

ORDINANCE No. 3238

AN ORDINANCE CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC; AND REGULATING ON AND OFF STREET PARKING; (As amended by Ordinance No. 3244, 3257, 3262, 3319, 3345, 3371, 3373, 3390, 3430, 3463, 3493, 3497, 3519, 3539, 3573, 3589, 3649, 3662, 3695, 3723, 3731, 3799, 3838, 3859.)

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Short Title. This Ordinance may be referred to as the “City of Pendleton Uniform Traffic and Parking Ordinance.”

DEFINITIONS

SECTION 2. Definitions. For purposes of this Ordinance, which are related to traffic regulation and enforcement, the following mean:

Alley. A street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic.

Ambulance Ambulance means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons who are ill or injured or who have disabilities.

Chief of Police. The Chief of Police of the City of Pendleton.

City. The City of Pendleton, Umatilla County, Oregon.

City Manager. The City Manager of the City of Pendleton, or his designee.

City Parking Lot or City Parking Facility. Any City-owned or leased property designated exclusively for off-street parking.

Crosswalk: Crosswalk means any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings (including elevated crossings, otherwise known as raised crosswalks or traffic tables) on the surface of the roadway that conform in design to the standards established for crosswalks under ORS 810.200. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection. Where no marked crosswalk exists, a crosswalk is that portion of the roadway described in the following:

(1) Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:

(a) The connections of the lateral lines of the sidewalks, shoulders or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or

(b) The prolongation of the lateral lines of a sidewalk, shoulder or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder.

(2) If there is neither sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection, measuring not less than six feet in width, that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk.

Disabled Parking Space. A parking space that is on private or public property and is marked or signed to provide parking for disabled persons, as defined herein.

Disabled Person (1) A person who has severely limited mobility because of paralysis or the loss of use of some or all of the person’s legs or arms;

(2) A person who is affected by loss of vision or substantial loss of visual acuity or visual field beyond correction; or

(3) A person who has any other disability that prevents the person from walking without the use of an assistive device or that causes the person to be unable to walk more than 200 feet, including but not necessarily limited to:

(a) Chronic heart condition; (1) A person who has severely limited mobility because of paralysis or the loss of use of some or all of the person’s legs or arms;

(2) A person who is affected by loss of vision or substantial loss of visual acuity or visual field beyond correction; or

(3) A person who has any other disability that prevents the person from walking without the use of an assistive device or that causes the person to be unable to walk more than 200 feet, including but not necessarily limited to:

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- (a) Chronic heart condition;
- (b) Emphysema;
- (c) Arthritis;
- (d) Rheumatism; or
- (e) Ulcerative colitis or related chronic bowel disorder.

- (b) Emphysema;
- (c) Arthritis;
- (d) Rheumatism; or
- (e) Ulcerative colitis or related chronic bowel disorder.

(2) A person who is affected by loss of vision or substantial loss of visual acuity or visual field beyond correction; or

(3) A person who has any other disability that prevents the person from walking without the use of an assistive device or that causes the person to be unable to walk more than 200 feet, including but not necessarily limited to:

- (a) Chronic heart condition;
- (b) Emphysema;
- (c) Arthritis;
- (d) Rheumatism; or
- (e) Ulcerative colitis or related chronic bowel disorder.

Driver or Operator. Any person who is in actual physical control of a vehicle.

Emergency Medical Technician. A person who attends any ill, injured or disabled person in connection with the injured person's transportation by ambulance. Police officers, fire fighters, funeral home employees and other personnel serving in a dual capacity one of which meets the definition of "emergency medical technician" are "emergency medical technicians" within the meaning of ORS Chapters 682, 801 and 820. **Emergency Vehicle:**

(a) An ambulance used in an emergency situation.

(b) A vehicle equipped with warning lights and sirens pursuant to ORS Chapters 820 and 816. Operated by public police, fire or airport security agencies;

(2) Designated as an emergency vehicle by a federal agency; or

(3) Designated as an emergency vehicle in writing by the Administrator of the Motor Vehicles Division.

Government Building and Public Building.

(a) **Government Building.** Includes all buildings and structures used by the public that are constructed, purchased, leased or rented in whole or in part by the use of State, county or municipal funds or the funds of any political subdivision of the State; and, to the extent not required otherwise by Federal law or regulations or not beyond the power of the State to regulate, all buildings and structures used by the public which are constructed, purchased, leased or rented in whole or in part by the use of Federal funds.

(b) **Public Building.** Includes all buildings and structures used by the public that are constructed, purchased, leased or rented in whole or in part by the use of private funds where the building or structure has a ground area of more than 4,000 feet or is more than twenty (20') feet in height from the top surface of lowest flooring to the highest interior overhead finish of the building or structure. 'Public buildings' does not include private buildings rented by election officers solely for use as an election polling place.

Highway, Road or Street. "Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. For the purpose of enforcing traffic offenses contained herein and in the Oregon Vehicle Code, except for ORS 810.230 (Unlawful sign display), highway includes premises open to the public that are owned by a homeowners association and whose boundaries are contained within a service district established on or before July 1, 2002, under ORS 451.410

Intersection. "Intersection" means the area of a roadway created when two or more roadways join together at any angle, as described in one of the following:

(1) If the roadways have curbs, the intersection is the area embraced within the prolongation or connection of the lateral curb lines.

(2) If the roadways do not have curbs, the intersection is the area embraced within the prolongation or connection of the lateral boundary lines of the roadways.

(3) The junction of an alley with a roadway does not constitute an intersection.

(4) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersection highway is a separate intersection. In the event the intersection highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways is a separate intersection.

Local Authorities. Every county, municipal and other local board or body having authority to adopt and administer local police regulations under the constitution and laws of this State.

Marked Motor Vehicle. A motor vehicle conspicuously displaying the placard issued under the provisions of ORS 811.602 through 811.637.

Motor Bus.

(a) Means every vehicle designed or used for carrying passengers and their personal baggage for compensation; but

(b) Does not include taxicabs designed or constructed to accommodate and transport not more than five (5) passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method or system to indicate and determine the passenger fare paid for a distance traveled.

Motorcycle. “Motorcycle” means any self-propelled vehicle other than a moped or farm tractor that:

- (1) Has a seat or saddle for use of the rider;
- (2) Is designed to be operated on the ground upon wheels; and
- (3) Is designed to travel with not more than three wheels in contact with the ground.

Motor Truck. Every motor vehicle designed, used or maintained primarily for the transportation of property and having a gross weight in excess of 8,000 pounds.

Motor Vehicle. Every self-propelled vehicle or vehicle designed for self-propellation.

Official Traffic Control Devices. All official traffic signs, signals, markings and devices, such as stop sign, caution signs, slow signs, no-reverse-turn signs, signs designating time limits for parking or prohibiting parking, lines painted or marked on street or curb-designated parking areas or spaces, markers designating loading zones, parking meters, and all other official traffic signs or signals erected, installed or painted for the purpose of directing, controlling and regulating traffic. All signs, signals, markings and devices not inconsistent with this Ordinance and ORS Chapter 483, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

Owner of a Parking Facility. Owner of a Parking Facility means:

- (a) The owner, lessee or person in lawful possession of a private parking facility; or
- (b) Any officer or agency of this State with authority to control or operate a parking facility.

