

ORDINANCE NO. 5109

AN ORDINANCE OF THE CITY OF McMinnville Amending Chapters 8.36, 10.04, 10.28, 10.36, and 10.44 of the McMinnville Municipal Code relating to camping, abandoned vehicles, and bicycles, and declaring an emergency.

WHEREAS, in 2018, the Council adopted Ordinance No. 5049, which updated certain chapters in Title 10 of the McMinnville Municipal Code relating to the parking of recreational vehicles, motor trucks, and abandoned vehicles; and

WHEREAS, Ordinance No. 5049 developed out of a City Council discussion to address the increased presence of recreational vehicles and abandoned vehicles on the City's right-of-way for extended periods of time; and

WHEREAS, in reviewing Ordinance No. 5049 and the Oregon Revised Statutes (ORS) concerning abandoned vehicles (ORS Chapter 819), further clarification of the McMinnville Municipal Code is needed to establish whether a vehicle is abandoned and the appeal process to challenge a tow; and

WHEREAS, on December 14, 2021, Council held a work session to review updates to McMinnville Municipal Code Chapters 10.04, 10.28, and 10.44 to address the needed clarifications;

WHEREAS, on January 11, 2022 and January 25, 2022, the Council discussed further revisions to the McMinnville Municipal Code to separate the applicability and enforcement of the camping provisions found in MMC Chapter 8.36 from the abandoned vehicle provisions found in MMC Title 10; and

WHEREAS, due to the lack of clarity regarding enforcement of the relevant McMinnville Municipal Code provisions, the health, safety, and welfare of the community has been impacted, which impact is ongoing.

NOW, THEREFORE, THE CITY OF McMinnville ORDAINS AS FOLLOWS:

1. The Council of the City of McMinnville adopts the above-recitals and the accompanying staff report as if set forth fully herein. Council further finds that it is necessary for the preservation of public health, safety, and welfare that an emergency be declared.
2. Chapters 8.36, 10.04, 10.28, 10.36, and 10.44 of the McMinnville Municipal Code is hereby amended as set forth in Exhibit I attached hereto.
3. This Ordinance shall be in full force and effect on the date of passage.
4. The City Recorder is instructed to format the provisions to be consistent with the formatting of the McMinnville Municipal Code and to correct any scrivener's errors.

Passed by the McMinnville City Council this 8th day of February, 2021 by the following votes:


Ayes: Drabkin, Garvin, Geary, Menke, Peralta, Chenoweth

Nays: _____




Mayor

Attest:



City Recorder

Approved as to form:



City Attorney

EXHIBITS:

1. Amendments to MMC Chapters 10.04, 10.28, and 10.44

Chapter 8.36 CAMPING

Sections:

- 8.36.010 Definitions.
- 8.36.020 Temporary camping program.
- 8.36.030 Prohibited camping.
- 8.36.040 Penalties and enforcement.

8.36.010 Definitions.

For the purpose of this chapter, the following definitions will apply:

“Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

“Campsite” means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia.

“City property” means any real property or structures owned, leased or managed by the city, including public rights-of-way.

“Designated temporary campsite” means a campsite that is authorized by Sections [8.36.020](#) through [8.36.040](#).

“Established” means the creation, installation, or placement of camp facilities and/or camp paraphernalia. Camp facilities and/or camp paraphernalia are considered to establish a new campsite if moved more than 1,000 feet from the prior location.

“Family” means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.

“Motor vehicle” has the meaning set forth in Section [10.04.030](#), and for the purposes of this chapter, includes recreational vehicles.

“Park areas” has the meaning set forth in Section [12.36.020\(A\)\(3\)](#).

“Parking lot” means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.

“Prohibited campsite” means any campsite:

1. Described in the Sections [8.36.020](#) through [8.36.040](#); or
2. Not authorized under the McMinnville City Code.

“Recreational vehicle” has the meaning set forth in the Section [10.04.030](#).

“Solid waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.

“Solid waste disposal services” means contracted solid waste collection service for a campsite with the city’s exclusive franchisee for the collection of solid waste.

“Store” or “storage” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Street” means any highway, lane, road, street, right-of-way, alley, and every way or place in the city of McMinnville that is publicly owned or maintained for public vehicular travel.

“Urban renewal area” has the meaning set forth in the McMinnville urban renewal plan adopted by ordinance No. [4972](#) and amended by resolution No. 2014-01. (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

8.36.020 Temporary camping program.

A. With authorization of the property owner of the property:

1. Up to three total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
 - a. Real property developed and owned by a religious institution, place of worship, or public agency, regardless of the zoning designation of the property;
 - b. Real property developed with one or more buildings occupied and used by any organization or business primarily for nonprofit, commercial or industrial purposes;
 - c. Vacant or unoccupied commercial or industrial real property, after the property owner has registered the temporary camping location with the city. The city may require the site to be part of a supervised program operated by the city or its agent.

