

ORDINANCE NO. 617

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING CHAPTER 5: VEHICLES AND TRAFFIC CODE, REPEALING W.C. 5.000 THROUGH 5.400 AND ADOPTING W.C. 5.000 THROUGH 5.555, CONCERNING AND RELATING TO VEHICLE, PARKING, AND TOWING REGULATIONS.

WHEREAS, W.C. Chapter 5 Vehicles and Traffic Code regulates parking, traffic and impoundment of vehicles on the streets and property of the City of Wilsonville;

WHEREAS, the last substantial amendment of W.C. Chapter 5 was in 1983; and therefore, there is a need to bring several of its provisions into compliance with changes in State and Federal law; and,

WHEREAS, the organizational structure of the ordinance and several piecemeal amendments over the years makes it difficult to interpret and administer, and a restructuring would improve the ease and efficiency of its use;

WHEREAS, the City contracts with the Clackamas County Sheriff's Department to provide police services and a restructuring and updating of Chapter 5 also provides an opportunity to draft several parallel provisions to that of the Clackamas County Code to make it simpler and less complicated for the Sheriff's Department to enforce law violations within the City; and

WHEREAS, it is in the interest of the public's safety, health, and welfare to amend W.C. Chapter 5 to comply with State and Federal law and to improve its efficiency and use by streamlining its structure and paralleling Clackamas County Code where practicable.

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Wilsonville Codes sections 5.000 through 5.400 are hereby repealed.

Section 2. Wilsonville Code Chapter 5, sections 5.000 through 5.555 are hereby amended to read as follows:

WILSONVILLE CODE

Chapter 5

VEHICLES AND TRAFFIC

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- 5.005 LOCAL RULES AND REGULATIONS
- 5.010 CITY MANAGER DUTIES
- 5.015 CITY MANAGER – REPORT
- 5.020 CITY MANAGER – PUBLIC DANGER
- 5.025 STANDARDS
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- 5.105 UNLAWFUL RIDING
- 5.110 DAMAGING SIDEWALKS AND CURBS
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- 5.210 PROHIBITED PARKING OR STANDING
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ADMINISTRATIVE PROVISIONS

5.000 State Laws Applicable.

The laws of the State of Oregon governing the operation of motor vehicles contained in the Oregon Vehicle Code, as defined in ORS 801.010, are hereby adopted and made applicable inside the City as a part of this Code. All motor vehicles operated in the City shall be operated in accordance with the laws of the State of Oregon and the provisions of the Wilsonville Code. Any person who operates, parks, or stores a motor vehicle contrary to the laws of the State or Wilsonville Code, shall be guilty of a violation of this Chapter.

5.005 Local Rules and Regulations; Where Rules Apply

(1). Upon the final passage of a Traffic Ordinance by the City Council, and upon the erection of appropriate signs or other markers, as may be required to inform the public of such Ordinance, the Authorized Officer shall enforce the Ordinance by issuing citations for violations and filing complaints in the Municipal Court, which violations shall be prosecuted by the City Attorney.

(2). In the event of a fire or other public emergency, officers of the police and fire departments, or other Authorized Officers, may direct traffic as conditions require.

(3). The regulations of this chapter apply to all City of Wilsonville owned or operated property, public rights-of-way, other designated public areas in the City of Wilsonville and to private property specifically noted in this chapter.

5.010 City Manager Duties.

Pursuant to Code Section 2.105, the City Manager, or designee, shall be authorized to exercise the following duties:

(1). Implement the ordinances, resolutions, and motions of the Council by installing, maintaining, removing, and altering traffic control devices. Such installation shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways, and shall include, but not be limited to, the following classes of traffic control devices:

- (a). Crosswalks (ORS 487.860, safety zones (ORS 487.885(1)(b)), and traffic lanes (487.885(1)(a)).
- (b). Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies (ORS 487.885(1)(c)).
- (c). Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal). (ORS 487.890).
- (d). Traffic control signals.
- (e). Loading zones and stops for vehicles.
- (f). Issue oversize or overweight vehicle permits. (ORS 483.502- 483.536).
- (g). Establish bicycle lanes, pedestrian, and bridle paths, and those streets whereupon horses and animals are prohibited.

5.015 City Manager-Report.

Duties exercised by the City Manager or designee shall be reported to the City Council at the next regular meeting immediately following their implementation. This reporting requirement may be dispensed with when the Council so requests.

5.020 City Manager - Public Danger.

Under conditions constituting a danger to the public, the City Manager or designee may install temporary traffic control devices deemed by the Manager or designee to be necessary.

5.025 Standards. The traffic management regulations of this Chapter shall be based upon one or more of the following:

- (1). Traffic engineering principles and traffic investigations.
- (2). Standards, limitations and rules promulgated by the Oregon Transportation Commission
- (3). Recommendations of the Traffic Safety Commission.
- (4). Other recognized traffic control standards.

5.030 Violation, Penalties, and Fines.

Violation of this Chapter and the Oregon laws which are adopted by reference shall be punished upon conviction as provided in Oregon Law or, if not so provided, as designated in Section 1.012.

