



**BEFORE THE CITY COUNCIL FOR THE  
CITY OF ADAIR VILLAGE, OREGON**

In the Matter of an Ordinance Amending )  
Chapter 43 – Parking and Standing Vehicles )

**ORDINANCE NO. 2023-06**

**WHEREAS**, Adair Village’s current Chapter 43 Parking and Standing Vehicles ordinance has been found to be unenforceable and outdated; and

**WHEREAS**, street parking is limited throughout the city; and

**WHEREAS**, improper parking and abandon vehicles cause blight and safety concerns.

**NOW, THEREFORE, THE CITY OF ADAIR VILLAGE ORDAINS AS FOLLOWS:**

**Section 1.** It is in the interests of the city and its’ residents to amend Chapter 43 Parking and Standing Vehicles to allow for an enforceable code.

**Section 3. Enactment.** The Adair Village Code of Ordinances are amended by the enactment of this Ordinance which reads in full as follows:

43.000 ADMINISTRATION

43.005 Title

43.010 Purpose and Scope

43.015 General Authority

43.020 Severability

43.025 Definitions

43.030 Emergency Vehicle Exemption

43.100 PARKING AND TRAFFIC OFFENSES

43.105 Adoption of State Laws

43.110 Prohibited Parking

43.115 Parking Oversized Vehicles Prohibited

43.120 Prohibited Trailer and Recreational Vehicle Parking

43.125 Commercial Vehicle Parking on Residential Streets

43.130 Parking Vehicle on City Street for Vending Purposes

43.200 ENFORCEMENT

43.205 Execution

43.210 Impoundment of Illegally Parked Vehicle

- 43.300 ABANDONED OR HAZARDOUS
- 43.305 Abandoned Vehicles Prohibited.
- 43.310 Impounding Hazardous Vehicles.
- 43.315 Pre-towing investigation and notice.
- 43.320 Contents of pre-towing notice.

- 43.400 POST-TOWING NOTICE
- 43.405 Notice of Impoundment

## ADMINISTRATION

43.005 Title. This chapter may be cited as the Parking and Standing Vehicles section of the City of Adair Village City Code.

43.010 Purpose and Scope.

- (1) It is the purpose of this chapter to define conditions which exist that may prevent the free and easy flow of traffic and to provide a just, equitable, and practicable method to prohibit and abate these conditions within the boundaries of the City of Adair Village, Benton County, and State of Oregon.
- (2) The open accumulation and apparent storage of an inoperable or discarded vehicles, trailers, and recreational vehicles is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration, and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors citizens, to create a harborage for disease vectors such as, rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of vehicles, trailers, and recreational vehicles, as described in the provisions below an inoperable vehicle or discarded vehicle on private or public property is hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this ordinance.

43.015 General Authority.

- (1) The chief of police or city administrator, upon consent and direction of the city council, is responsible for the administration, enforcement, and oversight of this Chapter of the City of Adair Village City Code, and to apply these provisions consistent with the general laws of the State of Oregon.
- (2) The city council may designate enforcement officers to assist the chief of police and/or city administrator in enforcing this Chapter.

43.020 Severability. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

43.025 Definitions.

- (1) Abandoned. means a vehicle left unoccupied and unclaimed; has out-of-date registration or in such a damaged, disabled, or dismantled condition that the vehicle is inoperable.

- (2) Alley. As defined herein, a street through the middle of a block.
- (3) Bike lane. A lane of travel designed specifically for bicycles to travel upon.
- (4) Bus stand. A fixed area in the roadway adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.
- (5) Commercial Vehicle. A general definition for a commercial vehicle is a vehicle that is used to transport people or property for profit. A commercial motor vehicle is defined by the Oregon Vehicle Code as a vehicle that will be operating at a gross vehicle weight rating or combination weight over 26,000 pounds. The definition also includes vehicles designed to transport 16 or more persons and vehicles designed to transport hazardous materials regardless of weight. This definition excludes fire trucks, emergency vehicles, motor homes and recreational vehicles operated solely for personal use.
- (6) Curb. The extreme edge of the improved portion of the roadway.
- (7) Emergency vehicle. Any vehicle that is operated during the course of duty by a Police Officer, Reserve Police Officer, Code Enforcement Officer, Firefighter or Emergency Medical Technician.
- (8) Hazardous Vehicle. Any vehicle left in a location or condition that constitutes an immediate and continuous hazard to the safety of persons using the streets or alleys of the city. For example, and not for limitation, the following are hazardous vehicles:
  - (a) Vehicles blocking public or private rights-of-way.
  - (b) Vehicles leaking petroleum or other hazardous fluids.
  - (c) Vehicles blocking fire hydrants.
  - (d) Vehicles with broken glass/windows.
- (9) Highway. Any surface that is designed as a lane for travel for vehicles that is open to the public. Every public way, road, street, thoroughfare, and place, including bridges, viaducts, and other structures within the boundaries of this City, used, or intended for use of the general public for vehicles or vehicular traffic. (As per ORS 801.305)
- (10) Loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials or freight.
- (11) Park or parking. The standing of a vehicle, whether occupied or not, except when a vehicle is temporarily standing for the purpose of and while engaged in loading or unloading of property or passengers.
- (12) Pedestrian. Any person afoot.
- (13) Person. Every natural person, firm, partnership, association, or corporation.
- (14) Oversized vehicle. Any truck other than a pickup truck, any bus, any motor home, any vehicle to which a camper is attached, any combination of vehicles with an overall length of twenty-three (23) feet, or any vehicle exceeding seven (7) feet in width.
- (15) Skates. Includes roller skates, in-line roller skates, blades, skateboards, scooters, coasters, roller skis or any similar device that is used as a means of transportation.
- (16) Skate operation. The act of propelling skates by means other than carrying them.

