

ORDINANCE NO. 5053

An Ordinance establishing Rules of Conduct for the City owned Parking Structure located at NE 5th and Evans Street, and City owned and managed surface parking lots located within the City of McMinnville.

RECITALS:

The City Parking Structure and City owned and managed surface parking lots have been identified as critical pieces of the City's parking supply and infrastructure.

Over the previous two years there has been a significant increase in criminal activity and negative behaviors from persons using City parking that have impacted the City Parking Structure and City owned and managed surface parking lots.

Rules of Conduct for both the Parking Structure and City owned or managed parking lots will improve the City's ability to regulate the activities at these locations, thereby reducing the negative impacts on citizens who wish to use City's parking facilities for their intended purpose.

There is an immediate need to address these issues through adoption of a City ordinance, as the conduct taking place at the Parking Structure and surface parking lots 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:

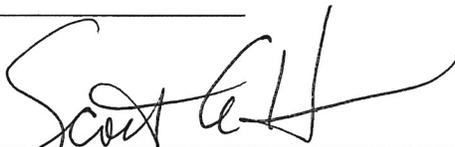
1. The provisions set forth in the attached Exhibit 1, which are incorporated by this reference, are hereby adopted.
2. An emergency is hereby declared, and this ordinance will take effect at 12:00 a.m. on June 22, 2018.

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:

Attest:



 CITY ATTORNEY



 CITY RECORDER

ORD 5053
"Exhibit 1"

Section 1. Add new MMC Section 10.29.010 as follows:

10.29.010 Authority. The City of McMinnville Police Chief shall be authorized to develop and enforce rules of conduct for personal belongings located within the city limits of McMinnville.

Section 2. Add new MMC Section 10.29.020 as follows:

10.29.020 Definitions.

For the purposes of this Chapter the following definitions shall apply:

A. "Parking Garage" means the publicly owned parking garage located on the block between NE 5th Street, NE6th Street, NE Davis Street and NE Evans Street, within the City of McMinnville.

B. "Parking Facility means any portion of the Parking Garage or any surface parking lot that is owned, controlled, leased or administered by the City for the primary purpose of parking motor vehicles.

C. "Person in Charge" has the meaning provided in ORS 164.205 and also includes any of the following while acting in the scope of employment, agency or duty:

1. Any peace officer as defined by Oregon law, any reserve police officer of the McMinnville Police Department, any parking enforcement officer employed by the City of McMinnville to include Park Rangers;

2. Any person providing security services in a Parking Facility pursuant to any contract with the City, or with any person, firm or corporation managing Parking Facilities on the City's behalf; and/or,

3. Any person specifically designated in writing as the Person in Charge by the City of McMinnville Police Chief.

Section 3. Add new MMC Section 10.29.030 as follows:

10.29.030 City Parking Facility Exclusions.

A. Any Person in Charge may exclude a person who violates MMC 10.29.050 while in or upon any Parking Facility, from all Parking Facilities for a period not to exceed 180 days.

B. The notice of exclusion will be in writing, be given to the person excluded and be signed by the Person in Charge.

C. The notice of exclusion will describe the nature of the offense in , specify the dates and places of exclusion, contain a warning that failure to comply with the notice of exclusion may lead to criminal prosecution for Criminal Trespass and information concerning the right to appeal the exclusion.

Section 4. Add new MMC Section 10.29.040 as follows:

10.29.040 Right to Appeal.

A. An excluded person has the right to appeal the exclusion order within 10 business days of receiving the exclusion to the Chief of Police. The appeal must be in writing and outline the reason for the appeal.

B. The exclusion will remain in effect during the appeal.

C. If good cause exists, the Police Chief may at any time alter or temporarily waive the effects of the notice of exclusion. Additionally, if the Police Chief finds that the person excluded did not violate any provision of the rules of conduct, any laws of the State of Oregon, or ordinances of the City of McMinnville, the Police Chief will rescind the exclusion.

Section 5. Add new MMC Section 10.29.050 as follows:

10.29.050 Rules of Conduct for Parking Facilities. Except as authorized by the City,

- A. No person may enter upon or remain within a Parking Facility except for the purpose of parking or retrieving a motor vehicle.
- B. No person may possess any weapon in a Parking Facility, except to the extent permitted by Oregon law.
- C. No person may use a Parking Facility for the purposes of housing or camping, including but not limited to, sleeping, bathing, cooking, or use as a restroom.
- D. No person may deface, damage, or destroy any portion of a Parking Facility.
- E. No person may post or place on cars any handbills, flyers, or posters of any kind within a Parking Facility.
- F. No person may engage in sexual conduct as defined by ORS 167.060, within a Parking Facility.
- G. No person may possess an open container of alcohol or consume alcoholic beverages within a Parking Facility.
- H. No person may play or use amplified or audio equipment at a level that disturbs others within a Parking Facility.
- I. No person may participate in parties, rave parties, or other similar gatherings within a Parking Facility.
- J. No person may use any portion of a Parking Facility, including but not limited to, walls, railings, banisters, stairs, or ventilation fixtures, in ways they were not intended to be used, including but not limited to, sitting, standing, lying, kneeling, skating, or skateboarding.
- K. No person may smoke or carry any lighted smoking instrument while in a within the Parking Garage.
- L. No person may engage in conduct that disrupts or interferes with the normal operation of a Parking Facility, or that disturbs patrons of within a Parking Facility, including but not limited to, conduct that involves the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.
- M. No person may interfere with free passage of patrons of within a Parking Facility, including but not limited to, placing bicycles, backpack, carts or other items in a manner that interferes with free passage.
- N. No person may leave personal belongings in within a Parking Facility, unless fully contained within a motor vehicle.
- O. No person may refuse to obey any posted parking signs or any reasonable direction of a Person in Charge within a Parking Facility.