A BILL

FOR

AN ORDINANCE

REGULATING PARKING AND ESTABLISHING

ENFORCEMENT PROCEDURES; REPEALING ORDINANCES


The City of Keizer ordains as follows:

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

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

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

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

(d) Motor Vehicle: A "motor vehicle" means a vehicle defined by ORS 801.360.
(e) **Park:** "Park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

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

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

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

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

**SECTION 2. AREAS PROHIBITED TO ALL PARKING.**

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

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

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

3) On any highway of this city adjacent to a curb painted yellow, or in violation of signage or traffic control device placed under the authority of the City of Keizer;
4) On any highway of this city for the principle purpose of displaying
a vehicle or combination of vehicles for sale; or repairing or servicing a
vehicle, combination of vehicles, except repairs necessitated by an
emergency; or displaying advertising from the vehicle or combination of
vehicles;

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

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

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

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

SECTION 3. DESIGNATION OF NO PARKING ZONES. The Director of Public
Works is delegated the authority to designate, by written order, areas within 50 feet of
an intersection that are prohibited to all parking due to traffic hazards including, but not
limited to, restricted vision clearance, pedestrian movements, turning movements, and
street ingress and egress volumes. The City Council shall designate, by written order, other areas prohibited to all parking or where parking is otherwise limited.

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

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

(a) Except as provided in Section 8, it shall be unlawful for any person to park any vehicle for any period of time in excess of seventy-two consecutive hours on any highway of the city.

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

SECTION 6. PROHIBITED PARKING OF VEHICLES NOT DESIGNED FOR SELF-PROPULSION IN EXCESS OF FORTY-EIGHT HOURS. It shall be unlawful for any person to park any vehicle which is not designed for self-propulsion and which is not attached to a motor vehicle in excess of forty-eight consecutive hours on any highway of this city.
SECTION 7. PROHIBITED PARKING OF INOPERABLE, UNINSURED OR UNREGISTERED VEHICLES. It shall be unlawful for any person to park any motor vehicle which is inoperable or uninsured, or is in violation of ORS 803.230, 803.290, 803.315, 803.325, 803.455, 803.540, 803.545, 803.550, 803.560, 803.635 or 803.655 on any highway within the city limits of the City of Keizer.

SECTION 8. EXCEPTION FOR RECREATIONAL VEHICLES. PERMIT REQUIRED.

(a) A person may park a recreational vehicle in excess of seventy-two consecutive hours, if a permit described in this section is granted prior to a violation of this ordinance. In no cases shall a permit be granted for the parking of a recreational vehicle in excess of twenty (20) days in any 90-day period.

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

SECTION 9. OBSTRUCTING ENFORCEMENT. It shall be unlawful for any person to place on the tires of a vehicle by any person having enforcement responsibility as provided in section 12. Subsection (a) of this section does not apply to a person who places a permit in accordance with this section.
(b) Knowingly and willfully give any false, untrue, or misleading information to such a person who is acting in the discharge or apparent discharge of the officer's duty with the intent to hinder, delay, mislead or impede an alleged violation of this ordinance or with the intent to obstruct justice.

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

SECTION 10. DAMAGING TRAFFIC CONTROL DEVICES. It shall be unlawful for any person to intentionally destroy, damage, deface, alter, tamper with or in any way impair the usefulness of any parking or traffic control device required, placed, installed or maintained by the City of Keizer.

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

SECTION 12. ENFORCEMENT RESPONSIBILITY. The Chief of Police and every person authorized by the Chief of Police shall have the responsibility for enforcement of the provisions of this ordinance. In addition to issuance of citations, such person authorized shall have the following authority:

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

(b) Where the city takes custody of a vehicle under this ordinance and where state statutes do not apply to the custody and disposition of the vehicle, then the provisions of ORS 819.120(2), (4), (5) and (6) are adopted and shall apply to the disposition of the vehicle.

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

(d) The vehicle impounded under this ordinance shall be returned to the owner of the vehicle or the owner’s authorized agent only upon payment of the administrative fee and the expenses incurred in the towing and storage of the vehicle under this ordinance. The owner may claim a refund of these charges under section 16 of this ordinance.

SECTION 13. METHOD OF CHARGING PARKING VIOLATIONS. Whenever a person described in Section 12 has probable cause to believe that a vehicle is parked in violation of any of the provisions of this ordinance, the person may issue a citation in conformance with ORS 221.333 and file a duplicate original thereof with the Municipal Court Clerk or such other appropriate Court Clerk as the Council may designate from time to time.
SECTION 14. RESPONSIBILITY FOR VIOLATIONS.

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

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

SECTION 15. VIOLATIONS. Violation of this ordinance is an infraction punishable by the following fine, except violation of Sections 9, 10 and 11 is an infraction punishable by a fine of $500:

(a) Minimum Fine: $20

(b) Presumptive Fine: $35

(c) Maximum Fine: $500

SECTION 16. HEARING PROCEDURES; OWNER LIABILITY.

(a) The person in possession of the motor vehicle at the time it is towed and impounded or the owner of the vehicle impounded under this ordinance may request a hearing to contest either the validity of the impoundment or the liability for the administrative fee and the expenses incurred in the towing and storage of the vehicle, or both. A written request must be made within five (5) calendar days of the impoundment. The request shall be made to a person designated by the impounding police agency to receive such requests.

Keizer City Attorney
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PO Box 24039
Keizer, Oregon 97307
503-856-3433
(b) When a timely request for a hearing is made, a hearing shall be set for four calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing.

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

(d) The Keizer Municipal Court shall order that the owner of a motor vehicle impounded under this ordinance is not liable for payment of the administrative fee and the expenses incurred in the towing and storage of the vehicle under section 12(d) of this ordinance unless the court is satisfied by a preponderance of the evidence that the owner knew or had good reason to know that the motor vehicle operator was in violation of this ordinance.

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

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

SECTION 17. SECURITY INTEREST HOLDER RIGHTS.

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

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

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

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

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

SECTION 18. REPEAL. Ordinance numbers 2005-535 (Regulating Parking and
Establishing Enforcement Procedures; Repealing Ordinance 98-388), 2014-708
(Amending Ordinance Regulating Parking and Establishing Enforcement Procedures;
Amending Ordinance No. 2005-535) and 2017-769 (Amending Ordinance Regulating
Parking and Establishing Enforcement Procedures; Amending Ordinance No. 2005-535
and Ordinance No. 2014-708) are repealed.

SECTION 19. SEVERABILITY. If any section, subsection, sentence, clause,
phrase, or portion of the Ordinance is for any reason held invalid or unconstitutional by
any court or board of competent jurisdiction, such portion shall be deemed a separate,
distinct, and independent provision and such holding shall not affect the validity of the
remaining portions hereof.

SECTION 20. EFFECTIVE DATE. This Ordinance shall take effect thirty (30)
days after its passage.

PASSED this __th__ day of __June__, 2017.

SIGNED this __th__ day of __June__, 2017.

Cathy Clark
Mayor
Debbie Lockhart
Deputy City Recorder

Keizer City Attorney
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