

**ORDINANCE NO. 673**

**AN ORDINANCE ADOPTING A NEW SUBSECTION AND AMENDING SEVERAL SECTIONS IN TITLE 10 (VEHICLES AND TRAFFIC), CHAPTER 10.12 (STOPPING, STANDING AND PARKING); CHAPTER 10.36 (ABANDONED VEHICLES, TOWING, AND IMPOUNDMENT); AND CHAPTER 10.40 (VIOLATIONS AND PENALTIES) OF THE TROUTDALE MUNICIPAL CODE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:**

**Section 1.** New subsections are added to Sections 10.12.010, Parking methods and standards, and 10.12.080(A), Parking or standing – Restrictions, of the Troutdale Municipal Code, to read and provide as follows:

**CHAPTER 10.12**

**STOPPING, STANDING AND PARKING**

**10.12.010 Parking methods and standards**

A. Where parking space markings are placed on a street, public park, public parking area or other public parking place, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

B. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.

C. 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.

D. Whenever parking or standing is prohibited or limited, no person shall park or stand a vehicle in violation of the prohibition or limitation, unless the person obtains and displays a valid special parking permit or guest permit that allows for such parking or standing.

1. The chief of police or the chief's designee may issue special parking permits and guest permits.

2. The chief of police, or the chief's designee, shall adopt policy, procedures and a fee schedule that will be followed in issuing and revoking special parking permits and guest

permits. Before adopting the policy, procedure and fee schedule, the chief of police or the chief's designee shall give interested persons a reasonable opportunity to comment on the policy, procedure and fee schedule. The chief of police, or the chief's designee, shall forward a copy of the adopted policy, procedure and fee schedule to the city council upon adoption.

**10.12.080 Parking or standing—Restrictions.**

A. In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

1. A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of thirty consecutive minutes;

2. A vehicle (including trailers, boats, trucks, truck tractors, buses, mobile homes, motor homes and campers) which exceeds eight thousand pounds gross weight, twenty-one feet in length or eight feet in height upon any street or parking strip in any residential area of the city.

3. A vehicle in a place where parking or standing is prohibited by traffic controls established under 10.08.020.

B. For the purposes of this section, "residential areas" means and includes all parts of the city zoned for residential use and any street adjacent to a hotel, motel, church, school, residence, multiple-family dwelling, hospital, park or playground.

C. The provisions of this section shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the city for the actual loading or unloading of goods, wares or merchandise; provided, however, that "loading" and "unloading," as used in this section, shall be limited to the actual time consumed in such operation.

D. In addition thereto, the provisions of this section shall not be deemed to prohibit minor repairs on any such vehicles described in section wherein total lapsed time in making such repairs does not exceed eight hours' duration.

**Section 2.** Sections 10.12.100, Storing vehicles on streets prohibited, 10.12.140, Illegal parking – Citation; 10.12.150, Failure to comply with citations; 10.36.010, Impound; and 10.40.010, Violation - Penalty, of the Troutdale Municipal Code, are amended to read and provide as follows.

**CHAPTER 10.12**

**STOPPING, STANDING AND PARKING**

**10.12.100 Storing vehicles or personal property on streets prohibited**

No person shall store or permit to be stored on a street or other public property, without permission of the council, a motor vehicle or personal property for a period in excess seventy-two hours. Failure to move a motor vehicle or other personal property for a period of seventy-two hours shall constitute prima facie evidence of storage of a motor vehicle or personal property.

**10.12.140 Illegal parking-Citation.**

When a vehicle is found in violation of this chapter or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a parking citation. The parking citation shall instruct the owner to pay the penalty imposed or contest the citation within ten days of the date the citation was issued. The citation shall specify how to contest the citation or pay the penalty, and shall clearly explain the consequences for failing to do so within the required time period. The parking citation will serve as the means of notifying the owner of the vehicle that, if any person fails to respond to the citation, or fails to pay all outstanding penalties for three or more parking citations within ten days from the date the last citation was issued, the vehicle may be towed and impounded.

**10.12.150 Failure to comply with citations.**

- A. If an owner does not respond to a parking citation issued pursuant to section 10.12.140 of this code within the required time period, the amount of the penalty specified in the parking citation shall double and the municipal court may order the vehicle to be towed and impounded.
- B. When a vehicle is found in violation of this chapter or state law and the owner of that vehicle has three or more outstanding unpaid parking citations, an officer shall, in addition to issuing a citation, order the vehicle to be towed and impounded.
- C. After a vehicle has been impounded pursuant to this section, the notice set forth in section 10.36.020(D) of this code shall be provided to the owner.
- D. An owner may request a hearing to contest the towing and impound of the vehicle as provided in section 10.36.030 of this code. The hearing shall be limited to circumstances surrounding the towing and impound of the vehicle and shall not be a hearing to contest parking citations.
- E. A vehicle impounded under this section shall not be released until the owner complies with section 10.36.040 of this code and pays all outstanding parking fines and charges.

