



## ORDINANCE NO. 5977

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 13.70 ABANDONED VEHICLES.

WHEREAS, the City of Albany is amending AMC Chapter 13.70, Abandoned Vehicles, to update the chapter with current standards and practices; and

WHEREAS, the chapter was found to follow outdated sections of the Oregon Revised Statutes (ORS); and

WHEREAS, amending the code would allow the City of Albany to continue to remove blight from its neighborhoods.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Amending AMC Title 13, Vehicles and Traffic. AMC Chapter 13.70 Abandoned Vehicles, is hereby amended to:

Sections:

- 13.70.010 Definitions.
- 13.70.020 Abandoned vehicles prohibited.
- 13.70.040 Towing and storage liens.
- 13.70.060 Contents of pre-towing notice.
- 13.70.080 Hearing.
- 13.70.090 Decision of hearing.

### **13.70.010 Definitions.**

As used in this chapter, unless the context requires otherwise:

(1) "Abandoned" means a vehicle left unoccupied and unclaimed; or in such a damaged or disabled or dismantled condition that the vehicle is inoperable, ~~or not currently licensed through the division if such a license is required by law.~~

### **13.70.020 Abandoned vehicles prohibited.**

(1) No vehicle that the Chief of Police has reason to believe is abandoned, ~~by means of being unoccupied and unclaimed,~~ shall be parked or left standing on the right-of-way of a City street, alley, or City property for a period in excess of 24 hours.

~~(2) No vehicle that the Chief of Police has reason to believe is abandoned, by means of being in a damaged, disabled, or dismantled condition rendering it inoperable, or not currently licensed through the division, if such a license is required by law, shall be parked or left standing on the right-of-way of a City street, alley, or City property.~~

~~(2)~~ (3) A vehicle so parked or left standing may be taken into custody by the Chief of Police and shall be held at the expense of the owner of the vehicle. The Chief of Police may use department personnel, equipment, and facilities for removal and storage of the vehicle or may hire other personnel, equipment, and facilities for that purpose. (Ord. 5906, 2018; Ord. 4971 § 1, 1991; Ord. 3562 § 2, 1971).

### **13.70.040 Towing and storage liens.**

(1) A person who, at the request of the Chief of Police, takes a vehicle into custody under the provisions of this chapter shall have a lien on the vehicle and its contents for reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle and its contents shall be a possessory chattel lien in accordance with ORS [87.152](#) and may be foreclosed in the manner provided in ORS [87.152](#) to [87.212](#). If the appraised value of the vehicle is ~~\$5001,000~~ or less, the vehicle may be disposed of in the manner provided in ORS [819.21520](#).

(2) If the vehicle is taken into custody under the provisions of this chapter and held by the City rather than by a private garage, the vehicle and its contents shall be disposed of in the manner provided in ORS [819.210](#) to [819.21560](#). (Ord. 5249 § 1, 1996; Ord. 4971 § 1, 1991; Ord. 3562 § 4, 1971).

**13.70.060 Contents of pre-towing notice.**

Notices placed under AMC [13.70.050](#) shall contain the following information:

- (1) The name of the officer or other City employee issuing the notice.
- (2) That if the vehicle is not removed within the time specified, the vehicle will be towed and taken into custody for violation of this chapter.
- (3) The vehicle will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents.
- (4) The vehicle and its contents will be sold to satisfy the towing and storage charges if they are not paid.
- (5) ~~The owner may protest an abandoned vehicle designation, prior to the vehicle being towed, by contacting the Albany Police Department's non-emergency line.~~
  - ~~(a) This protest should be directed to the reporting Officer if they are on duty. If the reporting Officer is not on duty, the protest should be directed to an available Community Service Officer or supervisor.~~
- ~~(5) The owner is entitled to a hearing, before the vehicle is towed, to contest the proposed custody and removal if a hearing is timely requested.~~
- ~~(6) The owner may challenge the reasonableness of any towing and storage charges at the hearing.~~
- ~~(7) Contact the Albany Chief of Police in writing not more than five days (excluding Saturday, Sunday, and holidays) from the date of the notice. The request must state grounds as to why the custody and removal is not justified.~~
- ~~(68) If the vehicle is towed, its location may be obtained by contacting the Albany Police Department.~~ (Ord. 5249 § 1, 1996; Ord. 4971 § 1, 1991; Ord. 3562 § 6, 1971).

**13.70.080 Hearing.**

- (1) Upon request of the owner, a hearing shall be held before the Municipal Judge. ~~If the vehicle has not been taken into custody before the hearing request, it will not be removed unless it is a hazard.~~
- (2) A hearing shall be set within 72 hours (excluding Saturday, Sunday, and holidays) of receipt of the request and the owner shall be notified.
- (3) Towing and storage charges set by law, ordinance, or rule or that comply with law, ordinance, or rule are reasonable for purposes of this hearing.
- (4) Hearings may be informal in nature, but the presentation of evidence shall be consistent with the presentation of evidence required for contested cases under ORS [183.450](#). (Ord. 4971 § 1, 1991; Ord. 3562 § 8, 1971).

**13.70.090 Decision of hearing.**

If the Municipal Judge finds that:

- (1) The action of the Chief of Police is valid:
  - (a) The vehicle will be held in custody until the costs of the hearing, towing, and storage are paid by the owner.
  - ~~(b) If the vehicle has not yet been towed, its removal shall be ordered.~~
- (2) The action of the Chief of Police is invalid:
  - (a) Order the immediate release of the vehicle to the owner.
  - (b) Find that the owner is not liable for towing or storage charges incurred prior to the hearing.
  - (c) Order the City to satisfy towing and storage charges incurred prior to the hearing.
- (3) The Municipal Judge shall provide a written statement of the results of the hearing to the person requesting the hearing.
- (4) The action of the Municipal Judge is final. (Ord. 4971 § 1, 1991; Ord. 3562 § 9, 1971).

Passed by the Council: May 25, 2022

Approved by the Mayor: May 25, 2022

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Effective Date: June 24, 2022

[Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

The seal of the City of Albany is circular and features a central figure, likely a Native American, surrounded by the text "SEAL OF THE CITY OF ALBANY".