

## ORDINANCE NO. 296

AN ORDINANCE REGULATING GENERAL TRAFFIC, VEHICLE PARKING, AND VEHICLE STORAGE IN THE CITY OF SHADY COVE, OREGON; PROVIDING PENALTIES AND REPEALING ORDINANCE NOS. 70 and 93.

The people of the City of Shady Cove ordain as follows:

### § 296.01 SPEED LIMITS

After approval by the State Transportation Commission, where the approval is required by motor vehicle laws of the state, and for the best use of the streets, in the public interest, the City Council may designate by resolution speed limits on various streets, or portions thereof, within the City limits.

### § 296.02 STATE CRIMINAL CODE ADOPTED.

The provisions of ORS Ch. 161 relating to defenses, burdens of proof, general principles of criminal liability, parties to a crime or offense and general principles of justification and responsibility apply to offenses defined and made punishable by this chapter.

§ 296.03 DEFINITIONS. As used in this ordinance, the following words, except where the context clearly indicates otherwise, mean:

Abandoned vehicle means a vehicle that appears to be inoperable and has any characteristics that include but are not limited to expired license plate, missing rear vehicle license plate, flat tire(s), broken windshield, extensive body damage or rust, wrecked or partially dismantles **and has been left on any public way for a period in excess of 72 hours without authorization by statute or local ordinance.**

Alley means any public right-of-way for the secondary access of a property not intended for general traffic use.

Commercial vehicle means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire or a vehicle marked and directly used in association with a licensed business or a truck or tractor/trailer that is 10,000 pounds or more gross weight, and/or 20 feet or more in length, and/or eight feet or more in width.

Electric vehicle means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof. Electric vehicle may include a battery electric vehicle, a plug-in hybrid vehicle, a neighborhood electric vehicle, and a medium-speed electric vehicle.

Inoperable vehicle means a vehicle which has been left out of an enclosed structure on private property for more than 30 days; has a broken or missing window, windshield, wheels or tires; lacks an engine or has an inoperable engine; or lacks a transmission or has an inoperable transmission.

Legal owner means the person or entity with a financial interest in the vehicle and whose name is on the title of the vehicle; the person who is entitled to the possession and use of the vehicle under a security agreement including a lease agreement.

Planting strips means that portion of the roadway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area.

Public right-of-way means the area on, below, or above a public roadway, highway, street, bridge, bicycle lane, or public sidewalk in which the municipality has an interest, including other dedicated rights-of-way for travel purposes and utility easements.

Recreational vehicle (RV) means a motorized vehicle designed primarily for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to motor home, bus, van, truck camper, travel trailer, camping trailer, tent trailer, camper mounted on a vehicle, fifth wheel, and boat on trailer.

Registered owner means the person in whose name title to a vehicle is issued, and who is entitled to possession and use of the vehicle.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons standards or otherwise, so as to be plainly discernible.

Shoulder means that area of the roadway between the traveled portion of the roadway and the planting strip or other area commonly for use by pedestrians, for the accommodation of stopped vehicles and for emergency use.

Standing means halting of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Storing means the keeping of a vehicle on the public right-of-way in excess of 72 consecutive hours.

Street means the portion of a public right-of-way owned, improved, and maintained by a public entity for vehicular traffic exclusive of the shoulder; also described as a road, roadway or highway.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway including but not limited to any car, truck, motorcycle, motor home, trailer **including utility trailer**, towed object, or other motorized automobile.

#### § 296.04 PARKING ON PUBLIC STREETS AND RIGHTS-OF-WAY.

(A) Parking or standing a vehicle shall be permitted in a street parallel with the edge of the roadway, headed in the direction of lawful traffic movement, with curbside wheels within 12 inches of the edge of the curb, except where the street is marked for angle parking.

(B) Parking is prohibited:

1. Where the street/road surface is less than 20 feet wide.

2. Where a time limitation or parking restriction is marked by traffic markers, yellow or orange strips, or otherwise, so as to be plainly discernible.
3. On the roadway side of any vehicle stopped or parked on the edge or curb of a street.
4. On a sidewalk, planting strip, or bike lane.
5. Within 20 feet of an intersection or crosswalk.
6. Where official signs or barricades are placed prohibiting parking.
7. Upon a bridge or other elevated structure.
8. In the area between roadways of a divided highway.
9. Within a fire zone, a fire exit, or within 15 feet of a fire hydrant, or 30 feet of a fire station driveway entrance.
10. Within 5 feet of a public or private driveway.
11. Where stopping or parking a vehicle would obstruct traffic or adequate view of an intersection.
12. Where stopping or parking a vehicle cannot be done without compromising safety.

