

ORDINANCE NO. 5049

An Ordinance relating to the parking of Recreational Vehicles, Motor Trucks and Abandoned Vehicles; amending McMinnville Municipal Code (MMC) Chapters 10.04, 10.28, and repealing MMC Chapter 15.28.

RECITALS:

The parking of Recreational Vehicles, Motor Trucks, and Abandoned Vehicles in the public right-of-way can have a negative impact on the livability and safety of neighborhoods throughout the City.

Current City ordinances do not provide timely response in the case of abandoned vehicles and do not adequately regulate the parking of Recreational Vehicles or Motor Trucks within the City, resulting in negative impacts that may occur when such vehicles are parked in and near residential neighborhoods or for extended period of time in any location.

There is an immediate need to address these issues through ordinance revisions, as the parking of Recreational Vehicles, Motor Trucks, and Abandoned Vehicles within the City presents an immediate threat to the public health, welfare and safety.

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

1. The provisions set forth in the attached Exhibit 1, which are incorporated by this reference, are hereby adopted.
2. An emergency is hereby declared, and this ordinance will take effect at 12:00 p.m. (noon) on Wednesday, April 18, 2018.

Passed by the Council on April 10, 2018, by the following votes:

Ayes: Garvin, Menke, Peralta, Ruden, Stassens

Nays: Drabkin

Approved on April 10, 2018.


MAYOR

Approved as to form:


CITY ATTORNEY

Attest:


CITY RECORDER

ORDINANCE 5049
EXHIBIT 1

Section 1. MMC Section 10.04.030 will be amended as follows:

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:

A. **"Abandoned Vehicle" means a vehicle that remains in violation for more than 24 hours and one or more of the following conditions exist:**

(1) The vehicle does not have a lawfully affixed, unexpired registration plate, fails to display current registration or fails to have vehicle insurance as required by the State of Oregon;

(2) The vehicle appears to be inoperative or disabled;

(3) The vehicle appears to be wrecked, partially dismantled or junked; or

(4) The vehicle appears to have been abandoned by its owner.

B. "Bicycle" means a non-motorized vehicle designed to be ridden, propelled by human power, and having two or more wheels the diameter of which are in excess of ten inches or having two or more wheels where any one wheel has a diameter in excess of fifteen inches.

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

D. "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.

E. "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.

F. "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.

G. "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.

H. "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.

I. **"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.

J. "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.

K. "Stop" means complete cessation of movement.

L. "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 A of this section, 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.

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

N. "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.

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

P. **"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," as used in subsequent sections of this title, includes bicycles.

Section 2. MMC Section 10.28.030 will be amended as follows:

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 thirty consecutive minutes;

C. A motor truck, as defined by ORS 801.355, on a street between the hours of nine p.m. and seven a.m. of the following day ~~in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation~~ unless a revocable permit is obtained from the city Police Department. The permit shall be for a six month or a twelve-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 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 MMC Section 10.28.205.**

Section 3. MMC Section 10.28.080 will be amended as follows:

10.28.080 ~~Parking—For sale, repair or storage 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 his or her designee;

~~E. **Abandoning the vehicle. Abandoned Vehicles may be tagged for tow immediately. Abandoned vehicles may be towed 24 hours after the notice has been affixed to the vehicle at the owner's expense.** Storage or as junk for more than seventy-two hours. After a vehicle has been stored on a public street for more than one hundred forty-four consecutive hours and has received two parking citations for storage or junk, the Chief of Police or his or her designee 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, notwithstanding that the vehicle was parked by another.~~

- ~~1. For purposes of this subsection the following definition is adopted: "storage" means leaving a vehicle parked upon a public street for more than seventy-two hours.~~
- ~~2. Moving a to a new location more than three hundred feet (as measured in a straight line from the site where the violations occurred) shall interrupt the running of the seventy-two hour period.~~

Section 4. MMC Section 10.28.205 will be added:

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:**

- 1. The permit will be valid for not more than 72 consecutive hours;
- 2. 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;
- 3. A single Recreational Vehicle may not be issued more than four (4) parking permits during a calendar year, regardless of location parked;
- 4. 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;
- 5. The permit does not allow for parking of a Recreational Vehicle in excess of any posted time limit for parking.