- (17) Traffic lane or roadway. That portion of the roadway used for the movement of a single line of vehicles. That portion of a highway that is improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. (As per ORS 801.450)
- (18) Truck trailer. Any trailer designed and used primarily for carrying loads other than passengers whether designed as a balance trailer, pole trailer, semitrailer, or self-supporting trailer, as this term is defined in the Oregon Vehicle Code.
- (19) Vehicle. Every device in, upon, or by which a person or property is or may be transported or drawn upon a public highway, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

43.030 Emergency Vehicle Exemption.

- (1) Emergency vehicles are hereby exempt from the rules established from this chapter when responding to an emergency.
- (2) Notwithstanding from subsection one (1), when an emergency vehicle is standing at an emergency scene and is parked in a manner that may be potentially hazardous to pedestrians or other drivers, the operator of an emergency vehicle shall activate a visual warning device.

## **PARKING AND TRAFFIC OFFENSES**

43.105 Adoption of State Laws. Parking and traffic offenses as defined by the Oregon Vehicle Code are hereby adopted and are punishable in accordance with provisions set in the city code. This sub-section establishes places where stopping, standing and parking a vehicle are prohibited for purposes of the penalties under ORS 811.555 (Illegal stopping, standing or parking). Except as provided under an exemption in ORS 811.560 (Exemptions from prohibitions on stopping, standing or parking), a person is in violation of ORS 811.555 (Illegal stopping, standing, or parking) if a person parks, stops or leaves standing a vehicle in any of the following places:

- (1) Upon a roadway outside a business district or residence district, whether attended or unattended, when it is practicable to stop, park or leave the vehicle standing off the roadway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (1), (7) and (9) are applicable to this subsection.
- (2) On a shoulder, whether attended or unattended, unless a clear and unobstructed width of the roadway opposite the standing vehicle is left for the passage of other vehicles and the standing vehicle is visible from a distance of 200 feet in each direction upon the roadway or the person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the standing vehicle by use of flaggers, flags, signs or other signals. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (9) are applicable to this subsection.
- (3) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (7) are applicable to this subsection.
- (4) On a sidewalk. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.

- (5) Within an intersection. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing or parking) (4) to (7) are applicable to this subsection.
- (6) On a crosswalk. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (7) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless a different length is indicated by signs and markings. For purposes of this subsection the safety zone must be an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (8) Alongside or opposite a street excavation or obstruction when stopping, standing, or parking would obstruct traffic. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (9) Upon a bridge or other elevated structure upon a highway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (8) are applicable to this subsection.
- (10) On any railroad or rail fixed guide way system tracks or within seven and one-half feet of the nearest rail at a time when the parking of vehicles would conflict with operations or repair of the tracks. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (11) At any place where traffic control devices prohibit stopping. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (12) In front of a public or private driveway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (13) Within 10 feet of a fire hydrant. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (14) Within 20 feet of a crosswalk at an intersection. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (15) Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control device located at the side of the roadway if the standing or parking of a vehicle will obstruct the view of any traffic control device located at the side of the roadway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (16) Within 15 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station, within 75 feet of the entrance. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.

- (17) At any place where traffic control devices prohibit standing. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (18) Improper positioning of vehicle upon a two-way road or highway, the vehicle shall be positioned so that the right-hand wheels are parallel to and within 12 inches of the right curb or, if none, as close as possible to the right edge of the right shoulder
- (19) On a bicycle lane. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) are applicable to this subsection.
- (20) On a bicycle path. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) are applicable to this subsection.

43.110 Prohibited Parking. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle:

- (1) In any alley exceeding five (5) consecutive minutes in any one (1) hour period or the actual time necessary to complete the act of loading or unloading, whichever is less.
- (2) Upon any street for the purpose of:
  - (a) Displaying such vehicle for sale;
  - (b) Greasing or repairing such vehicle except repairs necessitated by an emergency;
  - (c) Displaying advertising from such vehicle.
- (3) Upon any roadway except where specifically authorized by signage or order of the chief of police or designee.
- (4) Upon any surface that is not improved or designed specifically for vehicle parking on private property.
- (5) Upon any street where the curb is painted yellow or red by the city.
- (6) Upon any street or highway facing any direction other than with the flow of traffic.

