

ORDINANCE NO. 1289

Introduced by All Commissioners

AN ORDINANCE AMENDING CHAPTER 10.04 “TRAFFIC REGULATIONS” CHAPTER 12.04 “CONCESSIONS IN WARRENTON CITY PARK” AND CHAPTER 12.08 “CITY PARK HOURS” OF THE WARRENTON MUNICIPAL CODE

WHEREAS, the City last addressed Chapter 12.04 and Chapter 12.08 of the City’s Municipal Code in 1983 and 1997 respectively; and

WHEREAS, the City last addressed Chapter 10.04 of the City’s Municipal Code in 2023; and

WHEREAS, the language of the code needs to be updated to be consistent with current legal standards, current court rulings, and current vehicle law standards; and

WHEREAS, the City needs to make sure there are no duplicate codes; and

WHEREAS, the City needs to be able to address and regulate activity that occurs on our streets, sidewalks, and public rights-of-way to promote health and safety;

NOW, THEREFORE, the City of Warrenton ordains as follows: (Key: new, ~~remove~~)

Section 1. Warrenton Municipal Code Chapter 10.04 Traffic Regulations is hereby amended to read as follows:

10.04.140 Storage of motor vehicle on streets. Is a duplicate of 10.04.380 and is removed from the Code.

10.04.160 Prohibited parking or standing.

In addition to the State motor vehicle laws prohibiting parking, as adopted pursuant to 10.04.020, no person shall park or stand:

- A. 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 30 consecutive minutes.
- B. A vehicle upon a bridge, viaduct or other elevated structure used as a street, or within a street tunnel, unless authorized.
- C. Any vehicle having an overall width in excess of six feet, six inches between the hours of 7:00 p.m. and 4:00 a.m. of the following day except for loading or unloading, or in an emergency, on any street in a residential zone. A vehicle described in the preceding sentence may park in an industrial or commercial zone during the hours described in the preceding sentence, unless the roadway width is less than 34 feet from curb to curb.
- D. No person shall park a vehicle, whether occupied or not, or place any obstruction that would impede mail delivery or create a hazard, in front of or within 15 feet on either side of a curbside mailbox or other place where mail is received or deposited, on postal

delivery days between 8:00 a.m. and 6:00 p.m., except in the following instances:

1. Except when necessary to avoid conflict with other traffic; or
2. In compliance with law or directions of a police officer or official traffic control device; or
3. Momentarily to pick up or discharge a passenger or passengers.

E. A vehicle in violation of any restrictions imposed by the City, posted on a sign or other designation marking an area or zone.

10.04.260 Citation Notice on illegally parked vehicle.

- A. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by any portion of this Title 10 chapter other than those provisions regarding abandoned vehicles, stored vehicles, or hazardous vehicles, 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 ~~traffic citation~~ **Parking Violation Notice** instructing the operator to answer to the charge against ~~him or her~~ **them** or pay the penalty imposed within 10 days ~~during the hours and at a place specified in the citation~~ **by following the instructions on the notice.**
- B. Whenever a City officer finds an abandoned or wrongfully stored vehicle, the officer finding the vehicle shall, in either case, provide advance notice substantially similar to the form, substance, and time periods provided under ORS 819.110 and ORS 819.179.

10.04.270 Failure to comply with ~~traffic citation~~ parking violation notice attached to parked vehicle.

For all violations of this Title 10 other than a violation due to an abandoned vehicle, stored vehicle, or hazardous vehicle, if the operator does not respond to a ~~traffic citation~~ **notice** affixed to a vehicle within a period of 10 days, the City ~~Manager~~ may send to the owner of the vehicle to which the ~~traffic citation~~ **notice** was affixed a letter informing the owner of the violation and warning ~~him or her~~ **them** that in the event that the letter is disregarded for a period of 30 days.

- A. The fine will be double.
- B. If the vehicle has four or more outstanding ~~citations~~ **notices** or \$100.00 or more in unpaid fines, it may be impounded. Impounded vehicles shall only be released in accordance with Section 10.04.310.
- C. For all violations due to an abandoned vehicle or a stored vehicle, if the operator does not respond within the required time period, the City may impound the vehicle according to Article VIII.

10.04.280 Owner Responsibility.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent.

10.04.290 Registered owner presumption.

In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

Section 2. Warrenton Municipal Code Chapter 12.04.010 Sale of Goods is amended to read as follows:

12.04.010 Sale of Goods.

The sale of goods and concessions shall not be allowed in the Warrenton City **parks** ~~located between Southwest Third Street on the north, Southwest Sixth Street on the south, Birch Court on the west, and the Burlington Northern Railroad right-of-way on the east (which park is intersected by Alder Avenue, a public thoroughfare);~~ outside of the concession building, except as stated in Section 12.04.020. (Ord. 745-A § 1, 1983).

Section 3. Warrenton Municipal Code Chapter 12.04.020 Vendors is amended to read as follows:

12.04.020 Vendors.

Vendors and concessionaires will be allowed to set up booths in the park ~~on the July 4th weekend from sunrise, July 2nd, until sundown, July 6th;~~ **if they have a valid permit from the City or are operating under an approved Event Permit** and at no other time.

Section 4. Warrenton Municipal Code Section 12.08.010 Park hours is hereby amended to read as follows:

12.08.010 Park hours.

It is unlawful for any person to be in a park during the hours of park closure. Unless the Public Works ~~Superintendent~~ **Director** or designee designates otherwise **or a permit with specific hours is issued**, "hours of park closure" means anytime between the hours of ~~11:00 p.m. and the following 5:00 a.m. with the exception of the following park: It is unlawful to be in Eben Carruthers Park between the hours of 10:00 p.m. and the following 5:00 a.m.~~ **10:00 p.m. and the following 6:00 a.m.**

Section 5. This Ordinance shall become effective immediately after its adoption.

First Reading: January 14, 2025

Second Reading: January 28, 2025

ADOPTED by the City Commission of the City of Warrenton, Oregon this 28th day of January 2025.

APPROVED


Henry A. Balensifer III, Mayor

ATTEST



Dawne Shaw, CMC, City Recorder

Hanna Bentley, Deputy City Recorder