

TITLE 4
HEALTH AND SANITATION

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CHAPTER 1

NUISANCES

SECTION:

- 4-1-1: Definition
- 4-1-2: Enforcement Authority
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- 4-1-9 Violation; Penalty

4-1-1: **DEFINITIONS:** For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this section:

INOPERABLE VEHICLE:

Any piece of mechanized equipment unable to perform its designed function, any motor vehicle that is not currently registered with the Oregon department of motor vehicles, or any motor vehicle missing components critical for the intended or legal function of the vehicle.

OWNER, OCCUPANT OR TENANT:

These terms may be used interchangeably and shall mean every person in possession, charge or in control of any dwelling, flat, rooming house, or an eating place, shop, place of business, manufacturing or business establishment, or other place where solid waste is created or accumulated.

PERSON:

Corporations, associations, partnerships as well as individuals.

PUBLIC NUISANCE:

A "nuisance" consists of doing an unlawful act, or failing to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- A. Annoys, injures or endangers the comfort, repose, health or safety of others; or
- B. Offends decency; or
- C. Is offensive to the senses; or

D. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for use any irrigation ditch, public park, parkway, square, street, highway, or sidewalk in the city; or

E. In any way renders other persons insecure in life or the use of property; or

F. Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property.

SOLID WASTE:

All putrescible and nonputrescible wastes, including, but not limited to, garbage, rubbish, refuse, ashes, wastepaper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; refrigerators, stoves, air conditioners, and other home appliances in various stages of disrepair; manure, vegetable or animal solid and semisolid wastes, dead animals, and other wastes; but does not include: hazardous wastes as defined in Oregon Revised Statutes 466.005, or materials used for fertilizer or for other productive purposes or which are salvageable as such materials and used on land in agricultural operations and the growing or harvesting of crops and the raising of fowl or animals. (Ord. 125, 4-10-1990; amd. Ord. 125-1, 1-14-1992; Ord. 208-11, 10-18-2011)

4-1-2: **ENFORCEMENT AUTHORITY:** It is the duty of the city recorder or his designee to enforce the provisions of this chapter, and it is his duty to make the proper citations for the prosecution of any person violating this chapter. The city recorder is further authorized and directed to bill the property owner or occupant for the cost to the city for removal of any material as provided in this chapter. (Ord. 125, 4-10-1990)

4-1-3: **SPECIFIC NUISANCES¹:** The following specific acts, omissions, places, conditions, and things are declared to be in violation of this chapter: the erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any sidewalk, street, avenue, alley, park, parkway, or other public or private place in the city, of any one or more of the following disordered, disturbing, unsanitary, fly and/or mosquito producing, rat/mice harboring, disease causing places, conditions or things:

A. **Noisy Dogs Or Cats:** The keeping or harboring of any dog or cat which by frequent or habitual howling, yelping or barking annoys or disturbs the comfort or repose of any person or persons in the vicinity.

- B. Keeping Livestock, Other Animals Causing Nuisances: The keeping of rabbits, chickens, cattle, goats, sheep, pigs, bees, mules, horses, mink, dogs, cats, muskrats, or any other animals within the city limits that are of such nature as to create offensive smells, noises, and conditions in the vicinity in which they are kept.
- C. Vehicle Horns; Loud Radios Or Televisions: Unnecessary sounding of automobile horns; unnecessarily loud playing of radios, record players, tape players, phonographs, televisions or other sound equipment in other places so as to obstruct the reasonable and comfortable use of the adjoining property within the corporate limits of the city.
- D. Putrid Dead Animals, Fish Or Fowl: Any putrid, unsound, or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal, fish, or fowl.
- E. Privies, Cesspools; Dumps: Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies, mice or rats, or which are foul or malodorous.
- F. Deposits Of Litter Or Garbage On Premises: Filthy, littered or trash covered cellars, house yards, barnyards, stable yards, factory yards, vacant areas in rear of or adjacent to stores, vacant lots, houses, buildings, alleyways, or premises; or placing, dropping, disposing, throwing away, or otherwise discarding litter, garbage, refuse, cans, bottles, paper or paper material, metal, organic or inorganic material, upon property other than in receptacles designed for that purpose.
- G. Animal Manure: Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the city.
- H. Poison Plants; Household Wastes: Poison oak, poison ivy, or poison sumac (whether growing or otherwise), liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, that nothing herein contained shall prevent the temporary retention of waste in receptacles in the manner approved by the health officer of the city nor the dumping of nonputrifying waste in a place and manner approved by the city council.
- I. Trash Or Abandoned Vehicles, Other Materials: Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, automobile bodies and/or parts, and all such trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles approved by the city council.
- J. Litter, Trash Causing Fire Danger: Trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin and other metal not neatly piled or anything which may be a fire danger.
- K. Unsightly Building, Fence, Excavation: Any unsightly building, billboard, fence, excavation, or other structure, or any abandoned or partially destroyed building, fence,

