

CHAPTER 43
PARKING AND STANDING VEHICLES

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Table of Contents

43.000	Title, Scope, and Authority
43.005	Title
43.010	Purpose and Scope
43.020	General Authority
43.030	Severability
43.100	Definitions
43.110	Definitions
43.115	Emergency Vehicle Exemptions
43.200	Parking and Traffic Offenses
43.210	Adoption of State Laws
43.220	Prohibited Parking
43.230	Parking Oversized Vehicles
43.235	Prohibited Trailer and Recreational Vehicle Parking
43.240	Truck Parking on Residential Streets
43.250	Parking Vehicle on City Street for Vending Purposes
43.260	Blocking Traffic
43.270	Blocking a Highway
43.280	Brakes Not Set, Motor Running
43.300	Removal, Arrest, and Impoundment of Vehicle
43.310	Removal of Dangerously or Illegally Parked Vehicle
43.320	Lien Upon Vehicle
43.330	Requirement of Complaint
43.340	Arrest of Vehicle
43.350	Notice of Impoundment
43.360	Immobilizing Vehicle
43.362	Impounding Immobilized Vehicle
43.364	Removal of Immobilization Device
43.366	Taking of Impounded Vehicle
43.370	Removing Notice of Violation
43.380	Violations - Forfeitures
43.900	Penalties
43.910	Penalties

CHAPTER 43
PARKING AND STANDING VEHICLES

TITLE, SCOPE, AND AUTHORITY

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.

43.020 General Authority.

(1) The Chief of Police 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 City Administrator in enforcing this Chapter.

43.030 Severability.

(1) 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.

DEFINITIONS

43.110 Definitions.

(1) Alley. As defined herein, a street through the middle of a block.

CHAPTER 43
PARKING AND STANDING VEHICLES

- (2) **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.
- (3) **Curb.** The extreme edge of the improved portion of the roadway.
- (4) **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.
- (5) **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 actually engaged in loading or unloading.
- (6) **Pedestrian.** Any person afoot.
- (7) **Person.** Every natural person, firm, partnership, association or corporation.
- (8) **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.
- (9) **Skate operation.** The act of propelling skates by means other than carrying them.
- (10) **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)
- (11) **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.
- (12) **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.
- (13) **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)
- (14) **Bike Lane.** A lane of travel designed specifically for bicycles to travel upon.

CHAPTER 43
PARKING AND STANDING VEHICLES

(15) Park or Parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

43.115 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 (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

43.210 Adoption of State Laws.

(1) Parking and Traffic offenses as defined by the Oregon Vehicle Code are hereby adopted and are punishable in accordance to provisions set in the City Code.

43.220 Prohibited Parking.

(1) In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle:

- (a) In any alley exceeding 15 consecutive minutes in any one-hour period or the actual time necessary to complete the act of loading or unloading, whichever is less.
- (b) Upon any street for the purpose of:
 - (i) Displaying such vehicle for sale;
 - (ii) Greasing or repairing such vehicle except repairs necessitated by an emergency;
 - (iii) Displaying advertising from such vehicle;
- (c) Upon any private property in the City without the consent of the owner or person in lawful possession or control of the property in excess of 48 hours. [Such as parking in the parking lot of Santiam Christian School];
- (d) Upon any roadway except where specifically authorized by signage or order of a Police Officer; Designee of the Chief of Police, or Chief of Police;

CHAPTER 43
PARKING AND STANDING VEHICLES

- (e) Upon any surface that is not improved or designed specifically for vehicle parking on private property;
 - (f) Upon any street where the curb is painted Yellow or Red by the City;
 - (g) Upon any street or highway facing any direction other than with the flow of traffic.
- (2) The offense described in this section, Prohibited Parking, is a traffic violation

43.230 Parking Oversized Vehicles Prohibited.

(1) No oversized vehicles shall be parked on any residential streets, street, alleys, or public right-of-ways within the city limits of Adair Village for more than seven (7) days four (4) consecutive days, without a valid permit issued by the City.

(2) For the purposes of this section, the repositioning of any such vehicle or combination thereof from one parked position on City streets, alleys, or public right-of-ways within the city limits of Adair Village within 72 hours after it is moved shall not be treated as interrupting the continuity of the time it has been parked.

(3) "Oversized vehicle" shall mean any truck other than a pickup truck, any bus, any motor home, or any vehicle to which a camper is attached. For the purposes of this section, any combination of vehicles with an overall length of 23 or exceeding seven (7) feet in width shall be a violation.

43.235 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 City streets, any street, parking strips, alleys, public parks, or public right of ways within the city limits of Adair Village for more than four (4) consecutive days, without a valid permit issued by the City.

(2) For the purposes of this section, the repositioning of any such vehicle or combination thereof from one parked position on City streets, alleys, or public right-of-ways within the city limits of Adair Village within 72 hours after it is moved shall not be treated as interrupting the continuity of the time it has been parked.

