

ORDINANCE NO. 667

AN ORDINANCE AMENDING CITY CODE SECTIONS RELATING TO CONTROLLING VEHICLE AND PEDESTRIAN TRAFFIC, PROVIDING PENALTIES, AND REPEALING ORDINANCES.

THE CITY OF STAYTON ordains as follows:

SECTION 1: STAYTON CITY CODE SECTIONS 7.005 to 7.990 are hereby amended to read:

GENERAL PROVISIONS

7.005 SHORT TITLE, APPLICABILITY OF STATE TRAFFIC LAWS

1. This Ordinance may be cited as the City of Stayton Traffic Code.
2. Violation of provisions in Oregon Revised Statutes, chapters 153, 743, and 801 through 823, also known as the Oregon Vehicle Code, inclusive, as now constituted, is an offense against the City.
3. If any section or sections of the above described laws are hereafter declared to be invalid, unconstitutional, or unenforceable as regards the City of Stayton or the jurisdiction of the municipal court, it shall not affect any other section of said Code.

7.010 DEFINITIONS

In addition to those definitions contained in the Oregon Vehicle Code and except where the context clearly indicates a different meaning, the following words or phrases mean:

1. Bus Stop: A roadway space designated by sign for use by buses to load or unload passengers.
2. Business District: The territory contiguous to a street when fifty (50) percent or more of the frontage thereon for a distance of 600 feet or more on one side or 300 or more on both sides, is occupied by buildings used for business.

3. **Costs:** The expense of removing, storing, and selling an impounded vehicle.
4. **Holiday:** New Year's Day, Independence Day, Labor Day, Memorial Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the governing body to be a holiday.
5. **Loading zone:** A roadway space designated by sign for loading or unloading passengers or materials during specified hours or specified days.
6. **Motor Truck:** A motor vehicle that is primarily designed or used for carrying loads other than passengers.
7. **Motor Vehicle:** A vehicle that is self-propelled or designed for self-propulsion.
8. **Owner:** When referring to the owner of a vehicle means:
 - a. The person who holds the certificate of title and the registration of a vehicle and who is entitled to possession and use of the vehicle; or
 - b. If the certificate of title, registration and right to possession and use of a vehicle belong to different persons, the person, other than a security interest holder or lessor, entitled to possess and use the vehicle under a security agreement or a lease that has a term of ten (10) or more successive days.
9. **Park:** To stand, stop, or to cause or permit to remain stopped any vehicle or combination of vehicles, or any portion thereof, whether occupied or not, on any public street, public off-street, parking facility, or other public right-of-way, including sidewalks, except such stops as are made in response to legal controls or requirements, conditions created by other traffic, emergencies related to the operation of the vehicle during the actual period of such emergency, or temporary stops

for the purpose of and while actually engaged in loading or unloading property or passengers.

10. Person: A natural person, firm, partnership, association, or corporation.
11. Public Property: Includes any property in the City owned by or dedicated to the City, and shall also include areas commonly used for public parking, whether owned by the City or not.
12. Street: Highway, road, or street as defined in ORS 801.110, 801.305, 801.450, and 801.535, including the entire width of the right-of-way.
13. Taxicab stand: A roadway space designated by sign for taxicab use.
14. Traffic Lane: That area of the roadway used for a single line of traffic movement.
15. Vehicle: As used in Sections 7.150 to 7.370 of this Code, includes bicycles.

TRAFFIC CONTROL

7.100 ADMINISTRATION: POWERS OF THE COUNCIL

1. Subject to state laws, the Council shall exercise all municipal traffic authority for the City, except those powers specifically and expressly delegated herein or by another section of this Code.
2. The powers of the Council shall include, but not be limited to:
 - a. Designation of through streets
 - b. Designation of one-way streets
 - c. Designation of truck routes
 - d. Designation of bicycle routes
 - e. Designation of parking meter zones

- f. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
- g. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law.
- h. Initiation of proceedings to change speed zones.
- i. Revision of speed limits in parks.

