



**City of
McMinnville**

ADMINISTRATION

MMC Title 10 Updates – Towing of Abandoned Vehicles

January 25, 2022

Roadmap for Discussion

- Recommending continuance to February 8, 2022 meeting
- How we got here
- Proposed revisions
- Next steps

How We Got Here

- January 11, 2022 Meeting
 - Clarification of current process to contact/inform vehicle owner
- Reviewed recent HB 3124 revising ORS 203.079
- Reviewed interplay between Code provisions on camping and abandoned vehicles
 - MMC Chapter 8.36 and MMC Title 10
 - Definition of “campsite” and definition of “vehicle”
 - No definition of “established”
- Proposing to separate “abandoned vehicles” from bicycles and vehicles believed to be inhabited
- Further proposals so processes are clear for staff and community

Overview of Revisions

- Revisions included in Council packet (Attachments 2 and 3)
 - Revised definition of abandoned vehicle
 - Revised definition of vehicle
 - Provided current process for contacting/informing vehicle owner prior to tagging for tow
- Further revisions after Council packet
 - Revised Chapter 8.36 (Camping) to address RV campsites
 - Further revised definition of abandoned vehicle to exclude inhabited vehicles
 - Further revised process for communicating with owner to reflect above changes

Revisions Since Jan 11 Meeting:

Initial revisions provided in Council packet

- Removed “appears to be abandoned” from abandoned vehicle definition

“Abandoned vehicle” means a vehicle that remains parked or kept on a public right-of-way for more than 24 hours, without having been issued a permit pursuant to Section 10.28.205, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate or fails to display current registration;
2. The vehicle fails to have vehicle insurance as required by the state of Oregon;
3. The vehicle appears to be inoperative or disabled; or
4. The vehicle appears to be wrecked, partially dismantled or junked; ~~or~~
5. ~~The vehicle appears to have been abandoned by its owner.~~

- Removed bicycles from vehicle definition when dealing with abandoned vehicles

“Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. In this Title 10, “Vehicle,” as used in subsequent sections of this title, includes bicycles, except in regard to abandoned vehicles. (Ord. 5049 §1 (Exh. 1 §1), 2018; Ord. 3623 §3, 1972).

Revisions Since Jan 11 Meeting:

Initial revisions provided in Council packet

- Proposed to codify current police practices to inform owner/user of the vehicle prior to noticing for tow

E. Abandoning the vehicle. A vehicle that meets the definition of “abandoned vehicle” may be tagged for tow ~~immediately after the City complies with the requirements in Section 10.28.085.~~ Twenty-four (24) hours after the notice to tow has been affixed to the vehicle, the abandoned vehicle may be towed at the owner’s expense; or

10.28.085 Communication to owner of abandoned vehicle.

A. The City may tag an abandoned vehicle for tow after compliance with the following requirements:

1. The City must place an informational flyer on the abandoned vehicle describing what an abandoned vehicle is and what enforcement may occur if the vehicle violation is not corrected. If the City believes that the vehicle may be lived in, the City will also provide an informational flyer regarding prohibited camping, as well as available outreach services.
2. In addition to the informational flyers, if the City believes the vehicle may be lived in, the City must attempt to make contact in-person with the individual(s) residing in the vehicle either simultaneously with posting the flyers stated in subsection 1 above or at a separate time and must provide information for how the resident can achieve compliance to avoid towing the vehicle.

B. The City must retain evidence of its compliance with the requirements in Subsection A above.

C. Notwithstanding the foregoing, in the case of emergency (including, but not limited to, environmental hazards or fire hazards), the City is not required to comply with Subsection A. The City must document the reason justifying non-compliance with Subsection A.

Revisions Since Jan 11 Meeting:

Further revisions after Council packet

Revisions to Camping Code Provisions

- Add definition for “established” in camping ordinance (MMC 8.36.010)

"Established" means the creation, installation, or placement of camp facilities and/or camp paraphernalia.

Camp facilities and/or camp paraphernalia are considered to establish a new campsite if moved more than 500 feet from the prior location.

- Add enforcement provision regarding HB 3124 (MMC 8.36.040)

D. The provisions of this Chapter will be enforced in accordance with ORS 203.079 or until released by the City Prosecutor. Vehicles that are being held by the City under this Chapter will be released to the legal owner or interest holder who has evidence of the following: (1) ownership or legal right to possession; and (2) valid, current automobile insurance covering the vehicle. (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

Revisions Since Jan 11 Meeting:

Further revisions after Council packet

Revisions to Vehicle Code Provisions

- Further revise definition for “abandoned vehicle” to exclude inhabited vehicles (MMC 10.04.010)

“Abandoned vehicle” means a vehicle that remains ~~parked or kept on a public right-of-way in violation~~ for more than 24 hours, ~~without having been issued a permit pursuant to Section 10.28.205~~, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate, ~~or~~ fails to display current registration;
2. ~~The vehicle~~ ~~or~~ fails to have vehicle insurance as required by the state of Oregon;
23. The vehicle appears to be inoperative or disabled; or
34. The vehicle appears to be wrecked, partially dismantled or junked; ~~or~~
45. ~~The vehicle appears to have been abandoned by its owner.~~

A vehicle the City believes to be inhabited is not an “abandoned vehicle” for the purposes of this Title, but may be subject to the camping provisions in Chapter 8.36.

Revisions Since Jan 11 Meeting:

Further revisions after Council packet

Revisions to Vehicle Code Provisions

- Further revise communications to owner of “abandoned vehicle” based on revised “abandoned vehicle” definition (MMC 10.28.085)

10.28.085 Communication to owner of abandoned vehicle.

- A. The City may tag an abandoned vehicle for tow after compliance with the following requirement: The City must place an informational flyer on the abandoned vehicle describing what an abandoned vehicle is and what enforcement may occur if the vehicle violation is not corrected.
- B. The City must retain evidence of its compliance with the requirements in Subsection A above.
- C. Notwithstanding the foregoing, in the case of emergency (including, but not limited to, environmental hazards or fire hazards), the City is not required to comply with Subsection A. The City must document the reason justifying non-compliance with Subsection A.

Revisions Since Jan 11 Meeting:

Further revisions after Council packet

Parking of bicycles with pods

- Bicycles currently not allowed to park on street (MMC 10.36.150)
- Two options:
 - Allow bicycles to park on street – current practice, but safety concerns
 - Revise prohibition of parking in planter strips to only apply to motor vehicles – could compromise access to utilities and damage landscaping/irrigation

10.28.030 Parking or standing – Prohibited in designated locations.

In addition to the state motor vehicle laws prohibiting parking, no person shall park or leave standing, in the following places:

F. A motor vehicle within the area between the curb or roadway and sidewalk line commonly known as the planting strip, except where improved parking areas have been approved and marked by the city engineering department.

Next Steps

- Recommend continue consideration of Ordinance No. 5109 to February 8, 2022