

1 A BILL

ORDINANCE NO.

2020- 818

3 FOR

4 AN ORDINANCE

5 **REGULATING PARKING AND ESTABLISHING**

6 **ENFORCEMENT PROCEDURES; REPEALING ORDINANCE 2017-774**

7
8 The City of Keizer ordains as follows:

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10 SECTION 1. DEFINITIONS. The definitions set forth in Oregon Revised Statutes
11 801.100 through 801.375 and 801.385 through 801.610 and the definitions herein shall
12 apply to this Ordinance except where the context requires otherwise.

13 (a) Bus: A "bus" means a vehicle that is designed to carry 16 or more
14 passengers, including the driver.

15 (b) Highway: A "highway" means every public way, road, street,
16 thoroughfare and place as defined by ORS 801.305(1) and (2), as well as public
17 property, and all private streets, alleys and access easements within the city
18 limits of the City of Keizer.

19 (c) Motor Truck: A "motor truck" means a vehicle defined by ORS 801.355
20 that has a gross vehicle weight rating of more than 12,000 pounds.

21 (d) Motor Vehicle: A "motor vehicle" means a vehicle defined by ORS
22 801.360.

23 (e) Park: "Park" means the standing of a vehicle, whether occupied or not,
24 otherwise than temporarily for the purpose of and while actually engaged in
25 loading or unloading property or passengers.

1 (f) Recreational Vehicle: A "Recreational Vehicle" means a vehicle defined
2 by ORS 801.409.

3 (g) Traffic Control Device: A "Traffic Control Device" is a traffic control
4 device defined by ORS 801.540, including any parking control device placed or
5 required by the city.

6 (h) Truck Trailer: A "truck trailer" means a vehicle defined by ORS
7 801.580.

8 (i) Vehicle: A "vehicle" means a vehicle defined by ORS 801.590.

9 SECTION 2. AREAS PROHIBITED TO ALL PARKING.

10 (a) It shall be unlawful for any person to park, stop or stand:

11 1) At any place prohibited by ORS 811.550 or in any manner
12 prohibited by ORS 811.570;

13 2) On any highway of this city, or upon premises open to the public
14 marked by a sign indicating "Fire Lane" or adjacent to a curb or on a
15 roadway painted red with a marking of "Fire Lane" placed under the
16 authority of the city or appropriate fire authority;

17 3) On any highway of this city adjacent to a curb painted yellow, or
18 in violation of signage or traffic control device placed under the authority of
19 the City of Keizer;

20 4) On any highway of this city for the principle purpose of displaying
21 a vehicle or combination of vehicles for sale; or repairing or servicing a
22 vehicle, combination of vehicles, except repairs necessitated by an

1 emergency; or displaying advertising from the vehicle or combination of
2 vehicles;

3 5) At any place in such a manner that interferes with any public
4 improvement project;

5 6) At any place in such a manner that interferes with or blocks the
6 delivery of mail from the United States Postal Service;

7 7) On any highway between the curb line or edge of the roadway
8 and the sidewalk line which has not been specifically dedicated,
9 designated or improved for parking.

10 8) On any access easement created by or in connection with any
11 land use decision issued by the City or Marion County, unless parking is
12 specifically allowed in the decision.

13 (b) Nothing in this Section prohibits stops that are made in response to
14 traffic control devices, emergencies related to the operation of a vehicle during
15 the actual period of such emergency, or temporary stops for the expeditious
16 loading or unloading of persons or property. The exemptions from prohibitions
17 on stopping, standing and parking set forth in ORS 811.560 shall apply to
18 Section 2 of this Ordinance.

19 SECTION 3. DESIGNATION OF NO PARKING ZONES. The Director of Public
20 Works is delegated the authority to designate, by written order, areas within 50 feet of
21 an intersection that are prohibited to all parking due to traffic hazards including, but not
22 limited to, restricted vision clearance, pedestrian movements, turning movements, and

1 street ingress and egress volumes. The City Council shall designate, by written order,
2 other areas prohibited to all parking or where parking is otherwise limited.

3 SECTION 4. PROHIBITED PARKING OF MOTOR TRUCKS, TRUCK TRAILERS
4 AND BUSES. It shall be unlawful for any person to park a motor truck, truck trailer or
5 bus as defined herein on any highway of this city. However, this Section shall not
6 prohibit the temporary parking of such vehicles for the actual loading or unloading of
7 goods, passengers or services, provided that "loading" or "unloading" as used in this
8 Section shall be limited to the actual time spent in such operation.

9 SECTION 5. PROHIBITED PARKING OF ANY VEHICLES IN EXCESS OF
10 SEVENTY- TWO HOURS.

11 (a) Except as provided in Section 7, it shall be unlawful for any person to
12 park any vehicle for any period of time in excess of seventy-two consecutive
13 hours on any highway of the city.

14 (b) For the purposes of this Ordinance, a vehicle is no longer considered
15 "parked" if the vehicle is removed from a location. It is no defense to a
16 prosecution of a violation under this Ordinance if the vehicle is simply moved for
17 the purpose of repositioning.