5.035 Definitions.

(1). In addition to those definitions contained in the Oregon Vehicle Code, the following words or phrases, except where the context clearly indicates a different meaning, in Chapter 5, shall mean:

- (a). Abandoned vehicle. A vehicle left unoccupied or unclaimed or in a damaged or dismantled condition such that the vehicle is inoperable.
- (b). Authorized Officer. The Sheriff, any Sheriffs Deputy, or any other person expressly authorized by the City or Clackamas County Sheriff to issue parking citations, order vehicles towed, or direct traffic under this chapter.
- (c). Bus stop. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.
- (d). City Hall. City Hall; Court Clerk; 29799 SW Town Center Loop E.; Wilsonville, OR 97070.
- (e). Hazardous vehicle. A vehicle left in a location or condition such as to constitute an immediate and continuous hazard to persons using the streets within the City. For example, and not by limitation, the following are hazardous vehicles: (i) vehicles blocking, obstructing, or impeding the use of public or private right-of-ways; (ii) vehicles with leaks in gas tanks; (iii) vehicles blocking fire hydrants.
- (f). Holiday. New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed or recognized by the Council to be a holiday.
- (g). Loading zone. 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.
- (h). Motor vehicle. 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 the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

- (i). Owner. A person with a claim, either individually or jointly, or ownership of any interests, legal, or equitable, in a vehicle.
- (j). Park or Parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- (k). Person. A natural person, firm, partnership, association or corporation.
- (l). Police. Any authorized law enforcement officer of the City.
- (m). Private garage. A reputable, private storage yard, garage, or other storage place selected by the City Manager.
- (n). Sheriff. Clackamas County Sheriff or any of the Sheriff's deputies or any person appointed by the Sheriff pursuant to ORS 204.635.
- (o). Store, Stored, or Storage of a Vehicle shall mean the failure to move a motor vehicle, boat, trailer, camper, mobile home, travel trailer, or other personal property, including portable storage containers for a period of seventy-two (72) hours without moving at least three vehicle lengths away.
- (p). Street. Highway, road, or street as defined in ORS 801.305.
- (q). Taxicab stand. A space on the edge of a roadway authorized by the City and designated by sign for use by taxicabs.
- (r). Traffic lane. That area of the roadway used for the movement of a single line of traffic.
- (s). Vehicle. Every device in, upon, or by which any person or property is, or may be, transported or drawn upon any street or highway, and includes any hulk or component thereof, including, but not limited to campers, recreational vehicles, motor homes, pickup trucks, pickup truck canopies, and trailers, except devices:
 - (i) Designed to be moved exclusively by human power; or
 - (ii) Designed to be used exclusively upon stationary rails or tracks.

GENERAL REGULATIONS ENFORCEABLE BY CITATION AND FINE

5.100 Crossing Private Property.

No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

5.105 Unlawful Riding.

(1). No operator shall permit a passenger to, and no passenger shall, ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

(2). No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

5.110 Damaging Sidewalks and Curbs.

(1). The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

(2). No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

(3). No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.

5.115 Removing Glass and Debris.

A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street or shall bear the cost of removal.

PARKING AND STORAGE REGULATIONS ENFORCEABLE BY CITATION AND FINE

5.200 Storage of Motor Vehicles and Other Property on the Street.

No person shall store or permit to be stored on a street or other public property, without permission of the Council, a motor vehicle, boat, trailer, camper, mobile home, travel trailer, or other personal property, including portable storage containers, for a period in excess of seventy-two (72) hours, without moving at least three vehicle lengths away.

5.205 **Method of Parking.**

- (1). No vehicle shall be parked upon any street in a manner other than parallel to the roadway and facing in the direction of travel of the nearest travel lane unless specifically designated by signs or markings which are authorized by the City Manager or designee.
- (2). Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction or the direction of travel if no direction is indicated, and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- (3). The operator who first begins maneuvering a motor 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 interfere.
- (4). Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

5.210 **Prohibited Parking or Standing.** In addition to the state motor vehicle laws, the following regulations regarding parking or standing of vehicles apply:

