

ORDINANCE NO. 11-1004

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING CHAPTER 10.16 OF THE OREGON CITY MUNICIPAL CODE RELATING TO PARKING.

WHEREAS, the City of Oregon City (the "City") regulates parking on streets within the City and requires the payment of appropriate fees to parking meters to ensure an adequate return on the use of parking spaces and that adequate parking is available for residents, businesses and visitors to the City; and,

WHEREAS, the City intends to change some aspects of its parking regulations, including the installation of pay stations and changes to the parking rates; and,

WHEREAS, the changes are consistent with the Downtown Oregon City Parking Study, which was accepted by the Oregon City Commission on August 4, 2010; and,

WHEREAS, the proposed changes to the City's parking program are required to better meet the City's needs and has recommended adoption of the proposed changes to the City Commission; and

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Chapter 10.16 of the Oregon City Municipal Code is hereby amended to provide as follows:

Chapter 10.16 - PARKING

- 10.16.010 - Vehicle defined.**
- 10.16.020 - Installation—Authority.**
- 10.16.030 - Installation—Maintenance.**
- 10.16.040 - Fees.**
- 10.16.050 - Parking device contract.**
- 10.16.060 - Parking hours.**
- 10.16.070 - Overtime parking.**
- 10.16.080 - Two-hour parking limit.**
- 10.16.090 - Parallel parking.**
- 10.16.100 - Parking lines and markings.**
- 10.16.110 - Parking citation.**
- 10.16.120 - Slugs prohibited.**
- 10.16.130 - Injury to devices.**
- 10.16.140 - Disposition of fees.**
- 10.16.150 - Designation of zones.**
- 10.16.160 - Criteria for establishing parking.**
- 10.16.170 - Commission action.**
- 10.16.180 - Permits—Issuance.**
- 10.16.190 - Permits—Use.**
- 10.16.200 - Device and permit proceeds.**

10.16.010 - Vehicle defined.

The word "vehicle" as used herein means any device in, upon or by which any person or property is or may be transported upon a highway, except those operated upon rails.

10.16.020 - Installation—Authority.

All parking meters and pay stations shall be installed, continued, removed or rendered inoperative on the public streets and property in the city as the commission may direct from time to time by resolution.

10.16.030 - Installation—Maintenance.

Limitations on maximum parking time, hours of operation and rates fixed for specified parking time shall be designated and may be changed from time to time by the commission by resolution.

10.16.040 Fees.

A. Each parking meter or pay station shall be so designed as to allow a display or issue a receipt showing legal parking upon the deposit of legal coin of the United States or other payment for a period of time as provided for in this chapter for the part of the street upon which a vehicle is parked.

B. The period of time for such parking and the fee shall be set by the resolution of the City Commission:-

10.16.050 - Parking device contract.

The city is invested with power and authority to grant a permit or enter into a contract in the manner as prescribed by law for the purchase and/or installation of parking meters and pay stations and to provide payment for such meters and/or installation exclusively from the receipts, funds and revenues obtained by the city from the operation of the parking meters and pay stations without in any way personally obligating the city to pay for same from any other source. The city is further authorized and empowered to enter into a contract for repairs and/or such parts of the parking meters and pay stations as may be necessary to maintain same in good operating condition and to pay for such repairs and/or parts exclusively from the receipts, funds and revenues received from the operation of the parking meters and pay stations.

10.16.060 - Parking hours.

In all zones created by this chapter and Chapter 10.08, the parking of vehicles between the hours of eight o'clock a.m. and six o'clock p.m. shall be in compliance with the provisions of this chapter and Chapter 10.08, including any required payment of fees on Sundays and all legal holidays .

10.16.070 - Overtime parking.

When any vehicle shall be parked in any space that requires payment of a fee under this chapter, the owner or operator of the vehicle shall upon entering the parking space immediately deposit proper payment in parking meter alongside of or next to the parking space or in a pay

station, and the parking space may then be used by such vehicle during the parking limit provided for the part of the street in which the parking space is located. If the fee is paid to a pay station, the owner or operator shall cause the receipt issued by the pay station to be displayed in the window of the vehicles. If the vehicle shall remain parked in any such parking space beyond the parking limit fixed for such parking space, the vehicle shall be considered as parked overtime and beyond the time fixed for that part of the street and shall be a violation of this chapter and punished as hereafter provided. It is unlawful for any person to permit any such vehicle registered in his or her name to be parked overtime or beyond the lawful period of time as herein described.

10.16.080 - Parking limit.

A. It is unlawful and an offense for any person to park a vehicle in the parking space alongside of or next to which a parking meter or on a block with a pay station is placed in any event for a continuous period of time in excess of the time posted.

B. It is unlawful and an offense for any person to permit a vehicle to remain or to be placed in any parking space alongside of or next to which any parking meter is placed or on a block with a pay station while the meter is displaying a signal showing that the vehicle shall have been already parked beyond the period of time fixed for such parking space, or the receipt from the pay station shows that the period has expired.

10.16.090 - Parallel parking.