43.115 Parking Oversized Vehicles Prohibited. No oversized vehicles shall be parked on any street, alleys, or public rights-of-way within the city limits of Adair Village for more than four (4) days within any thirty (30) day period, without a valid permit issued by the city.

43.120 Prohibited Trailer and Recreational Vehicle Parking.

(1) No person shall park a motor home, travel trailer, recreational vehicle, utility trailer, boat trailer, truck with camper, camper, livestock trailer, or any other type of trailer designed to be pulled by a vehicle, or any other type of vehicle or trailer used for recreational purpose or sleeping, upon any street, parking strips, alleys, public parks, or public rights-of-way within the city limits of Adair Village for more than four (4) days within any thirty (30) day period, without a valid permit issued by the city.

(2) No person shall be allowed to sleep, cook, or otherwise use any of the trailers or recreational vehicles as outlined in Section 1 as a means for housing, while parked upon any street, parking strip, alley, public park, or public rights-of-way without first receiving a permit from the city.

43.125 Commercial Vehicle Parking on Residential Streets.

(1) No person shall park a commercial vehicle, which includes truck trailer, semi, or full trailer, trailer designed to be towed by a truck trailer or tractor, or any part thereof upon a residential street.

(2) It shall be a defense to any complaint alleging violation of this Section that the purpose of such parking was to actively load or unload goods, materials, or equipment at premises abutting the residential street for which there is no other access.

43.130 Parking Vehicle on City Street for Vending Purposes. No person shall park or leave standing a vehicle on a city street for the purpose of advertising, selling, or offering for sale any merchandise.

### **ENFORCEMENT**

43.205 Execution. All enforcement actions allowed in this chapter are in addition to all enforcement actions allowed by the Oregon Revised Statutes (ORS).

43.210 Impoundment of Illegally Parked Vehicle. The city administrator or designee, upon finding a motor vehicle parked in violation Sections 43.105-43.130 of this chapter, may cause said vehicle to be removed from the street and impounded at the owner's expense.

### **ABANDONED OR HAZARDOUS**

43.305 Abandoned Vehicles Prohibited.

(1) No vehicle that the city administrator or designee has reason to believe is abandoned shall be parked or left standing on the right-of-way of a city street, alley, or city property for a period more than twenty-four (24) hours.

(2) The city administrator or designee, upon finding a vehicle so parked or left standing may cause such vehicle to be removed from the street and impounded at the owner's expense.

43.310 Impounding Hazardous Vehicles.

(1) Upon discovering a hazardous vehicle, the city administrator or designee may immediately cause the vehicle to be towed and impounded.

(2) The owner of the vehicle shall be responsible for all costs of towing and storing the vehicle.

43.315 Pre-towing investigation and notice.

(1) The city administrator or designee investigating a vehicle in violation of Section 43.305 shall:

(a) Make effort to discover the owner and request removal of the vehicle.

(b) Failing to discover the owner by such a process, make a diligent inquiry as to the name and address of the owner by examining the vehicle for a license number, identification number, make, style, or any other information that will aid in the identification of the owner. When such vehicle is required by law to be registered with the division, the city administrator or designee shall inquire by license and/or

vehicle identification number (VIN) with the division for the name and address of the owner.

- (c) Whether or not the owner is identified, affix a pre-tow notice upon the vehicle where it can be easily seen.
- (d) If a vehicle is found in the same condition as described in section 43.305 on which a pre-tow notice was affixed, within thirty (30) days of the original notice, the owner shall be considered notified, and the vehicle shall be taken into custody by the city administrator or designee.

(2) This section does not apply to hazardous vehicles.

43.320 Contents of pre-towing notice.

Notices placed under section 43.315 shall contain the following information:

(1) That if the vehicle is not removed within the time specified, the vehicle will be towed and taken into custody for violation of this chapter.

(2) The vehicle will be subject to towing and storage charges and a lien will attach to the vehicle and its contents.

(3) The vehicle and its contents will be sold to satisfy the towing and storage charges if they are not paid.

(4) The owner may protest an abandoned vehicle designation, prior to the vehicle being towed, by contacting the city administrator or designee.

(5) If the vehicle is towed, its location may be obtained by contacting the Adair Village City Hall.

**POST-TOWING NOTICE**

43.405 Notice of Impoundment. After any motor vehicle has been impounded as hereinbefore provided, the tow provider shall make all notices as required by the ORS.

**Section 5. Effective Date.** Passed by the city council and approved by the Mayor of the City of Adair Village on the 1<sup>st</sup> day of August, 2023, this amendment shall become effective upon signature by the Mayor.

CITY OF ADAIR VILLAGE



MAYOR



CITY ADMINISTRATOR

Approved as to Form:



City Attorney



First Reading: Aug 1, 2023

Second Reading: Aug. 1, 2023

City Recorder: 