(C) A person commits the offense of unlawful parking in a space reserved for persons with disabilities if the person parks a vehicle in any parking space that is on private or public property and that is marked or signed to provide parking for persons with disabilities and the vehicle does not conspicuously display a disabled person parking permit described in ORS 811.602 or 811.606 or a disabled parking permit issued by another jurisdiction.

(D) No person shall park, store, abandon, or display for sale a vehicle of any kind on a public right-of-way in excess of 72 hours.

(E) No person shall park on any street or public right-of-way:

- ~~1.—Any vehicle displaying commercial, noncommercial, or political signs with the exception of and limited to company-owned vehicles displaying company identification attached to the vehicle.~~
2. A vehicle for selling merchandise except when authorized by the City of Shady Cove.
3. Trailers of any kind disconnected from a motor vehicle unless they are securely blocked to prevent movement.
4. Campers or canopies of any kind not on a vehicle.
5. Boats not on a trailer designed for transporting boats.
- ~~6.—More than 4 vehicles at each residential lot.~~
- ~~7.—Any abandoned or inoperable vehicle.~~

(F) Exceptions from prohibitions of parking on public streets or rights-of-way are:

1. When applicable, school buses and worker transport buses may stop on a roadway to load or unload children or workers, providing flashing school bus safety lights are operating.
2. When applicable, vehicles may stop, stand, or park momentarily to pick up or discharge a passenger.

3. When applicable, vehicles may stop, stand, or park momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.
4. When applicable, publicly-owned vehicles may stop, stand, or park to perform maintenance or repair work on a roadway.
5. When applicable, the driver of an unavoidably disabled vehicle may stop and temporarily leave the vehicle to seek assistance.

## § 296.05 PARKING AND STORING VEHICLES ON PRIVATE PROPERTY.

The following regulations shall be applicable to vehicles parked, stored, or maintained in an R-1, R-2, R-3, or G-C zone, or any other property utilized for residential purposes.

(A) Subject to the requirements of subsection B of this section, automobiles, buses, motor homes, motor trucks, vans, campers/camper shells mounted on a vehicle, camp trailers, boats on trailers, and tent trailers may be parked ~~in a front yard, side yard, corner lot rear yard or~~ in a portion of a yard clearly visible to a public right-of-way provided that the vehicles are:

1. Fully operable, completely assembled, supported by inflated tires, and not supported by blocks, jacks, or similar supports, except that such vehicles may be safely leveled to maintain the proper flow of propane or other gas to built-in appliances.
2. Currently registered for operation on public streets.
- ~~3. Owned or leased by residents of the premises.~~
- ~~4. Owned or leased by guests and for a period not to exceed 30 days.~~
- ~~5. Maintained in clean and neat condition and Not significantly damaged nor continuously under repair.~~
- ~~6. Not more than one and one-half ton load capacity if a motor truck.~~
7. Located entirely on the subject property with no overhang or encroachment permitted into the public right-of-way or adjacent private property.
8. Parked or stored on an approved residential parking space or on an approved residential driveway.

(B) Subject to the requirements of subsection A of this section, buses, motor homes, unmounted campers, camper shells mounted on a vehicle, camp trailers, boats on trailers, and tent trailers may be parked in a front or side yard if there is no access to the rear yard and no other approved location can be made available on the property for parking; and:

- ~~1. No more than one such vehicle or piece of equipment is located in a front or side yard. Such vehicle or piece of equipment is stored and parked safely and in accordance with Ordinances 90.01 through 90.99.~~
2. Buses have a maximum capacity of no more than 18 adult persons.
- ~~3. Motor homes have a maximum width of eight and one-half feet and a maximum length of 45 feet.~~
- ~~4. Unmounted camper stored on dollies or jacks must have lockable wheels with the lowest portion of such camper not to exceed a height of 12 inches above~~

ground level. ~~and, at such height, cannot be located within the garage due to the limiting height of the garage door.~~

5. Any area used for parking or storing vehicles or equipment shall be graveled or paved with concrete or asphalt.
- ~~6. Site plan approval is obtained for any area, in excess of the residential driveway, to be used for parking vehicles or equipment.~~
- ~~7. Site plan approval is obtained for any orientation of the vehicles or equipment other than perpendicular to the street that abuts the front lot line.~~
8. No portion of any vehicle or equipment is located on that part of a corner lot within a front or side yard in a manner that will obstruct clear view of the intersection.