7.105 ADMINISTRATION: DUTIES OF THE POLICE CHIEF

The City Council may, by resolution, authorize the Chief of Police or his designate to exercise the following duties:

- 1. Implement ordinances, resolutions, and motions of the Council and his own orders by installing, maintaining, removing, and altering traffic control devices. Installation shall be based on standards contained in the Manual on Uniform Traffic Control Devices for Streets and Highways and the Oregon Supplements.
- 2. Establish, remove, or alter the following classes of traffic controls:
 - a. Crosswalks, safety zones, and traffic lanes.
 - b. Intersection channelization and areas where vehicle drivers shall not make right, left, or u-turns and the time when the prohibition applies.
 - c. Parking areas and time limitations including the form of permissible parking (e.g., parallel or diagonal).
- 3. Issue oversize or overweight vehicle permits.
- 4. Temporarily close or block streets.

7.110 ADMINISTRATION: PUBLIC DANGER

1. Under conditions constituting a danger to the public, the Police Chief or his designate may install temporary traffic control devices (or procedures) deemed by him to be necessary.

7.115 ADMINISTRATION: STANDARDS

The regulations of the Police Chief or his designate shall be based upon:

1. Traffic engineering principles and traffic investigations.
2. Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
3. Other recognized traffic control standards.

7.120 ADMINISTRATION: AUTHORITY OF POLICE OFFICERS AND FIRE FIGHTERS

1. It is the duty of police officers to enforce the provisions of this traffic code.
2. In the event of a fire or other public emergency, officers of the police department and fire district may direct traffic as conditions require, notwithstanding the provisions of this Chapter.

7.150 GENERAL REGULATIONS: CROSSING PRIVATE PROPERTY

No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property to procure or provide goods or services.

7.155 GENERAL REGULATIONS: UNLAWFUL RIDING

1. No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not

apply to an employee engaged in the necessary discharge of duty or to a person riding within a truck body in space intended for merchandise.

2. No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

7.160 GENERAL REGULATIONS: SLEDS ON STREETS

No person shall use the streets for traveling on roller-skates, skateboards, skis, toboggans, sleds, or similar devices except where authorized by the Chief of Police.

7.165 GENERAL REGULATIONS: DAMAGING SIDEWALKS AND CURBS

1. The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.
2. No unauthorized person shall place dirt, wood, or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.
3. No person shall remove a portion of a curb or move a motor vehicle or device moved by motor vehicle upon a curb or sidewalk without first obtaining authorization and posting a bond if required by ordinance. A person who causes damage shall be held responsible for the cost of repair.

7.175 GENERAL REGULATIONS: STORAGE OF MOTOR VEHICLES AND PERSONAL PROPERTY ON STREETS

Except as otherwise provided in Section 6.410, no person shall store or permit to be stored on a street or other public property, a motor vehicle or other personal property for a period in excess of 48 hours. Failure to move a motor vehicle or other personal property for a period of 48 hours constitutes prima facie evidence of storage.

- a. Personal property which is stored in violation of the provisions of this Code relating to storage of personal property on streets is subject to removal

and disposal in accordance with Sections 2.230 to 2.236 of this Code.

7.180 GENERAL REGULATIONS: TRUCKING STREETS

When the use of certain streets is prohibited to trucks exceeding a specific weight, no person shall operate a truck on such streets contrary to such prohibition, except for the purpose of delivering or picking up materials or merchandise, and then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.

PARKING REGULATIONS

7.200 PARKING REGULATIONS: METHOD OF PARKING

1. Where parking space markings are placed on a street or public lot, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
2. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park within that space, and no other vehicle operator shall attempt to interfere.
3. Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless otherwise directed by police or fire officers.

7.205 PARKING REGULATIONS: PROHIBITED PARKING OR STANDING

NO PERSON SHALL PARK OR STAND:

1. A vehicle in violation of the Oregon Vehicle Code or in violation of an official parking limitation sign or device.

2. A vehicle in an alley except for a stop of not more than thirty (30) consecutive minutes for loading or unloading persons or material.
3. A motor truck as defined by the Oregon Motor Vehicle Code on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation. Repositioning of the truck from one parked position to another parked position on either side of the street within the same block and within a thirty (30) minute period shall not be treated as interrupting the continuity of the time said truck has been parked for the purpose of this Ordinance.