Park or Parking. 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.

Parking Facility. Any property used for motor vehicle parking.

Pedestrian. Any person afoot or confined to a wheelchair.

Person. Shall mean every person, firm, co-partnership, corporation, association or organization.

Protective Device. A sign, signal, gate or other device to warn or protect the public, installed at a railroad-highway crossing.

Public Building. See **Government Building** and **Public Building** above.

Public Property. All property, real or personal, used by the public and which is either owned by a public entity or local authority, leased by a public entity or local authority, or over which a public entity or local authority has a superior property right over private owners.

Residential Property. Any part of private property that is used primarily for residences, including but not limited to houses and apartments, where:

- (a) Parking is not normally permitted at all; or
- (b) There is designated parking for not more than ten (10) vehicles.

Residential Property Owner. The owner, lessee or person in lawful possession of residential property.

Right of Way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Road. See **Highway**, **Road** or **Street** as defined in this ordinance..

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Shoulder. That portion of the highway, whether paved or unpaved, continuous to the roadway primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

Sidewalk:

- (a) On the side of a highway which has a shoulder, that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a pedestrian, or
- (b) On the side of a highway which has no shoulder, that portion of the highway between the lateral line of the roadway and the adjacent property line capable of being used by a pedestrian.

Stand or Standing. The halting of a vehicle, whether occupied or not and while actually engaged in receiving or discharging passengers.

Stop. When required means complete cessation from movement.

Stop. “Stop” means the following:

(1) When required, it means the complete cessation from movement.

(2) When prohibited, it means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic control device.

Street. See **Highway, Road** or **Street** above.

Throughway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Vehicle. “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. “Vehicle” does not include a manufactured structure.

(Section 2, as amended by Ordinance No. 3838, passed June 18, 2013, and Ordinance No. 3859, passed April 21, 2015.)

SECTION 3. Applications Uniform Throughout the City. The provisions of this Ordinance shall be applicable and uniform throughout the City and shall be enforced and interpreted so as to be in conformity with and not in conflict with any rule or regulation of ORS Chapters 801 through 826 (Oregon Vehicle Code), as may be amended from time to time, except as specifically authorized by those Chapters.

(Section 3, as amended by Ordinance No. 3859, passed April 21, 2015.)

SECTION 4. Exception to Persons Working on Highways. Unless otherwise specifically provided by law and except those offenses relating to serious traffic offenses, this Ordinance does not apply to persons, motor vehicles and other equipment employed by the United States, the State of Oregon, any County, City, special district or other political subdivision or public utility while on a highway, City street or right of way and working or being used to service, construct, maintain or repair the facilities of the utility or to persons, motor vehicles and other equipment while operated within the immediate construction project, as described in the governmental agency contract if there is a contract, in the construction or reconstruction of a street or highway when the work is being done in an area that is signed in accordance with the applicable State or local rule but shall apply to such persons and vehicles when traveling to or from facilities or construction projects.

ADMINISTRATION

SECTION 5. Powers of the City Manager.

A. Subject to Federal, State law and the right of appeal as outlined herein, the City Manager shall exercise all municipal traffic authority for the City except those powers specifically and expressly delegated herein or by another Ordinance.

B. The powers of the City Manager shall include, but not be limited to all of the authority conferred to municipal bodies pursuant to ORS 810.010 through 810.260 including

Regulating the use of throughway; Imposition of restrictions of highway use, grounds, procedure; Designation of truck routes, limitations; Increase or decrease in size and weight limits; Pedestrian traffic; Bicycle racing; Restriction of animal traffic and bridle paths; Designation of no passing zones; One-way designations, safety zones, turns; Designation of exclusive use lanes; Controlling parking; Speeds; and Traffic Control Devices.

(Section 5, as amended by Ordinance No. 3262, passed May 17, 1983 and Ordinance No. 3859, passed April 21, 2015.)

SECTION 6. Right of Appeal.

A. Any person who requested the City Manager to exercise his municipal traffic authority as stated above and who is dissatisfied with the written decision of the City Manager shall have the right of appeal as stated herein.

B. The City Manager shall advise any person requesting the City Manager to exercise his municipal traffic authority as stated above of the City Manager’s decision within fifteen (15) days of the request by mailing to such person by certified mail, return receipt requested, a copy of his decision. In the event that the City Manager does not mail a copy of such decision to the person requesting him to exercise his traffic authority pursuant to this Ordinance, then it will be conclusively presumed that the City Manager has denied the person’s request.

C. Any person who requested the City Manager to exercise his municipal traffic authority as stated herein and who is aggrieved or dissatisfied with such decision may appeal that decision to the City Council. Such appeal must be served either personally upon the City Manager or mailed to the City Manager, certified mail, return receipt requested, not more than thirty (30) days after the final decision of the City Manager.

D. The notice of appeal shall state:

(1) The fact that the person requested City Manager to exercise his municipal traffic authority.

- (2) The date the City Manager made the decision, which the person is dissatisfied.
- (3) The relief sought by the person.

E. The City Council shall hear the appeal within thirty (30) days of the notice of appeal and reach a decision within fifteen (15) days of their review. The decision of the City Council shall be final.

F.

G. Any person who requested the City Manager to exercise his municipal traffic authority as stated herein and who is aggrieved or dissatisfied with such decision may appeal that decision to the City Council. Such appeal must be served, either personally upon the City Manager or mailed to the City Manager, certified mail, return receipt requested, not more than thirty (30) days after the final decision of the City Manager.

H. The notice of appeal shall state:

- (1) The fact that the person requested the City Manager to exercise its municipal traffic authority.
- (2) The date the City Manager made the decision which the person is dissatisfied.
- (3) The relief sought by the person.

I. The City Council shall hear the appeal within thirty (30) days of the notice of appeal and reach a decision within fifteen (15) days of their review. The decision of the City Council shall be final.

(Section 6, as amended by Ordinance 3838, passed June 18, 2013 and Ordinance No. 3859, passed April 21, 2015.)

SECTION 7. Duties of the City Manager. The City Manager shall exercise the following duties:

A. Implement the ordinances, resolutions and motions of the Council and his own orders by installing, maintaining, removing and altering traffic control devices. Such installation shall be based on the standards adopted by the Oregon Transportation Commission and consistent with the authority granted by ORS 810.010.

B. Establish, remove or alter the following classes of traffic controls:

- (1) Crosswalks (ORS 810.080), safety zones (ORS 810.130), and traffic lanes (ORS 810.130).
- (2) Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies (ORS 810.130).
- (3) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal). (ORS 810.160)
- (4) Traffic control signals.
- (5) Loading zones and stops for vehicles.

C. Issue oversize or overweight vehicles permits. (ORS 810.050 and 810.060)

D. Designate certain streets as bridle paths and prohibit horses and animals on other streets. (ORS 810.110)

E. Temporarily block or close streets.

F. Establish bicycle lanes and paths and traffic controls for such facilities (ORS 810.020).

(Section 7, as amended by Ordinance No. 3859, passed April 21, 2015.)

SECTION 8. Public Danger. Under conditions constituting a danger to the public, the City Manager may install temporary traffic control devices deemed by him to be necessary.