2. Up to one family may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from any tenants of the property, for camping by either:

- a. Using a tent to camp in the back yard of the residence; or
- b. Using a single motor vehicle parked in the driveway of the dwelling.

B. A property owner who authorizes any person to camp on a property pursuant to subsection [A](#) of this section must:

1. Provide or make available sanitary facilities;
2. Provide garbage disposal services so that there is no accumulation of solid waste on the site;
3. Provide a storage area for campers to store any personal items so the items are not visible from any public street;
4. Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; and
5. Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.

C. A property owner who permits overnight sleeping pursuant to subsection [A](#) of this section may revoke that permission at any time and for any reason.

D. Notwithstanding any other provision of this chapter, the city manager or their designee may:

1. Revoke the right of any person to authorize camping on property described in subsection [A](#) of this section upon finding that any activity occurring on that property by the campers is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
2. Revoke permission for a person or family to sleep overnight on city-owned property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper is incompatible with the use of the property or adjacent properties.

E. Any person whose authorization to camp on property has been revoked pursuant to subsections [B](#) and [C](#) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

F. All persons participating in the temporary camping program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees or

agents, with respect to any loss related to bodily injury (including death) or property damage (including destruction). (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

8.36.030 Prohibited camping.

A. Except as expressly authorized by the McMinnville Municipal Code, it is unlawful at all times for any persons to establish or occupy a campsite on the following city property:

1. All park areas;
2. All public property located within the boundaries of the McMinnville urban renewal area;
3. All publicly owned or maintained parking lots; and
4. All public property located within an area zoned for residential use under Title [17](#) of this code.

B. Except as expressly authorized by the McMinnville Municipal Code, it shall be unlawful for any person to camp or maintain a campsite on any city property during the hours of 6:30 a.m. to 9:30 p.m.

C. Except as expressly authorized by the McMinnville Municipal Code, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any city property during the hours of 6:30 a.m. to 9:30 p.m.

D. Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on city property by written order that specifies the period of time and location:

1. In the event of emergency circumstances;
2. In conjunction with a special event permit; or
3. Upon finding it to be in the public interest and consistent with council goals and policies.

E. The city manager may adopt administrative rules to implement any of the provisions of this chapter. (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

8.36.040 Penalties and enforcement.

A. Violation of any provisions in Section [8.36.020](#) is a Class C violation pursuant to ORS [153.012](#). Each day that a violation occurs will be considered a separate offense.

B. Violations of any provisions in Section [8.36.030](#) is a Class C misdemeanor or pursuant to ORS [161.555\(1\)\(d\)](#).

C. In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a public nuisance and may be abated as such.

D. The provisions of this Chapter will be enforced in accordance with ORS 203.079 or until released by the City Prosecutor. Vehicles that are being held by the City under this Chapter will be released to the legal owner or interest holder who has evidence of the following: (1) ownership or legal right to possession; and (2) valid, current automobile insurance covering the vehicle. (Ord. 5064 §1 (Exh. A (part)), 2019; Ord. 5057 §1 (Exh. A (part)), 2018).

Chapter 10.04 GENERAL PROVISIONS

Sections:

- 10.04.010 Short title.
- 10.04.020 Applicability of state traffic laws.
- 10.04.030 Definitions.

10.04.010 Short title.

The ordinance codified in this title may be cited as “the city of McMinnville uniform traffic ordinance.” (Ord. 3629 §1, 1972).

10.04.020 Applicability of state traffic laws.

Violations under the Oregon Vehicle Code adopted by the Oregon State Legislature shall be an offense against the city. (Ord. 4400 §2, 1987).

10.04.030 Definitions.

In addition to those definitions contained in the ORS chapters set forth in Section [10.04.020](#), the following words or phrases, except where the context clearly indicates a different meaning, shall be defined as follows:

“Abandoned vehicle” means a vehicle that remains parked or kept on a public right-of-way for more than 24 hours, without having been issued a permit pursuant to Section 10.28.205, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate or fails to display current registration;
2. The vehicle fails to have vehicle insurance as required by the state of Oregon;
3. The vehicle appears to be inoperative or disabled; or
4. The vehicle appears to be wrecked, partially dismantled or junked.

A vehicle the City believes to be inhabited is not an “abandoned vehicle” for the purposes of this Title, but may be subject to the camping provisions in Chapter 8.36.

“Bicycle” means a nonmotorized vehicle designed to be ridden, propelled by human power, and having two or more wheels the diameter of which are in excess of 10 inches or having two or more wheels where any one wheel has a diameter in excess of 15 inches.

“Bus stop” means a space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

“Holiday” means New Year’s Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the council to be a holiday.