- (1). A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.
- (2). No motor truck with a gross vehicle weight of more than 8,000 pounds, and trailers, travel trailers and mobile coaches as defined in Section 4.001 of the code, shall be parked on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation, unless otherwise specifically adopted by action of the City Council.
- (3). No trailer as defined in ORS 801.560 shall be parked upon any City street unless it is attached to a motor vehicle by which it may be propelled or drawn, save and except such streets within Industrial Zones that the City Engineer reasonably determines that parking of unattached trailers would not constitute a safety hazard. This subsection shall not apply to trailers which are disabled to such extent that the driver cannot avoid temporarily leaving the disabled trailer on the street, provided that the trailer must be removed within 24 hours of becoming disabled.
- (4). 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. Incidental parking of a vehicle with such advertising that is permanently or semi-permanently attached to the vehicle and would normally be construed as routine self-promotion, including name, logo, slogan, or product description of the vehicle is not intended to be prohibited.
 - (d). Selling merchandise from the vehicle, except when authorized.
- (5). No vehicle shall be parked upon any City street in a location within twelve feet of any mailbox used for pickup or delivery of the United States mail.
- (6). No vehicle shall be parked upon any City street or highway in violation of “No Parking” signs or markings, where the City Manager or designee authorizes such signs or markings.
- (7). No vehicle shall be parked upon any City street adjacent to any yellow curb, where the City Manager or designee authorizes such curb.
- (8). No vehicle shall be parked upon any City street in a manner such that less than 18 feet of unobstructed roadway width is left available for the passage of other vehicles. Where roadways are less than eighteen (18) feet wide, such width as necessary to allow two vehicles to pass, shall remain unobstructed.
- (9). No vehicle shall be parked on any street for more than 72 hours without moving at least three vehicle lengths away.
- (10). No vehicle shall be parked where it is impeding or likely to impede the normal flow of vehicular, bicycle, or pedestrian traffic; where it is a hazard or is likely to be a hazard to vehicular, bicycle, or pedestrian traffic; or where it is obstructing the required width of a fire apparatus access road.
- (11). No vehicle shall be parked or operated on a highway when the vehicle registration as indicated by registration stickers or registration card has been expired for 90 days or more, the vehicle is required to be registered when operated on a street, and the vehicle is parked or being operated on a City street.
- (12). No person shall use any vehicle or trailer to camp in, sleep in, or live in while parked upon a City street.

5.215 Use of Loading Zone.

No person shall stand or park a 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. In no case, when the hours applicable to the loading zone are in effect, shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

5.220 Unattended Vehicles.

Whenever an Authorized Officer shall find a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police office.

5.225 Standing or Parking of Buses and Taxicabs.

The operator of a bus or taxicab shall not stand or park 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 the taxicab outside a traffic lane while loading or unloading passengers.

5.230 Restricted Use of Bus and Taxicab Stands.

No person shall stand or park a vehicle, other than a taxicab in a taxicab stand, 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.

5.235 Lights on Parked Vehicle.

No lights need be displayed upon a vehicle that is parked in accordance with this ordinance upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

5.240 Extension of Parking Time.

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

5.245 Exemption.

The provisions of this Chapter 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.

ISSUANCE OF CITATION AND FAILURE TO COMPLY

5.300 Person in Violation

- (1). A person commits the violation of illegal parking, stopping, or standing if
 - (a). The person parks, stops, or leaves standing a vehicle in a place where such action is prohibited by this chapter; or
 - (b). The person is the owner of an unattended vehicle parked in a place where such parking is prohibited by this chapter.

5.305 Vehicle in Violation – Authority to Move

An Authorized Officer who finds a vehicle standing upon a street in violation of this chapter may move the vehicle, cause it to be moved, or require the driver or other person in charge of the vehicle to move it. The authority to take such action under this section is in addition to the authority granted under section 5.405 and 5.415.

5.310 Owner Responsibility.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's express or implied consent.

5.315 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 the defendant was then the owner in fact.

5.320 Issuing Citation

(1). When any Authorized Officer finds a vehicle parked in violation of this chapter and/or State Law, the Authorized Officer may issue a citation to the owner or operator of the vehicle. The Authorized Officer issuing a citation shall:

- (a). If the operator is present, issue the citation to the operator; or
- (b). If the operator is not present, affix one copy of the citation to the vehicle. Additional citations shall not be issued for the same violation on the same vehicle unless at least 24 hours have passed since the previous citation.

(2). The citation shall contain the following information:

- (a). A description of the specific violation alleged;
- (b). The date, time and location of its occurrence;
- (c). The amount of the fine for the violation alleged;
- (d). That the fine must be paid or bail posted and a hearing requested within 20 days, and that upon failure to do so within 20 days, opportunity for a hearing is forfeited, and the fine increases to the amount provided for on the citation, or, if not so provided, doubled;
- (e). A form for either admitting the violation alleged and paying the fine, or denying the violation alleged, paying the equivalent bail, and requesting a hearing, or waiving a hearing.
- (f). The address to which the form should be sent;

5.325 Response to Citations

(1). Upon receiving a citation under this chapter, the vehicle owner(s) or operator may:

- (a). Within 20 days, deliver to the City of Wilsonville City Hall, the form provided with the citation, admitting the violation(s), forfeiting and paying the amount of the fine(s) indicated on the citation; forfeiture may be made by mail but must be actually received by the City of Wilsonville City Hall within 20 days from the date of the citation; or
- (b). Within 20 days, deliver to the City of Wilsonville City Hall the form provided with the citation, denying all or part of the violation(s), and posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation; response may be made by mail, but must be actually received by City of Wilsonville City Hall within 20 days from the date of the citation.
- (c). Upon receipt of a denial, the City shall inform the Municipal Court, who shall set a hearing within 30 days of the City receipt of the denial and bail, and shall notify the vehicle owner(s) and any other person who reasonably appears to have an interest in the vehicle; notification of the hearing date, time and place shall be mailed within 15 days of the City's receipt of the denial and bail, or if request for a hearing is waived, respond to the vehicle owner whether the citation is valid or invalid.