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excavation or structure, or any building, fence, excavation or structure commenced and left unfinished.

- L. **Junkyards, Dumping Grounds:** All places used or maintained as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others.
- M. **Slaughtering Or Butchering Animals:** The act of slaughtering or butchering of any animal or fowl unless such act is performed within a building or enclosure which prohibits view or sound of such act from other private or public property.
- N. **Equipment Repair Businesses:** All places used as collection or holding areas for various types of appliances, machinery, or other items brought to a business for the purpose of repair or exchange of parts, unless such area is completely enclosed with a sight obscuring fence or planting. (Ord. 125-1, 1-14-1992)
- O. **Inoperable Vehicles:** A person wishing to keep an inoperable vehicle on their property outside of a garage, carport or driveway must obtain a permit from the city of Irrigon. The application for such a permit must be accompanied by signatures from the owners of property within two hundred fifty feet (250') of the subject property. Upon receipt of the application, the city may review the signatures for accuracy and submit the application to the planning commission for approval or denial. If the planning commission denies the permit, the applicant may ask for a hearing before the planning commission. Upon the completion of the appeal process, the decision of the planning commission shall be final. (Ord. 210-11, 10-18-2011)

4-1-4: **UNOCCUPIED BUILDINGS:**

- A. **Secure Closing:** Every agent or owner of any unoccupied building in the city shall keep the same securely closed at all times against persons who may enter and commit a nuisance therein.
- B. **Entering:** It is unlawful for any person to enter any unoccupied building and commit a nuisance therein. (Ord. 125, 4-10-1990)

4-1-5: **CAUSING OR MAINTAINING NUISANCE:** It is unlawful for any person to erect, contrive, cause, continue, or maintain a nuisance as herein defined or prohibited. (Ord. 125, 4-10-1990)

4-1-6: **ABATEMENT OF NUISANCES:**

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- A. Citation Or Complaint In County Justice Court; Other Remedies: Whenever a nuisance exists as defined by this chapter, the city may elect to enforce the provisions of this chapter by uniform citation and/or complaint filed in the Morrow County justice court or it may elect to abate the nuisance by following the provisions set forth below.

- B. Notice To Property Owner To Abate; Abatement By City; Assess Costs:
 - 1. It is the duty of the city recorder to notify, in writing, the owner or occupant of any lot, parcel, or tract of land within the city upon which weeds, grass, vegetation, rubbish, debris or decomposing animal or vegetable matter has accumulated so as to become a fire hazard or injurious or detrimental to the public health or welfare and to create an unsightly or unsanitary condition, requesting the owner or occupant to remove the weeds, noxious weeds, grass, vegetation, rubbish, debris or decomposing animal or vegetable matter within the period of time specified in the notice.

 - 2. In case the owner of the premises, or the occupant thereof, or any other person or persons creating, causing or committing, or maintaining the same, should fail to remove the weeds, noxious weeds, grass, vegetation, rubbish, debris or decomposing animal or vegetable matter or any other substance causing any fire hazard or creating an unsightly or unsanitary condition or a condition injurious to the public health or welfare, within the specified period of time, then the city may proceed upon the premises and clean and level the premises and remove the weeds, noxious weeds, grass, vegetation, rubbish, debris or decomposing animal or vegetable matter, and the cost to the city for such cleaning, leveling, removal or destruction shall be at the expense of the owner or occupant of the property or against any other person or persons creating, causing or committing or maintaining the same, and such amount, together with the reasonable legal and administrative cost incurred by the city in relation thereto and for collection, shall be paid within thirty (30) days of the billing date; and if not paid within such time period, to levy a special assessment on the land or premises where the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same. Notice of the lien shall be filed with the Morrow County assessor.