“Loading zone” means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

“Motor vehicle” means every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding that vehicle may be exempt from licensing under the motor vehicle laws of the state.

“Park” or “parking” means the condition of:

1. A motor vehicle that is stopped while occupied by its operator with the engine turned off;
2. A motor vehicle that is stopped while unoccupied by its operator whether or not the engine is turned off.

“Pedestrian” means a person on the public right-of-way except:

1. The operator or passenger of a motor vehicle or bicycle;
2. A person leading, driving or riding an animal or animal-drawn conveyance.

“Recreational vehicle” means a vehicular-type unit that:

1. Contains sleeping facilities;
2. Is designed or used:
 - a. For human occupancy; and
 - b. As temporary living quarters for recreational, seasonal, or emergency use; and
3. Has its own motive power or is mounted on or towed by another vehicle.

“Stand” or “standing” means the stopping of a motor vehicle while occupied by its operator with the engine running except stopping in obedience to the instructions of a traffic officer or traffic-control device or for other traffic.

“Stop” means complete cessation of movement.

“Street” and “other property open to public travel”:

1. When used in this title or in the ORS chapters incorporated in this title, shall be considered synonymous, unless the context precludes such construction. “Street,” as defined in this title and the ORS chapters incorporated by reference in this title, includes alleys, sidewalks, grass or parking strips, and parking areas and accessways owned or maintained by the city.
2. “Other property open to public travel” means property whether publicly or privately owned and whether publicly or privately maintained, upon which the public operates motor vehicles either by express or implied invitation other than streets as defined in subsection (1) of this definition, and excepting public school property, county property, or property under the jurisdiction of the State Board of Higher Education. Other property open to public travel shall include but not be limited to parking lots, service station lots, shopping center and supermarket parking lots, and other accessways and parking areas open to general vehicular traffic, whether or not periodically closed to public use.

“Taxicab stand” means a space on the edge of a roadway designated by sign for use by taxicabs.

“Traffic-control device” means a device to direct vehicular or pedestrian traffic, including but not limited to a sign, signaling mechanism, barricade, button or street or curb marking installed by the city or other authority.

“Traffic lane” means that area of the roadway used for the movement of a single line of traffic.

“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. In this Title 10, “Vehicle” includes bicycles, except in regard to abandoned vehicles. (Ord. 5049 §1 (Exh. 1 §1), 2018; Ord. 3623 §3, 1972).

Chapter 10.28

STOPPING, STANDING AND PARKING*

Sections:

- 10.28.010 Parking – Two-hour and 30-minute zones created.
- 10.28.015 Parking – Ten and 15 minute zones.
- 10.28.020 Parking or standing – Exemptions for certain official vehicles.
- 10.28.030 Parking or standing – Prohibited in designated locations.
- 10.28.040 Parking – Adams Street restrictions.
- 10.28.050 Parking – Third Street restrictions.
- 10.28.060 Parking – Highway North 99W restrictions.
- 10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.
- 10.28.080 Parking – For sale, repair or abandoned prohibited when.
- 10.28.085 Communication to owner of abandoned vehicle.
- 10.28.090 Overtime parking prohibited – Fines.
- 10.28.100 Calculation of Maximum Parking Time Limits.
- 10.28.110 Parking or standing – Methods and restrictions.
- 10.28.120 Lights on parked vehicle.
- 10.28.130 Parked vehicle – Removing ignition key required when.
- 10.28.140 Parked vehicle – Police authorized to remove ignition key when.
- 10.28.150 Vehicles parked near fire – Removal requirements.
- 10.28.160 Buses and taxicabs – Parking and standing restrictions generally.
- 10.28.170 Buses and taxicabs – Use of facilities by other vehicles restricted.
- 10.28.180 Loading zone – Commercial vehicle regulations.
- 10.28.190 Parking permit for certain commercial or service vehicles.
- 10.28.200 Courtesy Parking permits.
- 10.28.205 Recreational vehicle parking permit.
- 10.28.210 Parking permit – Display required.
- 10.28.220 Parking permit – Not transferable.
- 10.28.230 Illegally parked vehicle – Citation requirements.
- 10.28.240 Citation – Owner responsibility.
- 10.28.250 Citation – Registered owner presumption.
- 10.28.260 Citation – Failure to comply.
- 10.28.270 *Parking Fine Schedule. Repealed.*
- 10.28.280 Multiple Parking Violations.
- 10.28.400 Towing and moving vehicles parked in violation of temporary restrictions.

* For statutory provisions on city power to control parking, see ORS [487.890](#).

10.28.010 Parking – Two-hour and 30-minute zones created.

Parking zones of two hours' and of 30 minutes' duration are created within the central business district and residential zones in those areas designated by the city manager or his or her designee. No vehicle as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 3727 §2, 1974).