SECTION 9. Standards. The regulations of the City Manager shall be based upon:

- A. Traffic engineering principles and traffic investigations.
- B. Standards, limitations and rules promulgated by the Oregon Transportation Commission.
- C. Other recognized traffic control standards.

SECTION 10. Authority of Police and Fire Officers.

A. Police officers and with respect to fire lane violations, Fire Department personnel, have the authority to enforce the provisions of this Ordinance.

B. In the event of a fire or other public emergency, sworn and non-sworn personnel of the Police and Fire Departments may direct traffic as conditions require, notwithstanding the provisions of this Ordinance.

(Section 10, as amended by Ordinance No. 3799, passed June 1, 2010 and Ordinance No. 3859, passed April 21, 2015.)

GENERAL REGULATIONS

SECTION 11.

A. **Sleds/Skateboards/Rollers Skates/and Other Similar Devices on Streets.** No person shall use the streets for traveling on skis, toboggans, sleds, skateboards, roller skates, or similar devices, whether self-propelled or propelled by any other device, except where authorized.

B. **Skateboards/Roller Skates/Bicycle/Roller Blades/Prohibited Use in Downtown Area.** No person, other than for a test or demonstration ride of a bicycle by an adult or a minor under adult supervision, shall use the sidewalks for traveling on skateboards, bicycles, roller skates, roller blades or similar devices, whether self-propelled or propelled by any other device, in the downtown area of Pendleton. The downtown area of Pendleton includes all sidewalks located in the area between the Umatilla River on the North boundary, the Union Pacific Railroad tracks on the South boundary which are located just beyond Frazer Avenue, S. W. 2nd Street on the West boundary, and S. E. 2nd Street on the East Boundary. (Section 11, as amended by Ordinance No. 3373, passed November 4, 1986; Ordinance No. 3493, passed October 5, 1993; and Ordinance No. 3497, passed November 16, 1993.)

SECTION 12. Damaging Sidewalks and Curbs.

A. The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway, except:

(1) When parallel parking would narrow the street to the point it is impassable. In this instance, vehicles are permitted to be parked and secured in a that minimizes damage to City property while allowing other vehicles to pass safely.

B. No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C. No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.

D. No person using a City parking lot or street shall do any of the following:

(1) Penetrate or scar the asphalt. This includes a prohibition against placing or driving metal spikes or other material into the asphalt.

(2) Place any material on a City parking lot or street, including equipment, without protecting the asphalt from potential leaking fuels and oils by means of an absorbent pad or other device as approved by the City.

(3) Use a City parking lot or street without providing for the complete clean up and removal of all debris, including petroleum products.

E. The sponsoring agency or person authorized to use a City parking lot or street shall be responsible for damage to property or persons and the surrounding area.

(1) The City Manager shall have the power to adopt additional rules and regulations for the protection of the parking lots and streets.

(Section 12, as amended by Ordinance No. 3463, passed May 7, 1991 and Ordinance No. 3859, passed April 21, 2015.)

SECTION 13. Removing Glass and Debris. A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street.

SECTION 14. Storage of Vehicles. For purposes of this section, vehicle shall mean motor vehicles, vehicles, boat trailers, house trailers, trailers, other similar devices.

A. **Parking on Street or Public Property.** No person shall store or permit to be stored on a street or other public property, without permission of the City Manager, any vehicle, or personal property for a period in excess of fourteen days, beginning the day the vehicle or personal property is tagged with notice of the violation of Ordinance and ending the fifteenth day of non-compliance. A motor vehicle or other personal property which remains parked, or otherwise located within 500 feet of its original location for a period of fourteen days shall constitute storage of a motor vehicle in violation of this section. All vehicles or similar devices subject to the language of this sub-section shall be moved outside the designated 500 feet for a minimum of one day to be considered compliant with Ordinance language.

B. **Derelict Vehicles.** For purposes of this ordinance, a derelict vehicle is one which is inoperative, wrecked, dismantled, partially dismantled, abandoned, junked, not currently registered with the Oregon Department of Motor Vehicles or is no longer safely usable for the purposes for which it was manufactured or constructed. No person who is the owner of or in charge of private real property within the City may keep, wreck, store, or allow to remain

thereon any derelict vehicle, or part thereof, unless parked or stored in a completely enclosed structure or otherwise stored in a way that it is not readily visible from the public right of way and/or other properties, or unless it is on such private real property in connection with a business enterprise lawfully licensed to store vehicles by the City and properly operated in the appropriate commercial or industrial zone, and in compliance with the City Unified Development Code. A derelict vehicle covered with a tarp or similar covering is readily visible, as noted herein, and is in violation of this section.

C. **Parking on Private Property.** No person who is the owner of or in charge of private real property within the City may park or store vehicles on private real property upon areas that are sidewalk, grass, exposed soil or undeveloped landscape, and parking must be located in or on one of the following designated areas of private property, with said areas being in compliance with the Unified Development Code :

- (1) A concrete, asphalt or paver driveway that connects the street to an off-street parking structure, garage, carport or other building used for parking or storing a vehicle; or
- (2) A designated parking area, other than driveway, which is surfaced with concrete, asphalt, pavers or gravel of not less than three inches of one inch minus or smaller crushed stone; or
- (3) An off-street parking structure, garage, carport or other building; or
- (4) In a completely enclosed structure or otherwise parked in a way that it is not readily visible from the public right of way and/or other properties.

D. **Notice of Enforcement.** For the purpose of subsection B of this section, if a derelict vehicle or part thereof is permitted to remain on property for 72 hours after the registered owner of the vehicle or the owner of the property is notified of the violation, it shall be deemed to have been kept, stored, or allowed to remain thereon. After the expiration of 72 hours from notice, each day during which the vehicle or part thereof remains on the property in violation of this section and shall be punishable as a separate offense.

E. No person, owner of an inoperable vehicle, or any other person, may deposit such vehicle on the private or public real property of another without the consent of the property owner or person in charge of property.

F. In any trial for a violation of subsections B or D of this section, the last registered owner of the vehicle according to the records of the Oregon Department of Transportation shall be presumed to be the person who deposited the inoperable vehicle.

(Section 14, as amended by Ordinance No. 3649, passed June 19, 2001; Ordinance No. 3731, passed May 16, 2006; Ordinance No. 3799, passed June 1, 2010 and Ordinance No. 3859, passed April 21, 2015.)

PARKING REGULATIONS

SECTION 15. Method of Parking/Improper Parking.

A. Where parking space markings are placed on a street, 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. No person shall improperly park a vehicle on a highway, road or street. Improper parking includes parking on or in a sidewalk, driveway, traffic island, safety zone, yellow parking zone, other similar areas, or double parking.

E. No person shall improperly park a vehicle on a highway, road or street. Improper parking includes parking within 14 feet of the structural support of a receptacle used for receipt of U. S. Mail from the United States Postal Service (Residential and commercial mail boxes), except on days when the United States Postal Service does not deliver residential or commercial mail.

(Section 15, as amended by Ordinance No. 3430, passed April 18, 1989; and Ordinance No. 3799, passed June 1, 2010.)

SECTION 16. Prohibited Parking or Standing. In addition to the State motor vehicle laws prohibiting parking, 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 thirty (30) consecutive minutes.