5.330 Failure to Comply with Parking Citation

- (1). Failure to perform any part of 5.235 (a) or (b), including failure to respond within 20 days, shall be presumed an admission of the violation(s) cited, and the fine(s) shall be increased to the amount stated on the citation, or, if not so provided, doubled.
- (2). Failure to perform any part of 5.235 (a) or (b), including failure to respond within 20 days, may result in the municipal court clerk sending to the owner of the vehicle, to which the parking citation was affixed, a letter informing the owner of the violation and commanding the owner to appear in court at a fixed time and a specified place to show cause why the penalty was not paid or to pay the penalty plus increased amount by a fixed time and at a specific place, and warning him or her that in the event that the letter is disregarded for a period of ten (10) days, a warrant for the arrest of the owner may be issued.

5.335 Parking Violation Hearing Procedure

- (1). The hearing shall afford a reasonable opportunity for the person(s) requesting it to present evidence that the citation was invalid or unjustified.
- (2). The decision of the Municipal Judge is final.

IMPOUNDMENT OF VEHICLES

5.400 Authority to Tow Vehicles Generally; Responsibility for Costs

- (1). Any Authorized Officer may order a vehicle towed and impounded as provided in this Chapter.
- (2). The impoundment of a vehicle shall not preclude the issuance of a citation for a violation of a provision of this Chapter.
- (3). Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- (4). The owner of the vehicle shall be responsible for the cost of towing and storing the vehicle, notwithstanding that the vehicle was parked by another, or that the vehicle was initially parked in a safe manner, but subsequently became an obstruction or hazard.

(5). The Authorized Officer, or the City, may utilize its own personnel, equipment, and facilities for the removal and preservation of the vehicle, or may hire other personnel, equipment, or facilities for that purpose.

5.405 Towing With Prior Notice

(1). After providing notice required under section 5.410, and, if requested, a hearing under section 5.435 and 5.440 in which the tow is validated, an authorized officer may tow and impound a vehicle if:

- (a). The Authorized Officer has probable cause to believe the vehicle is stored or abandoned which is parked or left standing upon the right-of-way of any street or alley or upon any City property for a period in excess of 72 hours.
- (b). The vehicle is parked on property owned, operated, or occupied by the City, other than streets or clearly designated public parking spaces, without express City permission;
- (c). is parked in violation of a provision of the City's Code or State law, and
- (d). Three or more parking citations have been issued for violations of sections 5.100 – 5.245, which have not been paid or contested within the time allowed by law.

5.410 Notice Prior to removal; methods; contents.

(1). If an Authorized Officer proposes to take custody of a vehicle under section 5.405, the Authorized Officer shall provide notice meeting the requirements of this section.

(2). Notice shall be given by affixing a notice to the vehicle. The notice shall be affixed to the vehicle at least 24 hours before the taking the vehicle into custody. The 24-hour period under this subsection includes holidays, Saturdays, and Sundays.

(3). Notice required under this section shall include all of the following information:

- (a). That the vehicle will be subject to being taken into custody and removed by the appropriate authority if the vehicle is not removed before the time set by the appropriate authority.
- (b). The statute, ordinance, or rule violated by the vehicle under which the vehicle will be removed.
- (c). The place where the vehicle will be held in custody or the telephone number and address of the appropriate authority that will provide the information.
- (d). That the vehicle, if taken into custody and removed by the authorized authority, shall be subject to towing and storage charges and that a lien shall attached to the vehicle and its contents.
- (e). That the vehicle shall be sold to satisfy the costs of towing and storage if the charges are not paid.

- (f). That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded to contest the proposed custody and removal if a hearing is timely requested.
 - (g). That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing.
 - (h). The time within which a hearing must be requested and the method for requesting a hearing.
- (4). Notices are deemed given when the notice is affixed to the vehicle.
- (5). If the vehicle is registered in the office of the Motor Vehicles Division of this State, notice shall be addressed to the registered owner and the legal owner, if any, at the latest respective address of each shown by the records in the office of the Motor Vehicles Division. If the vehicle is not so registered, reasonable efforts shall be made to ascertain the names and addresses of the legal owner and persons entitled to possession of the vehicle so that notice may be mailed, if reasonably possible, within the time period outlined in this section.

5.415 Towing Without Prior Notice

- (1). An Authorized officer may, without prior notice, order a vehicle towed, when:
- (a). The vehicle is parked, disabled, abandoned, or standing unattended on a highway, street, or right-of-way that in such a location constitutes a hazard, obstruction, or impediment to motor vehicles and to persons using the streets, or pedestrian ways, within the City.
 - (i). As used in this section, a hazard, obstruction, or impediment includes, but is not necessarily limited to:
 - (aa). A vehicle parked in a posted “no parking” zone or area
 - (bb). A vehicle parked so that any part of vehicle extends within the paved portion of the travel lane;
 - (cc). A vehicle parked so that any part of the vehicle impedes, or likely to impede, the normal flow of vehicular, bicycle, or pedestrian traffic
 - (dd). A vehicle blocking a private right-of-way
 - (ee). A vehicle with a leak in the gas tank
 - (ff). A vehicle that poses an immediate danger to the public safety
 - (gg). A vehicle blocking a fire hydrant
 - (hh). A vehicle obstructing the required width of a fire apparatus access road;
 - (b). The vehicle alarm system disturbs, injures, or endangers the peace, quiet, comfort, repose, health or safety of the public or any person, if no other reasonable disposition of the vehicle can be made and the owner cannot be contacted by reasonable efforts;

