

ORDINANCE NO. 958

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 10, CHAPTERS 10.04, 10.08, 10.12, 10.16, 10.36, 10.40 RELATING TO VEHICLES AND TRAFFIC.

WHEREAS, the City of Stayton City Council presently requested staff amend Title 10 to address issues related to parking on the City Streets and while amending Title 10, City staff found numerous housekeeping clarifications that needed to be addressed in the Stayton Municipal Code ("SMC");

WHEREAS, SMC Title 10.04 General Provisions had several definitions that were outdated and needed to be updated;

WHEREAS, SMC Title 10.08 needed several "housekeeping" language issues revised and the ability for staff to make traffic control changes in regards to parking and signage;

WHEREAS, SMC Title 10.12 Stopping, Standing, and Parking regulates parking on the city streets. The Stayton City Council requested this SMC be revised to address concerns regarding citizens leaving trailers on the street;

WHEREAS, SMC Title 10.12 sets size limits for on street parking. These size limits were out of date for current passenger vehicle sizes;

WHEREAS, SMC Title 10.12 needed several "housekeeping" language issues revised;

WHEREAS, SMC Title 10.16 needed several "housekeeping" language issues resolved and updates to allow vehicles to be removed from the public right of way for maintenance issues and events;

WHEREAS, SMC Title 10.36 needed several "housekeeping" language issues resolved, language to designate events and parades, language giving exclusive rights to the organizer and language to protect the City's interests;

WHEREAS, SMC Title 10.40 needed several "housekeeping" language issues resolved; and

WHEREAS, it is the City's desire to amend Title 10.

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. Stayton Municipal Code 10 Chapter .04, .08, .12, .16, .36, .40 relating to Vehicles and Traffic is amended to read as set forth in Exhibit A., attached hereto as incorporated herein; replacing and superseding the current text of SMC Title 10 Chapter .04, .08, .12, .16, .36, .40.

SECTION 2. Non-emergency. Upon enactment by the Stayton City Council and the Mayor's signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL this 7th day of October, 2013.

Signed: 10-7-2013

CITY OF STAYTON
By: [Signature]
A. Scott Vigil, Mayor

Signed: 10-8-2013

ATTEST
By: [Signature]
Christine Shaffer, Interim City Administrator

APPROVED AS TO FORM:
[Signature]
David A. Rhoten, City Attorney

TITLE 10. VEHICLES AND TRAFFIC

CHAPTER 10.04

GENERAL PROVISIONS

SECTIONS

- 10.04.010 Citing Title
- 10.04.020 Definitions
- 10.04.030 Oregon Vehicle Code Adopted: Applicability

10.04.010 CITATION

This Title may be cited and referred to as the City of Stayton Traffic Code.

10.04.020 DEFINITIONS

The words and phrases defined and used in the Oregon Revised Statutes are hereby adopted and shall be so defined and used in this code unless defined differently below. 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. **COSTS:** The expense of removing, storing, and selling an impounded vehicle.
3. **LOADING ZONE:** A roadway space designated by sign for loading or unloading passengers or materials during specified hours or specified days.
4. **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.
5. **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.

TITLE 10. VEHICLES AND TRAFFIC

6. **STREET:** Alley, highway, roadway, or throughway, including the entire width of the right-of-way.
7. **TAXICAB STAND:** A roadway space designated by sign for taxicab use.
8. **TRAFFIC LANE:** That area of the roadway used for a single line of traffic movement.
9. **VEHICLE:** Any device in upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means including bicycles.

10.04.030

OREGON VEHICLE CODE ADOPTED: APPLICABILITY

1. The statutes and regulations of the State of Oregon and Marion County, Oregon, shall apply. Accordingly, the City of Stayton shall have the right to prosecute thereunder.
2. If any section or sections of the above described laws are hereafter declared to be invalid, unconstitutional, or unenforceable as in regards to the city of Stayton or the jurisdiction of the municipal court, it shall not affect any other section of the SMC.

TITLE 10. VEHICLES AND TRAFFIC

CHAPTER 10.08

ADMINISTRATION AND ENFORCEMENT

SECTIONS

10.08.110	Administration: Council Authority
10.08.120	Administration: Police Chief Authority
10.08.130	Authority to Direct Traffic: Public Danger
10.08.140	Basis of Traffic Regulations and Standards
10.08.150	Authority of Police and Fire Officers

10.08.110 ADMINISTRATION: COUNCIL AUTHORITY

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 Title.
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 meters, parking zones, and permit 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.

