

ORDINANCE NO. 726

AN ORDINANCE ADDING STAYTON MUNICIPAL CODE SECTION 10.12.245, "ISSUANCE OF RESIDENTIAL PARKING PERMITS"; ADDING SECTION 10.12.246, "PARKING IN RESIDENTIAL PERMIT PARKING ZONES"; ADDING SECTION 10.12.247, "PARKING PERMIT VIOLATIONS"; AMENDING SECTION 10.16.400, "IMPOUNDMENT AND DISPOSITION OF VEHICLES: GENERAL REGULATIONS"; AMENDING SECTION 10.44.1010, "SPECIFIC PENALTIES"; AND DECLARING AN EMERGENCY.

WHEREAS, Stayton Municipal Code Title 10., "Vehicles and Traffic," provides administrative and enforcement procedures related to vehicular use of the city's streets and public ways; and

WHEREAS, Stayton Municipal Code Chapter 10.12 currently has no provision for the issuance of parking permits to park or stand a motor vehicle within a residential permit parking zone; and

WHEREAS, it is the intent of the Stayton City Council that residential parking permits be available to owners or operators of motor vehicles who reside on property adjacent to a street or other location within a residential permit parking zone; and

WHEREAS, Stayton Municipal Code Chapter 10.16, "Towing, Storage, and Impoundment of Vehicles," defines regulations whereby vehicles may be impounded under certain circumstances; and

WHEREAS, it is the intent of the city council of the City of Stayton that those certain circumstances shall include instances where the driver of a vehicle is arrested or detained for violation of local or state traffic regulations and is operating the vehicle with a license that has been suspended or revoked and/or the vehicle has not been insured according to state law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STAYTON hereby ordains as follows:

SECTION 1: Stayton Municipal Code Section 10.12.245, "Issuance of Residential Parking Permits," is hereby created to read:

10.12.245 ISSUANCE OF RESIDENTIAL PARKING PERMITS

1. A Residential Parking Permit shall be issued by the chief of police, or designate, upon application and without charge to the owner or operator of a motor vehicle who resides on property immediately adjacent to a street or other location within a residential permit parking zone.
2. The application for the permit shall contain the name of the owner or operator of the motor vehicle, residential address, and the motor vehicle's make and model. The owner or operator of any motor vehicle applying for a residential parking permit shall have a current and valid Oregon vehicle registration unless it is not legally required. The permit shall be renewed annually upon such conditions and procedures as the chief of police shall specify.

3. The chief of police is authorized to issue temporary residential parking permits to bona fide visitors at residences in designated residential parking zones.

SECTION 2.: Stayton Municipal Code Section 10.12.246, "Parking in Residential Permit Parking Zones," is hereby created to read:

10.12.246 PARKING IN RESIDENTIAL PERMIT PARKING ZONES

1. The holder of a residential parking permit which is properly displayed shall be permitted to stand or park the permitted motor vehicle operated by him in the appropriately designated residential parking zone.
2. While a motor vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed so as to be clearly visible in the vehicle's lower driver's side portion of the front windshield.
3. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential parking permit parking zone. A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in a parking meter zone or in such places or during such times as the stopping, standing, or parking of motor vehicles is prohibited or set aside for specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than parking in a residential parking permit zone.

SECTION 3.: Stayton Municipal Code Section 10.12.247, "Parking Permit Violations," is hereby created to read:

10.12.247 PARKING PERMIT VIOLATIONS

It shall be unlawful for:

1. Any person to represent that that person is entitled to a residential parking permit when not so entitled, to fail to surrender a permit to which that person is no longer entitled, or to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to it.
2. Any person to park in a designated residential permit parking zone without displaying a permit issued pursuant to this title.

SECTION 5.: Stayton Municipal Code Section 10.16.400, "Impoundment and Disposition of Vehicles: General Regulations," is amended to read:

10.16.400 IMPOUNDMENT AND DISPOSITION OF VEHICLES: GENERAL REGULATIONS

1. Disposition of a vehicle towed and stored under provisions of state law for the removal of hazardous vehicles shall be in accordance with provisions of state law on impoundment and disposition of vehicle constituting a hazard.
2. Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this title.