B. A motor truck as defined above on a street between the hours of 10:00 p.m. and 7:00 a.m. of the following day in an area designated by the Pendleton Zoning Map to be Low Density Residential (R-1), Medium Density Residential (R-2) or High Density Residential (R-3), except pursuant to a permit as provided for in this section.

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C. A motor truck as defined above with the motor or refrigeration units running and audible to persons in a residence, motel, apartment house, hotel or other sleeping accommodation, for more than 5 consecutive minutes between the hours of 10:00 p.m. and 7:00 a.m. of the following day on a street in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation.

D. The City Manager or his designee may issue a permit, valid for 3 years, to permit a motor truck to park in a residential zone upon application by the property owner or tenant showing that the permit has been approved by:

- (1) All residents along the street where the truck will park within 200 feet of the property or to the next intersection, whichever is further; and
- (2) The City Manager or the City Manager's designee.

(Section 16, as amended by Ordinance No. 3539, passed March 5, 1996.)

SECTION 17. Prohibited Parking. No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

- A. Displaying the vehicle for sale.
- B. Repairing or servicing the vehicle, except repairs necessitated by an emergency.
- C. Displaying advertising from the vehicle.
- D. Selling merchandise from the vehicle, except when authorized.

SECTION 18. Use of Loading Zone. No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case, when the hours applicable to the loading zone are in effect, shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed thirty (30) minutes.

SECTION 19. Unattended Vehicles. Whenever a police officer finds a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the police department for safe keeping. (Section 19, as amended by Ordinance No. 3799, passed June 1, 2010.)

SECTION 20. Standing or Parking of Motor Buses and Taxicabs. The operator of a motor bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

SECTION 21. Restricted Use of Bus and Taxicab Stands. No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

SECTION 22. Lights on Parked Vehicle. No lights need be displayed upon a vehicle that is parked in accordance with this Ordinance upon a street where there is sufficient light to reveal a person or object at a distance of at least five hundred (500') feet from the vehicle.

SECTION 23. Exemption. The provisions of this Ordinance regulating the parking or standing of vehicles shall not apply to a vehicle of the City, County or State or public utility while necessarily in use for construction or repair work on a street, the enforcement of law or a vehicle owned by the United States Postal Service or its contractors while in use for the collection, transportation or delivery of mail. (Section 23, as amended by Ordinance No. 3799, passed June 1, 2010.)

CONSTRUCTION PARKING

SECTION 24. Parking Permits. The City Manager or the manager's designee may issue a parking permit to a contractor engaged in the construction, reconstruction or repair of a building or installation of equipment in a building adjacent to a street where on street parking spaces are located. A permit shall be issued only when available parking areas, including alleys which might be used or blocked off without interference with commerce, are not found reasonably close to the structure job. An initial fee of \$10.00 per day per space shall be paid upon proof of continuing need. At termination of use, the permit shall be returned to the City. A deposit of \$15.00 per stand shall be made for each permit at the time of issuance, which deposit shall be refunded upon return of the standard. This Section shall not apply to contractors acting

under the authority of the Uniform Building Code pursuant to a valid building permit of the City. (Section 24, as amended by Ordinance No. 3799, passed June 1, 2010.)

SECTION 25. Use of Parking Permits. A person with a properly issued parking permit may place it upon a standard blocking a particular parking space reasonably close to the place where he is engaged. This will reserve the parking space for the use of the permittee's vehicle during the period when he is actually engaged in the task for which the permit was issued.

SECTION 26. Violation. No person shall use a construction parking permit except for the purpose for which the permit was issued. Failure to abide by this provision will result in forfeiture of the permit, without refund of any of the fees paid, and the City Manager or the manager's designee shall not issue another permit to the violator except upon Council approval. (Section 26, as amended by Ordinance No. 3799, passed June 1, 2010.)

PARKING FOR DISABLED PERSONS

SECTION 27. Application of Parking Regulations to Disabled Person.

A. Notwithstanding the provisions of ORS 811.601 through 811.637 or the parking restrictions imposed by any City or County ordinance, a disabled person who complies with the provisions of Sections 27 to 31 of this Ordinance, may:

- (1) Park a marked motor vehicle in any public parking zone restricted as to the length of time parking is permitted therein without incurring the penalties imposed for overtime parking in such zones; and
- (2) Park a marked motor vehicle in any public parking zone with metered parking without being required to pay any parking meter fee.

B. The provisions of Subsection A of this Section do not apply:

- (1) To parking in zones where stopping, parking or standing of all motor vehicles is prohibited;
- (2) To late evening or overnight parking where such parking is prohibited;
- (3) To parking in zones reserved for special types of motor vehicles or activities; or
- (4) To parking in zones where parking is permitted only for thirty (30) minutes or less.

C. A person who is not disabled as defined in Section 2 of this Ordinance and who exercises the privileges granted a disabled person under this Section commits a violation as defined below.
(Section 27, as amended by Ordinance No. 3859, passed April 21, 2015.)

SECTION 28. Identification of Motor Vehicle Used By or For Disabled Person.

A. A disabled person parking permit is a means of identifying vehicles being used to exercise the parking privileges granted to persons with disabilities. Said permits are issued by the Department of Transportation in the form of a placard or decal. A motor vehicle which conspicuously displays said placard or decal is a Marked Motor Vehicle and shall be subject to parking restrictions as described in this ordinance.

(Section 28, as amended by Ordinance No. 3859, passed April 21, 2015.)

SECTION 29. Parking in and Blocking Space Reserved for Disabled Persons

Prohibited; Exceptions.

A. Except as provided in Subsection D of this Section, no person shall park a vehicle that is not a marked motor vehicle: (1) in a disabled parking space, or
(2) in the aisle required by ORS 447.233, regardless of whether or not the vehicle is marked, or
(3) in a parking space that is on private or public property and that is marked or signed "Wheelchair User Only" as described in ORS 447.233 and the vehicle does not conspicuously display a "Wheelchair User" placard or decal issued under ORS 811.613.

B. A person commits the offense of blocking a parking space reserved for persons with disabilities if the person:

- (1) Stops or parks a vehicle in such a way as to block access to a parking space that is on private or public property and that is marked or signed to provide parking for persons with disabilities; or
 - (2) Places an object or allows an object to be placed in such a manner that it blocks access to a parking space that is on private or public property and that is marked or signed to provide parking for persons with disabilities.
- C. The offense described in this Section applies to vehicles parked on public or private property and is in addition to any remedies provided under Section 28 of this Ordinance.

D. Subsection A of this Section does not apply:

(1) To a vehicle that is momentarily in a disabled parking space for purposes of allowing a disabled person to enter or leave the vehicle.

(2) To any disabled parking space that is subject to different provisions or requirements under City or County ordinance if the different provisions or requirements are clearly posted.

E. Unless the police officer or authorized citizen per ORS 811.632 issuing the citation witnesses the parking of the vehicle, a rebuttal presumption exists that a vehicle parked in violation of this Section was parked by the registered owner of the vehicle and the citation issued for the violation may be placed upon the vehicle. If the parking of the vehicle is witnessed by a police officer or authorized citizen, the operator of the vehicle is in violation of this Section.

F. Violation of Subsection A and B of this Section are violations as defined below.

(Section 29, as amended by Ordinance No. 3859, passed April 21, 2015.)