TITLE 10. VEHICLES AND TRAFFIC

10.08.120 ADMINISTRATION: POLICE CHIEF AUTHORITY

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

1. Enforce ordinances, resolutions, and motions of the Council and the Chief of Police's own orders by installing, maintaining, removing, and altering traffic control devices. Installation shall be based on standards contained in the most current edition of 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, parking, signage, 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.

10.08.130 AUTHORITY TO DIRECT TRAFFIC: PUBLIC DANGER

Under conditions constituting a danger to the public, the Police Chief or designee may install temporary traffic control devices (or procedures) deemed to be necessary for the public safety.

10.08.140 BASIS OF TRAFFIC REGULATIONS AND STANDARDS

The regulations of the Police Chief or designee 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.

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10.08.150 AUTHORITY OF POLICE AND FIRE OFFICERS

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.
3. In the event a police officer initiates a traffic stop within the Stayton city limits that continues outside the Stayton city limits, the police officer shall, if necessary, dispose of the vehicle as if the vehicle were located within the Stayton city limits.

TITLE 10. VEHICLES AND TRAFFIC

CHAPTER 10.12

STOPPING, STANDING AND PARKING

SECTIONS

10.12.210	Applicability of Provisions
10.12.220	Parking Spaces: Use Required
10.12.230	Parking Spaces: Use Priority
10.12.240	Prohibited Parking or Standing
10.12.245	Issuance of Residential Parking Permits
10.12.246	Parking in Residential Permit Parking Zones
10.12.247	Parking Permit Violations
10.12.250	Parking Citation: Issuance
10.12.260	Parking Citation: Forfeitures
10.12.270	Parking Citation: Impoundment of Vehicles for Failure to Comply
10.12.280	Parking Citation: Owner Responsibility
10.12.290	Parking Citation: Registered Owner Presumption
10.12.300	Extension of Parking Time
10.12.310	Parking for Certain Purposes Prohibited
10.12.320	Storage of Vehicles on Streets
10.12.330	Obstruction of Emergency Response
10.12.340	Loading Zone Restrictions
10.12.350	Unattended Vehicle: Authorized Key Removal
10.12.360	Buses and Taxis: Business District Restrictions
10.12.370	Buses and Taxis: Restricted Use of Stands by Other Vehicles

10.12.210 APPLICABILITY OF PROVISIONS

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

1. A city, county, state, federal, or public utility vehicle being used for official purposes.
2. A vehicle of a disabled person in compliance with Oregon Laws.

10.12.220 PARKING SPACES: USE REQUIRED

Where parking space markings are placed on a street or public lot, no person shall stand or park a vehicle outside of a marked space unless the size or shape of the vehicle makes

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compliance impossible. A vehicle must fit within a parking space designated as “compact” parking space regardless of the vehicle size or shape.

When vehicles are parked or stopped on the public right of way, they must be parked in the direction of travel.

10.12.230 PARKING SPACES: USE PRIORITY

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.

10.12.240 PROHIBITED PARKING OR STANDING

No person shall park or stand:

1. A vehicle in violation of the Oregon Revised Statutes 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 vehicle or trailer designed to be towed by a vehicle, on a street or parking strip within the city at any time if the motor truck, truck tractor, trailer, or pull trailer, or any combination thereof, is longer than 40 feet, wider than 8 feet 6 inches) or weighs in excess of 26,000 Gross Vehicle Weight (GVW), or any vehicle that requires an Oregon Commercial Driver’s License (“commercial licensed driver”) except:
 - a. A motor truck and/or trailer requiring a commercially licensed driver may be parked on a public street for up to 48 hours in the Industrial Park of Stayton (Rogue Ave, Willamette Ave, and Deschutes Dr.)
4. A trailer designed to be pulled by another vehicle that is left unattached from the tow vehicle except:
 - a. When engaged in the delivery or receipt of cargo and when no facilities for the receipt or discharge of the cargo exists except from the street or parking strip; or
 - b. When the person in charge is immediately engaged in the maintenance or repair of public or private property adjacent to a street or parking strip and no off-street parking is reasonably available; or

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- c. When a vehicle is parked in compliance with a camping permit which has been issued pursuant to SMC 8.12.630.
 - d. A recreational vehicle or trailer, parked in front of the residence of the owner, for a period not to exceed 72 hours for the purpose of preparation of use or clean up after use.
 - e. A utility trailer used for the purpose of a temporary construction/landscape project at the location/address it is parked at for a period not to exceed 72 hours.
5. No person in charge of any vehicle or trailer engaged in the delivery or receipt of cargo under the circumstances authorized in subsection 4 of this section shall park in such a manner that any part thereof shall project or be more than fifteen (15) feet into the street when measured at right angles from the face of the curb nearest to the motor truck, truck tractor, trailer, or pull trailer.

