

ORDINANCE NO. 999

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE
CHAPTER 10.12 RELATING TO STOPPING, STANDING, AND PARKING.

WHEREAS, the City of Stayton wishes to amend Stayton Municipal Code (SMC) Chapter 10.12 relating to Stopping, Standing, and Parking;

WHEREAS, the City Stayton realized the need to amend the SMC to allow for enforcement of emergency vehicle parking and emergency vehicle lanes; and,

WHEREAS, the City of Stayton realized the need to update SMC Chapter 10.12 to fix SMC numbering and its code organization issues.

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. Stayton Municipal Code Chapter 10.12 relating to Stopping, Standing and Parking is amended to read as set forth in Exhibit A, attached hereto, replacing and superseding the current text of SMC Chapter 10.12

SECTION 2. 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 19th day of September 2016.

CITY OF STAYTON

Signed: 9/19/16, 2016

By: Henry A. Porter
Henry A. Porter, Mayor

ATTEST

Signed: 9/19/16, 2016

By: Keith D. Campbell
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

TITLE 10. VEHICLES AND TRAFFIC

CHAPTER 10.12

STOPPING, STANDING AND PARKING

SECTIONS

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<u>10.12.120</u>	<u>Obstruction of Emergency Response</u>
10.12. 245 <u>130</u>	Issuance of Residential Parking Permits
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10.12. 247 <u>150</u>	Parking Permit Violations
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10.12. 270 <u>180</u>	Parking Citation: Impoundment of Vehicles for Failure to Comply
10.12. 280 <u>190</u>	Parking Citation: Owner Responsibility
10.12. 290 <u>200</u>	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.~~20~~10 APPLICABILITY OF PROVISIONS

The provisions of this ~~Chapter~~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.

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10.12.2020 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 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.

10.12.030 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.

10.12.2040 PROHIBITED PARKING OR STANDING

1. No person shall park or stand any vehicle:
 - A. A vehicle in violation of the Oregon Revised Statutes ~~or in violation of an official parking limitation sign or device~~;
 - B. In any place adjacent to a curb which has been painted yellow either by the City or approved by the City which is on a city street, city owned public lot, property owned by the North Santiam School District, or the Stayton Fire District within the City of Stayton;
 - C. Within any area designated as a fire lane or emergency vehicle parking with either red paint and/or signs whether on public property, premises open to the public, a private street, or property owned by the North Santiam School District or the Stayton Fire District within the City of Stayton;
 - D. Within 15 feet of the driveway entrance to any fire station;
 - E. Within 10 feet of a fire hydrant;
 - F. On or over any curb, sidewalk, or roadside planting strip except to cross at an authorized permanent or temporary driveway. A person who causes damage shall be responsible for the cost of the repair to the curb, sidewalk, or street (Reference SMC 10.40.1040);
 - G. Contrary to any official parking control device installed or approved by the City including temporary signage for City approved events;
 - ~~A.~~H. On or in a designated marked bicycle lane;

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- ~~I. A vehicle i~~In an alley except for a stop of not more than thirty (30) consecutive minutes for loading or unloading persons or material.
- ~~1.2. No person shall park any~~A vehicle or trailer designed to be towed by a vehicle, on a street or parking strip within the ~~city~~ 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.)~~
3. A trailer designed to be pulled by another vehicle that is left unattached from the tow vehicle except:
- 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
 - 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
 - When a vehicle is parked in compliance with a camping permit which has been issued pursuant to SMC 8.12.~~630~~020.
 - 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.
 - 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.
4. No person in charge of any vehicle or trailer engaged in the delivery or receipt of cargo under the circumstances authorized in subsection ~~3~~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.

10.12.050 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:

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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.

10.12.060 STORAGE OF VEHICLES ON STREETS

1. Except as otherwise provided in SMC Title 10 and SMC Chapter 8.12 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. Discarded Vehicles as defined in SMC Chapter 8.04 may not be stored on a street for more than 24 hours.
3. Personal property which is stored in violation of the provisions of this Chapter relating to storage of personal property on streets is subject to removal and disposal in accordance with SMC Chapter 2.64 and Oregon Revised Statutes.

10.12.070 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.

10.12.080 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 designated 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.

10.12.090 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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10.12.100 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.

10.12.110 UNATTENDED VEHICLE: AUTHORIZED KEY REMOVAL

The conduct described in Oregon Revised Statutes, ORS 811.585 "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 Chapter 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.

10.12.120 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.

The Stayton Police Department, may have a vehicle towed to a safe location at the owner's expense if the owner cannot be located in a timely manner for a violation of SMC 10.12.040 subsections C through E. The vehicle would be towed under the provisions of ORS 819.120 "Hazardous Vehicle".

10.12.~~245~~130 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.

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10.12.~~246~~140 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.

10.12.~~247~~150 PARKING PERMIT VIOLATIONS

It shall be unlawful for:

1. Any person who represents that 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 Chapter~~title~~.

10.12.~~250~~160 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-SMC Chapter 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 eCourt. 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~~170

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 <u>Prohibited Parking or Standing</u>	SMC 10.12. 20 <u>40</u>
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 <u>050</u>
Displaying Advertising	SMC 10.12. 310 <u>050</u>
Loading Zone	SMC 10.12. 340 <u>070</u>
Parking on Sidewalk	ORS 811.550(4)/ <u>SMC 10.12.040</u>
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 <u>060</u>
Unlawful Repairing, Servicing	SMC 10.12. 260 <u>050</u>
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 ~~j~~Judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this ~~subsection~~Chapter. 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 ~~j~~Judge hearing municipal ordinance matters, make a forfeiture deposit in the amount designated in this ~~subsection~~Chapter. 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 ~~j~~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~~Chapter.
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 ~~SMC Section 10.12.170260~~, 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 ~~j~~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 ~~Chapter 10.12~~ or applicable state statute shall plead according to the options set forth by Oregon Revised Statutes as stated on the reverse of the Oregon Uniform Traffic Citation and Complaint form.
 - a. Appearing before the municipal ~~j~~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.~~170260~~;
 - 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.~~170260~~, ~~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."

~~10.12.270180~~ PARKING CITATION: IMPOUNDMENT OF VEHICLES FOR FAILURE TO COMPLY

When a vehicle is found parked in violation of SMC ~~section~~Chapter 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~~190 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~~200 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.~~

~~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.
The Stayton Police Department, for the purpose of emergency response may have~~

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~~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.~~