**CHAPTER 10.36**

**ABANDONED VEHICLES, TOWING**

## AND IMPOUNDMENT

### 10.36.010 Impound.

A. A vehicle may be towed without prior notice when:

1. The vehicle is a hazardous vehicle. As used herein, a "hazardous vehicle" is one defined as a hazard under ORS 819.120 or any successor provision of state law;
2. A police officer reasonably believes that the vehicle is stolen;
3. A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;
4. The vehicle is in possession of a person taken into custody by a police officer and no other reasonable disposition of the vehicle is available;
5. The vehicle is illegally parked on a public or private street in a conspicuously restricted space, zone or traffic lane where parking is limited or prohibited to designated classes of vehicles or periods of time, or at any time when the vehicle interferes with the intended use of such space, zone or traffic lane;
6. The vehicle obstructs the entrance of any post office or postal station, or is within ten feet of a private mailbox during the hours of delivery;
7. A police officer reasonably believes the vehicle operator does not possess a valid operator's license and either:
  - a. Is driving uninsured, or
  - b. Has failed to transfer the title of the vehicle, register the vehicle, or carry a valid registration card.

B. A vehicle may be towed after notice, as provided by Section 10.36.020 when:

1. A police officer reasonably believes that the vehicle is disabled or abandoned and the vehicle is parked or left standing for more than five days upon a public or private street, or alley, or upon private property used by the public or is parked or left standing for more than ten days upon private property;
2. The vehicle is parked in violation of a temporary or permanent parking restriction where there is no reasonable need to immediately remove the vehicle; or

3. The vehicle is parked on city owned or operated property without express city permission.

C. A vehicle may be towed under subsection B of this section no earlier than five days after sending notice by certified mail of the intent to impound to the registered owner. If prior notice of intent to impound was sent to the same registered owner regarding the same vehicle and the same violation within the preceding twelve months, then subsequent notice by certified mail is not required. If notice by certified mail is not reasonably possible, the vehicle may be towed five days after it is posted with the notice of intent to impound.

D. A vehicle impounded pursuant to this section shall be taken into custody by a police officer and shall be held at the expense of the owner or person entitled to possession of the vehicle. A police officer may use the personnel, equipment and facilities of the city for the removal and storage of the vehicle, or may hire a private garage for that purpose.

E. A vehicle used in committing a traffic or parking violation may be towed in accordance with Section 10.12.150.

## CHAPTER 10.40

### VIOLATIONS AND PENALTIES

#### 10.40.010 Violation—Penalty.

Penalties for violations of the following sections shall be as follows:

A. Violation of Section 10.12.100 of this title is punishable by a fine not to exceed one hundred dollars;

B. Violations of Sections 10.12.010 through 10.12.090 and 10.12.110 of this title are punishable by a fine in an amount established by resolution of the council;

C. Violation of Chapter 10.20 and Sections 10.24.010 and 10.24.020 of this title is punishable by a fine not to exceed twenty-five dollars;

D. Violation of Chapter 10.16 of this title is punishable by a fine not to exceed five hundred dollars;

E. Violation of Section 10.32.050 of this title is punishable by imprisonment not to exceed six months or a fine not to exceed five hundred dollars or both;

F. Violation of Section 10.28.010 of this title is punishable by imprisonment of a period not to exceed one year or a fine not to exceed one thousand dollars, or both.

**Section 3.** The fines established by City of Troutdale Ordinance No. 200 shall remain in effect until changed by resolution adopted under amended TMC 10.40.010(B).

**Section 4.** We hereby declare an emergency exists and that there is a need for this ordinance to take effect immediately because of the increased traffic and parking problems in the City attributed to growth and the failure of our current ordinance to provide adequate enforcement mechanisms. Therefore, this ordinance shall be in full force and effect upon the date it is adopted.

YEAS:	<u>6</u>
NAYS:	<u>0</u>
ABSTAINED	<u>0</u>

  
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Paul Thalkofer, Mayor

Dated: 6-25-99

ATTEST:

  
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Debbie Stickney, City Recorder