- C. Judgment; Order Of Abatement: Whenever, in any action brought in the Morrow County justice court, it is established that a nuisance exists, as defined in this chapter, the court shall, together with the fine imposed, if any, enter an order of abatement as part of the judgment in the case, which order shall direct either:
 - 1. That such nuisance be abated or removed by the defendant with a time limited by the court, and not exceeding thirty (30) days; or

 - 2. That the nuisance may be abated by the city at the cost of the defendant. (Ord. 125, 4-10-1990)

4-1-7: **FAILURE TO ABATE CONTINUING NUISANCE:** Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property

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caused by a former owner is liable therefor in the same manner as the owner who created it. (Ord. 125, 4-10-1990)

4-1-8: **ABATEMENT CHARGES CREDITED TO GENERAL FUND:** All monies collected for abatement purposes, as provided in this chapter, shall be separately stated and itemized by the bookkeeper and shall be credited to the general fund or to the department actually employed in the abatement of such nuisance. (Ord. 125, 4-10-1990)

4-1-9: **VIOLATION; PENALTY:**

A. Penalty Imposed:

1. Every person who violates any of the provisions of this chapter has committed a code infraction and shall pay a penalty not to exceed four hundred fifty dollars (\$450.00). (Ord. 125-1, 1-14-1992)

2. Each day's continuance or part thereof of anything prohibited in this chapter shall be a separate offense hereunder. (Ord. 125, 4-10-1990)

B. Weeds And Rubbish Causing Fire Hazard: Any person who violates the provisions of this chapter and permits weeds, noxious weeds, rubbish, debris, solid waste, or decomposing animal or vegetable matter to accumulate or remain upon any real property owned or occupied by him/her in the city so that it shall become a fire hazard or cause or create an unsanitary or unsightly condition or become injurious or detrimental to the public health or welfare, or who permits weeds, noxious weeds, grass or other vegetation to reach a height in excess of one foot (1') within an area of twenty feet (20') of any existing building or a height of two feet (2') in any other location, shall, in addition to the other penalties provided for in this section, after being notified by the code enforcement officer or his designee to remove the material within a period of time specified in the notice as herein provided, shall have committed an infraction and shall be punished by payment of a penalty not to exceed four hundred fifty dollars (\$450.00), and each day that such fire hazard or unsanitary or unsightly condition is maintained upon the premises shall constitute a separate infraction under this chapter.

C. Failure To Pay Penalty: Any owner or occupant of such property who refuses or fails for any reason to pay the amount billed to him for the city's cleaning, leveling, removal, or destruction of the nuisance within thirty (30) days from the billing date, shall have committed an infraction and shall be punished by payment of a civil penalty not to exceed four hundred fifty dollars (\$450.00). Any person not being the owner or occupant of such property, who places or causes to be placed rubbish or debris upon any real property in the city in violation of the provisions of this chapter, shall be guilty of an infraction and shall be punished by a civil penalty in an amount not to exceed four hundred fifty dollars (\$450.00) and the placing or causing to be placed of each article of rubbish or debris shall constitute a separate infraction of this chapter.(Ord. 125-1, 1-14-1992)

[Footnote 1](#): See also sections [5-1-6](#) and [5-3-5](#) of this code.

CHAPTER 2

GRAFFITI

SECTION:

- 4-2-1: Purpose and Intent
- 4-2-2: Definitions
- 4-2-3: Prohibited Acts
- 4-2-4: Graffiti as Nuisance
- 4-2-5: Notice to Remove Graffiti
- 4-2-6: Abatement by City
- 4-2-7: Parental Responsibility
- 4-2-8: Penalties and Remedial Action

4-2-1: **PURPOSE AND INTENT:** The purpose and intent of this chapter is to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property. "Graffiti" is a public nuisance and destructive to the rights and values of property owners as well as the entire community. (Ord. 160-06, 7-11-2006)

4-2-2: **DEFINITIONS:** The following terms shall mean:

ABATE: To remove the graffiti by such means, in such a manner, and to such an extent, as the city manager reasonably determines is necessary to remove the graffiti from public view.

