

An Ordinance authorizing the towing and impounding of Motor Vehicles parked in violation of law and amending Chapter 8 of Title 10, of the Municipal Code of the City of Payette by deleting Sections 10-8-1, 10-8-2, 10-8-4, 10-8-5, and by changing Section No. 10-8-3 to Section No. 10-8-2.

Be It Ordained by the Mayor and the City Council of the City of Payette, State of Idaho:

Section 10-8-1. TOWING AND IMPOUNDING VEHICLES PARKED IN VIOLATION OF LAW.

(a) The following, together with, or in addition to any other vehicles parked in violation of any ordinance of Payette or the laws of the State of Idaho are hereby declared to be nuisances, and said nuisances may be abated by the City of Payette by the towing and impounding of said vehicles:

(1) Any unattended vehicle stopped, standing or parked in violation of any of the provisions of this code;

(2) A vehicle found upon the streets or alleys of this city with faulty or defective equipment;

(3) Any vehicle left unattended upon any bridge, viaduct or at any subway where such vehicle constitutes an obstruction to traffic;

(4) Any vehicle upon a street so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

(5) Any vehicle left unattended upon a street or alley and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;

(6) Any vehicle left parked in the same place on any street or alley continuously for seventy-two hours;

(7) Any vehicle the driver of which has been taken into custody by the Police Department under such circumstances as would leave such vehicle unattended in a street, alley, or restricted parking area;

(8) Any vehicle found being driven on the streets not in a proper condition to be driven; or

(9) Any vehicle found so parked as to constitute a fire hazard or an obstruction to fire fighting apparatus; and the same may be summarily abated by removing any such vehicle by or under the directions or at the request of a police officer of Payette to a place of storage within the city means of towing or otherwise.

(b) As soon as is reasonable under the circumstances a written notice that the said vehicle has been impounded shall be caused to be mailed to the owner and recorded lien holder, if there be one, of the said vehicle at their last known address as shown by the records of the Motor Vehicle Division of the Idaho Department of Law Enforcement. If the license plates on said vehicle are from another state, written notice shall be mailed to the Department of Motor Vehicles in such state, requesting such department to notify the registered owner of such vehicle that the same has been impounded

by the Police Department of Payette and that the same will be sold at public auction as is provided by the Ordinances of Payette if not claimed by the owner or his proper representative, as provided by the said City Ordinances.

(c) The impounding of a vehicle shall not prevent or preclude the institution and prosecution of criminal proceedings in the city court or elsewhere against the owner or operator of such impounded vehicle.

(d) Before the owner or his agent shall be permitted to remove a vehicle which has been impounded he shall:

(1) Furnish satisfactory evidence to the Police Department of his identity and his ownership of said vehicle.

(2) Request and obtain from the Police Department a written order directed to the place of storage in which said vehicle is impounded, authorizing the release of said vehicle to said owner or his agent upon the payment to said place of storage of towing and storage charges reasonably incurred in the towing and storage of said vehicle from the date of said impounding to the time of presenting the order of release from the Police Department therefor.

(e) If, at the expiration of thirty days after mailing the notice provided for in paragraph (b) hereof, such vehicle is not redeemed by the owner or his proper representative, the Chief of Police or his authorized agent shall proceed to sell the same at public auction to the highest bidder after first giving at least ten days' notice of said sale by publishing said notice at least once in a newspaper published in the City of Payette, stating the time and place of such sale. Such notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the Motor Vehicles Division of the Department of Law Enforcement show the same to belong and if the name of the owner be unknown said fact shall be stated. If the name of the owner or recorded lien holder, if any, be known, the Police Department shall send such owner or recorded lien holder a copy of such notice as published immediately after the publication of same, which notice shall be mailed to their last known address or their address as shown on the records of the Motor Vehicle Division of the Idaho Department of Law Enforcement. A copy of this notice as published shall immediately, after publication, be mailed to the owner of the place of storage. The money received by the Chief of Police, or his authorized agent, from the sale of any such vehicle shall be applied first to the actual cost of towing and storage of such impounded vehicle, then to pay the cost of advertising the notice of sale in the amount of ten dollars for each vehicle so impounded and the balance, if any, shall then be deposited into the city treasury of the City of Payette to be used as hereinafter provided.

(f) At any time within one year from and after such sale, the former owner of the vehicle sold, upon application to the City Council of Payette and upon presentation of satisfactory proof that he was the owner of the vehicle sold, shall be paid the proceeds of such sale less the necessary expenses thereof and less the towing, impounding and storage charges provided for in paragraph (e) of this section.

(g) The Police Department shall keep a record of all vehicles impounded by manufacturer's name or make, body type, motor and license number, and names and addresses of all persons claiming the same, and such other descriptive matter as may identify such vehicles, the nature and circumstances of the impounding thereof, and the violation on account of which such vehicles were impounded, the date of such impounding, and the name and address of any person to whom any such vehicle is released.

(h) The Police Department of Payette shall immediately impound in a proper place of storage in Payette all vehicles found within said city that are improperly registered, stolen or bear defaced motor numbers and shall immediately thereafter notify in writing the Commissioner of the Idaho Department of Law Enforcement of such impounding, setting forth in such notice the date found, the address where found, the make, registration number and the date and place where stored.

Section 10-9-3, 10-8-2. REMOVAL OF VEHICLE FROM PRIVATE PROPERTY: If at any time, a vehicle is parked upon private property without the consent of the owner of such property, the Police Department is hereby authorized to remove said vehicle therefrom and to cause the same to be stored, provided the owner of such private property has first signed a complaint against the owner or operator of said vehicle.

That this Ordinance shall take effect and be in force from and after its publication in the Independent Enterprise, a newspaper in general circulation in the City of Payette, Idaho.

PASSED and APPROVED By the Mayor and Council this 17th day of

JANUARY, 1972.

Kealey O. Borcher
Mayor of the City of Payette, Idaho

ATTEST:

Bertha A. Wilson
Clerk of the City of Payette, Idaho