

ORDINANCE 399

AN ORDINANCE PROVIDING FOR THE REMOVAL OF ABANDONED AND INOPERATIVE VEHICLES AND TRAILERS INSIDE THE CITY LIMITS OF THE CITY OF STILWELL, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

Be it ordained by the Mayor and Council of the City of Stilwell, Oklahoma;

SECTION 1. PURPOSE OF ORDINANCE:

The impoundment and/or abatement of vehicles under the authority of the provisions of this chapter shall be construed as an enforcement procedure for the protection of public peace, safety and welfare, and the safeguarding of property; and shall be used generally for the prevention and abatement of public nuisances, prevention of health and/or safety hazards arising from inoperative or abandoned vehicles, protection of public rights in the use of streets and thoroughfares from obstructions laced and left in derogation of these rights.

SECTION 2. VEHICLES AND TRAILERS COVERED BY THIS ORDINANCE:

Vehicles and trailers within the Stilwell City limits shall be parked and maintained in accordance with current **International Property Maintenance Codes (IPMC)**. Specifically, no inoperative or unlicensed motor vehicle or trailer shall be parked, kept or stored on any premises, and no vehicle or trailer shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles or trailers is prohibited unless conducted inside an approved spray booth.

Exceptions:

1. A vehicle or trailer of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
2. A vehicle or trailer owned by the resident conducting major repair or restoration work on his own vehicle in an enclosed garage.

SECTION 3. PLACE OF IMPOUNDMENT:

Every vehicle or trailer that is impounded under the provisions of this ordinance shall be removed to the nearest place of impoundment agreed upon by the governing body of the City of Stilwell and to no other place.

SECTION 4. IMPOUNDMENT PROCEDURES:

Violations of this ordinance on leading to impoundment shall be proceeded against as follows;

- 1) The owner or their designee of any property where a vehicle(s) or trailer(s) in violation of this ordinance shall be notified by mail, utilizing a certificate of mailing that contains the date and postal stamp, and/or posting of the violation notice at the location of the violation. The notice shall contain the violation, the due process notification, and that the vehicle(s) or trailer(s) in violation must be

removed from the premises or the violation otherwise corrected within ten (10) days from the service of notice.

- 2) If violation continues after ten (10) days, the matter will be summarily abated. The owner of said property can request an Administrative Hearing if they file a request with the mayor or their designee, or the Code Enforcement Officer within the ten (10) day notification period.
- 3) If at the requested Administrative Hearing the vehicle(s) or trailer(s) are found to still be in violation, the owner or their designee of said property may – within ten (10) days – appeal to the City Council by filing a request for appeal to the City Clerk.
- 4) If the vehicle(s) or trailer(s) are found to still be in violation by ruling of the City Council, the property owner or their designee will be dealt with in the following manner:
 - a) Any motor vehicle(s) or trailer(s) in violation of this ordinance shall be towed and impounded at the expense of the owner of subject vehicle(s).
 - b) All fees and expenses shall be in compliance with the State of Oklahoma Motor Vehicle Code Section §47-953.1.
- 5) Any subsequent violation(s) on the same property within in a 12-month period may be summarily abated without the aforementioned provisions provided the property owner has been given a 48-hour notice of the summary abatement, provided ownership of the property has not changed

SECTION 5. ABATEMENT PROCEDURES:

- A) Violations of this ordinance leading to abatement shall be proceeded against as follows:
 - 1) The owner or their designee of any property where a vehicle(s) or trailer(s) in violation of this ordinance shall be notified by mail, utilizing a certificate of mailing that contains the date and postal stamp, and/or posting of the violation notice at the location of the violation. The notice shall contain the violation, the due process notification, and that the vehicle(s) or trailer in violation must be removed from the premises or the violation otherwise corrected within ten (10) days from the service of notice.
 - 2) If violation continues after ten (10) days, the matter will be summarily abated. The owner of said property can request an Administrative Hearing if they file a request with the mayor or their designee, or the Code Enforcement Officer within the ten (10) day notification period.
 - 3) If at the requested Administrative Hearing the vehicle(s) or trailer(s) are found to still be in violation, the owner or their designee of said property may – within ten (10) days – appeal to the City Council by filing a request for appeal to the City Clerk.
 - 4) If the vehicle(s) are found to still be in violation by ruling of the City Council, the property owner or their designee will be dealt with in the following manner:
 - a) Any motor vehicle(s) or trailer(s) in violation of this ordinance shall be towed and impounded at the expense of the owner of subject vehicle(s).
 - b) All fees and expenses shall be in compliance with the State of Oklahoma Motor Vehicle Code Section §47-953.1.

SECTION 6. DISPOSITION OF MOTOR VEHICLES OR TRAILERS:

There are two procedures available to the city for the disposition of the vehicle(s) or trailer(s). The sales procedure will be utilized when it is determined that the vehicle value is such to recover the costs of the impoundment, administrative fees, outstanding liens, and other security interests in the vehicle(s) or trailer(s). The second would be the reclamation process outlined in this ordinance.

1) SALES PROCEDURES

- a) The wrecked or inoperable motor vehicles or inoperable trailers shall be disposed of at public sale in accordance with the provisions of this section, provided that no wrecked or inoperable motor

vehicle or inoperable trailer shall be sold at public sale prior to thirty (30) days from the date on which notice is given, pursuant to this section.