- (c). The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles, prohibited in excess of a designated time period, during certain hours, on designated days, or is prohibited during a construction project defined by designated hours or days.
- (d). A vehicle required by law to display license plates does not display license plates, or displays plates registered to a vehicle not matching the subject vehicle, and the vehicle identification number is not visible or does not indicate the ownership of the vehicle after inquiry to the Oregon Motor Vehicles Division records; or the owner of the vehicle, or other person(s) with an interest in the vehicle, cannot be determined after inquiry to the licensing and registration agency of the state from which the license plates originate.
- (e). The vehicle is stolen whether it is located on public or private property
- (f). The vehicle is otherwise authorized by law to be seized or removed whether it is located on private or public property.
- (g). The vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;
- (h). The vehicle operator is driving uninsured in violation of ORS 806.010;
- (i). The driver of the vehicle has been fleeing or attempting to elude a police officer (ORS 811.540), and the vehicle is abandoned by the driver.
- (j). The driver of the vehicle has failed to perform the duties of a driver when there is property damaged or persons injured (ORS 811.700 or 811.705), and the vehicle is abandoned by the driver.
- (k). The vehicle operator is driving while suspended or revoked in violation of ORS 811.175 or 811.182, and 1) the vehicle is parked so as to jeopardize public safety or the efficient movement of vehicular traffic, 2) the vehicle cannot otherwise be immediately removed from the public location without continuing its illegal operation, or 3) to prevent damage to the property, theft, or vandalism.
- (l). The vehicle operator is operating a vehicle without driving privileges, or in violation of license restrictions, in violation of ORS 807.010, and 1) the vehicle is parked so as to jeopardize public safety or the efficient movement of vehicular traffic, 2) the vehicle cannot otherwise be immediately removed from the public location without continuing its illegal operation, or 3) to prevent damage to the property, theft, or vandalism.
- (m). The vehicle operator, at or just prior to the time the officer stops him or her, is driving under the influence of intoxicants in violation of ORS 813.010; and 1) the vehicle is parked so as to jeopardize public safety or the efficient movement of vehicular traffic, 2) the vehicle cannot otherwise be immediately removed from the public location without continuing its illegal operation, or 3) to prevent damage to the property, theft, or vandalism.
- (n). The vehicle operator, at or just prior to the time the officer stops him or her, is speed racing on a City street, in violation of ORS 811.125, and 1) the vehicle is parked so as to jeopardize public

safety or the efficient movement of vehicular traffic, 2) the vehicle cannot otherwise be immediately removed from the public location without continuing its illegal operation, or 3) to prevent damage to the property, theft, or vandalism.

- (o). The vehicle was in possession of a person taken into custody by any Authorized Officer, and 1) the vehicle is parked so as to jeopardize public safety or the efficient movement of vehicular traffic, 2) the vehicle cannot otherwise be immediately removed from the public location without continuing its illegal operation, or 3) to prevent damage to the property, theft, or vandalism.
- (p). The vehicle registration as indicated by registration stickers or registration card has been expired for 90 days or more, the vehicle is required to be registered when operated on a highway, and the vehicle is parked or being operated on a City street;
- (q). The vehicle is parked, stopped, or left standing in any City park area after the daily closing time and before the daily opening time, or in violation of any "No Parking" signs or markings authorized by the Park Supervisor, or otherwise in violation of the City Park Rules Chapter, and is interfering with the use of the park;

5.420 Notice after removal; methods; contents.

(1). If an Authorized Officer takes custody of a vehicle under section 5.405 or 5.415, the Authorized Officer shall provide by certified mail within 48 hours of the removal written notice with an explanation of procedures available for obtaining a hearing under 5.435 and 5.440 to the owners of the vehicle and any lessors or security interest holders as shown in the records of the Department of Transportation. The 48 hour period under this subsection does not include holidays, Saturdays, or Sundays

(2). Any notice given under this section after a vehicle is taken into custody and removed shall state all of the following:

- (a). That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle and the statute, ordinance or rule under which the vehicle has been taken into custody and removed.
- (b). The location of the vehicle or the telephone number and address of the appropriate authority that will provide the information.
- (c). That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.
- (d). That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents shall be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e). That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested.

- (f). The time within which a hearing must be requested and the method for requesting a hearing.
 - (g). That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.
- (3). Notices are deemed given when a certified letter addressed to the owner of the vehicle and a similar letter addressed to the legal owner, if any, return receipt requested and postage prepaid thereon, is mailed within 24 hours after the vehicle is taken into possession by or at the direction of the Authorized Officer.
- (4). If the vehicle is registered in the office of the Motor Vehicles Division of this State, notice may be addressed to the registered owner and the legal owner, if any, at the latest respective address of each shown by the records in the office of the Motor Vehicles Division. If the vehicle is not so registered, reasonable efforts shall be made to ascertain the names and addresses of the legal owner and persons entitled to possession of the vehicle so that notice may be mailed, if reasonably possible, within the time period outlined in this section.