Section 5. MMC Chapter 15.28 will be repealed:

~~Chapter 15.28
TRAILER HOUSES~~

Sections:

~~15.28.010 — Trailer house defined.~~

- ~~15.28.020~~ License required—Requirements.
- ~~15.28.030~~ Parking for more than four hours—Permit required—Exceptions.
- ~~15.28.040~~ Parking permit applicability.
- ~~15.28.050~~ Wheel removal or placement on foundation not to affect applicability of provisions.
- ~~15.28.060~~ Sanitary disposal system use regulation.
- ~~15.28.070~~ Violation—Penalty.

~~15.28.010~~ Trailer house defined. The term “trailer house” means a vehicle or mobile home used for living or sleeping purposes, which is or has been equipped with wheels for the purpose of transporting the same upon the public streets or highways, and constructed in such a manner as to permit occupancy as a dwelling or sleeping quarters for one or more persons. The term “trailer house” also includes any self-propelled living quarters. (Ord. 2931 §1, 1960).

~~15.28.020~~ License required—Requirements.

A. ~~No person shall park or place any trailer house used for sleeping or living purposes within any commercial or industrial zone within the city without first obtaining a license from the city. An application for a license shall be filed with the city recorder. The application shall contain a general description of the trailer, year, model and make, and the purpose for which the trailer will be used and exact location thereof. Upon the filing of the application the building inspector shall inspect the premises upon which the trailer house will be located and the general layout as to sewer and water facilities.~~

B. ~~The council reserves the right to reject any application or refuse to grant the permit. If the council is satisfied that the location of said trailer house will not violate any of the sanitary rules or regulations or disturb or become a nuisance to the residents of the area in which the trailer house will be located, the council may grant a nontransferable permit for a period of not exceeding two years in which such applicant may place or park said trailer house and use the same for living or sleeping purposes. Such permit may upon proper application be renewed or extended by the council. Upon the filing of the application, the applicant shall pay to the city recorder a filing fee of ten dollars. (Ord. 3341 §1, 1967; Ord. 2931 §3, 1960).~~

~~15.28.030~~ Parking for more than four hours—Permit required—Exceptions.

A. ~~It is unlawful to park or place any trailer house used for sleeping or living purposes within the city for a period of time exceeding four hours, excepting in a trailer court or within any commercial or industrial zone as designated by the zoning ordinances after obtaining a nontransferable permit from the council as set forth in this chapter. The parking of trailer houses in the city which are not used for sleeping or living quarters are not regulated by this chapter but are regulated by the general ordinances of the city regulating vehicular parking when parked on the city street or alleys. (Ord. 4660 §1.b, 1998; Ord. 2931 §2, 1960).~~

~~15.28.040~~ Parking permit applicability. Subsection A of Section 15.28.030 shall not apply to those trailer houses outside trailer courts and within the residential zones of the city which as of August 1, 1960, were being used as a place of residence; provided, however, that should any such trailer house be moved from its present location, it shall immediately lose its classification under this chapter; and provided, further, the council reserves the right to order the discontinuance within a reasonable time of the use of a trailer house for sleeping or living purposes within a residential zone upon reasonable notice or by amendment of this chapter. (Ord. 2931 §5, 1960).

~~15.28.050~~ ——— ~~Wheel removal or placement on foundation not to affect applicability of provisions.~~ The removal of the wheels or the placement of a trailer house on posts, footings or permanent or temporary foundation shall not be considered as removing said trailer house from the regulations contained in this chapter. (Ord. 2931 §4, 1960).

~~15.28.060~~ ——— ~~Sanitary disposal system use regulation.~~ It is unlawful for any person occupying or using any trailer house within the city to use any toilet, sink, lavatory or similar equipment therein unless the same are connected with a public sewer or an approved septic tank in accordance with the ordinances of the city. (Ord. 2931 §6, 1960).

~~15.28.070~~ ——— ~~Violation—Penalty.~~ Any person, firm or corporation violating any provision of this chapter, or failing to comply thereto, shall, upon conviction, in the recorder's court, be subject to a fine not exceeding three hundred dollars and to imprisonment in the city jail not exceeding ten days. Each day during which the violation continues shall be considered a separate violation hereunder. (Ord. 2931 §7, 1960).