18 SECTION 6. PROHIBITED PARKING OF INOPERABLE, UNINSURED OR
19 UNREGISTERED VEHICLES. It shall be unlawful for any person to park any motor
20 vehicle which is inoperable or uninsured, or is in violation of ORS 803.230, 803.300,
21 803.315, 803.325, 803.455, 803.540, 803.545, 803.550, 803.560, 803.635 or 803.655
22 on any highway within the city limits of the City of Keizer.

1 SECTION 7. EXCEPTION FOR RECREATIONAL VEHICLES; PERMIT
2 REQUIRED.

3 (a) A person may park a recreational vehicle in excess of seventy-two
4 consecutive hours, if a permit described in this Section is granted. In no cases
5 shall a permit be granted for the parking of a recreational vehicle in excess of ten
6 (10) days in any 90-day period. Three permits shall be the maximum granted in
7 any 12-month period.

8 (b) The City Manager or designee may establish additional written criteria
9 for issuing parking permits described in this Section. The City Manager shall
10 designate the department and/or position that shall be responsible for the
11 issuance of such permits.

12 SECTION 8. OBSTRUCTING ENFORCEMENT. It shall be unlawful for any
13 person to:

14 (a) Cover, erase, alter or otherwise render indistinguishable any mark
15 placed on the tires of a vehicle by any person having enforcement responsibility
16 as provided in Section 11. Subsection (a) of this Section does not apply to a
17 vehicle that is no longer parked in violation of this Ordinance.

18 (b) Knowingly and willfully give any false, untrue, or misleading information
19 to such a person who is acting in the discharge or apparent discharge of the
20 officer's duty with the intent to hinder, delay, mislead or impede an alleged
21 violation of this Ordinance or with the intent to obstruct justice.

1 (c) Discard, mutilate, or destroy any parking citation which charges a
2 violation of this Ordinance if such charge has not yet been finally resolved by
3 payment of fine or final Court action.

4 SECTION 9. DAMAGING TRAFFIC CONTROL DEVICES. It shall be unlawful
5 for any person to intentionally destroy, damage, deface, alter, tamper with or in any way
6 impair the usefulness of any parking or traffic control device required, placed, installed
7 or maintained by the City of Keizer.

8 SECTION 10. UNAUTHORIZED TRAFFIC CONTROL DEVICES. It shall be
9 unlawful for any person to place, erect, paint, inscribe or otherwise establish any traffic
10 control device which purports to guide, direct, warn or regulate traffic except those such
11 traffic control devices that are authorized by the City of Keizer or the laws of the State of
12 Oregon.

13 SECTION 11. ENFORCEMENT RESPONSIBILITY. The Code Compliance
14 Officer, the Chief of Police and every person authorized by the Chief of Police shall
15 have the responsibility for enforcement of the provisions of this Ordinance. In addition to
16 issuance of citations, such person authorized shall have the following authority:

17 (a) When an authorized person finds a vehicle parked, stopped or standing
18 upon a highway as described in Section 1(b), in violation of this Ordinance, the
19 authorized person may move the vehicle, cause it to be moved, require the driver or
20 person in charge of the vehicle to move it or take custody of it.

21 (b) Where the city takes custody of a vehicle under this Ordinance and where
22 state statutes do not apply to the custody and disposition of the vehicle, then the

1 provisions of ORS 819.120(2), (4), (5) and (6) are adopted and shall apply to the
2 disposition of the vehicle. Notice that the vehicle has been impounded under this
3 Ordinance shall be given to the same parties, in the same manner and within the same
4 time limits as provided in ORS 819.180 for notice after removal of a vehicle.

5 (c) In addition to the towing and storage charges provided for in sub-
6 paragraph (b) of this Section, administrative fees may be adopted by Council
7 Resolution. Such fees shall be paid to the city before the vehicle is reclaimed or the
8 balance of the proceeds from the sale or disposition of the vehicle is claimed.

9 (d) The vehicle impounded under this Ordinance shall be returned to the
10 owner of the vehicle or the owner's authorized agent only upon payment of the
11 administrative fee and the expenses incurred in the towing and storage of the vehicle
12 under this Ordinance. The owner may request a refund of these charges under Section
13 15 of this Ordinance.

14 SECTION 12. METHOD OF CHARGING PARKING VIOLATIONS. Whenever an
15 authorized person described in Section 11 has probable cause to believe that a vehicle
16 is parked in violation of any of the provisions of this Ordinance, the authorized person
17 may issue a citation in conformance with ORS 221.333 and file a copy thereof with the
18 Municipal Court Clerk or such other appropriate Court Clerk as the Council may
19 designate from time to time.

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1 SECTION 13. RESPONSIBILITY FOR VIOLATIONS.

2 (a) The owner of a vehicle parked in violation of this Ordinance shall be
3 responsible for the offense, except where the use of the vehicle was secured by
4 the operator without the owner's consent.