SECTION 30. Removal and Storage of Vehicle Unlawfully Parked in Space Reserved for Disabled Persons.

A. A vehicle parked on private property in violation of Section 28 of this Ordinance is subject to the provisions Sections 53 and 55 of this Ordinance.

B. Any State agency or political subdivision of this State may provide for the removal and storage of vehicles that violate Section 29 of this Ordinance. A vehicle that is removed under this Subsection is subject to the following:

(1) The State agency or political subdivision may require payment of reasonable costs for removal and storage of the vehicle before the vehicle is released.

(2) If the vehicle is not claimed and any fees required under paragraph (1) of this Subsection are not paid within thirty (30) days of the removal, the vehicle shall be considered an abandoned vehicle for purpose of ORS 819.100 through 819.215, and shall be considered abandoned for the purposes of this Ordinance.

(Section 30, as amended by Ordinance No. 3859, passed April 21, 2015.)

SECTION 31. Misuse of Disabled Person Parking Permit.

A. A person commits the offense of misuse of special disabled person parking permit if the person:

(1) Is the driver of a vehicle that is being used for the transportation a disabled persons; and

(2) Uses a placard or decal issued under Section 28 of this Ordinance for any purpose other than helping disabled persons exercise privileges granted under ORS 811.601 through 811.637 .

B. The offense described in this Section, is a violation as defined below.

(Section 31, as amended by Ordinance No. 3859, passed April 21, 2015.)

PARADES AND PROCESSIONS

SECTION 32. Prohibited Activity. No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people utilizing the public right of way and consisting of twenty-five (25) or more persons or ten (10) or more vehicles.

SECTION 33. Parade Permit.

A. Application for parade permits shall be made to the Chief of Police at least fifteen (15) days prior to the intended date of the parade, unless the time is waived by him.

B. Applications shall include the following information:

(1) The name and address of the person responsible for the proposed parade.

(2) The date of the proposed parade.

(3) The desired route including assembling points.

(4) The number of persons, vehicles and animals which will be participating in the parade.

(5) The proposed starting and ending time.

(6) The application shall be signed by the person designated as chairman.

C. If the Chief of Police, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he shall approve the route and issue the permit. D. If the Chief of Police determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he may:

(1) Propose an alternate route.

(2) Propose an alternate date.

(3) Refuse to issue a parade permit.

E. The Chief of Police shall notify the applicant of his decision within five (5) days of receipt of the application.

F. If the Chief of Police proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the City Council.

(Section 33, as amended by Ordinance No. 3859, passed April 21, 2015.)

SECTION 34. Appeal to Council. An applicant may appeal the decision of the Chief of Police to the City Council by filing a written request of appeal with the City Recorder within five (5) days after the Chief of Police has proposed alternatives or refused to issue a permit.

SECTION 35. Offenses Against Parade.

A. No person shall unreasonably interfere with a parade or parade participant.

B. No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

SECTION 36. Permit Revocable. The Chief of Police may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

SECTION 37. Funeral Procession.

A. A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

B. The procession shall be accompanied by adequate escort vehicles for traffic control purposes.

C. All motor vehicles in the procession shall be operated with their lights turned on.

D. No person shall unreasonably interfere with a funeral procession.

E. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

PARKING CITATIONS AND OWNER RESPONSIBILITY

SECTION 38. Except where otherwise designated by the City Manager pursuant to Section 5 of this ordinance, two (2) hours of free parking shall be allowed in all parking spaces included in the City's "Two Hour Free Parking Zone," which zone is depicted on Attachment "A" to this Ordinance and more specifically defined as follows:

A. Both sides of S. W. 1st Street from the Umatilla River to the north line of Frazer Avenue.

B. Both sides of Main Street from the Umatilla River to the north line of S. E. Frazer Avenue.

C. Both sides of S. E. 1st Street from the Umatilla River to the north line of S. E. Frazer Avenue.

D. The west side of S. E. 2nd Street from the Umatilla River to the north line of S. E. Byers Avenue.

E. Both sides of S. E. 2nd Street from the south line of S. E. Byers Avenue to the north line of S. E. Dorion Avenue.

F. The west side of S. E. 3rd Street from the south line of S. E. Byers Avenue to the north line of S. E. Court Avenue.

G. Both sides of Byers Avenue from the east line of S. W. 1st Street to the west line of S. E. 2nd Street.

H. The north side of Byers Avenue from the east line of S. E. 2nd Street to the west line of S. E. 3rd Street.

I. Both sides of Court Avenue from the east line of S. W. 2nd Street to the west line of S. E. 3rd Street.

J. Both sides of Dorion Avenue from the east line of S. W. 1st Street to the west line of S. E. 2nd Street.

K. The south side of S. W. Dorion Avenue from the east line of S. W. 3rd Street to the west line of S. W. 1st Street.

L. Both sides of Emigrant Avenue from the east line of S. W. 2nd Street to the west line of S. E. 1st Street.

M. The south side of Emigrant Avenue from the east line of S. E. 2nd Street to the west line of S. E. 3rd Street.

N. The north side of Frazer Avenue from the east line of S. W. 1st Street to the east line of S. E. 1st Street.

(Section 38, as amended by Ordinance No. 3244, passed December 7, 1982; Ordinance No. 3257, passed March 15, 1983; Ordinance No. 3319, passed September 4, 1984; Ordinance No. 3573, passed November 4, 1997, and Ordinance No. 3662, passed March 5, 2002; Ordinance No. 3859, passed April 21, 2015.)

SECTION 39. It is the policy of the City that parking in the two hour free parking zone in the downtown area shall be for the comfort and convenience of shoppers and visitors to the downtown area. Employees and employees of downtown businesses shall refrain from extended parking of their vehicles in such locations during working hours. All employers shall advise their employees of this policy.

(Section 39, as amended by Ordinance No. 3244, passed December 7, 1982; Ordinance No. 3723, passed October 18, 2005.)

SECTION 40. It shall be unlawful and a violation as defined herein for any person to:

A. Cause, allow or permit any vehicle under such person's operation and control, or registered in such person's name, to be parked in any one block, specified in Section 38 of this Ordinance for more than two hours in a day.

B. Obliterate or smear any markings on vehicle tires affixed for the purpose of enforcing this Ordinance.

C. Deface, injure, tamper with, destroy or impair the usefulness of any signs regulating allowable parking times.

D. Park in such a manner as to interfere with the use of any other space marked for parking.

E. Place, store or pile goods, wares, merchandise or material in any parking stall for any purpose other than parking vehicles as herein provided, unless prior approval of such other use is obtained from the City Manager.

(Section 40, as amended by Ordinance No. 3244, passed December 7, 1982; Ordinance No. 3390, passed March 3, 1987; Ordinance No. 3723, passed October 18, 2005; Ordinance No. 3799, passed June 1, 2010.)

SECTION 41. Reserved. (Section 41, as amended by Ordinance No. 3723, passed October 18, 2005.)

SECTION 42. The appearance of any marking placed on vehicle tires for purposes of enforcing this Ordinance, observed in the same block at times more than two hours apart, shall be prima facie evidence of parking such vehicle for more than two hours.

(Section 42, as amended by Ordinance No. 3244, passed December 7, 1982; Ordinance No. 3723, passed October 18, 2005; Ordinance No. 3799, passed June 1, 2010.)