7.210 PROHIBITED PRACTICES

No operator shall park a vehicle, and no owner shall allow a vehicle to be parked, on a street or other public property for the principal purpose of:

1. Displaying the vehicle for sale; or
2. Repairing or servicing the vehicle except while making repairs necessitated by an emergency; or
3. Displaying temporary advertising from the vehicle; or
4. Selling merchandise from the vehicle except when authorized by the City Council.

7.215 USE OF LOADING ZONE

No person shall park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed thirty (30) minutes.

7.220 PARKING REGULATIONS: UNATTENDED VEHICLES

The conduct described in Oregon Revised Statutes 811.585, Failure to Secure Motor Vehicle, as now constituted, is an offense against the City, and applies on any premises open to the public.

7.225 PARKING REGULATIONS: STANDING OR PARKING OF BUSES AND TAXICABS

The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

7.230 PARKING REGULATIONS: RESTRICTED USE OF BUS AND TAXICAB STANDS

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

7.235 PARKING REGULATIONS: LIGHTS ON PARKED VEHICLES

No lights need be displayed upon a vehicle that is parked in accordance with this traffic code upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

7.240 PARKING REGULATIONS: EXTENSION OF PARKING TIME

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

7.245 EXEMPTIONS

The provisions of this Ordinance that regulate the parking or standing of vehicles do not apply to:

1. A city, county, state, or public utility vehicle being used for public works maintenance, construction, or repair work.
2. A vehicle owned by the United States being used for collection, transportation, or delivery of mail.
3. A vehicle of a disabled person who complies with the provisions of ORS 801.235 and ORS 811.600 to 811.600 to 811.640.

**7.250 TO 7.299 RESERVED FOR PARKING METERS, PARKING PERMITS,
ETC.**

7.300 RIGHT ANGLES

A pedestrian shall cross a street at right angles unless crossing within a marked crosswalk.

**7.315 PARKING CITATIONS AND OWNER RESPONSIBILITY: METHOD
OF CHARGING PARKING VIOLATIONS**

1. Whenever any officer having enforcement responsibility as provided in Section 7.120 shall have reasonable cause to believe that a vehicle that is parked in violation of any of the provisions of Section 7.200 through 7.245 or applicable state law, the officer shall issue a citation in conformance with Oregon Revised Statutes 221.340 and file the original thereof with the Parking Citation Clerk, City of Stayton, who shall retain the citation as ex officio clerk of and subject to the direction of the municipal court.
2. The notice provided in Subsection a. of this section shall either be delivered to the defendant or placed in a conspicuous place on the vehicle involved in the violation. A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other respects the procedure otherwise provided by law in such cases shall be filed. The issuing officer need not have observed the act of parking, but need only have observed that the vehicle appeared to be parked in violation of applicable city ordinance or state law.

7.316 FORFEITURE

1. Before midnight of the fourteenth day following the date of the alleged violation, any person charged with a violation of the Stayton traffic code or applicable state statute may, without personal appearance before the municipal judge, make a forfeiture deposit in the amount shown on the citation charging such offense, which amount shall be for an alleged violation of Stayton traffic code or applicable state statute, as follows:

OVERTIME PARKING	\$ 5	7.205
WRONG DIRECTION	\$ 5	7.200
PARKING WITHIN 20' OF CROSSWALK	\$ 5	ORS 811.550(17)
PARKING WITHIN 10' OF FIRE HYDRANT	\$ 5	ORS 811.550(16)
PARKING WITHIN 50' OF TRAFFIC CONTROL DEVICE	\$ 5	ORS 811.550(18)
DISPLAYING FOR SALE	\$ 5	7.210
DISPLAYING ADVERTISING	\$ 5	7.215
LOADING ZONE	\$10	7.215
PARKING ON SIDEWALK	\$10	ORS 811.550(4)
BLOCKING DRIVEWAY	\$10	ORS 811.550(15)
PARKING ON BICYCLE LANE/PATH	\$10	ORS 811.550(23) ORS 811.550(24)
PARKING IN ALLEY	\$10	7.205
NO PARKING ZONE	\$25	7.205
DISABLED PERSON ZONE	\$25	ORS 811.615(1)
PARKING WITHIN INTERSECTION	\$25	ORS 811.550(5)
DOUBLE PARKING	\$25	ORS 811.550(3)
UNLAWFUL VEHICLE STORAGE	\$25	7.175
UNLAWFUL REPAIRING/SERVICING	\$25	7.210
OTHER		\$10