Any vehicle parked in any parking space in any parking zone shall be parked parallel with and not more than one foot from the curb and with the head of the vehicle alongside of, or next to the parking meter alongside of the parking space. In parking zones that have pay stations, vehicles shall be parked not more than one foot from the curb and within the markings on the pavement.

10.16.100 - Parking lines and markings.

A. The manager or such officers or employees of the city as he shall select, shall place lines or marks on the curb or on the street alongside of each parking meter to designate the parking space for which the meter is to be used and each vehicle parking next to any parking meter shall park within the lines or markings so established.

B. In pay station zones, the lines or marks on the curb shall designate available parking spaces and each vehicle parked in such zones shall park within the lines or markings so established.

C. It is unlawful and an offense to park any vehicle across any such line or mark or to park said vehicle in any way, that the same shall not be within the area so designated by the lines or markings; provided, any vehicle of greater length than the space opposite such meter, or with trailer attached, may park within the adjoining spaces by depositing appropriate coins in both meter spaces or by purchasing the appropriate number of receipts from a pay station.

10.16.110 - Parking citation.

A. The City Manager shall designate persons authorized to issue parking citations. It shall be the duty of each - such person designated by the city manager, to issue a parking citation for

any vehicle parked in violation of the provisions of this code, where applicable. Such citations shall be executed in duplicate stating the location of the violation, the state vehicle license number of the vehicle, the day and hour of the offense, and be signed and subscribed by the person issuing. One of such citations shall be placed on or in the vehicle and the duplicate filed with the code enforcement division.

B. It is unlawful and an offense for any person to violate the provisions of Sections 10.08.090, 10.16.070 through 10.16.090, or 10.16.100. Bail, as set by the court, may be paid at the police station within five days of the time of violation. Bail is the fine if no court appearance is requested. Bail, as set by the court, is required if a court appearance is requested.

C. If bail is not paid within five days of the time of violation then the citation shall stand in lieu of a complaint and warrant issued as in other offenses, it being the intention of this provision that violation of said sections shall not be booked or warrant issued if the bail is paid within five days of the time of the violation.

10.16.120 - Slugs prohibited.

It is unlawful and an offense to deposit or cause to be deposited in any parking meter or pay station any slug, device or metallic substitute for any coin of the United States.

10.16.130 - Injury to devices.

It is unlawful and an offense for any person to deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed or pay station under the terms of this chapter.

10.16.140 - Disposition of fees.

The fee required to be deposited as provided herein is hereby levied to cover the cost of inspection, installation, operation, control and use of the parking spaces and parking meters described herein, and involved in checking up and regulating the parking of vehicles in the parking zones created hereby, and other traffic and safety equipment and expense.

10.16.150 - Designation of zones.

The parking advisory commission shall after public hearing recommend to the city commission areas for designation as permit and/or metered parking zones, as well as zones for pay stations. These zones may include both on-street and off-street areas as are appropriate. Reasonable notice of such hearings shall be provided so as to afford the public adequate opportunity for comment.

10.16.160 - Criteria for establishing parking.

In formulating its recommendation, the parking advisory commission shall take into consideration the availability of private parking facilities, impact on area businesses and neighboring residential areas and the demand for employee and public extended parking limits.

10.16.170 - Commission action.

Upon receipt of the recommendation of the parking advisory commission the city commission may by resolution approve or modify it, designate the area for permit parking, pay stations and/or metered parking only and establish appropriate parking permit and meter fees.

10.16.180 - Permits—Issuance.

The city manager shall be responsible for issuance of the permits and may delegate authority for their sale to designated persons or agencies including use of mechanical dispensers.

10.16.190 - Permits—Use.

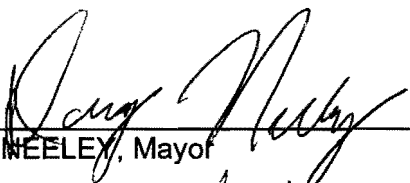
The permits shall not be limited to a single vehicle, and shall be displayed so as to be clearly visible from the outside of the vehicle, utilizing the interior rear view mirror whenever possible.

10.16.200 - Device and permit proceeds.

Proceeds from sale of the permits and from meter and pay station fees shall be credited to a parking improvement fund. The revenues of the fund shall be used to print and distribute permits, lease, purchase, improve or otherwise acquire from public and private sources additional parking areas that would serve the parking needs of the public in the regulated area, maintenance of lots, insurance and provide revenues necessary to sustain the program.

Section 2. Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Read for the first time at a regular meeting of the City Commission held on the 6th day of April 2011, and the City Commission finally enacted the foregoing ordinance this 20th day of April 2011.



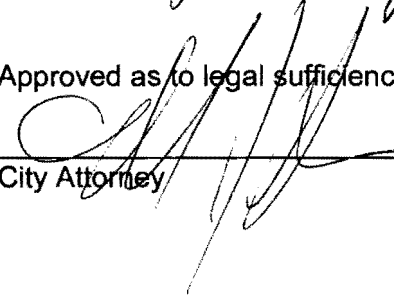
DOUG WEELEY, Mayor

Attested to this 20th day of April 2011,



Nancy Ide, City Recorder

Approved as to legal sufficiency:



City Attorney