SECTION 43. Police officers or other persons designated by the Chief of Police may issue a parking violation ticket for any violation of the provisions of this Ordinance, which ticket shall state the location of the parking space at which the vehicle is parked, the license number of such vehicle, the day and hour of the offense, and if the information is available, the name and address of the owner of such vehicle. Tickets shall be placed on or in such vehicle or delivered to the owner or operator of such vehicle.

(Section 43, as amended by Ordinance No. 3723, passed October 18, 2005.)

SECTION 44. Parking of vehicles shall be in compliance with provisions of this Ordinance, provided that the time limits imposed shall not apply before the hour of 7:00 a.m. and after the hour of 6:00 p.m. each day, nor on Sundays nor upon the following holidays: New Year's Day, President's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

(Section 44, as amended by Ordinance No. 3244, passed December 7, 1982; Ordinance No. 3723, passed October 18, 2005.)

SECTION 45. All vehicles parking within the two hour free parking zone shall, except where otherwise designated by the City Manager pursuant to Section 5 of this Ordinance, be parked parallel to the curb, except that parking at an angle to the curb shall be allowed in the following locations:

A. The south side of S. E. Court Avenue from the east line of Main Street to the west line of S. E. 4th Street, except that the area reserved for the mail drop shall be for parallel to the curb parking.

B. The north side of S. E. Dorion Avenue from the east line of Main Street to the west line of S. E. 1st Street.

(Section 45, as amended by Ordinance No. 3244, passed December 7, 1982; Ordinance No. 3319, passed September 4, 1984, Ordinance No. 3723, passed October 18, 2005.)

SECTION 46. The City recognizes that certain non-profit or community service agencies benefit from the services of volunteer workers, and that a strictly enforced two hour parking limitation may unreasonably burden such workers who, for reasons of health, age or disability, find it difficult to comply with two hour parking limitations. For that reason, the two hour parking restrictions contained in this Ordinance may be waived for such volunteers under the following circumstances:

A. Volunteer Parking Permits may be authorized by the City Manager for non-profit or community service agencies such as the Chamber of Commerce, Community Hospital Thrift Store, and similar organizations, upon written request from such an organization that:

(1) they utilize volunteer workers (not compensated by wages, meals, lodging or other means) within the downtown two hour free parking zone,

(2) that by reason of health, age or disability one or more such volunteers would be unduly burdened by strict enforcement of a two hour parking limit, and

(3) that on premises parking is not available at the work site for such volunteers.

B. If the City Manager is satisfied that the three criteria listed above exist for an agency requesting Volunteer Parking Permits, the Manager may authorize at least one, but not more than three, such parking permits for the agency. Such

permits shall remain the property of the City and shall be immediately returned to the City upon revocation by the City Manager. Permits shall expire annually on December 31 of each year and may be renewed.

- C. Once authorized for a particular agency's use, Volunteer Parking Permits may be issued by such agency to individual volunteer workers affected by the health, age or disability factors mentioned herein. Vehicles visibly displaying such a permit inside the windshield on the driver's side shall not be subject to the two hour parking restrictions imposed by this Ordinance, but shall be subject to all other requirements and prohibitions in this Ordinance or as otherwise may be imposed by law. Vehicles displaying such permits may not be parked longer than 24 hours in any two hour restricted space, and in the event a vehicle does remain parked in such a space for a period longer than 24 hours, it shall again be subject to citation for over parking notwithstanding the provisions of this Section. Permits shall be numbered and identify the agency to which the permit was issued, as well as its expiration date. No such permit shall be valid unless it bears the signature of the City Recorder and seal of the City, and is issued by the authorized agency to a volunteer suffering the health, age or disability factors described herein, and only during hours of actual volunteer work. Permits shall be retained by such agencies when not in actual use.
- D. Use of Volunteer Parking Permits by unauthorized persons or agencies, other than as outlined in this Section, shall be unlawful and an offense under this Ordinance. Such permits shall be displayed inside the windshield of the driver's side of the vehicle.

(Section 46, as amended by Ordinance No. 3244, passed December 7, 1982; Ordinance No. 3723, passed October 18, 2005.)

SECTION 47. The City recognizes that the City as a whole benefits from guests to the City, and that a strictly enforced two-hour limitation may unduly and unreasonably burden such persons. For that reason the two-hour parking restrictions contained in this Ordinance may be waived for such persons by the City Manager or Chamber of Commerce employees under the following circumstances:

- A. Courtesy Cards may be issued for a period not to exceed one week by the City Manager during the period that a convention is being held by any organization within the City limits of the City.
- B. Such Courtesy Cards shall be limited to those persons participating in the convention.
- C. No person may allow their Courtesy Card to be used by anyone other than an immediate member of their family and if such an event occurs they shall be subject to the sections stated below for violation of the City's Parking Ordinance.
- D. Courtesy Cards shall be in a form adopted by and acceptable to the City Manager and shall be without charge. Such permits shall be displayed inside the windshield of the driver's side of the vehicle.

(Section 47, as amended by Ordinance No. 3244, passed December 7, 1982; Ordinance No. 3723, passed October 18, 2005; Ordinance No. 3799, passed June 1, 2010; Ordinance No. 3859, passed April 21, 2015.)

SECTION 48. The City recognizes that the City as a whole benefits from guests to the City partaking of tourist activities. Strictly enforced two hour parking limitations may unreasonably burden such persons. For that reason the two hour parking limitations contained in this Ordinance may be waived for such persons under the following circumstances:

- A. Tourist Courtesy Cards may be issued for a period not to exceed one day by the following non-profit tourist activities: The Pendleton Underground Tours, the Children's Museum of Eastern Oregon, The Pendleton Chamber of Commerce, and the Pendleton center for the Arts.

(Section 48, as amended by Ordinance No. 3723, passed October 18, 2005.)

SECTION 49. The City Manager is hereby authorized and directed to designate upon off-street parking facilities, stalls and access lanes by lines, signs, curbing or otherwise, to facilitate the parking of automobiles upon said facilities. The City Manager is also directed to designate by printed signs, stalls upon the Union Pacific Parking Lot for the use of Union Pacific Railroad employees, in a number not to exceed eighteen (18) stalls. No person other than Union Pacific Railroad employees may park in said stalls.

SECTION 50. Parking of vehicles upon parking lots shall be in compliance with the provisions of this Ordinance, provided that the time limits imposed for said lots shall not apply before the hour of 7:00 a.m., and after the hour of 6:00 p.m. each day; nor on Sundays and upon the following legal holidays: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

SECTION 51. It shall be unlawful and an offense for any person to:

- A. Cause, allow or permit any vehicle under such person's operation or control, or registered in such person's name, to be parked overtime or beyond the period of time permitted in that parking space.

B. Park a vehicle in the parking stalls of a City-owned parking lot, as defined in Section 48 A, B, and C of this Ordinance, for a continuous period of time in excess of two (2) hours, except where otherwise designated by the City Manager pursuant to Section 5 of Ordinance No. 3238, between the hours of 7:00 a.m. and 6:00 p.m., legal holidays excepted.

