

ORDINANCE NO. 5055

An Ordinance Relating to Moving or Towing Vehicles Parked in Prohibited Areas; Amending MMC 10.28.030; and, Establishing MMC 10.28.400.

RECITALS:

During the course of construction projects and public events, it is sometimes necessary to temporarily restrict vehicle access and parking in the public right-of-way to accommodate the activity. The City Manager (or designee) has authority under MMC 10.08.020 to impose permanent or temporary Street closures and parking restrictions.

The City has experienced problems with persons ignoring posted "no parking" signs in construction and event areas, which can significantly interfere with the planned activity and cause costly delays in the progress of work. Although the City may issue citations to illegally parked vehicles, there are currently no provisions in the Municipal Code that would allow the Police Department to have those vehicles moved or towed.

The Council finds that authorizing the moving or towing of illegally parked vehicles in certain circumstances would promote the public health, welfare and safety in the downtown area and at City parks and other facilities. In addition, with the summer construction and event season underway, there is an emergency requiring immediate implementation of this Ordinance.

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

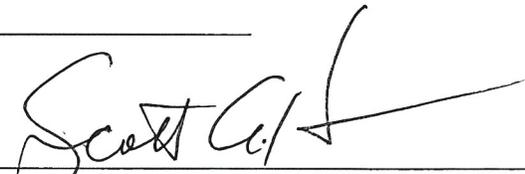
1. The provisions set forth in the attached Exhibit 1, which are incorporated by this reference, are hereby adopted.
2. An emergency is declared, and this ordinance will take immediately upon its passage by the Council.

Passed by the Council on June 12, 2018, by the following votes:

Ayes: Garvin, Menke, Peralta, Ruden, Stassens

Nays: \_\_\_\_\_

Approved on June 12, 2018.

  
 \_\_\_\_\_  
 MAYOR

Approved as to form:

  
 \_\_\_\_\_  
 CITY ATTORNEY

Attest:

  
 \_\_\_\_\_  
 CITY RECORDER

ORD 5055  
Exhibit 1

*Section 1. Amend MMC Section 10.28.030 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 vehicle in any area where parking is permanently prohibited by order of the City Manager or their designee, pursuant to MMC 10.08.020.

J. A vehicle in any area where parking has been temporarily prohibited by order of the City Manager pursuant to MMC 10.08.020 and traffic control devices have been installed to provide notice of the prohibition.

*Section 2. Add new MMC Section 10.28.400*

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 MMC 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 1 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.