5.425 Vehicle Inventory and Report

- (1). When a vehicle is towed, the Authorized Officer shall:
- (a). Search and inventory the contents of the vehicle, including the contents of closed, unlocked containers, and including the contents of closed, locked containers, if the keys to the lock are readily available;
 - (b). Complete and sign a Property Evidence/Vehicle Inventory Report (PE/VI Report), which shall include:
 - (i) The reason for the tow;
 - (ii) The name of the company towing the vehicle;
 - (iii) The name of the company or agency having custody of the vehicle for storage; and,
 - (iv) A list of the contents of the vehicle, including the contents of closed, unlocked containers, and including the contents of closed, locked containers if the keys to the lock are readily available;
 - (c). Provide a copy of the PE/VI Report to the registered owner(s) and to any other person(s) who reasonably appear(s) to have an interest in the vehicle; these copy(ies) shall be mailed within 48 hours of the tow (Saturdays, Sundays and holidays excluded); if copy(ies) are provided at the time of the tow, or provided when the vehicle is reclaimed within 48 hours of the tow, then no mailing of these copy(ies) is required; and,
 - (d). If the vehicle is towed to and stored at a publicly-owned facility, it shall be searched and inventoried pursuant to this section, and detachable items which reasonably appear to be of value

shall be removed from the vehicle and placed in the Property Control Room of the Sheriff's Department, or other designated room.

5.430 Request for Tow Hearing

- (1). Any person who has an interest in a vehicle subject to towing under this chapter may request a hearing to City Hall contest the validity of the towing. Any such person may also request a hearing to contest the reasonableness of the towing or storage charges, unless the person, or the owner, specifically requested the tow or storage company used.
- (2). The request for hearing must be in writing, submitted to City Hall, and must state the grounds upon which the person requesting the hearing believes the tow to be invalid. The request for hearing must also contain such other information relating to the purposes of this chapter as the Municipal Judge may require.
- (3). Such a request for a tow hearing must be submitted to the City Hall not more than five (5) days from the mailing date of the notice. The five-day period in this section does not include holidays, Saturdays, or Sundays. Failure to submit in person or mail a letter so that the City receives within five (5) days after receipt of the notice shall act as a waiver of the right to a hearing.
- (4). In the event that a person who has an interest in a vehicle subject to towing under this chapter receives a pre-towing notice pursuant to 5.405, and he or she requests a hearing pursuant to 5.430 within twenty-four hours of receipt of the pre-towing notice, the vehicle may not be towed until after the hearing decision. The twenty-four hour (24) period does not include holidays, Saturdays, or Sundays.
- (5). The Municipal Judge shall set and conduct a hearing on the matter within 72 hours of receipt of a timely request for hearing (not including Saturdays, Sundays, or holidays), except in cases where the vehicle is not in custody because it has not yet been towed or has been reclaimed from the tow company. In such cases, the hearing shall be set and conducted within 14 days of the date request for the hearing is received (excluding Saturdays, Sundays, and holidays).

5.435 Hearing

- (1). Tow hearings shall afford a reasonable opportunity for the person(s) requesting them to demonstrate, by the statements of witnesses and other evidence, that the tow or proposed tow is invalid, or that the towing or storage charges are unreasonable where the company was not specifically requested by the person or the owner.
- (2). The towing and storage charges shall be presumed reasonable.

- (3). The City shall have the burden of showing that the tow, or proposed tow, was or would be, valid.
- (4). The owner(s) and any other person(s) who have an interest in the vehicle are entitled to only one hearing for each seizure of that vehicle.
- (5). If the person requesting a hearing fails to appear at the scheduled hearing, the Municipal Judge may enter an order finding the tow to be valid, and assessing towing and storage charges against the owner.
- (6). The decision of the Municipal Judge is the City's final decision.
- (7). At any time prior to the request of hearing, the owner or the person entitled to possession of the vehicle may regain possession of the vehicle by payment of the towing and storage charges, and any other charges so required under this chapter.

5.440 When Tow Is Found Invalid

- (1). If the Municipal Judge finds the tow was, or would be invalid, the Municipal Judge shall order:
 - (a). That the vehicle immediately be released if already towed, and any money paid by the person requesting the hearing for tow and storage charges to be returned to that person;
 - (b). That the vehicle not be towed if it has not yet been towed; or
 - (c). That appropriate disposition is made of any bail, which has been posted.

5.445 When Tow Is Found Valid

- (1). If the Municipal Judge finds the tow to be valid, the Municipal Judge shall:
 - (a). Assess the amount of applicable Administrative fees;
 - (b). If the vehicle is still held, order that it continue to be towed to storage or held until all charges, fines, and fees have been paid, or until City ordinances or State statutes allow for further disposition or sale;
 - (c). If the vehicle is subject to towing after prior notice, order the vehicle to be towed and impounded until all fines, fees and charges have been paid, or until ordinances and statutes allow for other disposition; and order appropriate disposition of any bail, which has been posted.