10.28.015 Parking – Ten and 15 minute zones.

The city manager or his or her designee may designate 10 and 15 minute parking zones within the central business district and residential zones. No vehicle, as defined by ORS [801.590](#), shall be allowed to be parked in excess of the time limit in these zones without authorization under this chapter. (Ord. 4788 §2, 2003; Ord. 4716 §3, 2000).

10.28.020 Parking or standing – Exemptions for certain official vehicles.

The provisions of this title 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, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail. (Ord. 3629 §33, 1972).

10.28.030 Parking or standing – Prohibited in designated locations.

In addition to the state motor vehicle laws prohibiting parking, no person shall park or leave standing, in the following places:

- A. A vehicle upon a bridge, viaduct or other elevated structure used as a street, or within a street tunnel, unless authorized by state statute, by this code, or by the chief of police or his or her designee.
- B. A vehicle in an alley, other than for the expeditious loading or unloading of persons or materials but in no case for a period in excess of 30 consecutive minutes.
- C. A motor truck, as defined by ORS [801.355](#), on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day unless a revocable permit is obtained from the city police department. The permit shall be for a six-month or a 12-month period and may be renewed. The cost of the permit will be set by resolution determined by the McMinnville city council. In the event a complaint(s) is received from a resident in the area

of the parked truck, the chief of police or his or her designee shall investigate the complaint and may revoke said permit, and the cost of the permit shall be forfeited by the permittee.

D. A vehicle upon a parkway or freeway, except as authorized by state statute, by this code, or by the chief of police or his or her designee.

E. A vehicle on a curb painted yellow, except as specifically authorized by signage.

F. A motor vehicle within the area between the curb or roadway and sidewalk line commonly known as the planting strip, except where improved parking areas have been approved and marked by the city engineering department.

G. A vehicle in such a manner that the vehicle blocks all or any part of any driveway.

H. A vehicle in such a manner that the vehicle blocks all or any part of a public sidewalk.

I. A recreational vehicle on any public highway, road, street, or right-of-way within the city, except for the immediate loading or unloading of persons or property, or by permit issued pursuant to Section [10.28.205](#).

J. A vehicle in any area where parking is permanently prohibited by order of the city manager or their designee, pursuant to Section [10.08.020](#).

K. A vehicle in any area where parking has been temporarily prohibited by order of the city manager pursuant to Section [10.08.020](#) and traffic control devices have been installed to provide notice of the prohibition. (Ord. 5055 §1 (Exh. 1 §1), 2018; Ord. 5049 §1 (Exh. 1 §2), 2018; Ord. 4788 §2, 2003; Ord. 3874 §1, 1977; Ord. 3629 §24, 1972).

10.28.040 Parking – Adams Street restrictions.

It is unlawful for any person to park any vehicle on the east side of Adams Street north of Twelfth Street for a distance of one hundred feet. (Ord. 4788 §2, 2003; Ord. 3063 §1, 1962).

10.28.050 Parking – Third Street restrictions.

It is unlawful for any person to park any vehicle on Third Street between Adams Street and Johnson Street in the city from three a.m. to six a.m. of any day. (Ord. 4788 §2, 2003; Ord. 3092 §1, 1963).

10.28.060 Parking – Highway North 99W restrictions.

It is unlawful for any person to park any vehicle on either side of Highway North 99W from Seventeenth Street to Lafayette Avenue. (Ord. 3555 §1, 1971).

10.28.070 Violation of Sections 10.28.040 through 10.28.060 – Penalty.

Any person violating any of the provisions of MMC [10.28.040](#) through [10.28.060](#) shall, upon conviction be fined in an amount not to exceed three hundred dollars. (Ord. 4788 §2, 2003; Ord. 3555 §2, 1971; Ord. 3092 §2, 1963; Ord. 3063 §2, 1962).

10.28.080 Parking – For sale, repair or abandoned prohibited when.

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 by this code or by the chief of police or designee;
- E. Abandoning the vehicle. A vehicle that meets the definition of “abandoned vehicle” may be tagged for tow after the City complies with the requirements in Section 10.28.085. Twenty-four (24) hours after the notice to tow has been affixed to the vehicle, the abandoned vehicle may be towed at the owner’s expense; or
- F. Storing a vehicle, as prohibited under MMC 10.28.090. (Ord. 5049 §1 (Exh. 1 §3), 2018; Ord. 4788 §2, 2003; Ord. 4400 §1, 1987; Ord. 4320 §1, 1985; Ord. 3987 §1, 1979; Ord. 3629 §5, 1972).

10.28.085 Communication to owner of abandoned vehicle.

- A. The City may tag an abandoned vehicle for tow after compliance with the following requirement: The City must place an informational flyer on the abandoned vehicle describing what an abandoned vehicle is and what enforcement may occur if the vehicle violation is not corrected.