C. Park a vehicle in the parking stalls of the Union Pacific Parking Lot or the Dorion Avenue Parking Lot, as defined in Section 49 B or D of this Ordinance, for a continuous period in excess of 10 hours between the hours of 7:00 a.m. and 6:00 p.m. Legal holidays are exempt.

D. Park any vehicle in any parking facility in such a manner as to interfere with the use of any other space marked for parking.

E. Park any vehicle or combination of vehicles having an overall length in excess of 19½ feet within any City-owned parking lot, except that this sub-section does not apply to that portion of the Union Pacific Parking lot east of Main Street. (Section 51, as amended by Ordinance No. 3244, passed December 7, 1982; Ordinance No. 3319, passed September 4, 1984; and Ordinance No. 3519, passed November 5, 1996; Ordinance No. 3799, passed June 1, 2010.)

SECTION 52. It shall be the duty of each police officer or such persons designated by the City Manager to issue a parking violation ticket for any violation of the provisions of this Ordinance, which ticket shall state the location of the parking space at which the vehicle is parked, the license number of such vehicle, the day and hour of the offense. Tickets shall be placed on or in such vehicle or delivered to the owner or operator of such vehicle. (Section 52, as amended by Ordinance No. 3799, passed June 1, 2010; Ordinance No. 3859, passed April 21, 2015.)

SECTION 53. Penalties.

A. Any person receiving a parking ticket for any violations of this Ordinance, other than violation of Section 40-A (the two hour parking limit), which penalty is provided for in Section 53-B, below, or any regulation adopted by the City Manager pursuant to this Ordinance may avoid the necessity of appearing in Court by presenting the parking ticket to the Municipal Court and paying the sum of Twenty and No/100 (20.00) Dollars if paid within forty-eight (48) hours, or Thirty and No/100 (\$30.00) Dollars if paid thereafter.

B. Any person receiving a parking ticket for violation of Section 40-A (the two hour parking limit) of this Ordinance may avoid the necessity of appearing in Court by presenting the parking ticket to the Municipal Court or Police Department and paying presenting the parking ticket to the Municipal Court or Police Department and paying as follows:

- For the first three violations in a calendar year, the sum of \$12.00 if paid within forty-eight (48) hours, or \$24.00 if paid thereafter;
- For the fourth through sixth violation in a calendar year, the sum of \$24.00 if paid within 48 hours, or \$48.00 if paid thereafter;
- For the seventh and subsequent violation in a calendar year, the sum of \$48.00 if paid within forty-eight (48) hours, or \$96.00 if paid thereafter.

C. Every business day during which a violation of this ordinance continues shall be considered a separate offense.

D. Offenses under this Section shall be tried in the Municipal Court as a violation and not as a crime. As a violation there is no right to jury trial or court appointed counsel.

E. If not paid within 15 days of the date of issuance of the ticket, the City at its option may mail a letter, to the address of record with the Oregon Department of Motor Vehicles (DMV) for the registered owner of the vehicle advising the owner that payment must be made within 10 days of the date of the letter and that an additional fee of \$15.00 is now due because of the administrative costs involved in mailing the letter and that should the person fail to make payment or satisfactory arrangements with the Court Clerk within 10 days of the date of the letter then the City may provide for the impoundment of the vehicle and it shall not be released until all outstanding fines and charges, including towing and storage, have been paid, and if said fines and charges have not paid within 60 days then the vehicle may be disposed of as listed and described below.

F. Any person receiving a parking ticket pursuant to Sections 38 to 51 for any of the offenses enumerated herein may request a hearing before the Court. If such person requests such a hearing and is found by the Court to have committed the violation then their penalties are as stated above. The time for additional penalties for non-payment shall begin following the date of the Court's entry of a judgment in the case finding that person in violation of this Ordinance.

G. A violation of a provision of this Ordinance, except those referred to in Section 53 A and/or 53 B above, shall be punishable by a fine not to exceed \$500.00 Dollars. (Section 53, as amended by Ordinance No. 3257, passed March 15, 1983; Ordinance No. 3371, passed September 16, 1986; Ordinance No. 3390, passed March 3, 1987; Ordinance No. 3519, passed November 5, 1996; Ordinance No. 3589, passed October 6, 1998; Ordinance No. 3695, passed November 18, 2003; Ordinance No. 3799, passed June 1, 2010.)

SECTION 54. Temporary Immobilization, Impoundment and Towing of Vehicles.

A. When a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, in a police officer's opinion, then that officer may order the owner or operator of the vehicle to remove the vehicle. If it appears to the officer that the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, even if the vehicle was parked by another person or was initially parked in a safe manner but subsequently became an obstruction or hazard.

B. The disposition of any vehicle towed and stored under authority of this Ordinance shall be in accordance with the provision of this Ordinance.

C. Impoundment of any vehicle pursuant to this Ordinance does not preclude the issuance of a citation for a violation of any provision of this Ordinance.

D. Whenever a police officer observes a vehicle parked in violation of a provision of this Ordinance or a violation of State law, if the vehicle has any unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this Section shall be disposed of in accordance with this Ordinance.

E. Whenever a person fails to make payments or satisfactory arrangements within 10 days of the date of a letter sent pursuant to Section 53 E then a police officer may cause the vehicle to be temporarily immobilized by installing on the vehicle or attaching to the vehicle a device designed to restrict the normal movement of the vehicle. In the event that a temporary immobilization device is employed then the Police Department shall fix a written notice as stated below using the records of the Oregon Department of Motor Vehicles, or any other record readily available to the Police Department and mail notice as stated below.

(1) Unless release of the temporarily immobilized vehicle is arranged within eight (8) hours of the immobilization by the Police Department it may be removed from its location as provided in this Ordinance.

(2) The notice required above shall contain:

(a) The name of the City employee ordering the temporary immobilization.

(b) A description of the vehicle and its location.

(c) A statement of the reason for the temporary immobilization of the vehicle.

(d) Where the owner, driver, or person in charge of such vehicle may obtain release of the vehicle.

(e) The date and the time when the City will have the vehicle towed and stored at the owner's expense, and a warning that this could result in the ultimate sale of the vehicle to satisfy expenses of the temporary immobilization, towing, and any unpaid and due parking tickets if the owner fails to redeem the vehicle.

(f) A statement that attempting to remove the immobilization device or removing it or attempting to move or moving the vehicle before it is released is a violation of this Ordinance.

(3) It shall be unlawful for any person to remove or attempt to remove any temporary immobilization device before a release is obtained as provided in this Ordinance, or to remove any such vehicle before it is released by the Police Department, Clerk of the Municipal Court, or the Municipal Court Judge. A fee of \$10.00 shall be charged by the Police Department or Clerk of the Municipal Court before it shall be released. The parking restrictions which would otherwise be applicable shall not apply during the time the vehicle is immobilized by the temporary immobilization device.

(4) No person other than an officer of the City of Pendleton may remove or attempt to remove the temporary restraining device or move or attempt to remove the vehicle before it is released by the Police Department or the Clerk of the Municipal Court.

(5) A vehicle shall be released and the temporary immobilization device removed only after the owner, operator, or person in charge of the vehicle does the following:

(a) Post bail and pays all fines and bail for parking citations issued against the vehicle, its operator or owner; or

(b) Presents clear and convincing information to an employee of the City designated by the Municipal Judge to receive such information that the present owner of the vehicle did not own the immobilized vehicle at the time the parking citations were issued that established the violations, or that the bail and fines for parking citations had been paid before the vehicle was temporarily immobilized.