10.12.245

ISSUANCE OF RESIDENTIAL PARKING PERMITS

1. A Residential Parking Permit shall be issued by the Chief of Police, or designee, 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.

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.

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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.

10.12.247 PARKING PERMIT VIOLATIONS

It shall be unlawful for:

1. Any person who represents they are a person who is entitled to a residential parking permit when not so entitled to one.
2. Any person who fails to surrender a permit when the person is no longer entitled to it.
3. Any person who parks a vehicle displaying a residential parking permit at any time when that person is not entitled to it.
4. Any person to park in a designated residential permit parking zone without displaying a permit issued pursuant to this title.

10.12.250 PARKING CITATION: ISSUANCE

1. In the event there is reasonable cause to believe that a vehicle is parked in violation of any of the provisions of Sections 10.12.210 through 10.12.370, or applicable state law, a citation (an unsworn written notice) in conformance with Oregon Law may be issued and the original filed with the , City of Stayton, and the court with jurisdiction over municipal ordinance matters.
2. The notice (which may be a copy of the citation issued) provided for above 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 followed. 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 SMC or Oregon law.

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10.12.260

PARKING CITATION: FORFEITURES

1. **Bail Forfeiture within 30 Days of Violation:** Before midnight of the thirtieth day following the date of the alleged violation, any person charged with a violation of the SMC or applicable state statute may, without personal appearance before the judge hearing municipal ordinance matters, make a forfeiture deposit in the amount stated in the ‘Fees and Charges’ resolution set by City Council for the following offenses:

Overtime Parking	SMC 10.12.240
Wrong Direction	ORS 811.570 (1)
Parking within 20' of Crosswalk	ORS 811.550(17)
Parking within 10' of Fire Hydrant	ORS 811.550(16)
Parking within 50' of Traffic Control Device	ORS 811.550(18)
Displaying for Sale	SMC 10.12.310
Displaying Advertising	SMC 10.12.310
Loading Zone	SMC 10.12.340
Parking on Sidewalk	ORS 811.550(4)
Blocking Driveway	ORS 811.550(15)
Parking on Bicycle Lane/Path	ORS 811.550(23), 811.550(24)
Parking in Alley	SMC 10.12.240
No Parking Zone	SMC 10.12.240
Disabled Person Zone	ORS 811.615(1)
Parking Within Intersection	ORS 811.550(5)
Double Parking	ORS 811.550(3)
Unlawful Vehicle Storage	SMC 10.40.950
Unlawful Repairing, Servicing	SMC 10.12.260
Other	

2. **Bail Forfeiture 31 to 60 days from day of Violation:** After the period set forth in Subsection (1) of this section, and before midnight of the sixtieth 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 paid after the designated time, the amount doubles the amount under Subsection (1) of this section. For example a \$10.00 fee would become \$20.00.

3. **Bail Forfeiture 61 days or more from date of Violation:** After the period set forth in Subsection (2) of this section, 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 paid after the designated time, the amount is four times the amount under Subsection (1) of this section. For example a \$10.00 fee would become \$40.00 and a \$20.00 fee would become \$80.00.

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4. **Court's Discretion:** The judge hearing municipal ordinance matters may, in the exercise of the Court's discretion and where it is deemed cause to exist thereof in a particular case, remit all or any portion of the forfeiture set forth in this section.
5. **Effect of Forfeiture Deposit Not Accompanied by Answer:** Whenever a person charged with a violation of SMC or applicable state statute makes a forfeiture deposit in the sum fixed pursuant to 10.12.260, but does not enter an 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 the Court's 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."
6. **Plea of Defendant:** Any person charged with a violation of SMC or applicable state statute shall plead according to the options set forth by Oregon Revised Statute as stated on the reverse of the Oregon Uniform Traffic Citation and Complaint form.
 - a. Appearing before the municipal judge and entering the plea in open court;
 - b. Entering the plea in writing, by regular mail or personal delivery, accompanied by the sum fixed as bail pursuant to SMC Section 10.12.260;
 - c. Depositing bail without a specific plea as provided in SMC Section 10.12.260.
7. **Powers of Court Upon 'No Contest' Plea:** Upon entry of a plea of "no contest" as provided in SMC Section 10.12.260, subsection 5, 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."

