

**CITY OF
SILVERTON
ORDINANCE 23-01**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL REPLACING
MUNICIPAL CODE CHAPTERS 10.08, 10.24 AND 10.26 TO UPDATE
THE PARKING REGULATIONS IN SILVERTON, OREGON.**

WHEREAS, the majority of parking regulations within the City are contained in the Silverton Municipal Code Sections 10.08 – Stopping, Standing and Parking; 10.24 – