

ORDINANCE NO. **151848**

An Ordinance amending certain sections of Chapter 16.04, Towing and Disposition of Vehicles, of the Code of the City of Portland, to clarify the applicability of this chapter, and the procedures incident thereto, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Chapter 16.04, Towing and Disposition of Vehicles, of the Code of the City of Portland requires certain minor amendments to clarify the applicability of this chapter and the procedures incident thereto.
2. That Chapter 16.04 should be amended accordingly.

NOW, THEREFORE, The Council directs:

- a. That Section 16.04.020, Towing of Vehicles, is amended by repealing subsection (b) and enacting a new subsection (b) as follows:
 - (b) Towing without prior notice. Provided further, that vehicles may be towed, pursuant to subsection (a) above, without prior notice, only under one or more of the following circumstances:
 - (1) The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic; or
 - (2) The vehicle is illegally parked in a conspicuously posted restricted space, zone or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and where the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone or traffic lane; or
 - (3) The vehicle poses an immediate danger to the public safety; or
 - (4) A police officer reasonably believes that the vehicle is stolen; or,
 - (5) A police officer reasonably believes that the vehicle or its contents constitute evidence of an offense, if such towing is reasonably necessary to obtain or preserve such evidence; or,

- (6) The vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle was available;
- b. That Section 16.04.040, Notice to Interested Parties of Vehicle Towing, is amended by repealing subsection (a) and enacting a new subsection (a) as follows:
- (a) After a vehicle has been towed pursuant to the authority granted in Section 16.04.020(b), notice shall be provided, to the registered owner(s), and any other persons who reasonably appear to have an interest in the vehicle, of the towing and the procedures available for obtaining a hearing, by mailing a notice, within forty-eight (48) hours after the towing, excluding holidays, Saturdays and Sundays, to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle, stating that a hearing may be requested to contest the validity of the towing by filing a written request with the Towing Hearings Officer within five (5) days, holidays, Saturdays and Sundays not included, from the mailing date of this notice. If a vehicle has been released prior to the mailing of such notice, then notice need not be mailed. Provided that, in those situations, in which the mailing of such notice can be reasonably anticipated to hinder the apprehension of a suspect in an ongoing criminal investigation, the mailing of such notice can be delayed until such time as will not so prejudice that investigation.
- c. That Section 16.04.050, Hearing Available to Contest Validity of Vehicle Tow, is amended by repealing subsections (a) and (b) and enacting new subsections (a) and (b) as follows:
- (a) After a vehicle has been towed pursuant to Section 16.04.020(b) or prior to towing pursuant to Section 16.04.020(c), the owner(s), or any other persons who reasonably appear to have an interest in the vehicle, shall, upon timely request filed with the Towing Hearings Officer, who shall be appointed by the City to receive and hear such requests, not later than five (5) days, holidays, Saturdays and Sundays not included, after the mailing date of the notice of towing, be entitled to request a hearing to contest the validity of the towing of such vehicle. The hearings officer may waive this five (5) day requirement for good cause shown.
- (b) The request for a hearing shall be in writing, and shall state the grounds upon which the person

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believes the tow to be invalid, or, for any other reason, not justified, and shall also state such other information, relating to the purposes of this chapter, as may be required by the hearings officer.

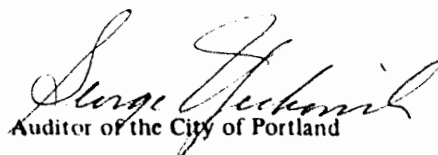
- d. That Section 16.04.060, Disposition of Abandoned Vehicles, is amended by repealing subsection (a)(4).

Section 2. The Council declares that an emergency exists because delay will endanger the public health, welfare and safety of citizens of the City; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JUN 25 1981**

Commissioner Strachan
June 2, 1981
K. H. Scouperdis:db

Attest:


Auditor of the City of Portland

2103

Calendar No. ~~1954~~

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Title

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THURSDAY

JUN 18 1981

CONTINUED TO JUN 25 1981

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	/	
LINDBERG		+
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed JUN 10 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon Cradd
Deputy

INTRODUCED BY
Commissioner Strachan

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities <i>Margaret Strachan MS</i>
Works

BUREAU APPROVAL
Bureau: Buildings
Prepared By: K. H. Scouperdis Date: 6/2/81
Budget Impact Review: <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>James E. Griffith</i> J. E. Griffith

CALENDAR
Consent <i>XX</i> Regular

NOTED BY
City Attorney
City Auditor
City Engineer