

ORDINANCE NO. 2021-3

AN ORDINANCE AMENDING THE LYONS MUNICIPAL CODE TO ADD A NEW CHAPTER REGULATING UNATTENDED PERSONAL PROPERTY ON PUBLIC PROPERTY

WHEREAS, the City Council has recently become aware of negative impacts to the public health, safety, and welfare caused by unattended personal property on public property; and

WHEREAS, the City Council desires to amend the Lyons Municipal Code (LMC) to include a new Chapter that regulates unattended personal property on public property.

NOW, THEREFORE,

THE CITY OF LYONS ORDAINS AS FOLLOWS:

Section 1. **Amendment.** The LMC is hereby amended to add the following language to Chapter 8.10.155 Unattended property prohibited

- (a) Definitions. Unless the context specifically requires otherwise, as used in this section, the following words and phrases mean:
 - (1) “Personal property” means tangible items greater than one cubic foot in size, other than signs, which are reasonably recognizable as belonging to individual persons and which have apparent utility or value.
 - (2) “Public property” includes sidewalk, street, alley, lane, public right-of-way, park or other publicly owned property.
 - (3) “Public sidewalk” means the area between the street and the abutting property, including any pedestrian way and landscape strip.
 - (4) “Street” means any public right-of-way that is open to the public, used, or intended to be used, by vehicular traffic.
- (b) It is unlawful for any person to knowingly leave personal property unattended on a public property.
- (c) The prohibitions of subsection (b) do not apply to:
 - (1) Personal property left unattended for less than two hours, that is actively being loaded or unloaded; or
 - (2) Any person performing a City approved or permitted activity.
- (d) Personal property left unattended on a public property in violation of this section may be removed by the City if:

- (1) The property poses an immediate threat to public health, safety or welfare; or
- (2) The property has been posted with a notice written in English and Spanish at least 24 hours in advance. The notice shall contain the following information:
 - a. That it is unlawful to leave personal property unattended on a public property within the City limits.
 - b. The date and time the notice was posted and the date and time at which the property is subject to being removed by the City;
 - c. That the property subject to the notice is subject to immediate removal if, within the following 30 days, the property is again left unattended on public property in violation of this section;
 - d. The contact information for how to reclaim any personal property which has been removed by the City pursuant to this section; and
 - e. That any property removed by the City pursuant to this section will be disposed of pursuant to applicable law if not claimed within 30 days after removal.
- (e) Personal property removed by the City pursuant to this section shall be stored for a minimum of 30 days during which time it must be made reasonably available to the owner. The 30-day retention period of this subsection does not apply to personal property that is in an unsafe or unsanitary condition, or perishable.
- (f) The City may develop administrative policies for the removal of unattended personal property from public property, the storage of the property, and procedures by which the property may be reclaimed.
- (g) Nothing in this section shall be construed as limiting the City's ability to seize, remove, abate, or dispose of property in accordance with any other provision in accordance with any other provision of law.
- (h) A violation of this section is declared a public nuisance LMC Chapter 8.10, and is subject to abatement by the City.

Section 2. Savings. All unamended LMC provisions shall remain in full force and effect. Notwithstanding these amendments, the LMC provisions in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said provision(s) or portions thereof were operative.

Section 3. Codification. Provisions of this Ordinance shall be incorporated into the LMC, and the words “ordinance” or “section” may be changed to “code,” “article,” “chapter,” “division,” or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any recital clause and boilerplate provisions of this Ordinance (i.e., Section Nos. 2 and 3) need not be codified, and the City Manager is authorized to correct any cross-references and any typographical errors.

Section 4. Effective Date. This ordinance will go into full force and effect on the 30th day after City Council enactment.

Passed by the Council this ____ day of _____, 20__

Approved: COPY

Lloyd Valentine
Mayor of the City of Lyons, Oregon

Date:

ATTEST:

By: COPY

Micki Valentine
City Manager of the City of Lyons, Oregon

Date: _____

	Aye	Nay
Mayor Valentine	_____	_____
ProTem Ritchie	_____	_____
Councilor Donohue	_____	_____
Councilor Wagner	_____	_____
Councilor Hyde	_____	_____