5 (b) In a prosecution involving a vehicle owner charged with a violation of
6 this Ordinance, proof that the vehicle was registered to or owned by the
7 defendant shall raise a disputable presumption that the defendant was the owner
8 in fact.

9 SECTION 14. VIOLATIONS. Violation of this Ordinance is an infraction
10 punishable by the following fine, except violation of Sections 8, 9, and 10 is an infraction
11 punishable by a fine of \$500:

12 (a) Minimum Fine: \$20

13 (b) Presumptive Fine: \$35

14 (c) Maximum Fine: \$500

15 SECTION 15. IMPOUND HEARING PROCEDURES; OWNER LIABILITY.

16 (a) The person in possession of the motor vehicle at the time it is
17 towed and impounded or the owner of the vehicle impounded under this
18 Ordinance may request a hearing to contest either the validity of the
19 impoundment or the liability for the administrative fee and the expenses incurred
20 in the towing and storage of the vehicle, or both. A written request must be made
21 not more than five (5) calendar days of the receipt of notice from the impounding

1 agency. The request shall be made to a person designated by the impounding
2 agency to receive such requests.

3 (b) When a timely request for a hearing is made, a hearing shall be set
4 before the Keizer Municipal Court within 72 hours of receipt of the request,
5 excluding Saturdays, Sundays and holidays, but may be postponed at the
6 request of the person asking for the hearing.

7 (c) The impounding agency shall have the burden of proving by a
8 preponderance of the evidence that there were reasonable grounds to believe
9 that the vehicle was in violation of this Ordinance. The officer or authorized
10 person who ordered the vehicle impounded may submit an affidavit to the Keizer
11 Municipal Judge in lieu of making a personal appearance at the hearing. If the
12 Keizer Municipal Judge finds that the impoundment of the vehicle was proper,
13 the Keizer Municipal Judge shall enter an order supporting the removal and shall
14 find that the person in possession of the motor vehicle at the time it is towed and
15 impounded or the owner of the vehicle impounded is liable for usual and
16 customary towing, storage, and administrative costs.

17 (d) The Keizer Municipal Court shall order that the owner of a motor
18 vehicle impounded under this Ordinance is not liable for payment of the
19 administrative fee and the expenses incurred in the towing and storage of the
20 vehicle under Section 11(d) of this Ordinance unless the court is satisfied by a
21 preponderance of the evidence that the owner knew or had good reason to know
22 that the motor vehicle operator was in violation of this Ordinance.

1 (e) If the Keizer Municipal Judge finds that impoundment of the vehicle
2 was improper, the Keizer Municipal Judge shall order the vehicle released to the
3 person entitled to possession and shall enter a finding that the operator or owner
4 of the vehicle is not liable for any towing or storage costs resulting from the
5 impoundment. If there is a lien on the vehicle for towing and storage costs, the
6 Keizer Municipal Judge shall order it paid by the impounding agency.

7 (f) The City of Keizer may contract with another agency or entity to
8 conduct hearings under this Section.

9 SECTION 16. SECURITY INTEREST HOLDER RIGHTS.

10 (a) The authority to impound any vehicle under this Ordinance is
11 subject to the rights of a security interest holder under a security agreement
12 executed before the vehicle was impounded under this Ordinance. A vehicle
13 shall be released for the purpose of satisfying a security interest if:

14 (i) Request in writing is made to the Keizer Municipal Court;

15 (ii) If the vehicle has been impounded, the security interest holder pays
16 the administrative fee and the expenses in removal and storage of the
17 vehicle; and

18 (iii) If the registration of the vehicle has been suspended under ORS
19 809.010, the security interest holder takes possession of the vehicle
20 subject to the suspension of the registration remaining in effect against the
21 registered owner.

1 (b) A security interest holder's obligation to pay and right to recover
2 removal and storage expenses under this subsection are limited to the recovery
3 of those removal and storage expenses incurred during the initial 20-day period
4 when the vehicle was in public storage, unless the authority taking the vehicle
5 into custody under this subsection has transmitted by certified mail a written
6 notice to the holder concerning the accrual of storage expenses. If the vehicle is
7 in private storage, the lien claimant shall transmit the written notice.

8 SECTION 17. REPEAL. Ordinance number 2017-774 (Regulating Parking and
9 Establishing Enforcement Procedures) is repealed in its entirety, but such Ordinance
10 shall remain in force for the purpose of enforcing any violation under such Ordinance
11 that existed prior to the date of this Ordinance.

12 SECTION 18. SEVERABILITY. If any section, subsection, sentence, clause,
13 phrase, or portion of the Ordinance is for any reason held invalid or unconstitutional by
14 any court or board of competent jurisdiction, such portion shall be deemed a separate,
15 distinct, and independent provision and such holding shall not affect the validity of the
16 remaining portions hereof.

17 SECTION 19. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
18 days after its passage.

19 PASSED this 6th day of July, 2020.

20 SIGNED this 6th day of July, 2020.

21 
22 Mayor

23 
24 City Recorder