

ORDINANCE NO. 5007

An Ordinance of the City of McMinnville describing the method for calculating parking time limits, repealing Ordinance 4985, repealing and replacing Section 32 of Ordinance 3629, and declaring an emergency.

RECITALS:

On August 1, 1972, the McMinnville City Council adopted Ordinance 3629, an Ordinance controlling vehicular and pedestrian traffic within the City of McMinnville, including the parking of vehicles. Section 32 of Ordinance 3629 (MMC 10.28.100) provided that “[w]here maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.”

On November 18, 2014, at the request of the McMinnville Downtown Association and others, the McMinnville City Council adopted Ordinance 4985, which amended MMC 10.28.100, in an attempt to clarify the intent of the ordinance and to improve enforcement of the ordinance.

On July 13, 2016, the McMinnville Municipal Court Judge reviewed MMC 10.28.100 during a trial related to the enforcement of two parking tickets and held that the provisions of the ordinance were impermissibly vague and unenforceable.

The proposed revisions of this Ordinance are intended to address the Judge’s concerns by clarifying the method of calculating the maximum parking time limits. Due to the nature of the recent Municipal Court decision, time is of the essence in the adoption of new ordinance language.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. Ordinance 4985 is repealed in its entirety.
2. Ordinance 3629, Section 32, is repealed and replaced as follows:

Calculation of Maximum Parking Time Limits. Where a maximum parking time limit is designated by sign, the time period shall begin at the first instance that the vehicle is parked along a block face or within a parking lot during a parking day. Any vehicle parked within the same block face or parking lot after the expiration of the maximum parking time limit during a single parking day shall be in violation of the parking time limit, notwithstanding that the vehicle may have been moved to another location within the same block face or parking lot, or that the vehicle may have departed and returned to the same block face or parking lot during that parking day.

A. “Block face” is defined as one side of the street between two intersecting streets.

B. “Parking day” is defined as a single calendar day between the hours of 9 a.m. and 6 p.m.

3. An emergency is hereby declared, making this Ordinance effective immediately upon its passage.

Passed by the Council this 9th day of August 2016, by the following votes:

Ayes: Jeffries, Hill, Menke, Ruden, Yoder

Nays: _____

Approved this 9th day of August 2016.



MAYOR

Attest:

Approved as to form:



CITY RECORDER



CITY ATTORNEY