- B. The City must retain evidence of its compliance with the requirements in Subsection A above.
- C. Notwithstanding the foregoing, in the case of emergency (including, but not limited to, environmental hazards or fire hazards), the City is not required to comply with Subsection A. The City must document the reason justifying non-compliance with Subsection A.

10.28.090 Overtime parking prohibited – Fines.

For vehicles other than abandoned vehicles (which are subject to MMC 10.28.080(E)) or recreational vehicles with a valid permit under MMC 10.28.205, the owner of a vehicle shall not permit the vehicle to remain parked upon a public street for longer than 72 hours unless different parking time limits have been indicated by official city signs. A vehicle parked for longer than 72 hours shall be considered as being “stored” for purposes of enforcing MMC [10.28.080 and MMC Chapter 10.44](#) (Ord. 4788 §2, 2003; Ord. 4320 §2, 1985; Ord. 3727 §3, 1974).

10.28.100 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. (Ord. 5007, 2016; Ord. 4985, 2014; Ord. 3629 §32, 1972).

10.28.110 Parking or standing – Methods and restrictions.

- A. No person shall park or leave a vehicle in a street, other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.
- B. Where parking space markings are placed on a street, no person shall park or leave standing 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.

C. The operator who first begins maneuvering his or her 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 deprive him or her of his or her priority or block his or her access. (Ord. 4788 §2, 2003; Ord. 3629 §23(1—3), 1972).

10.28.120 Lights on parked vehicle.

No lights need be displayed upon a vehicle that is parked in accordance with this chapter upon a street where there is sufficient light to reveal a person or object at a distance of at least five hundred feet from the vehicle. (Ord. 3629 §31, 1972).

10.28.130 Parked vehicle – Removing ignition key required when.

No operator or person in charge a motor vehicle shall park it or allow it to be parked on a street, on other property open to public travel, or on a new or used car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed. (Ord. 4788 §2, 2003; Ord. 3629 §27, 1972).

10.28.140 Parked vehicle – Police authorized to remove ignition key when.

Whenever a police officer finds a motor vehicle parked unattended with the ignition key in the vehicle in violation of MMC [10.28.130](#), the police officer is authorized to remove the key from vehicle and deliver the key to the police department. (Ord. 4788 §2, 2003; Ord. 3629 §28, 1972).

10.28.150 Vehicles parked near fire – Removal requirements.

Whenever the operator of a vehicle discovers that his or her vehicle is parked close to a building to which the fire department has been summoned, he or she shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers. (Ord. 4788 §2, 2003; Ord. 3629 §23(4), 1972).

10.28.160 Buses and taxicabs – Parking and standing restrictions generally.

The operation of a bus or taxicab shall not park or leave standing 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 his vehicle outside a traffic lane while loading or unloading passengers. (Ord. 4788 §2, 2003; Ord. 3629 §29, 1972).

10.28.170 Buses and taxicabs – Use of facilities by other vehicles restricted.

No person shall stand or park a vehicle other than a taxicab in a taxicab space, 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. (Ord. 4788 §2, 2003; Ord. 3629 §30, 1972).

10.28.180 Loading zone – Commercial vehicle regulations.

A. The use of loading zones is restricted to commercial vehicles, and no person shall park or leave standing a commercial 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. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

B. “Commercial vehicle” means a vehicle identified by permanent lettering conspicuously painted on the body of the vehicle or identified by the use of electromagnetic sign plates, either of which must be on the exterior of the vehicle, or a vehicle registered with the state and displaying a valid Oregon State Motor Vehicle Public Utilities Commission license plate issued for said vehicle. (Ord. 4788 §2, 2003; Ord. 3741 §1, 1975; Ord. 3629 §26, 1972).

10.28.190 Parking permit for certain commercial or service vehicles.

A. *Downtown Resident Parking Permits.* Residents who reside in the downtown core area may apply for a “Downtown Residential Parking Permit” to avoid receiving over-time parking citations. All outstanding parking citations must be paid before a permit will be issued. There will be a limited number of residential parking spaces available in the downtown core area. Permits will be issued on a first com, first served basis. No more than one parking permit will be issued to any residential address in the downtown area. No more than two permits will be issued in a one block area. The chief of police or his or her designee will determine the

location(s) in which permitted vehicles will be parked. Vehicles parked under this section will not be exempt from MMC [10.28.080](#).

The following information must be presented when applying for a permit:

- 1 A valid automobile registration showing the automobile is registered to the applicant.
- 2 A valid driver's license or identification card; and
- 3 Proof of residency (e.g., a gas, electric, or telephone bill).