10.12.270 **PARKING CITATION: IMPOUNDMENT OF VEHICLES FOR FAILURE TO COMPLY**

When a vehicle is found parked in violation of SMC section 10.12.210 through 10.12.370 or applicable state statute and the vehicle has five (5) or more outstanding citations or \$200 or more in unpaid fines, any officer charged with the enforcement of this Title pursuant to SMC Section 10.08.150 may, in addition to or in lieu of issuing a parking citation, cause such vehicle to be impounded pursuant to this section and SMC Section 10.16.400, and an impounded vehicle shall not be released until all outstanding fines and charges are paid

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10.12.280 PARKING CITATION: 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.

10.12.290 PARKING CITATION: REGISTERED OWNER PRESUMPTION

In a prosecution of a vehicle owner charged with a violation of a parking restriction in this title 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.

10.12.300 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.

10.12.310 PARKING FOR CERTAIN PURPOSES PROHIBITED

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.

10.12.320 STORAGE OF VEHICLES ON STREETS

1. Except as otherwise provided in SMC Title 10 and SMC Sections 8.12.620 to 8.12.640 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 72 hours. Failure to move a motor vehicle or other personal property for a period of 72 hours constitutes prima facie evidence of storage and may be towed in accordance with this Title.
2. Personal property which is stored in violation of the provisions of this title relating to storage of personal property on streets is subject to removal and disposal in accordance with SMC Sections 2.64.1600 to 2.64.1670.

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10.12.330 OBSTRUCTION OF EMERGENCY RESPONSE

1. 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.
2. The Stayton Police Department, for the purpose of emergency response may have a vehicle towed to a safe location at the owner's expense if the owner cannot be located in a timely manner. The vehicle would be towed under the provisions of a ORS "Hazardous Vehicle".

10.12.340 LOADING ZONE RESTRICTIONS

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.

10.12.350 UNATTENDED VEHICLE: AUTHORIZED KEY REMOVAL

The conduct described in Oregon Revised Statutes, "Failure to Secure Motor Vehicle," is an offense against the City, and applies on any premises open to the public. In the event a Stayton Police Officer who finds a vehicle in violation of this Title due to the vehicle not being left in a safe circumstance such as the engine left running and/or with the vehicle unlocked, the ignition keys left in the vehicle, or the brake not set on a manual transmission vehicle, the Officer may take the necessary action to secure the vehicle to render it safe. The Officer may secure the vehicle and take the keys until the owner can be located.

10.12.360 BUSES AND TAXIS: BUSINESS DISTRICT RESTRICTIONS

The operator of a bus or taxicab shall not stand or park such 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.

10.12.370 BUSES AND TAXIS: RESTRICTED USE OF STANDS BY OTHER VEHICLES

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.

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CHAPTER 10.16

TOWING, STORAGE AND IMPOUNDMENT OF VEHICLES

SECTIONS

10.16.400	Impoundment and Disposition of Vehicles: General Regulations
10.16.410	Impoundment and Storage by Private Towing Firm
10.16.420	Post-Towing Notice to Owner
10.16.430	Reasonable Storage Charge
10.16.440	Hearing Procedure
10.16.450	Owner Reclaiming Vehicle
10.16.460	Appraisal of Unclaimed Vehicles
10.16.470	Disposition of Motor Vehicle
10.16.480	Reserved
10.16.490	To Be Held at Expense of Owner

10.16.400 IMPOUNDMENT AND DISPOSITION OF VEHICLES: GENERAL REGULATIONS

1. In addition to the provisions herein, disposition of vehicles impounded, towed and stored shall be in accordance with Oregon law.
2. Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this title.
3. A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in this subsection may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release (See ORS 809.720(3)) or the vehicle is ordered released by a hearings officer (See ORS 809.716). This subsection applies to the following offenses:
 - (a) Driving while suspended or revoked in violation of ORS 811.175 or 811.182.
 - (b) Driving while under the influence of intoxicants in violation of ORS 813.010.
 - (c) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010.
 - (d) Driving uninsured in violation of ORS 806.010.