2. After the period set forth in Subsection (1) of this section, and before midnight of the thirtieth day following the date of the alleged offense, any person so charged may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this subsection. If the amount under Subsection (1) of this section for the alleged violation is:
 - a. \$5.00 (Five dollars), then the forfeiture shall be \$10.00 (Ten dollars).
 - b. \$10.00 (Ten dollars), then the forfeiture shall be \$20.00 (Twenty dollars).
 - c. \$25.00 (Twenty five dollars), then the forfeiture shall be \$50.00 (Fifty dollars).
3. The judge hearing municipal ordinance matters may, in the exercise of his discretion and where he deems cause to exist thereof in a particular case, remit all or any portion of the forfeiture set forth in this section.
4. Effect of Forfeiture Deposit Not Accompanied by Answer: Whenever a person charged with a violation of Stayton traffic code or applicable state statute makes a forfeiture deposit in the sum fixed pursuant to 7.316, but does not enter his answer either personally or in writing, such deposit shall be deemed an answer of "no contest," except that, if the deposit is accompanied by a writing which does not specifically state an answer, the municipal judge may, in his discretion, treat the writing as either an answer of "no contest" or an answer of denial, depending on the tenor of the defendant's statement as to the material facts of the alleged violation, or may require that the defendant enter a specific answer within seven (7) days, failure to enter which shall be deemed an answer of "no contest."
5. Plea of Defendant: Any person charged with a violation of Stayton traffic code or applicable state statute shall plead either guilty, not guilty, or no contest to the charge by:

- a. Appearing before the municipal judge and entering his plea in open court;
 - b. Entering his plea in writing, by regular mail or personal delivery, accompanied by the sum fixed as bail pursuant to Stayton Traffic Code 7.316;
 - c. Depositing bail without a specific plea as provided in Stayton Traffic Code 7.316.
6. Powers of Court Upon 'No Contest' Plea: Upon entry of a plea of "no contest" as provided in Stayton Traffic Code 7.316, the Court may consider any oral or written statement given by the defendant, and may, on its own motion and in the interest of justice, order the charge dismissed and any bail returned to the defendant. Unless the Court dismisses the charge, the Court shall enter a judgment of conviction upon a plea of "no contest."

7.317 Failure to Comply with Parking Citation

When a vehicle is found parked in violation of Stayton Traffic Code 7.200 through 7.245 or applicable state statute and the vehicle has five (5) or more outstanding citations or \$100 or more in unpaid fines, any officer charged with the enforcement of this Chapter pursuant to Stayton Traffic Code 7.120 May, in addition to or in lieu of issuing a parking citation, cause such vehicle to be impounded pursuant to this section and Section 7.320, and an impounded vehicle shall not be released until all outstanding fines and charges are paid.

7.318 OWNER RESPONSIBILITY

The owner of a vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.

7.319 REGISTERED OWNER PRESUMPTION

In a prosecution of a vehicle owner charged with a violation of a parking restriction in this Code or applicable state law, proof that at the time of the

alleged violation the vehicle was registered with the appropriate vehicle licensing authority of any state as belonging to the defendant shall raise a disputable presumption that the defendant was the owner in fact.

IMPOUNDMENT AND PENALTIES

7.320 IMPOUNDMENT OF VEHICLES

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 Code.
3. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
4. 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.
5. 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.
6. Vehicles removed and impounded pursuant to 7.317 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 Stayton code sections 7.630 through 7.700.

- 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.

7.330 PARADES AND PROCESSIONS: PROHIBITED ACTIVITY

No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of any procession of people using the public right-of-way and consisting of ten (10) or more persons or five (5) or more vehicles except that this provisions shall not apply to funeral processions in accordance with 7.340.

