

**BEFORE THE CITY COUNCIL FOR THE
CITY OF ADAIR VILLAGE, OREGON**

In the Matter of an Ordinance Amending)
Chapter 40-Public Nuisances and Abatement)
In Order to Bring It into Accord with)
Chapter 43-Parking and Standing Vehicles)
Both of the Adair Village City Code)

ORDINANCE NO. 2013-02

WHEREAS, this matter having come before the City Council of Adair Village on January 9, 2013, upon the recommendation of the City Administrator that the City amend its current Public Nuisances and Abatement ordinance in order to better protect public peace and welfare; and,

WHEREAS, it is in the interests of the City and its residents to implement additional language to the present Public Nuisances and Abatement ordinance in order to bring it into accord with the updated, edited, and amended Parking and Standing Vehicle ordinance; and,

NOW, THEREFORE, THE CITY OF ADAIR VILLAGE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. 40.480 Storing property on public ways shall be amended to read:

- (1) No person shall use any portion of the traveled roadway, sidewalk, or other portion of the public way or road right-of-way to store or keep recreational sports equipment or personal property of any kind, except vehicles and trailers, as defined in Chapter 43 Parking and Standing Vehicles. Such personal property must be kept fully within the owner's private property boundary in compliance with all relevant Adair Village Land Use Codes and City Ordinances.

Section 2. 40.610 Definitions shall have a number of paragraphs amended.

(1) Discarded or Inoperable Vehicle. Any and all of the following:

(a) Any vehicle or motor vehicle which cannot be legally or physically operated on city streets or public highways by virtue of three or more violations of equipment required by the laws of the state of Oregon.

(d) For the purposes of this section, a showing that a vehicle, if operated on a public highway of this state, would be in a violation regarding required equipment for motor vehicles, creates a rebuttable presumption that the vehicle is a discarded or inoperable vehicle.

(5) Abandoned vehicles.

(a) No person shall place or permit to be placed on a public right-of-way without permission of the City, an operable motor vehicle, for a period in excess of 15 days. Failure to move the vehicle at least one mile in the 15 days allowed will be considered a violation.

Section 3. 40.620 Prohibited Action shall be amended to read:

(2) At no time shall a person leave a vehicle unattended in any unsafe condition on private property. An unsafe condition includes but is not limited to anytime the vehicle is left unattended with the engine running and the doors unlocked for more than 15 minutes; anytime any wheel or wheels have been removed from the vehicle, regardless of whether or not the vehicle is supported by a jack, jack stand, wood or concrete blocks; anytime the vehicle is elevated by any means other than having all wheels on the ground; leaving the keys in the ignition; or any other unsafe condition likely create an attractive nuisance for children or the general public, except to warm up the vehicle for no longer than 15 minutes.

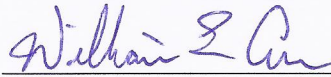
Section 4. 40.630 Towing of Vehicles shall be amended to read:

(2) Any vehicle towed will be towed pursuant to Oregon Revised Statutes (ORS) Chapter 819.

Section 5. Severability. Should a section or portion of this Ordinance be held unlawful or unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this Ordinance shall remain in full force and effect.

City of Adair Village, Oregon, March 5, 2013.

CITY OF ADAIR VILLAGE




MAYOR



CITY ADMINISTRATOR

Approved as to Form:



City Attorney

First Reading: February 6, 2013

Second Reading: By Title March 5, 2013

City Recorder: 