforcement authority or independent contractor may dispose of the vehicle and execute a certificate of sale without notice and public auction.

(Ord. 1264 (part), 1997)

10.24.100 Public sale notice.

A. If the vehicle is appraised over one thousand dollars (\$1,000.00), the enforcement authority shall publish a notice of sale in a newspaper of general circulation within the city. The notice of sale shall state:

1. The sale is of discarded property in possession of the city;
2. A description of the vehicle, including the type, make, license number, identification number, and any other information that will aid in accurately identifying the vehicle;
3. The terms of the sale;
4. The date, time and place of the sale.

B. The notice of sale shall be published twice. The first publication shall be made not less than fifteen (15) days before the date of proposed sale, and the second shall be made not less than seven days before the date of proposed sale.

(Ord. 1264 (part), 1997)

10.24.110 Public sale.

A. If a vehicle is subject to Section 10.24.100, the enforcement authority or independent contractor shall hold a sale at the time and place appointed, within view of the vehicle to be sold.

B. The vehicle shall be sold to the highest and best bidder. The city may specify a minimum bid price. However, if no bids are entered or the bids entered are less than the costs incurred by the city, the enforcement authority may enter a bid on behalf of the city in an amount equal to the costs.

C. When the purchase price is paid, the enforcement authority shall execute a certificate of sale in duplicate; the original shall be delivered to the purchaser and a copy filed with the city recorder. (Ord. 1264 (part), 1997)

10.24.120 Redemption before sale.

A. A vehicle impounded under the provisions of this chapter may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed by applying to the enforcement authority before sale or disposition has taken place. The person shall:

1. Submit satisfactory evidence of ownership or interest in the vehicle to the enforcement authority;
2. Pay the costs owing at the time the application to redeem is made;
3. Give evidence that the nuisance character of the vehicle will not be resumed.

B. Upon compliance with subsection A of this section, the enforcement authority or independent contractor shall execute a receipt and cause the vehicle to be returned. (Ord. 1264 (part), 1997)

10.24.130 Assessment of costs.

A. After disposing of the discarded vehicle and deducting any money received from sale of the vehicle from the costs, the enforcement authority shall give notice by personal service or by registered or certified mail to the person in charge of the property from which the vehicle was removed and/or the vehicle owner:

1. Of the unpaid costs of abatement;
2. If notice is mailed to the person in charge of the property, that the costs as indicated will be assessed to, and become a lien against, the real property unless paid within thirty (30) days from the date of the notice;
3. That if the person in charge of the property objects to the indicated costs of the abatement, a written notice of objection may be filed with the municipal court clerk within ten (10) days from the date of the notice of unpaid costs. If the notice is mailed to the vehicle owner and the vehicle owner objects to the indicated costs of abatement, a written notice of objection may be filed with the municipal court clerk within ten (10) days from the date of the notice of unpaid costs.

B. Objections to the proposed assessment shall be heard and determined by the municipal court.

C. If notice of assessment was sent to the person in charge of the property and if the costs of the abatement are not paid within thirty (30) days from the date of the notice, or within ten (10) days of a court determination made under subsection B of this section, assessment of the costs shall be made by order of the court and entered in the docket of city liens. When the entry is made, it shall constitute a lien on the real property from which the nuisance was removed or abated.

D. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine percent per annum. Interest shall accrue from the date of the entry of the lien into the lien docket.

E. An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.

(Ord. 1296 § 10, 2003; Ord. 1264 (part), 1997)