(C) Authorized emergency vehicles or tow trucks, as determined by the Oregon Vehicle Code, Chapter 801, may be parked in a ~~side~~ yard if:

1. The operator or owner of the tow truck possesses a towing permit that has been approved by the City.
2. An overweight vehicle permit has been obtained from the City for vehicles which exceed a maximum gross weight of three tons.
3. The operator or owner of the vehicle possesses a valid contract with the Oregon State Police Department, Jackson County Sheriff Department, or an insurance company to provide emergency service on a 24-hour basis.
- ~~4. No location outside of the side yard is available for parking.~~
- ~~5. The vehicle is substantially screened from public view.~~

(D) Exceptions from prohibitions of parking and storage of vehicles on private property are:

1. Antique vehicles as defined in Oregon Vehicle Code Chapter 801.125 and registered as required by Oregon Vehicle Code Chapter 805.010.
2. Vehicles of special interest as defined in Oregon Vehicle Code Chapter 801.605 and registered as required by Oregon Vehicle Code Chapter 805.020.
3. Vehicles or portions of vehicles used as part of a landscape plan approved by the City.
4. Vehicles not designed for street use (race cars, off road vehicles) or trailers not requiring a license, such as golf carts, utility trailers, etc.

#### § 296.06 AGREEMENT WITH STATE OF OREGON AND JACKSON COUNTY.

(A) City Council by its enactment hereby authorizes and endorses the State of Oregon to make such mutually agreeable traffic regulations upon Highway 62 as may be agreed to by the City and the State. Oregon Vehicle Code Chapter 811 defines, establishes and limits parking on State and federal land within Shady Cove.

(B) City Council by its enactment hereby authorizes and endorses Jackson County to make such mutually agreeable traffic regulations upon county-owned roadways and easements as may be agreed to by the City and the County. Jackson County

Codified Ordinances Chapter 440 defines, establishes and limits parking on County facilities within Shady Cove.

#### § 296.07 VIOLATION

- (A) No person shall cause or permit any vehicle owned or controlled by him/her to be parked in violation of any provision of this chapter; violators will suffer any disability or legal disadvantage based upon conviction thereof.
- (B) Parking violations under this chapter may be charged by an unsworn written notice subject to the provisions of ORS 221.333.
- (C) Citations or notices charging parking violations may be issued by the Jackson County Sheriff, Deputy Sheriff, or any other officer or employee of the Jackson County Sheriff Department designated by the Shady Cove City Administrator for this purpose.

#### § 296.08 PENALTY.

Any person found in violation under this chapter shall be subject to, as applicable, provisions of Jackson County Codified Ordinance 440.99 and state statute.

#### § 296.09 VEHICLE TOWING AND IMPOUND REGULATIONS AND PROCEDURES

- (A) A vehicle may be impounded subject to the provisions of ORS 809.725, or successor statutes.
- (B) If a vehicle is parked, abandoned, stored, displayed, or is otherwise in violation of any provision of this chapter, any person authorized to issue citations under this chapter may cause the vehicle to be towed or impounded pursuant to the provisions of ORS 819.110 and ORS 819.120.
- (C) Upon payment of an administrative fee to the City of Shady Cove, (as established by resolution and contained within the city fee resolution), the owner/agent may receive a release from the City.
- (D) After acquiring a release from the City of Shady Cove, the owner/agent may then retrieve his/her vehicle from the tow company upon satisfaction of the accrued towing, impound, and storage fees.
- (E) Any hearings related to towing and impounding of vehicles under this subsection, shall be provided by the Jackson County Sheriff's Department to which the authority is hereby granted to make final disposition of the issues as prescribed by Jackson County Codified Ordinance 440.04.

#### § 296.10 SAVING AND SEVERABILITY

- (A) Effect of Repeal of Code Sections and Ordinances. Repeal of a code section or ordinance does not revive a code section ~~a code section~~ or ordinance in force before

or at the time the repealed code section or ordinance took effect. The repeal does not affect a punishment or penalty incurred before the repeal took effect, not a suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the repealed code section or ordinance.

- (B) Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

#### § 296.11 REPEAL

- (A) Shady Cove, OR Code of Ordinances Chapter 70: General Traffic and Parking Regulations, is repealed.
- (B) Shady Cove, OR Code of Ordinances Chapter 93: Abandoned Vehicles, enacted is repealed.

#### § 296.12 EFFECTIVE DATE

City Charter of Shady Cove, Jackson County, Oregon:

Section 34: A non-emergency ordinance takes effect on the thirtieth day after its adoption or on a later date the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.