

ORDINANCE 317

AN ORDINANCE TO AMEND THE DEFINITION OF ABANDONED AUTOMOBILES AND TO CLARIFY THE METHOD OF DISPOSING OF SUCH VEHICLES.

BE IT ORDAINED BY THE (MAYOR/CHAIRMAN) AND (COUNCIL/BOARD OF TRUSTEES) OF THE (CITY/VILLAGE) OF GOTHENBURG, NEBRASKA:

Section 1. That Chapter 6, Article 3, Section 6-337 of the Municipal Code of Gothenburg, Nebraska be amended to read as follows:

Misdemeanors; Abandoned Automobiles. It shall be unlawful to abandon any automobile on the Municipal streets, highways, alleys, parks or other property. An automobile shall be deemed to be abandoned if left unattended:

- A. With no number plates affixed thereto, for more than six (6) hours on any public property; or,
- B. For more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted; or,
- C. For more than forty-eight (48) hours, after the parking of such vehicle shall have become illegal, if left on a portion of a public property on which parking is legally permitted; or,
- D. For more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.

The title to any automobile so abandoned which at the time of such abandonment, has no number plates of the current year affixed and is of a wholesale value, taking into consideration the condition of such vehicle, of One Hundred (\$100.00) dollars or less, shall immediately vest in the Municipality. In the event the automobile is licensed for the current year or is of a wholesale value of over One Hundred (\$100.00) dollars, the Municipal Police, shall make a reasonable effort to contact the owner of the said automobile by sending a notice to the registered owner, if known; by sending an inquiry to the County it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles, if the car is without license plates and the owner is unknown. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. If the owner, lienholder or mortgagee, is known and does not claim the automobile within five (5) days after the date when the

notice was mailed, or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the Municipality and the automobile may be sold. Any proceeds from the sale of the automobile less any expenses incurred by the Municipality in such sale shall be held without interest for the benefit of the owner of such vehicle for a period of two (2) years. If not claimed within such period of time, the proceeds shall then be paid into the General Fund.

For purposes of this Section, public property shall mean any public right-of-way, street, highway, alley, park or other State, County or Municipally owned property; and private property shall mean any privately owned property which is not included within the definition of public property.

Any person who abandons an automobile as hereinbefore defined shall be deemed to be guilty of a misdemeanor. (Ref. 60-1901 thru 60-1911 RS. Neb.)

Section 2. That the original Section 6-337 and any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 3. This ordinance shall take effect and be in full force and effect from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 7th day of June 1977.

(SEAL)

Marian Jones
CLERK


MAYOR CHALOVICH