The residential parking permit must be prominently displayed in or on the vehicle. The issuance of a residential permit does not guarantee that there will be a parking space available for the permit holder. Permits are assigned to a particular vehicle and are not transferable. Permits are on a first come, first served basis. The cost of the parking permit will be set by resolution determined by the McMinnville city council.

B. *Commercial/delivery permits.* Business owners in the downtown core area whose business consists of delivering consumer goods at minimum twice per day on business days may apply for a commercial/delivery parking permit. All outstanding parking citations must be paid prior to a permit being issued. Only one permit shall be allowed per business. Subject to the provisions of this section, a vehicle prominently displaying a commercial/delivery parking permit may be parked in a regular parking space. Commercial/delivery permits are not valid in loading zones or parking spaces with a time limit of less than two hours. The chief of police or his or her designee will assign the location for the permitted vehicle to be parked. Vehicles parked under this section will not be exempt from MMC [10.28.080](#). The cost of the commercial/delivery permit will be set by resolution determined by the McMinnville city council.

The following information must be presented when applying for a permit:

- 1 A valid automobile registration showing the vehicle is registered to the owner of the business or to a designated employee;
- 2 Proof of business necessity for permit; and
- 3 Proof that vehicle is "commercially marked."

a "Commercial vehicle" means a vehicle identified by any of the following:

- i Permanent lettering conspicuously painted on the body of the vehicle;
- ii Electromagnetic sign plates, which may be on the exterior of the vehicle, of not less than 120 square inches in size;
- iii The vehicle is registered with the state and displays valid Oregon State Motor Vehicle Public Utility Commission license plates issued for the vehicle.

A commercial/delivery permit must be prominently displayed in or on the vehicle. The issuance of a commercial/delivery permit does not guarantee that there will be a parking space available for the permit holder. Permits are assigned to a particular vehicle and are not transferable.

C. *Residential Permit Parking Zone Permits.* Residential parking permits in a form prescribed and issued by the chief of police or his or her designee may be issued to residents who would not otherwise be allowed to park near their residence due to restricted parking. No more than two permits will be issued to any residential address in a restricted residential zone as determined by the McMinnville city council. The cost of the permit will be set by resolution determined by the McMinnville city council.

The following information must be presented when applying for a permit:

- 1 A valid driver's license or identification card; and
- 2 Proof of residency (e.g., a gas, electric, or telephone bill).

A residential permit must be prominently displayed. The issuance of a permit does not guarantee that there will be a parking space available for the permit holder.

D. *Service/repair permits.* Parking permits in a form prescribed and issued by the chief of police or his or her designee shall be issued to commercial and service vehicles for use in conjunction with work being performed or services being rendered within two hundred feet of a parking space. Permits may be used for construction, installation, relocation, maintenance, or repair of streets, sidewalks, alleyways, parking lots, buildings, structures, or landscaping or other work on communication, power, gas, water, sewer, or other utility cables, mains, or pipelines. The permit must be prominently displayed. The issuance of a permit does not guarantee that there will be a parking space available for the permit holder. Permits are assigned to a particular vehicle and are not transferable. The chief of police or his or her designee will determine the locations for the vehicle to be parked. The cost of the permit will set by resolution of the McMinnville city council. (Ord. 4788 §2, 2003).

10.28.200 Courtesy Parking permits.

The chief of police or his or her designee may, in his or her discretion, make courtesy permits available to visitors of the city. Such permits shall be valid for not more than three days and shall be without cost to the visitors. These permits, if properly displayed in accordance with the direction prescribed by the chief of police, shall authorize the permittee to park his or her vehicle without regard to time limits and without having to pay the meter fees in any parking space allowing over 30 minutes of continuous parking. (Ord. 4788 §2, 2003; Ord. 3629 §73, 1972).

10.28.205 Recreational vehicle parking permit.

Upon application and payment of the established permit fee, the chief of police or their designee will issue a parking permit allowing for a recreational vehicle to be parked on any public highway, road, street, or right-of-way within the city, if the following conditions are met:

- A. The permit will be valid for not more than 72 consecutive hours;
- B. The permit must be displayed on a recreational vehicle that is parked within 200 feet of residential real property owned or leased by the permit applicant;
- C. A single recreational vehicle may not be issued more than four parking permits during a calendar year, regardless of location parked;
- D. The starting time for recreational vehicle parking permit may not be less than 72 hours after the expiration time of a previous permit issued for the same recreational vehicle;
- E. The permit does not allow for parking of a recreational vehicle in excess of any posted time limit for parking. (Ord. 5049 §1 (Exh. 1 §4), 2018).

10.28.210 Parking permit – Display required.

It shall be the duty of the person parking a vehicle with a properly issued permit to display the identification card in plain sight within the driver's compartment of the vehicle for which the card was issued. (Ord. 3629 §71, 1972).

