ORDINANCE NO. 407

AN ORDINANCE DECLARING IT UNLAWFUL TO USE THE STREETS OF THE CITY OF REXBURG, IDAHO; FOR THE REPAIRING OR STORAGE OF AUTOMOBILES, TRUCKS, BICYCLES, WAGONS OR OTHER CONVEYANCE, MACHINE, IMPLEMENT OR OTHER OR OTHER ITEM OF PERSONAL PROPERTY; DECLARING IT THE DUTY OF THE POLICE OFFICERS TO TAKE POSSESSION OF ANY SUCH ARTICLES FOUND DESERTED AND UNCLAIMED FOR A PERIOD OF TWENTY-FOUR HOURS, AND FURTHER DECLARING IT UNLAWFUL TO LEAVE OR STORE ANY AUTOMOBILES, TRUCKS, BICYCLES, WAGONS OR OTHER CONVEYANCE, MACHINE, IMPLEMENT OR OTHER ITEM OF PERSONAL PROPERTY BETWEEN THE HOURS OF 2 O'CLOCK A.M. AND 7 O'CLOCK A.M. OF EACH DAY UPON CERTAIN STREETS OF THE CITY OF REXBURG, IDAHO, MORE PARTICULARLY DESIGNATED IN SAID ORDINANCE, AND DECLARING IT THE DUTY OF THE POLICE OFFICERS TO TAKE POSSESSION OF ANY SUCH ARTICLES, AND SAID ORDINANCE PROVIDING THAT ANY SUCH ARTICLES MAY BE RECLAIMED WITHIN 30 DAYS OR AT THE TIME OF SALE AS IN SAID ORDINANCE PROVIDED, BY THE OWNER MAKING PROOF OF OWNERSHIP AND PAYMENT OF COSTS, AND PROVIDING THAT IN THE EVENT SUCH ARTICLE IS NOT RECLAIMED WITHIN 30 DAYS THE SAME MAY BE SOLD; THAT ALL MONIES RECEIVED FROM THE SALE OF SUCH ARTICLE SHALL BE DEPOSITED IN THE GENERAL FUND, AND PROVIDING THAT THE CITY COUNCIL, WITHIN SIX MONTHS THEREAFTER UPON PROOF OF OWNERSHIP BY THE OWNER MAY DRAW A WARRANT IN FAVOR OF THE OWNER FOR THE AMOUNT RECEIVED FROM SUCH SALE, LESS COSTS CHARGED AGAINST THE SAME; SAID ORDINANCE DECLARING THE VIOLATION OF THE ORDINANCE A PUBLIC OFFENSE AND PROVIDING PENALTIES FOR SUCH VIOLATION.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

Section 1: It shall be unlawful for any person to use any street in the City of Rexburg for the purpose of repairing any vehicle, except in the case of emergency, and it shall be unlawful for any person to use any street in the City of Rexburg for the purpose of repairing any vehicle, except in the case of emergency, and it shall be unlawful for any person to store any automobile, truck, bicycle, wagon or other conveyance, machine, implement or other item of personal property upon any of the streets of the City of Rexburg.

It shall be the duty of the Chief of Police and officers of the police department to take possession of any such automobile, truck, bicycle, wagon or other conveyance, machine, implement or other item of personal property found deserted and unclaimed for a period of 24 hours upon the streets of Rexburg.

Section 2: It shall be unlawful for any person to leave or store any automobile, truck, bicycle, wagon or other conveyance, machine, implement or other item of personal property between the hours of 2 o'clock a.m. and 7 o'clock a.m. of each day upon the following streets in the City of Rexburg, Idaho.:

Main Street from the railroad tracks on the West to Second East.
First East from First South to First North.
College Avenue from Main Street to Second South.
Second South from Center Street to First East.
Center Street from First South to First North.
Carlson Avenue from College Avenue to Center Street.

It shall be the duty of the officers of the police department to take possession of any such automobile, truck, bicycle, wagon or other conveyance, machine, implement or other item of personal property and hold the same at the City Hall or at some place suitable to store the same. Any such automobile truck, bicycle, wagon or other conveyance, machine, implement or other item of personal property may be reclaimed by the owner upon making proper proof of ownership, and the payment of the costs for moving the same. In the event such automobile, truck, bicycle, wagon or other conveyance, machine, implement or other item of personal property is not claimed within thirty days as provided in Section 3 of this ordinance, the same shall be sold as provided in Section 3, 4, and 5 of this ordinance.

Section 3: All property taken possession of under the provision of this ordinance shall be listed by the Chief of Police or other officer of the police department in a book kept for such purposes giving therein the following information:

1. Place where found or taken possession of.
2. Description of article.
3. Name of officer taking possession of the article.
4. Date of taking possession.

All such articles so taken possession of shall be held by the Chief of

Police at the City Hall, or at some place suitable to store such articles, for a period of 30 days from and after the date of taking possession thereof.

When the provisions of this section have been complied with, including the holding of the same for a period of 30 days, it shall then be the duty of the Chief of Police to advertise such article or articles for sale, and to sell the same at public or private sale, as may in his judgement be deemed best; such notice of sale shall be published in two issues of the official newspaper of the city, the second publication to be one week after the first publication and the sale of such property shall be held not less than ten days nor more than fifteen days from the date of the first publication.

The Chief of Police shall, at the time advertised for the sale of any article as hereinbefore provided, sell the same to the best advantage possible, and shall issue to the purchaser a bill of sale stating therein that the same is sold in accordance with the terms of this ordinance.

All monies received from sales as hereinbefore provided shall be immediately turned over by the Chief of Police to the City Clerk who shall transmit the same to the City Treasurer to be credited to the general fund.

Section 4: The owner of any article or articles taken possession of, held and/or offered for sale under the terms of this ordinance, who shall appear prior to the time of such sale and make proper proof of ownership, shall be allowed to take such article or articles out of the possession of the Chief of Police on payment of any costs which have accrued against the same.

Section 5: The City Council may, on motion, at any time after any article is sold, not exceeding six months thereafter, order the City Clerk to draw a warrant in favor of the owner of said article for whatever amount was received and credited to the general fund from the sale of said article, less the costs charged against the same, upon due and sufficient proof as to who is the owner of such article.

Section 6: It shall be unlawful and constitute a public offense for any person to violate any of the provisions of this ordinance. Every person convicted of the violation of this ordinance shall upon the conviction thereof, be punished by a fine of not more than $100.00, or by imprisonment in the city jail for not more than 30 days, or by both such fine and imprisonment, plus the costs of prosecution. In the event of default in payment of such fine and costs, any such person so convicted of the violation of this ordinance shall be confined in the city jail for the payment thereof at the rate of $1.50 per day.

PASSED by the City Council this 5th day of December, 1956.

APPROVED by the Mayor this 5th day of December, 1956.

Mayor J. Fred Smith

Attest:
City Clerk Loretta M. Rigby