5.450 Payment of Towing Charges; Reasonableness

- (1). If the Municipal Judge finds the towing was valid, or if the validity of the tow cannot be challenged because prior notice was given and no hearing was requested in a timely manner, s/he shall determine whether the towing and storage charges are reasonable, and order that the towing and storage charges be paid;
 - (a). By the person requesting a hearing, or other person claiming possession of the vehicle, to the extent the charges are reasonable; and
 - (b). By the City or the tow company to the extent the charges are unreasonable.
- (2). If the Municipal Judge finds the towing invalid, s/he shall order that the towing and storage charges be paid by the City.
- (3). Payments already made to tow or to storage companies may be offset or reimbursed in appropriate cases.

5.455 Lien for Towing and Storage Charges; Release of Vehicle

- (1). Any person who tows or stores any vehicle pursuant to this chapter shall have a lien on the vehicle and its contents, in accordance with ORS 87.152, for the just and reasonable charges for the tow and storage services performed. The person may retain possession of the vehicle, consistent with law, until towing and storage charges have been paid.
- (2). A towed vehicle and its contents must be immediately released to the person(s) entitled to lawful possession once the following obligations are satisfied:
 - (a). Payment of towing and storage charges;
 - (b). Payment of outstanding fees, fines or the equivalent bail (including but not limited to fines under this chapter);
 - (c). Proof of liability insurance covering the vehicle, if the vehicle was towed for the operator's failure to have liability insurance;
 - (d). Proof of registration , if the vehicle was towed for expired registration;
 - (e). Proof of ownership, a valid driver's license, and liability insurance covering the vehicle, if the vehicle is towed for any of the following:
 - (i) Driving while suspended or revoked;
 - (ii) Driving without driving privileges or in violation of license restrictions;
 - (iii) Driving under the influence of intoxicants;
 - (iv) Speed racing on highway;
 - (v) Fleeing or attempting to elude a police officer; or
 - (vi) Failure to perform the duties of a driver; and

- (f). A release by the responsible officials of the Sheriff's Office or District Attorney's Office of a vehicle impounded as evidence, when it is no longer needed as evidence.
- (g). If towing and storage charges and outstanding fees, fines, or the equivalent bail have not been paid, a vehicle shall not be released, except upon order of the Municipal Judge.
- (h). A vehicle towed pursuant to this chapter may only be released to the owner, or to the person who was lawfully in possession or control of the vehicle at the time it was towed, or to a person who purchased it from the owner and who produces written proof of ownership. In all cases, adequate evidence of the right to possession of the vehicle must be presented prior to release.
- (i). If a vehicle has been towed for driving uninsured, driving while suspended or revoked, driving without driving privileges or in violation of license restrictions, or for violation of ORS 809.715 or 809.720, the person claiming the vehicle shall pay to the City an administrative fee in an amount set by resolution of the City Council in order to obtain release of the vehicle.

5.460 Sale of Vehicle

(1). Any vehicle that is not reclaimed within the time allowed by law may be sold, provided however that if a hearing or decision of the Municipal Judge is pending, the vehicle shall not be sold until 7 days after a decision is rendered. The contents of any vehicle are subject to the same conditions of sale as the vehicle in which they were found. A vehicle is not "reclaimed" until the owner(s) or other person(s) entitled to possession of the vehicle has fully paid all required fines, fees, and charges, and provided such other documentation as is required under this chapter.

(2). Vehicles to be sold shall be sold:

- (a). At public auction in the manner provided in ORS 87.152 to 87.212 (60 days to reclaim); or
- (b). Vehicles appraised at a value of \$1,000 or less, may be sold under the provisions of ORS 819.220 (15 days to reclaim); or
- (c). Abandoned vehicles appraised at a value of \$500 or less, may be disposed of as provided in ORS 819.215 (15 days to reclaim).

(3). The proceeds of such sale or disposition will be first applied to payment of the cost of such sale and expense incurred in the preservation and custody of such vehicles and the balance, if any, will be credited to the General Fund of the City.

NON-VEHICLE TRAFFIC AND ROAD USE

5.500 Golf Carts.

- (1). Golf carts, as defined by 801.925, shall be permitted to use all of the City highways, streets and public ways within the Charbonneau District of the City of Wilsonville during daylight hours and equipped with headlights and taillights during the night time hours and, in addition, for the purpose of transportation to and from the golf course and the place where the golf carts are parked, stored or located. No such permission is intended or implied for the use of any highway, street, or public way other than those within the boundaries of the Charbonneau District. The operation of golf carts is permitted on French Prairie Road so long as it complies with the purpose set forth in this section. The operation of golf carts on Miley Road is expressly prohibited.
- (2). All golf carts shall at all times be operated in a prudent manner and shall obey the basic rules of traffic, including statutes of the State of Oregon and the Code of the City of Wilsonville.
- (3). All golf carts shall keep well to the right in the regular traffic pattern as a slow moving vehicle. Slow moving vehicle emblems may be displayed.
- (4). Individual operators of golf carts shall assume the full and total responsibility for and the risk associated with, the movement of such vehicle.
- (5). Appropriate signing giving notice of combined operation of golf carts and other vehicles on city highways, streets and public ways within the Charbonneau District shall be erected.
- (6). Violation of any provision of this Section is punishable as a violation pursuant to Section 1.012.