3. Whenever a traffic citation is issued or a physical arrest is made for violation of Oregon's Vehicle Code or local traffic ordinances and the driver's license is suspended or revoked, or the vehicle is without liability insurance as required by the Oregon Vehicle Code, or both, the vehicle shall be impounded and towed by a towing company approved by the Oregon State Police, at owner's expense and stored at owner's expense.
4. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
5. A vehicle abandoned in violation of provisions of state law relating to abandoned vehicles is subject to removal and sale in accordance with provisions of state law.
6. A vehicle which is stored in violation of the provisions of this code relating to storage of motor vehicles on streets is subject to removal and sale in accordance with provisions of state law on impoundment and disposition of abandoned vehicles--ORS 819.100 to 819.270.
7. Vehicles removed and impounded pursuant to Section 10.12.270 shall be taken to a public garage or other suitable place for storage of the vehicle, and kept until released or otherwise disposed of pursuant to this section.
  - a. The owner of the vehicle, or any person authorized by him to act on his behalf, may redeem the vehicle pursuant to the procedures of Sections 10.16.410 through 10.16.490.
  - b. A motor vehicle so impounded shall be held and, if not lawfully redeemed, shall be disposed of as provided in ORS 819.210 through 819.260. A certificate of sale referenced therein shall contain the following notice:

The City of Stayton makes no warranty as to the condition or title of the above-described vehicle. In the event this sale shall for any reason be invalid, the liability of the city is limited to return of the purchase price.

SECTION 6.: Stayton Municipal Code Section 10.44.1010, "Specific Penalties," is hereby amended to read:

10.44.1010                      SPECIFIC PENALTIES

1. Violation of any provision of Sections 10.36.810 to 10.36.870 and Sections 10.40.1010 to 10.40.1060 and is an infraction punishable by a forfeiture not to exceed one-hundred dollars (\$100.00).
2. Violation of any provision of Sections 10.12.220 (Parking Regulations) to 10.12.260, 10.32.810 (Pedestrians), and 10.28.710 to 10.28.720 (Bicycles) is an infraction punishable by a forfeiture not to exceed \$50.00.
3. Violation of Sections 10.12.245, 10.12.246, or 10.12.247 may result in the revocation of the residential parking permit of any permittee found to be in violation of this chapter and, upon written notification therefore, the permittee shall surrender such permit to the Stayton Chief of Police. Failure to surrender a residential parking permit so revoked shall constitute a violation of this chapter.

4. Violation of any provision of Section 10.16.400 (Towing, Storage, and Impoundment of Vehicles) is an infraction and punishable by a forfeiture not to exceed the cost of the towing bill, a \$50.00 impoundment fee, and, if the vehicle is stored in the city's impound lot, a storage fee in the amount of \$10.00 per day commencing at 00:01 hours on the day following the impoundment of the vehicle. If redemption is not made within thirty days after the vehicle is impounded, such vehicle shall be disposed of in accordance with provisions of state law.
5. Violation of a provision identical to a state statute is punishable by the penalty prescribed by the state statute.

SECTION 7.: It is hereby adjudged and declared that existing conditions are such that this ordinance amending the Stayton Municipal Code sections relating to vehicle impoundment and disposition procedures is necessary to serve the public health, safety, welfare, convenience, and environmental amenities of the City of Stayton and the inhabitants thereof, and this ordinance shall be in full force and effect when executed by the mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this 22 day of FEBRUARY, 1994.

Dated: 02-23-94

By: Willmer Van Vleet  
WILLMER VAN VLEET, Mayor

ATTEST

Dated: 02-23-94

By: David W. Kinney  
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Dated: FEB 23 1994

By: David A. Rhoten  
DAVID A. RHOTEN, City Attorney

mh:b