AEROSOL PAINT CONTAINER: Any aerosol container that is adapted for spraying paint.

FELT TIP MARKER: Any indelible marker or similar implements with a tip which, at its broadest width, is greater than one-fourth inch ($\frac{1}{4}$ ”).

GRAFFITI: Any inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on any surface that is not authorized by the owner or person in charge of the property.

GRAFFITI IMPLEMENT: An aerosol paint container, a felt tip marker, or a graffiti stick.

GRAFFITI STICK: A device containing a solid form of paint, chalk, wax, epoxy, or other similar substances capable of being applied to a surface by pressure, and upon applications, leaving a mark at least one-fourth inch ($\frac{1}{4}$ ”) in width. (Ord. 160-06, 7-11-2006)

4-2-3: **PROHIBITED ACTS:**

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- A. Defacement: It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any city owned property or, without the permission of the owner or occupant, or on any noncity owned property.
- B. Possession Of Graffiti Implements: It shall be unlawful for any person to possess any graffiti implement commonly used in the application of graffiti under circumstances showing an intent to use, or employed in the act of applying graffiti, or know that the same is intended to be used. In addition to any citation issued, a graffiti implement used or possessed in violation of this section may be immediately seized and impounded by the issuing officer. (Ord. 160-06, 7-11-2006)

4-2-4: **GRAFFITI AS NUISANCE:**

- A. Nuisance Declared: Existence of graffiti on public or private property in violation of this chapter is expressly declared to be a public nuisance and, therefore, subject to the removal and abatement provisions specified in this chapter.
- B. Responsibility For Cleaning: It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti. (Ord. 160-06, 7-11-2006)

4-2-5: **NOTICE TO REMOVE GRAFFITI:**

- A. Issuance Of Notice: When the city manager has reason to believe that a property within the city may be a potential graffiti nuisance property, the governing authority shall identify a responsible party and send that party notice which describes the nature and location of the graffiti and requesting that the problems caused by the continued presence of graffiti and the need for its prompt removal; and give notice that failure to remove graffiti is a violation of city law that may lead to legal action to remove the graffiti at the expense of the responsible party to civil penalties.
- B. Information In Notice: The notice shall also contain the following information:
 - 1. The street address or description of the property reasonably sufficient for identification of the property.
 - 2. A concise description of the conditions leading the city to believe that the property may be graffiti nuisance property.
 - 3. A description of what must be done to abate graffiti.
 - 4. A statement that an arrangement must be made within seventy two (72) hours after receipt of the notice for the abatement of the graffiti, and the statement that if the graffiti

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is not abated within the arranged time, that time the property will be a graffiti nuisance subject to abatement by the city.

5. The graffiti nuisance notice shall be delivered or mailed to the responsible party at that party's last known address. If an address for mailed service cannot be located, notice shall be served by posting a copy of the notice conspicuously at the graffiti nuisance property.
6. Or, notice may be served by law enforcement officer making personal call to resident. (Ord. 160-06, 7-11-2006)

4-2-6: **ABATEMENT BY CITY:**

- A. City Authority: The city may abate a graffiti nuisance property at any time after the responsible party has received notice and failed to abate the nuisance within the time allotted.
- B. Assistance in Abating: The city may call upon other pertinent agencies for resources and assistance in abating a graffiti nuisance property.
- C. Right Of Entry On Private Property: Prior to entering upon private property or property owned by a public entity other than city for the purpose of graffiti removal, the city shall attempt to secure the consent of the property owner or responsible party and a release of the city for liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified within this chapter, the city shall commence abatement and cause proceedings for the graffiti removal according to the provision below.
- D. Assessment Of Costs: The costs of correcting the violation may or may not be billed to the responsible party and may be due and payable to the city within thirty (30) calendar days. Cost includes both the value of the use of city staff, equipment, materials and payments made to third parties. (Ord. 160-06, 7-11-2006)