7.331 PARADES AND PROCESSIONS: PARADE PERMIT

1. Application for parade permits shall be made to the Police Chief at least thirty (30) days prior to the intended date of the parade unless the time is waived by him.
2. Applications shall include the following information:
 - a. The name and address of the person responsible for the proposed parade.
 - b. The date of the proposed parade.
 - c. The desired route, including assembling points.
 - d. The number of persons, vehicles, and animals which will be participating in the parade.
 - e. The proposed starting and ending times.

- f. The application shall be signed by the person designated as chairman.
3. The Chief of Police shall issue a parade permit incorporating the terms set out in items a. to e. of the application conditioned on the applicant's written agreement to comply with terms of the permit unless the Chief of Police finds that:
 - a. The time, route, and size of the parade will disrupt the movement of other traffic to an unreasonable extent.
 - b. The parade is of a size or nature that requires the diversion of so great a number of law enforcement officers to properly police the line of movement and contiguous areas that allowing the parade would deny reasonable law enforcement protection to the jurisdiction.
 - c. The parade will interfere with another parade or other activity for which a permit has been issued.
 - d. Information contained in the application is found to be false or a material detail is omitted.
 - e. The applicant refuses to agree to abide by or comply with all conditions of the permit.
4. If one or more of the conditions listed in Sub-section 3., other than Subpart e., exists, the Chief of Police may include provisions in the permit that are necessary to alleviate the conditions, including but not limited to:
 - a. Requiring an alternate date;
 - b. Requiring an alternate route;
 - c. Restricting the size of the parade.
5. The Police Chief shall notify the applicant of his decision within fourteen (14) days of receipt of the application.

6. If the Police Chief proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the Council.

7.332 PARADES AND PROCESSIONS: APPEAL TO COUNCIL

1. An applicant may appeal the decision of the Police Chief by filing a written request of appeal with the City Administrator within seven (7) days after the Police Chief has proposed alternatives or refused to issue a permit.
2. The Council shall schedule a hearing date which shall not be later than the second regular sessions following the filing of the written appeal with the City Administrator, and shall notify the applicant of the date and time that he may appear either in person or by a representative.
3. Any determination by the Council shall be final.

7.333 PARADES AND PROCESSIONS: OFFENSES AGAINST PARADE

1. No person shall unreasonably interfere with a parade or a parade participant.
2. No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

7.334 PARADES AND PROCESSIONS: PERMIT REVOCATION

The Chief of Police may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

7.340 PARADES AND PROCESSIONS: FUNERAL PROCESSIONS

1. A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
2. The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
3. All motor vehicles in the procession shall be operated with their headlights turned on.

4. No person shall unreasonably interfere with a funeral procession.
5. No person shall operate a vehicle that is not part of the procession between the vehicles of a funeral procession.

7.341 PARADES AND PROCESSIONS: DRIVERS IN PROCESSIONS

Except when approaching a left turn, each driver in a funeral procession shall drive along the right hand traffic lane and shall follow the vehicle ahead as closely as is practicable and safe.

BICYCLES

7.400 BICYCLES: OPERATING RULES

In addition to observing all other applicable provisions of this traffic code and state law pertaining to bicycles, a person shall:

1. Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway, or building entrance. A person shall not leave a bicycle in violation of the provisions relating to the parking of motor vehicles.
2. Not ride or operate a bicycle upon a sidewalk in a business district. A person riding a bicycle upon a sidewalk in any public place other than a business district shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian (475).

7.410 TO 7.449 RESERVED FOR LICENSING, RENTING, SELLING OF BICYCLES, ETC.

7.450 BICYCLES: IMPOUNDING OF BICYCLES

1. No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

2. A bicycle left on public property in excess of twenty-four (24) hours may be impounded by the police department.
3. In addition to any citation issued, any bicycle parked in violation of this traffic code may be immediately impounded by the police department.
4. If a bicycle impounded under this ordinance is licensed, or other means of determining its ownership exists, the police shall make reasonable effort to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.
5. A bicycle impounded under this ordinance which remains unclaimed shall be disposed of in accordance with Sections 2.230 to 2.236 of this Code.