(3) 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 right of way without first receiving a permit from the City.

CHAPTER 43
PARKING AND STANDING VEHICLES

43.240 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) 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.

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

43.250 Parking Vehicle on City Street for Vending Purposes.

(1) 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.

REMOVAL, ARREST, AND IMPOUNDMENT

43.310 Removal of Dangerously or Illegally Parked Vehicle. The Chief of Police, or the Chief of Police's designee City, when finding a motor vehicle parked in violation Sections 43.210-43.250 of this ordinance may cause said vehicle to be removed from the street to a place of storage, and shall not release said vehicle to its owner or person in charge thereof, unless bail first is posted for the offense and the actual charges for towing, storage, and impoundment are first paid.

43.320 Lien Upon Vehicle. The City shall have a lien on all vehicles impounded under Sections 43.220-43.240 for all bail and other lawful charges against said motor vehicle, and said vehicle shall not be released to its owner without prior payment of any bail or other charges against said vehicle, plus actual expenses incurred by the city in impounding and storing said vehicle.

43.330 Requirement of Complaint. Notice meeting the requirements of ORS 221.340 .333 shall be sufficient to act as a complaint for violation of Sections 43.210-.237, and any such notice placed in a

CHAPTER 43
PARKING AND STANDING VEHICLES

conspicuous place on a motor vehicle in violation of Sections 43.210-.237 shall be presumptive notice thereof to the owner and operator of such vehicle.

43.340 Arrest of Vehicle. Upon the failure of the owner or person in charge of any vehicle to post bail *prior to or at the first scheduled court proceeding concerning the cited* violation of any ordinance governing the parking of motor vehicles upon the streets or public properties within the city, , the court may issue a warrant for the arrest of the motor vehicle. Any officer of this city may service the warrant by impounding the vehicle, if found within the corporate limits of this city, and he may go upon private property to so impound such vehicle. Any vehicle so impounded shall not be released to its owner without payment of all bail or other charges against said vehicle, plus actual expenses incurred by the city in impounding and storing said vehicle.

43.350 Notice of Impoundment. After any motor vehicle has been impounded as hereinbefore provided, the Chief of Police City Administrator, or the Chief's his/her designee, shall, within three days of such impoundment, cause a registered letter to be sent, return receipt requested, to the registered owner and legal owner, if any, of the motor vehicle, as provided in ORS 483.384 (2).

43.360 Immobilizing Vehicle. As an alternative to impoundment of a vehicle as provided by Section 43.255, any officer of this city may upon finding such vehicle within the corporate limits of this city, temporarily immobilize the same by installing on or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle. If such vehicle is so immobilized, the officer so installing or attaching such device shall conspicuously affix to such vehicle a notice in writing on a form provided advising the owner, driver, or person in charge of such vehicle the such vehicle has been immobilized by the City of Adair Village for violation of Sections 43.210-.237 and that release of such immobilization may be obtained at a designated place, that unless arrangements are made for release of such vehicle before 10:00 AM of the following day, the vehicle will be removed from the street at the direction of the Chief of Police City Administrator, or his/her designee, of the city, and that removing or attempting to remove the device before a release is obtained is unlawful and containing such further information as the city shall deem necessary.

43.362 Impounding Immobilized Vehicle. Any vehicle immobilized under provisions of Section 43.265 360, which is not lawfully released from immobilization by 10:00 AM of the following day shall be impounded and placed in storage.

43.364 Removal of Immobilization Device. Any person who attempts without proper authority to remove any device installed or attached to a motor vehicle under Section 43.265 360 before a release is obtained or who attempts to move such vehicle without first obtaining a release shall may be punished by a fine of not more than \$500 or imprisonment not more than 100 days, or both.

CHAPTER 43
PARKING AND STANDING VEHICLES

43.366 Taking of Impounded Vehicle. Any person who attempts to take or drive away any motor vehicle impounded and stored by the city in any place, public or private, may be punished by a fine of not more than \$500 or imprisonment not more than 100 days, or both.

43.370 Removing Notice of Violation. Any person other than the owner or person lawfully in possession of such motor vehicle who shall removes a written notice of violations of Sections 43.110 210-.250 from the place where posted upon such vehicle, or who shall destroys or obstructs such notice shall may be punished by a fine of not more than \$500 or imprisonment not more than 100 days, or both.

43.380 Violations - Forfeitures. Violations of Sections 43.110-.275 .210 to 43.250 may be punishable by a fine in an amount set by resolution of the city council. Such fine shall be recoverable from the owner, or person in possession of the vehicle, or from said vehicle in the nature of an in rem proceeding. The Municipal Court of the city shall have authority to levy such penalty against such a vehicle in an in rem proceeding.

PENALTIES

43.990 Penalties. Bail schedules will be established by the City Council of Adair Village by resolution.