4-2-7: **PARENTAL RESPONSIBILITY:**

- A. No parent, guardian, or other person having legal custody of an unemancipated minor person under the age of eighteen (18) years may permit or allow the minor to be in violation of this chapter.
- B. Upon violation of this chapter, an unemancipated minor person, the parent, guardian, or person having legal custody shall appear in court with the minor. (Ord. 160-06, 7-11-2006)

4-2-8: **PENALTIES AND REMEDIAL ACTION:**

- A. Fines: Any person violating this chapter shall be guilty of a civil infraction and be punished by a fine of five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for each subsequent offense.
- B. Restitution: In addition to any punishment specified in this section, the court may order any violator to make restitution for damage or loss caused directly or indirectly by the violator's offense in the amount and the manner as determined by the court.
- C. Community Service: In lieu of, or as part of, the penalties specified in this section, a minor or adult may be required to perform community service as described by the court based on the following minimum requirements:
 - 1. The offender shall perform at least forty (40) hours of community service for applying graffiti and at least twenty (20) hours of community service for possessing graffiti implement.
 - 2. The entire period of community service shall be performed under the supervision of a community service officer approved by the court.
 - 3. Reasonable efforts shall be made to assign the offender to type of community service that is reasonably expected to have the most rehabilitative effect on the offender. (Ord. 160-06, 7-11-2006)

CHAPTER 3

ABANDONED VEHICLES

SECTION

- 4-3-1: Definitions
- 4-3-2: Application of Provisions
- 4-3-3: Investigation by Police; Notify Owners
- 4-3-4: Nuisance Declared; Removal by Police
- 4-3-5: Determine Vehicle Owner; Notify State
- 4-3-6: Contents of Notice to Owner
- 4-3-7: Unknown Owner; Posting Notice of Sale
- 4-3-8: Redemption by Owner
- 4-3-9: Sale of Vehicle
- 4-3-10: Towing and Storage charges

4-3-1: **DEFINITIONS:** For the purpose of this chapter, the following terms shall have the meanings ascribed to them in this section:

ABANDONED: Left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the city.

CHIEF OF POLICE: Includes any authorized law enforcement officer of the city.
CITY: The city of Irrigon.

COSTS: The expense of removing, storing or selling an impounded vehicle.

OWNER: Any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

VEHICLE: 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 stationary rails or tracks. (Ord. 49 revised, 1989)

4-3-2: **APPLICATION OF PROVISIONS:** This chapter shall apply to all abandoned vehicles as are now in the possession of the city as well as such vehicles as may hereafter be impounded. (Ord. 49 revised, 1989)

4-3-3: **INVESTIGATION BY POLICE; NOTIFY OWNER:**

A. **Duty Of Police:** It shall be the duty of the police department, whenever a vehicle is found abandoned upon the streets or alleys in the same position for a period of twenty four (24) hours, to:

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1. Make a routine investigation to discover the owner and request removal of the vehicle; and
 2. If the owner is not found, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.
- B. Contents Of Notice: Such notice shall state that the police department will remove and impound the vehicle under the provisions of this chapter, within twenty four (24) hours of the day of posting, unless:
1. The owner removes the vehicle; or
 2. Good cause is shown, satisfactory to the chief of police, why such vehicle should not be removed by the owner or removed and impounded by the city. (Ord. 49 revised, 1989)

4-3-4: **NUISANCE DECLARED; REMOVAL BY POLICE:**

- A. Declaration Of Nuisance: An abandoned vehicle which remains in the same position for a period of twenty four (24) hours after a notice has been posted upon such vehicle, and no person has appeared to show good cause why such vehicle should not be removed, shall constitute a nuisance.
- B. By Police: It shall be the duty of the police to remove any vehicle which shall constitute a nuisance, under the provisions of this chapter, and store such vehicle upon city property, pending investigation into the ownership of such vehicle. (Ord. 49 revised, 1989)

4-3-5: **DETERMINE VEHICLE OWNER; NOTIFY STATE:** The police department, after impounding any vehicle in accordance with the provisions of this chapter, shall:

- A. Make a diligent inquiry as to the name and address of the owner of the vehicle;
- B. Examine such vehicle for the 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
- C. Thereafter, immediately transmit all available information pertaining to such vehicle to the secretary of state 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 secretary of the state of Oregon. (Ord. 49 revised, 1989)

4-3-6: **CONTENTS OF NOTICE TO OWNER:**

If the owner is identified, he shall be notified immediately by registered mail that such vehicle is held by the police department of the city. The notice to the owner shall also state:

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- A. The reason for impounding the vehicle.
- B. The existing costs against the vehicle.
- C. An estimate of future costs, including the cost of advertising the vehicle for sale.
- D. 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 without the state of Oregon, and pays all costs, the vehicle:
 - 1. Will be advertised for sale, in accordance with section [4-3-7](#) of this chapter; and
 - 2. Will be sold at public auction, at a definite time and place within the city, to the highest bidder and best bidder for cash. (Ord. 49 revised, 1989)

4-3-7: **UNKNOWN OWNER; POSTING NOTICE OF SALE:**

- A. Posting Notice; Contents: If the owner cannot be identified after compliance with section [4-3-5](#) of this chapter, or no claim is made by a notified owner within the time specified by section [4-3-6](#) of this chapter, the chief of police shall cause to be posted a notice of sale. The notice of sale shall state:
 - 1. The sale is of abandoned property in possession of the city;
 - 2. A description of the vehicle, including the type, motor number, serial number or any other which will aid in accurately identifying the vehicle;
 - 3. The terms of the sale; and
 - 4. The date, time and place of the sale.
- B. Time Of Posting Notice: The notice of sale shall be posted two (2) times, the first posting shall be made not less than ten (10) days prior to the date of the proposed sale, and the second shall be made not less than three (3) days prior to the date of the proposed sale. (Ord. 49 revised, 1989)

4-3-8: **REDEMPTION BY OWNER:**

- A. Application To Police Department: An owner may redeem a vehicle which has been impounded under the provisions of this chapter, before a sale has taken place, by applying to the police department, whereupon he shall:
 - 1. Submit evidence of his ownership or interest in the vehicle, satisfactory to the chief of police, that such claim is rightful; and
 - 2. Pay the costs of same that are owing at the time the application to redeem is made.

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- B. Issuance Of Receipt: Upon compliance with subsection A of this section, the chief of police shall execute a receipt for the owner and cause the vehicle to be returned to him. (Ord. 49 revised, 1989)

4-3-9: **SALE OF VEHICLE:**

- A. Sale Authorized: If no claim shall have been made to redeem an impounded vehicle before the time set for the sale of such vehicle, the chief of police shall hold a sale at the time and place appointed within the view of the vehicle to be sold.
- B. Bidding Process: The vehicle shall be sold to the highest and best bidder; provided, that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the chief of police shall enter a bid on behalf of the city in an amount equal to such costs.
 - 1. The payment of cost incurred by the city, and
 - 2. The balance, if any, shall be transferred to the city treasurer to be credited to the general fund.
- C. Certificate Of Sale: At the time of the payment of the purchase price, the chief of police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and the copy filed with the city recorder. The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance 49 revised, entitled, "An Ordinance 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 , for the sum of \$_cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, sell the following described personal 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 , 20_.

(Name and title)

Note: The City of Irrigon assumes no responsibility as to the condition of the above

described property. In case this sale shall for any reason be invalid, the liability of the City is limited to the return of the purchase price.

- D. **Vehicle And Certificate Delivered To Purchaser:** Upon such sale being consummated, the chief of police shall deliver the vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption. (Ord. 49 revised, 1989)

4-3-10: **TOWING AND STORAGE CHARGES:** In the enforcement and execution of the provisions of this chapter, the chief of police shall charge and collect the following charges:

- A. **Towing:** Cost of towing charges as billed by towing company, but not less than thirty five dollars (\$35.00).
- B. **Storage:** Five dollars (\$5.00) per day for storage, or as amended by resolution of the city council. (Ord. 49 revised, 1989)