VEHICLE TOWING, STORAGE, RECLAMATION

7.630 TOWING AND STORAGE OF VEHICLES

1. In the enforcement and execution of the provisions of Section 7.320, the City may contract the services of one or more competent towing service firms for the removal and storage of motor vehicles taken into custody of the City for any reason. The Council shall by ordinance establish a schedule of maximum charges for storage of such motor vehicles, which shall apply to vehicles stored by the City.
2. Where a private business is used, the following conditions shall apply:
 - a. The City shall not be liable for services rendered by a private towing service from any source other than such amounts as may be collected from the owner on redemption, or from a purchaser upon sale, after the City deducts its expenses, unless the City is the purchaser of the vehicle.
 - b. The vehicle shall not be released from the private towing service except upon a receipt,

signed by the Police Chief. proffered by the purchaser.

3. A towing service firm which, at the request of the City, takes a vehicle into custody shall have a lien on the vehicle and its contents for the just and reasonable towing charges, may retain possession of the vehicle and its contents until the charges are paid, and may cause the vehicle and its contents to be sold at public auction pursuant to Stayton Code Section 7.644. If the appraised value of the vehicle is \$750 or less, the vehicle and its contents shall be disposed of in the manner provided in Stayton Code Section 7.646.

7.631 REASONABLE STORAGE CHARGE

The maximum charge per day for storage of a motor vehicle towed and stored pursuant to Stayton Code Section 7.320 is \$10.00, which shall apply when the vehicle is stored by the City.

7.634 NOTICE TO OWNER

1. If a motor vehicle is taken into the custody of the city, the Chief of Police shall make reasonable efforts to ascertain the names and addresses of the registered owner and the legal owner, if any, and the person entitled to possession.
2. If the names and addresses of such owners or persons entitled to possession or either of them can be ascertained, the Chief of Police shall cause notice to be mailed within forty-eight (48) hours of the date of recovery, addressed to the registered owner of the vehicle and a similar letter addressed to the legal owner, if any. Such notice shall include the following information:
 - a. The statute or ordinance or rule under which the vehicle has been taken into custody or removed;
 - b. The location where the vehicle may be redeemed by the owner or person entitled to possession upon satisfactory proof of ownership or right to possession;

- c. That a lien has arisen on the vehicle in favor of the person who towed the vehicle for just and reasonable towing and storage charges;
 - d. The amount of any fines or bail which must be paid or posted pursuant to Stayton Code Section 7.317;
 - e. The date after which the vehicle will be subject to public sale;
 - f. That a hearing on the validity of the tow and on the creation and amount of the lien may be had if requested within five (5) days of mailing of the notice;
 - g. That the costs of hearing may be assessed against the vehicle owner.
3. Actual notice of a tow may be given personally to the owner or person entitled to possession. Such actual notice must include all the information required under Subsection 2. of this section. Actual notice may be used in lieu of the mailed notice required by Subsection 2.

7.635 HEARING

- 1. Upon written request of the legal owner or the registered owner or any other person who reasonably appears to have an interest in the vehicle, delivered to the municipal court, a hearing shall be held before the municipal judge. The written request shall state the grounds upon which the person requesting the hearing believes that the removal and custody of the vehicle is not justified.
- 2. The hearing shall be set and conducted within two (2) regular court days of receipt of the request, holidays, Saturdays, and Sundays not included. The hearing can be set for a later date if the owner or person entitled to possession so requests. At the hearing the owner may contest:
 - a. The validity of the action of the enforcement officer in taking the vehicle into custody;