10.28.220 Parking permit – Not transferable.

No person shall use an identification card for a vehicle other than the vehicle for which it was issued nor while using the licensed vehicle for any purpose other than that authorized by the permit. Willful violation of these provisions will result in forfeiture of the permit and denial of future permits. (Ord. 3629 §72, 1972).

10.28.230 Illegally parked vehicle – Citation requirements.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter, the officer or other individual charged with the duty of enforcing the parking regulations of this title shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall

conspicuously affix to the vehicle a parking citation for the operator to answer to the charge against him or her, or pay the penalty imposed during the hours and at a place specified in the citation. (Ord. 4788 §2, 2003; Ord. 3727 §4, 1974; Ord. 3629 §56, 1972).

10.28.240 Citation – Owner responsibility.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent. (Ord. 3629 §58, 1972).

10.28.250 Citation – Registered owner presumption.

In a prosecution of a vehicle owner, charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he or she was then the owner in fact. (Ord. 4788 §2, 2003; Ord. 3629 §59, 1972).

10.28.260 Citation – Failure to comply.

If the operator does not respond to a parking citation affixed to the vehicle within a period of ten days, the city will increase the fine. If the operator does not respond to this increased fine, a summons shall be issued. (Ord. 4788 §2, 2003; Ord. 3727 §5, 1974; Ord. 3629 §57, 1972).

10.28.270 Parking Fine Schedule.

Repealed by [Ord. 4788](#) §2, 2003.

10.28.280 Multiple Parking Violations.

Each violation of the maximum lawful parking time designated for a metered or limited time parking zone shall constitute a separate offense. Each 24-hour period during which a vehicle is parked in violation of MMC [10.28.030](#) and [10.28.080\(A\)](#) through [\(D\)](#) shall constitute a separate offence. (Ord. 4788 §2, 2003; Ord. 4716 §2, 2000).

10.28.400 Towing and moving vehicles parked in violation of temporary restrictions.

- A. The provisions of this section apply only when parking has been temporarily prohibited on a street for:
1. Street or utility maintenance, repair, or rehabilitation purposes.
 2. Construction activities on public or private property adjacent to the street.
 3. Public events on streets authorized by city permit.
- B. Any vehicle parked on a street in violation of Section [10.28.030](#) may be towed according to the provisions of this section, upon the order of the city manager, or designee, without prior notice to the owner of the vehicle, when removal of the vehicle is required to provide immediate access for a purpose described in subsection [A](#) of this section.
- C. The city manager or designee may:
1. Order a vehicle to be towed to a legal parking space on a street within the vicinity of the prohibited area, in which case the cost of towing the vehicle will be paid by the city if requested by the city, or the permittee if requested by the permittee.
 2. If, not less than 24 hours prior to the effective time and date of the prohibition, the city has installed and maintained traffic control devices giving notice of the parking prohibition, the city manager or designee may order the vehicle to be towed and stored as set forth in ORS [98.812](#). (Ord. 5055 §1 (Exh. 1 §2), 2018).

10.36.150 Parking restrictions.

No person shall park a bicycle upon a street, except parallel to the curb in accordance with ORS 811.570. No person shall park a bicycle upon a sidewalk except in a rack to support the bicycle, against a building, or at the edge of the sidewalk on the curb, in such a manner as to afford the least obstruction to pedestrian traffic. (Ord. 3629 §43, 1972).

Chapter 10.44 ABANDONED VEHICLES

Sections:

- 10.44.010 Impoundment – police department’s duty.
- 10.44.020 Identification of owner.
- 10.44.030 Notice to owner.
- 10.44.040 Return to owner – Conditions.
- 10.44.045 Hearing.
- 10.44.050 Sale – Notice publication required.
- 10.44.060 Sale – To highest bidder.
- 10.44.070 Sale – Disposition of proceeds.
- 10.44.080 Sale – Certificate.
- 10.44.090 Delivery to purchaser.
- 10.41.100 Payment to owner following sale – Conditions.
- 10.44.110 Applicability of chapter provisions.

10.44.010 Impoundment – police department’s duty.

It shall be the duty of the police department of the city, whenever a motor vehicle is found abandoned on the streets of the city, or is found without an owner claiming the same, or by reason of arrest or in any other manner comes into the hands of the police department without a claimant, to either place the same upon property of the city for further disposition or store the same with some reputable motor vehicle storage yard or garage pending investigation into the ownership of said motor vehicle. (Ord. 1980 §1, 1939).

10.44.020 Identification of owner.

The chief of police, upon finding any vehicle as specified in MMC [10.44.010](#), or coming into possession of the same, shall make diligent inquiry of all available persons as to the name and address of the owner, conditional vendor or mortgagee, or any other person interested therein, and shall examine said motor vehicle for the license number, motor number, serial number, make and style, and for any other information which will aid in the identification of the owner, conditional vendor, mortgagee or other interested person. (Ord. 1980 §2, 1939).

