



## ORDINANCE 720

AN ORDINANCE OF THE CITY OF THE VILLAGE, OKLAHOMA AMENDING CHAPTER 15, SECTION 15-62 OF THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE; PERTAINING TO THE REMOVAL OF NUISANCE VEHICLES BY THE CITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE:

**Section 1.** That Chapter 15, Section 15-62, Subsection (a) of the Code of Ordinances is hereby amended to read as follows:

**Sec. 15-62. Removal of vehicles by city.**

(a) The city may cause any abandoned, disabled, wrecked, dismantled, junked, discarded or non-operating vehicle ("**nuisance vehicle**") to be impounded in accordance with the following procedure:

- (1) At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the city council holds a hearing or takes action. The notice shall order the property owner to remove the **nuisance** vehicle and shall further state that unless such removal is performed within ten (10) days of the date of the notice, the removal shall be done by the city. **The notice shall also include a statement that, in the event of the city's finding any vehicle obstructing the city's removal of the nuisance vehicle, the city may move or require the driver or person in charge to move the obstructing vehicle, if practicable, to a nearby position where it can be readily found by its driver and where it does not violate any motor vehicle or traffic laws and does not interfere with the city's removal of the nuisance vehicle.** At the time of mailing of notice to the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee. However, if the property owner cannot be located within ten (10) days from the date of mailing by the city, notice may be given by posting a copy of the notice on the property or by publication, as defined by Title 11 O.S. 1981, 1-102, one (1) time not less than ten (10) days prior to any hearing or action by the city council.
- (2) The owner of the **nuisance** vehicle may give his written consent to the city authorizing the removal of the **nuisance** vehicle. By



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giving said written consent, the owner waives his right to a hearing by the city council.

- (3) A hearing may be held by the city council to determine whether the **nuisance** vehicle is detrimental to the health, benefit, and welfare of the public and the community or a hazard to traffic, or creates a fire hazard.
- (4) Upon a finding that the **nuisance** vehicle constitutes a detriment or hazard and that the city would be benefited by the removal of the **nuisance** vehicle, the agents of the city are granted the right of entry on the property for the removal of the **nuisance** vehicle.
- (5) Whenever the city finds any vehicle obstructing the city's access to a nuisance vehicle for purposes of removing the nuisance vehicle, the city is authorized to move or require the driver or person in charge to move the obstructing vehicle or object, if practicable, to a nearby position where it can be readily found by its driver and where it does not violate any provision of state or city motor vehicle or traffic laws, and does not interfere with the city's removal of the nuisance vehicle. Before any such moving by the city, and no more than eight (8) days after the date of the notice described in paragraph (1) of this subsection, the removing city officer shall first leave under the windshield wiper or otherwise attach to the obstructing vehicle a conspicuous warning that:
  - (i) states the date and time that the notice described in paragraph (1) was attached to the nuisance vehicle;
  - (ii) orders the moving of the obstructing vehicle from the location obstructing the city's access to the nuisance vehicle within ten (10) days of the date of the notice described in paragraph (1);
  - (iii) warns that, if the obstructing vehicle is still obstructing the city's access to the nuisance vehicle ten (10) days from the date of the notice described in paragraph (1), the obstructing vehicle or object may be moved by the city to a nearby position where it can be readily found by its driver and where it does not violate any motor vehicle or traffic laws, and does not interfere with the city's removal of the nuisance vehicle; and



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(iv) advises the person in possession of the obstructing vehicle that such person has a right to a prompt hearing to determine whether the obstructing actually interferes with the city's removal of the nuisance vehicle, if such person requests such a hearing within ten (10) days of the date of the notice described in paragraph (1).

(6) The city manager or his designees are authorized to carry out the duties of the city council in paragraphs (1) through (5) of this subsection. The nuisance vehicle owner shall have a right to appeal to the city council from any order of the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten (10) days after the administrative order is rendered.

**Section 2. Repealer Clause.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 3. Severability Clause.** If any section, subsection, sentence, clause, or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. Emergency Clause.** WHEREAS, it being necessary for the preservation of the public health, peace, and safety of the City of The Village, Oklahoma, an emergency is declared to exist and by reason thereof this Ordinance shall take full force from and after its adoption.

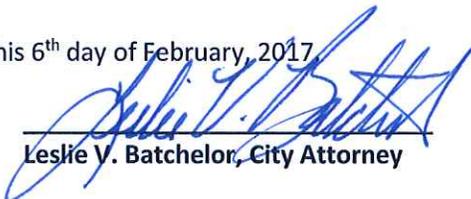
**PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA,** this 6th day of February, 2017, after compliance with the notice requirements of the Open Meeting Law (25 O.S. § 301, *et seq.*).

  
HUTCH HIBBARD, MAYOR

ATTEST:

  
Bruce K. Stone, City Clerk

APPROVED AS TO FORM AND LEGALITY this 6<sup>th</sup> day of February, 2017.

  
Leslie V. Batchelor, City Attorney