5.505 Sleds on Streets.

No person shall use the streets for traveling on skis, toboggans, sleds or similar devices, except where authorized

5.510 Bicycles - Operating Rules.

In addition to observing all other applicable provisions of this Chapter and state law pertaining to bicycles, a person shall:

- (1). Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the provisions relating to the parking of motor vehicles.
- (2). Not ride a bicycle upon a sidewalk within prohibited areas as are from time to time established by the City Manager or designee.

5.515 Bicycles - Impounding.

- (1). No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.
- (2). A bicycle left on public property for a period in excess of 24 hours may be impounded by an Authorized Officer.
- (3). In addition to any citation issued, a bicycle parked in violation of this Chapter may be immediately impounded by an Authorized Officer.
- (4). If a bicycle impounded under this Chapter is licensed, or other means of determining its ownership exist, the Authorized Officer shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.
- (5). A bicycle impounded under this section which remains unclaimed shall be disposed of in accordance with the procedures of the City's police for disposal of abandoned or lost bicycles.
- (6). Except as provided in subsection (4), a fee of \$2.00 shall be charged to the owner of a bicycle impounded under this section.

5.520 Pedestrians - Must Use Crosswalks.

No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within 150 feet of a marked crosswalk.

5.525 Pedestrians - Right Angles.

A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

5.530 Parades - Prohibited Activity.

No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A "parade" means any group of person(s) and/or vehicle(s) moving on a street or streets of the City with a plan or common purpose for a celebration, display, exhibition, show, or advertisement, whether for public, semi-public or private purposes, but does not include funeral processions, nor any advertising vehicle which may be operating under other provisions of the Wilsonville Code. Any group of person(s) and/or vehicle(s) engaging in the parade, as defined above, shall constitute prima facie evidence of disruption of or interference with traffic.

5.535 Parades - Permit.

- (1). Application for parade permits shall be made to the City Manager or his delegate at least 14 days prior to the intended date of the parade, unless the time is waived by him.
- (2). Applications shall include the following information:
 - (a). The name and address of the person responsible for the proposed parade.
 - (b). The date of the proposed parade.
 - (c). The desired route including assembling points.
 - (d). The number of persons, vehicles and animals which will be participating in the parade.
 - (e). The proposed starting and ending time.
 - (f). The application shall be signed by the person designated as chairman.
- (3). If the City Manager or his delegate, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he shall approve the route and issue the permit.
- (4). If the City Manager or his delegate determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he may:
 - (a). Propose an alternate route.
 - (b). Propose an alternate date.
 - (c). Refuse to issue a parade permit.
- (5). The City Manager or his delegate shall notify the applicant of his decision within five days of receipt of the application.
- (6). If the City Manager or his delegate proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the City Council.

5.540 Parade Permit - Appeal to City Council.

- (1). An applicant may appeal the decision of the City Manager or his delegate by filing a written request of appeal with the City Recorder within five (5) days after the City Manager or his delegate has proposed alternatives or refused to issue a permit.

(2). The Council shall schedule a hearing date which shall not be later than the second regular session following the filing of the written appeal with the City Recorder and shall notify the applicant of the date and time that he may appear either in person or by a representative.

5.545 Offenses Against Parade.

(1). No person shall unreasonably interfere with a parade or parade participant.

(2). No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

5.550 Parade Permit Revocable.

The City Manager or his delegate may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

5.555 Funeral Processions.

(1). A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(2). The procession shall be accompanied by adequate escort vehicles for traffic control purposes.

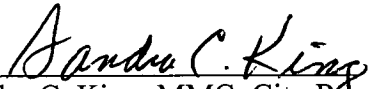
(3). All motor vehicles in the procession shall be operated with their lights turned on.

(4). No person shall unreasonably interfere with a funeral procession.

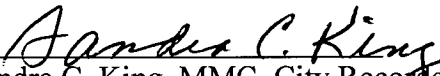
(5). No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 16th day of October 2006 commencing at the hour of 7 p.m. at the

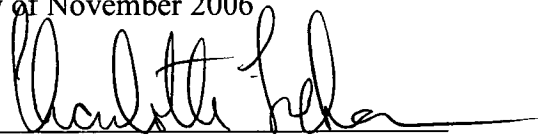
Wilsonville City Hall and scheduled for second reading on November 6, 2006 at a regular meeting of Council commencing at the hour of 7 p.m. at the Wilsonville City Hall.


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 6th day of November, 2006 by the following votes: Yes: -5- No: -0-


Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 7th day of November 2006


CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES
Mayor Lehan Yes
Councilor Kirk Yes
Councilor Holt Yes
Councilor Knapp Yes
Councilor Ripple Yes