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4. Abandoned (ORS 819.100) or hazardous (ORS 819.120) vehicles removed by the City may be towed and stored at the owner's expense.
5. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
6. A vehicle abandoned, as defined by state law in relation to abandon vehicles is subject to removal and sale in accordance with provisions of state law.
7. 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 819.260.
8. Vehicles removed and impounded pursuant to SMC 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 the owner to act on the owner's behalf, may redeem the vehicle pursuant to the procedures of SMC 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.
9. In the event the Stayton Police impound a vehicle from outside the Stayton city limits, such impoundment shall be in accordance with Oregon law and the provisions of the Stayton Municipal Code, and the charges assessed shall be pursuant to the Stayton Municipal Code.
10. If the public right of way needs to be closed temporarily for an official purpose such as (but not limited to) street maintenance or an event, the Chief of Police or designee may post the street with a 24 hour notice to remove any vehicles or privately owned property from the right of way. If the vehicles or the privately owned property are not removed within the 24hour period the vehicles and property may be removed by the City at the owner's expense per SMC.

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10.16.410 IMPOUNDMENT AND STORAGE BY PRIVATE TOWING FIRM

1. In the enforcement and execution of the provisions of SMC Section 10.16.400, 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 Stayton City Council shall by resolution 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 towing contractor is used, the following conditions shall apply:
 - a. The City shall not be liable for services rendered by a private towing service unless the City is the purchaser or owner of the stored or impounded vehicle.
 - b. The vehicle shall not be released from the private towing service except upon a receipt, signed by the Police Chief.
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 SMC Section 10.16.470 and Oregon Revised Statutes.

10.16.420 POST-TOWING 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 SMC 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.

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- 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 SMC Section 10.12.260.
 - 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.

10.16.430 REASONABLE STORAGE CHARGE

The maximum charge per day for storage of a motor vehicle towed and stored by the City in a City owned location is set by "Fees and Charges" Resolution.

10.16.440 HEARING PROCEDURE

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 court having jurisdiction over municipal ordinance or SMC matters, a hearing shall be held before the judge hearing municipal ordinance or SMC matters. 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

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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 SMC Section 10.08.152 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 SMC Section 10.12.340.
5. If the judge hearing municipal ordinance or SMC matters finds that:
 - a. The action of the city in taking the vehicle into custody was proper, the judge hearing municipal ordinance or SMC matters 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 towing 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 judge hearing municipal ordinance or SMC matters 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 judge hearing municipal ordinance or SMC matters pursuant to this section is final.

10.16.450 OWNER RECLAIMING VEHICLE

The legal owner, registered owner, or person entitled to possession of an unclaimed vehicle may reclaim such vehicle during normal business hours of the Stayton Police Department Records Office. The vehicle may be reclaimed after the vehicle is taken into custody, and before it is sold, upon presentation of satisfactory proof of ownership or right of possession, proof of insurance, a licensed driver to the Stayton Police

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Department and payment of an impoundment fee and storage charges or posting of security is made as required under this chapter. (Ord. 667, section 1[part], 1989) If redemption is not made after the vehicle is impounded, such vehicle shall be disposed of in accordance with provisions of state laws.

10.16.460 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. (Ord. 667, section 1[part], 1989)

10.16.470 DISPOSITION OF MOTOR VEHICLE

Vehicles that have been unclaimed may be disposed of in accordance with the procedures set by Oregon Revised Statutes 819.210 to 819.260.

10.16.480 RESERVED

10.16.490 TO BE HELD AT EXPENSE OF OWNER

Except as provided in SMC Section 10.16.440(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 notices, 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.

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CHAPTER 10.36

EVENTS

SECTIONS

10.36.910	Event Permit Required
10.36.920	Event Permit: Applications
10.36.930	Event Permit: Appeals
10.36.940	Event Permit: Revocation
10.36.950	Prohibited Activities During Events
10.36.960	Funeral Procession: Vehicle Operation
10.36.970	Funeral Procession: Driver Requirements

10.36.910 EVENT PERMIT REQUIRED

No person shall organize or participate in an event (including a parade) which may disrupt or interfere with traffic without obtaining a permit from the Chief of Police. A permit shall be required of :

1. Any procession of people and/or vehicles using the public right-of-way in the nature of an event including a parade but generally should not apply to funeral processions at the discretion of the Chief of Police in accordance with SMC Section 10.36.960; or
2. A public gathering or event that requires the stoppage of traffic for the gathering to be held.
3. With the issuance of a permit, the Chief of Police may grant the applicant or event organizer exclusive rights of use to the area designated for the parade or event.

