

ORDINANCE NO. 1919  
CITY OF LEXINGTON, NEBRASKA

ORDINANCE NO. 1919

AN ORDINANCE RELATING TO ABANDONED MOTOR VEHICLES AND PERSONAL PROPERTY to repeal all ordinances or sections of ordinances in conflict herewith; to provide for an effective date and for publication in pamphlet form.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. Definitions. For the purpose of this Ordinance, the following words shall have the meaning given herein.

A. A motor vehicle shall be deemed to be an "abandoned vehicle" if left unattended:

1. With no license plates affixed thereto, for more than 12 hours on public property;
2. For more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
3. For more than 48 hours, after the parking of such vehicle shall have become illegal, if left on a portion of public property on which parking is legally permitted; or
4. For more than 7 days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.

B. Abandoned personal property shall be tangible personal property which has come into possession of the City of Lexington, Nebraska or its Police Department, which is not claimed by the owner within 30 days after coming into possession of the City. This term shall not include

personal property held as evidence in criminal prosecutions, but may include property not claimed after termination of such criminal prosecution.

- C. Public property shall mean any public right-of-way, street, highway, alley, park or other municipally owned property;
- D. Privately owned property shall mean any property not included within the definition of public property.

Section 2. The Chief of Police shall be the administrative officer responsible for administration and enforcement of this Ordinance.

Section 3. For abandoned motor vehicles, the City shall proceed according to Article 19 of the Revised Statutes of the State of Nebraska.

Section 4. If abandoned personal property shall come into the possession of the City of Lexington, City shall make a reasonable attempt to determine the owner thereof. If ownership can be determined, City shall give notice to such owner that said personal property has been impounded and stored. The notice shall state the location where the property is stored, and the costs incurred by the City for removal and storage.

Section 5. In order to recover the cost of towing, impounding and storage, the City shall charge the owner of such property the following:

- A. For abandoned motor vehicles the actual cost of towing, plus \$4.00 per day for storage upon City property, or the actual cost of storage at a private facility;

- B. For other personal property, there shall be no charge if the property is reclaimed within 10 days of original receipt. Thereafter, a storage charge of \$1.00 per day.

Section 6. Abandoned motor vehicles and other abandoned personal property which are not claimed by the owners within 60 days, shall be sold by the City. If the City has incurred costs for towing of motor vehicles which is in excess of the reasonable value of said motor vehicle, the City may transfer title to said motor vehicle directly to the towing service as compensation for such service. Otherwise, such property shall be sold at public sale.

Section 7. Notice of public sale shall be given not less than 10 days before the date of proposed sale. The sale notice shall state the following:

- A. The sale is of abandoned property in the possession of the City.
- B. A description of the vehicles or other property, including year, make, and model of any motor vehicles.
- C. The terms of the sale.
- D. The date, time and place of the sale.

Section 8. The property shall be sold at such sale to the highest and best bidder.

Section 9. The owner of any motor vehicle or other property held by the City under the provisions of this Ordinance may redeem such property at any time prior to the sale thereof, upon proof of ownership and payment to City of all costs of towing and storage as aforesaid.

Section 10. All proceeds of sale shall be applied to the expense of sale, and the cost of towing and storage of property sold. Any surplus funds shall be held by the City Treasurer for remittance to the Nebraska State Treasurer as proceeds of abandoned property.

Section 11. That all Ordinances or sections of Ordinances in conflict herewith are hereby repealed.

Section 12. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 8th day of January,  
1991.

CITY OF LEXINGTON, NEBRASKA

BY:

Robert L. Hawks  
Mayor

ATTEST:

Gene E. Madsen  
City Clerk