10.44.030 Notice to owner.

After having acquired all available information, the chief of police shall immediately transmit the same to the secretary of state of Oregon with an inquiry for the name and address of the owner, conditional vendor, mortgagee or other interested person. If the owner, conditional vendor, mortgagee or other person interested in found and identified, he shall immediately be notified by registered letter that the motor vehicle is held by the chief of police of the city and will be sold at public auction at a definite place in the city on a day certain at ten a.m. in the morning of such day to the highest and best bidder for cash, which such sale shall not be held until ten days have elapsed from the receipt by the owner of the registered notice. (Ord. 1980 §3, 1939).

10.44.040 Return to owner – Conditions.

If the owner, conditional vendor, mortgagee or other person interested applied to the chief of police, before a sale has taken place, for the return of the motor vehicle, specified in MMC [10.44.010](#), submits to the chief of police satisfactory evidence of his interest therein, and tenders with said application the cost in the seizing, keeping and making sale of said motor vehicle, the chief of police, upon being satisfied that the claim is rightful, shall surrender the same to the claimant. (Ord. 1980 §5, 1939).

10.44.045 Hearing.

- A. The owner(s) and any other persons who reasonably appear to have an interest in the abandoned vehicle are, upon timely application filed pursuant to Section 2.50.510(B)(2), entitled to request a hearing to contest the validity of the tow or intended tow of the vehicle.
- B. A person requesting a hearing must submit such request within 5 days from the mailing date of the notice. The 5-day period does not include City-recognized holidays, Saturdays or Sundays.
- C. Failure to timely request a hearing and/or failure to submit the required information will result in the summary denial of the request by the City.

10.44.050 Sale – Notice publication required.

If the owner, conditional vendor, mortgagee or other person interested cannot be found after due diligence as set forth in this chapter, then the chief of police shall cause to be published in some newspaper of general circulation published in the county a notice embodying the foregoing information, which shall be published

two times, the first publication of which shall be made more than ten days before such proposed sale. (Ord. 1980 §4, 1939).

10.44.060 Sale – To highest bidder.

If no claim has been made before the time set for sale of the vehicle, the chief of police shall, at the time and place appointed, within view of the motor vehicle to be sold, offer for sale and shall sell said motor vehicle to the highest and best bidder for cash, and in default of bids from others for a greater sum, shall bid the same in for the city at the amount of its costs incurred in its seizing, keeping and offering for sale of the same. (Ord. 1980 §6, 1939).

10.44.070 Sale – Disposition of proceeds.

The proceeds of the sale shall be first applied to the payment of costs incurred in the seizing, keeping and making such sale, and the balance, if any, shall be paid to the treasurer of the city to be credited to the general fund. (Ord. 1980 §7, 1939).

10.44.080 Sale – Certificate.

At the time of payment of the purchase price, the chief of police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and a copy thereof filed with the recorder of the city, which certificate of sale shall be substantially in the following form:

“CERTIFICATE OF SALE

This is to certify that under the provisions of ordinance No. 1980, entitled ‘An ordinance providing for the disposition of motor vehicles coming into the hands of the police department of the city of McMinnville, through abandonment by the owner, arrest, or otherwise, and declaring an emergency,’ and pursuant to due notice of time and place of sale I did on the _____ day of _____, 19_____, sell at public auction to _____ for the sum of \$_____, cash, he being the highest and best bidder, and that being the highest and best sum bid therefore, the following described personal property, to wit: (Brief description of property) _____. And in consideration of the payment of said sum of \$_____ receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property. Dated this _____ day of _____, 19_____.

Chief of police.

Note: The city of McMinnville assumes no responsibility as to the condition of title of the above described property. In case this sale shall for any reason be invalid the liability of the city is limited to the return of the purchase price.”

(Ord. 1980 §8, 1939).

10.44.090 Delivery to purchaser.

Upon such sale being consummated, the chief of police shall deliver the possession of the motor vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption. (Ord. 1980 §9, 1939).

10.41.100 Payment to owner following sale – Conditions.

At any time within one year after such sale, the owner of any property sold as provided in this chapter shall be entitled to have the balance of the proceeds of such sale paid to him out of the general fund upon making application therefor to the council and presenting satisfactory proof of ownership. (Ord. 1980 §10, 1939).

10.44.110 Applicability of chapter provisions.

This chapter shall apply to all motor vehicles and parts thereof now in possession of the chief of police as well as to all such as may hereafter be taken into possession. (Ord. [1980](#) §1, 1939) and charges have been paid. Vehicles impounded under authority of this section shall be disposed of in the same manner as provided in MMC [10.48.020](#). (Ord. 3629 §60(5), 1972).