(c) A City employee designated by the Municipal Judge may for good cause extend the time limit the temporary immobilization device is left attached to a vehicle before it is towed and stored provided the owner, in writing, assumes all risk of damage to the vehicle while it remains immobilized. The extension of the time limit shall not exceed an additional 24 hours, excluding Sundays and Holidays.

F. Whenever a person fails to make payments or satisfactory arrangements within ten (10) days of the date of a letter sent pursuant to Section 53 D then a police officer may cause the vehicle to be impounded wherever the officer finds the

vehicle and it shall not be released until all outstanding fines and charges, including towing and storage, have been paid and if said fines and charges have not been paid within 60 days the vehicle may be disposed of as described of herein. (Section 54, as amended by Ordinance No. 3390, passed March 3, 1987, Ordinance No. 3397, passed June 1, 2010.)

SECTION 55. Sale of Vehicle to Satisfy Liens; Notice of Sale; Storage of Unlawfully Parked Vehicles; Lien for Storage Charges; Notice Requirements; Preference of Liens; Limitation on Lien.

A. If all outstanding fines and charges, including towing and storage, have not been paid within sixty (60) days of the date that the vehicle has been towed, then the City may proceed to sell such motor vehicle at public auction and apply the proceeds of such sale; first, to the payment of the expenses of said sale, including six (6) months storage; second, to the discharge of said lien; and third, the balance, if any, to the County Clerk of the County in which such sale is made, to be held by said County Clerk in trust for the owner of said vehicle. Such sale must be held in the County where said vehicle was left or parked.

B. Before any sale is made notice thereof must be given by registered mail to the owner as appears on the motor vehicle registration card and to any other person whose interest is shown in the motor vehicle records of the Motor Vehicles Division. Said registration notice must be mailed to the above-mentioned parties at least ten (10) days prior to sale, which notice shall be directed to the above-mentioned party or parties at his or their last-known address, if known, and also by posting notice thereof in three (3) public places in said County, one of which shall be at or near the front door of the County Courthouse of said County, for ten (10) days prior to the day of sale.

C. Said notice shall contain a particular description of the vehicle to be sold, the name of the owner or reputed owner thereof, the amount due on said lien, and the time and place of said sale.

D. If a motor vehicle has been left in a public or private property parking facility or residential property or private property or parked in violation of Section 54 of this Ordinance, the owner of the public or private property parking facility or residential property or private property parking facility or the residential property owner, after notice to the local law enforcement agency, may have the motor vehicle towed from its location and placed in storage at a public garage or public parking lot.

E. The garage keeper or public parking operator is entitled to a lien on the vehicle and its contents for the garage keeper's or operator's just and reasonable charges and may retain possession thereof until the just and reasonable charges for the towage, care and storage of the vehicle have been paid if the garage keeper or public parking operator:

(1) Notifies the local law enforcement agency of the location of the vehicle within one (1) hour after the vehicle is placed in storage; and

(2) Unless the vehicle is claimed, gives notice, within ten (10) days after the vehicle is placed in storage, to the vehicle owner or any other person with an interest in the vehicle, as indicated by the vehicle registration card or the records of the Motor Vehicles Division. If notice under this paragraph is given by mail, it must be mailed within the ten (10) day period, but need not be received within that period.

F. The lien created by Section 55A through 55C of this Ordinance shall have preference over any and all other liens or encumbrances upon such motor vehicle including Section 55D and 55E. The lien created by Section 55D and 55E of this Ordinance shall have preference over any and all other liens or encumbrances upon such motor vehicles except for the preference given to the City as stated in Section 55A through 55C of this Ordinance.

G. No garage keeper or public parking operator shall be entitled to a lien for storage covering a period in excess of fifteen (15) days, unless within such period he shall have given notice of the location of the motor vehicle, by registered mail, to the owner as appears on the motor vehicle registration card, and to any other person whose interest is shown in the motor vehicle records of the Motor Vehicles Division. In no event, shall such garage keeper or public parking operator be entitled to a lien for storage for a period in excess of seventy (70) days.

SECTION 56. Unauthorized Parking of Vehicle at Parking Facility or Residential Property Prohibited. No person, without the permission of:

A. The owner of a parking facility, including any public entity, shall leave or park any vehicle on the parking facility if there is a sign displayed in plain view at the parking facility prohibiting public parking thereon or restricting parking thereon.

B. The person in charge of residential property shall leave or park any vehicle on the residential property whether or not there is a sign prohibiting or restricting parking on the residential property.

(Section 56 as amended by Ordinance No. 3859, passed April 21, 2015.)

SECTION 57. Unless sworn or non-sworn police personnel issuing the citation witnesses the parking of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this Ordinance was parked by the registered owner of the vehicle and the citation issued for the violation may be placed upon the vehicle. If the parking of the vehicle is witnessed by the police officer, the operator of the vehicle is in violation of this Section.

(Section 57 as amended by Ordinance No. 3859, passed April 21, 2015.)

SECTION 58. Additional Remedies.

A. In addition to the penalties stated in this Ordinance, the City may sue in a court of competent jurisdiction to obtain a judgment for a tax or fee or penalty due under this Ordinance and enforce collection of the judgment by execution.

B. The City may seek an injunction to prohibit a person from engaging in conduct prohibited by this Ordinance.

C. In an action authorized by this Section, if the City prevails it shall recover reasonable attorney fees to be set by the appropriate court in addition to its costs and disbursements. These attorney fees are recoverable at all levels of trial and all levels of appeal.

SECTION 59. Severability. The Sections of this Ordinance are severable. The invalidity of a Section shall not affect the validity of the remaining Sections.

SECTION 60. Repeal. Ordinances No. 2825, 2963, 2964, 2968, 2995, Section 24 of Ordinance No. 3088, 3098, Section 29 of Ordinance No. 3156, and 3178, are repealed.

SECTION 61. Saving Clause. Ordinances No. 2825, 2963, 2964, 2968, 2995, Section 24 of Ordinance No. 3088, 3098, Section 29 of Ordinance No. 3156, and 3178 repealed by this Ordinance, shall remain in force to authorize the arrest, prosecution, conviction and punishment of a person who violates Ordinances No. 2825, 2963, 2964, 2968, 2995, Section 24 of Ordinance No. 3088, 3098, Section 29 of Ordinance No. 3156, and 3178 prior to the effective date of this Ordinance.

SECTION 62. Emergency Clause. Inasmuch as it is necessary for the immediate preservation of the peace, health and safety of the City of Pendleton that this Ordinance shall have immediate effect, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

SECTION 63. Special Parking. The City recognizes that certain downtown Pendleton businesses require customers to be in their offices for more than two (2) hours. Therefore, the City hereby authorizes the City Manager to dismiss complaints on a showing by the owner or manager of a downtown business or profession that a particular complaint was issued to a customer of that business or profession at a time when the customer was reasonably required to be at the business or profession for more than two hours.

(Section 63, as added by Ordinance No. 3390, passed March 3, 1987 and Ordinance 3589, passed October 6, 1998)

PASSED and approved October 19, 1982.