- i) At least ten (10) days prior to the public sale, the city manager or his/her designee or the police chief shall cause a notice to be published once in a newspaper of general circulation in the city, which notice shall substantially state:
 - (1) The sale is of a wrecked or inoperable motor vehicle(s) or inoperable trailer(s) in the possession of the city or a private wrecker and towing service(s) by virtue of seizure pursuant to this chapter;
 - (2) A description of the wrecked or inoperable motor vehicle(s) or inoperable trailer(s), including, if available, year, make, model, license number, vehicle identification number or trailer serial number and any information which shall accurately identify the vehicle(s) or trailer(s);
 - (3) The terms of the sale; and
 - (4) The date, time and place of the sale.
 - ii) The Mayor or his/her designee shall also cause a copy of this notice to be mailed to the last known registered owner of the wrecked or inoperable motor vehicle or inoperable trailer and to the owner and/or occupant of the property from which the wrecked or inoperable motor vehicle or inoperable trailer was taken (unless they are one and the same), and to any other persons known to the city to have an ownership interest in or who are a lienholder on the wrecked or inoperable motor vehicle or inoperable trailer.
- b) On the date, time and place set forth in the notice, the wrecked or inoperable motor vehicle or inoperable trailer shall be sold to the highest bidder for cash or certified funds. At the time of payment of the bid price, the mayor or his/her designee shall execute a certificate of sale for the wrecked or inoperable motor vehicle inoperable trailer in duplicate, the original of which to be given to the purchaser and a copy to be retained by city. Any certificate of sale issued under this section shall not guarantee title or purport to give any title to the wrecked or inoperable motor vehicle or inoperable trailer greater than that which is possessed by the city. Should the sale be invalid for any reason, the liability of the city shall be limited to the return of the bid price upon return of the wrecked or inoperable motor vehicle or inoperable trailer to the city.
- c) The proceeds from the sale of the wrecked or inoperable motor vehicle or inoperable trailer made pursuant to this section shall be applied in the following order:
- i) To the reasonable costs incurred in the sale of the wrecked or inoperable motor vehicle or inoperable trailer;
 - ii) To the satisfaction of the special lien(s) provided for in this ordinance;
 - iii) To the satisfaction of any indebtedness secured by a subordinate security interest or lien in the wrecked or inoperable motor vehicle or inoperable trailer;
 - iv) To the owner if such owner is known, and if such owner or the address of such owner is unknown, to the city treasurer for deposit to the city's general fund.
- 2) ALTERNATIVE SALES PROCEDURE(S):
- a) Nothing contained in this chapter shall prohibit the city from following the procedures established by applicable laws of the State of Oklahoma governing the sale and disposition of abandoned vehicles including, but not limited to, 47 Oklahoma Statutes section 901 et seq., or its successor, or of personal property specifically, but not limited to, the provisions of 11 Oklahoma Statutes

section 34-104 et seq., as an alternative to the procedures for disposing of wrecked or inoperable motor vehicles or inoperable trailers as set forth in this ordinance.

SECTION 6. RECLAMATION:

Pursuant to the requirements of the State of Oklahoma Motor Vehicle Code Section §47-953.2, any motor vehicle(s) towed and impounded as a result of a violation of this ordinance, may be reclaimed by the owner of the vehicle(s) or an authorized representative of the owner upon payment of towing and storage charges. If any vehicle(s) remain unclaimed after seven (7) days, the owner of the impound facility may deal with subject vehicles in accordance with and to the extent of current State Law. This right of redemption shall expressly terminate upon the sale or disposition of the wrecked or inoperable motor vehicle or inoperable trailer by the city.

SECTION 7. RESPONSIBILITY FOR ENFORCEMENT:

- 1) The responsibility for enforcement of this ordinance on **private property or city easement thereon** shall be through the Mayor's Office or their designee or the City of Stilwell Code Enforcement, which shall make investigations, serve notices, arrange for towing and impoundment, and perform such other duties as are necessary or incidental.
- 2) The responsibility for enforcement of this ordinance on any **public property** shall be the City of Stilwell Police Department, which shall make investigations, serve notices, arrange for towing and impoundment, and perform such other duties as are necessary or incidental. \

SECTION 8. SEVERABILITY

If, regardless of cause, any section, subsection, paragraph, sentence or clause of this Ordinance, is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this Ordinance.

SECTION 9. REPEALER

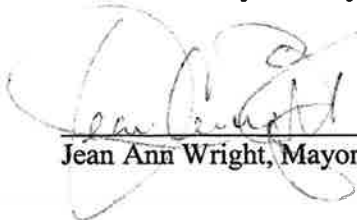
Upon adoption, the following shall be repealed in full: City Ordinance 300
Any other Ordinance or portion of Ordinance in conflict herewith.

PASSED by the City Council this 2nd day of March, 2020.

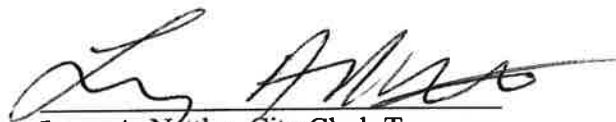
ATTEST:

APPROVED by the Mayor this 2nd day of March, 2020.





Jean Ann Wright, Mayor



Larry A. Nettles, City Clerk-Treasurer