- b. The reasonableness of the charge set for towing and storage of vehicle. Towing and storage charges set by ordinance or by contract entered into pursuant to ordinance are presumed to be reasonable for the purpose of this section;
3. The City shall have the burden of showing the validity of the taking of the vehicle;
4. At any time prior to the requested hearing, the owner or the person entitled to possession of the vehicle may regain possession of the vehicle as provided by Stayton Code Section 7.638 by depositing with the City security in the form of cash in an amount sufficient to cover costs of removing and storage and any fines or bails owed pursuant to Stayton Code Section 7.317.
5. If the municipal judge finds that:
 - a. The action of the City in taking the vehicle into custody was proper, the municipal judge shall enter an order supporting the removal and may assess costs of the hearing against the person requesting the hearing.
 - b. The action of the enforcement officer in taking the vehicle into custody was invalid, the judge shall:
 - i. Order the vehicle released to the owner;
 - ii. Find that the owner is not liable for any owing or storage charges occasioned by the taking;
 - iii. Order the city to satisfy the towing and storage lien.
6. If the person requesting the hearing does not appear at the scheduled hearing, the municipal judge may enter an order supporting the removal and assessment of towing and storage costs and apply any security posted against such costs.
7. The action of the municipal judge pursuant to this section is final.

7.638 OWNER RECLAIMING VEHICLE

The legal owner, registered owner, or person entitled to possession of an unclaimed vehicle may reclaim such vehicle any time after it is taken into custody, and before it is sold upon presentation of satisfactory proof of ownership or right of possession to the chief of police and payment of towing and storage charges or posting of security required under this Chapter.

7.642 APPRAISAL OF UNCLAIMED VEHICLES

Within ten (10) days of any motor vehicle coming into the custody of the City for any reason, the Chief of Police shall cause such vehicle to be appraised by a person possessing a valid appraiser certificate under state law.

7.644 DISPOSITION OF MOTOR VEHICLE VALUED GREATER THAN \$750.00

Any motor vehicle appraised at a value greater than \$750.00 under Stayton Code Section 7.642 and not redeemed for a period of thirty (30) days after the date of mailing notice pursuant to Stayton Code Section 7.634, or the taking of the vehicle into the custody of the City, whichever is later, may be disposed of by the Chief of Police in accordance with ORS 819.210 to 819.260.

7.646 DISPOSITION OF MOTOR VEHICLE APPRAISED AT \$750.00 OR LESS

Any motor vehicle appraised at a value of \$750.00 or less under Stayton Code Section 7.642 and which remains unclaimed and unredeemed for a period of thirty (30) days after the date of mailing of notice pursuant to Stayton Code Section 7.634 or the taking of the vehicle into custody by the City, whichever is greater, may be disposed of in accordance with ORS 819.210 to ORS 819.260. No such vehicle shall be sold or transferred to any person without first requiring such person comply with the provisions of and execute the forms required by ORS 819.220.

7.650 TO BE HELD AT EXPENSE OF OWNER

Except as provided in Stayton Code Section 7.635(4), unclaimed motor vehicles which come into the custody, actual or constructive, of the City for any reason shall be held at the expense of the owner and any costs incurred by the City in finding, transportation, giving of notice, storage, care, and custody of such property shall be paid by the owner or other person lawfully entitled to possession thereof before such property may be released.

PENALTIES

7.990 SPECIFIC PENALTIES

1. Violation of any provision of Sections 7.150 to 7.180 and 7.330 to 7.341 is an infraction punishable by a forfeiture not to exceed \$100.00.
2. Violation of any provision of Sections 7.200 (Parking Regulations) to 7.305 (Pedestrians) and 7.400 to 7.450 (Bicycles) is an infraction punishable by a forfeiture not to exceed \$50.00.
3. Violation of a provision identical to a state statute is punishable by the penalty prescribed by the state statute.

SECTION 2: STAYTON ORDINANCE NUMBERS 232(b), 286, 386, 387, 421, 475, 501, 502, 504, 508, 538, 558, 564, 572, 591, and 625 ARE HEREBY REPEALED in their entirety.

SECTION 3: STAYTON CITY CODE SECTIONS 7.170, 7.185, 7.190, 7.193, 7.194, 7.490, 7.500, 7.505, 7.510, 7.515, 7.520, 7.525, 7.530, 7.535, and 7.540 ARE HEREBY REPEALED in their entirety.

SECTION 4: SEVERABILITY CLAUSE

The sections and subsections of this Ordinance are severable. The invalidity of a section or subsection shall not affect the validity of the remaining sections or subsections.

