



**City of  
McMinnville**

ADMINISTRATION

# MMC Title 10 Updates – Towing of Abandoned Vehicles

December 14, 2021

Added on 12.14.2021

# Roadmap for Discussion

- Purpose
- Background
- Proposed Revisions
- Next Steps

# Purpose

- Proposed revisions are intended to clarify:
  - What is an abandoned vehicle
  - Distinguish abandoned vehicles from other parked vehicles
  - What is the process for appealing a tow
- Staff seeks Council feedback on the proposed changes

# Background

- 2018 – Documented issues with the presence of RVs and abandoned vehicles parked on City streets
  - Attachment 2 to Staff Report
  - Prior Code provisions were antiquated and contained loopholes, making enforcement difficult
- Ordinance No. 5049 (2018)
  - Attachment 3 to Staff Report
  - Revised Title 10 regarding RVs and abandoned vehicles
  - Established RV Parking Permit program
  - Created a definition for “abandoned vehicle”
  - Eliminated the ability for people to move their vehicles a short distance to avoid enforcement
- ORS 819.100 *et seq.* also governs abandoned vehicles
  - Describes due process required for tow
    - Notice and right to appeal

# Proposed Revisions

- Proposed revisions – Attachment 1 to Staff Report
- Clarify definition of “abandoned vehicle”

“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;
3. The vehicle appears to be inoperative or disabled;
4. The vehicle appears to be wrecked, partially dismantled or junked; or
5. The vehicle appears to have been abandoned by its owner.

# Proposed Revisions (cont.)

- Clarify prohibiting parking of abandoned vehicles

10.28.080      Parking – For sale, repair or abandoned ~~storage~~ prohibited when.

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

- A. Displaying the vehicle for sale;
- B. Repairing or servicing the vehicle, except repairs necessitated by an emergency;
- C. Displaying advertising from the vehicle;
- D. Selling merchandise from the vehicle, except when authorized by this code or by the chief of police or his or her designee; ~~or~~
- E. Abandoning the vehicle. A vehicle that meets the definition of “abandoned vehicle” ~~Abandoned vehicles~~ may be tagged for tow immediately. ~~Abandoned vehicles may be towed 24~~ Twenty-four (24) hours after the notice has been affixed to the vehicle, the abandoned vehicle may be towed at the owner’s expense; ~~or~~

F. Storing a vehicle, as prohibited under MMC 10.28.090.- (Ord. 5049 §1 (Exh. 1 §3), 2018; Ord. 4788 §2, 2003; Ord. 4400 §1, 1987; Ord. 4320 §1, 1985; Ord. 3987 §1, 1979; Ord. 3629 §5, 1972).

# Proposed Revisions (cont.)

- Distinguish between abandoned vehicles and vehicles parked for longer than 72 hours on city streets

10.28.090 Overtime parking prohibited – Fines.

For vehicles other than abandoned vehicles (which are subject to MMC 10.28.080(E)) or recreational vehicles with a valid permit under MMC 10.28.205, ~~T~~he owner of a vehicle shall not permit the vehicle to remain parked upon a public street for longer than 72 hours unless different parking time limits have been indicated by official city signs. A vehicle parked for longer than 72 hours shall be considered as being “stored,” “~~junk,~~” for purposes of enforcing MMC 10.28.080 and MMC Chapter 10.44 (Ord. 4788 §2, 2003; Ord. 4320 §2, 1985; Ord. 3727 §3, 1974).

# Proposed Revisions (cont.)

- Codify due process
  - Code already addresses notice
  - Add provision outlining process for requesting a hearing
  - Consistent with ORS 819.190

## 10.44.045 Hearing.

- A. The owner(s) and any other persons who reasonably appear to have an interest in the abandoned vehicle are, upon timely application filed pursuant to Section 2.50.510(B)(2), entitled to request a hearing to contest the validity of the tow or intended tow of the vehicle.
- B. A person requesting a hearing must submit such request within 5 days from the mailing date of the notice. The 5-day period does not include City-recognized holidays, Saturdays or Sundays.
- C. Failure to timely request a hearing and/or failure to submit the required information will result in the summary denial of the request by the City.



# Next Steps

- Further revisions, as needed
- Ordinance for Council consideration in January 2022