10.36.920 EVENT PERMIT: APPLICATION

1. Application for event permits shall be made to the Chief of Police at least thirty (30) days prior to the intended date of the event unless the time is waived by Chief of Police.
2. Applications shall include the following information:
 - a. The name and address of the person responsible for the proposed event.
 - b. The date of the proposed event.

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- c. The desired route, including assembling points.
 - d. The number of persons, vehicles, and animals which will be participating in the event.
 - e. The proposed starting and ending times.
 - f. The application shall be signed by the person designated as chair/organizer.
 - g. The chair/organizer must provide a certificate of insurance liability listing the City of Stayton as insured for the amount recommended by the City of Stayton's insurance carrier.
3. The Chief of Police shall issue an event permit incorporating the terms set out in subsection 2, parts c. to e., 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 event will disrupt the movement of other traffic to an unreasonable extent.
 - b. The event 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 event would deny reasonable law enforcement protection to the jurisdiction.
 - c. The event will interfere with another event or other activity for which a permit has been issued.
 - d. The event will cause a public safety issue that cannot be resolved.
 - e. Information contained in the application is found to be false or a material detail is omitted.
 - f. 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 Subsection 3., other than Subpart e. or f., 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/time.
 - b. Requiring an alternate route/location.

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- c. Restricting the size of the event.
 - d. Require traffic control signage.
 - e. Require traffic control people/flaggers.
 - f. Require law enforcement or security presence at the expense of the chair/organizer.
- 5. The Chief of Police shall notify the applicant of the decision within fourteen (14) days of receipt of the application.
 - 6. If the Chief of Police proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the Council.

10.36.930 EVENT PERMIT: APPEALS

An applicant may appeal the decision of the Chief of Police by filing a written request of appeal with the City Administrator within seven (7) days after the Chief of Police has proposed alternatives or refused to issue a permit. 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 to appear either in person or by a representative. Any determination by the Council shall be final.

10.36.940 EVENT PERMIT: REVOCATION

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

10.36.950 PROHIBITED ACTIVITIES DURING EVENTS

- 1. No person shall unreasonably interfere with an event or an event participant.
- 2. No person shall operate a vehicle or conduct any other activity that is not part of the event between the vehicles or persons comprising the event.

10.36.960 FUNERAL PROCESSION: VEHICLE OPERATION

- 1. The size and nature of the funeral procession may require an event permit at the discretion of the Chief of Police.

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2. A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
3. The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
4. All motor vehicles in the procession shall be operated with their headlights turned on.
5. No person shall unreasonably interfere with a funeral procession.
6. No person shall operate a vehicle that is not part of the procession between the vehicles of a funeral procession.

10.36.970 FUNERAL PROCESSION: DRIVER REQUIREMENTS

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.

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CHAPTER 10.40

MISCELLANEOUS REGULATIONS

SECTIONS

10.40.1010	Crossing Private Property
10.40.1020	Passenger Restrictions
10.40.1030	Skateboards, Skis, Toboggans, and Sleds: Use Restrictions
10.40.1040	Damaging Sidewalks and Curbs
10.40.1050	Reserved
10.40.1060	Truck Routes

10.40.1010 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.

10.40.1020 PASSENGER RESTRICTIONS

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.

10.40.1030 SKATEBOARDS, SKIS, TOBOGGANS, AND SLEDS: USE RESTRICTIONS

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.

10.40.1040 DAMAGING SIDEWALKS AND CURBS

1. The operator of a motor vehicle shall not drive or park 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.

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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.

10.50.1050 RESERVED

10.40.1060 TRUCK ROUTES

No person shall operate a vehicle which weighs in excess of fifteen tons (30,000 pounds) gross weight on any street except:

1. When the vehicle is immediately engaged in the maintenance or repair of public or private property, and then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.
2. When the vehicle is being used 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.
3. When operating a vehicle on a street or a section thereof designated a truck route in the adopted Stayton Transportation System Plan.

NOTE: Figure 10.40.1060.1, on the following page shows the Truck Routes as designated in the 2004 Stayton Transportation System Plan.



City of Stayton Truck Routes

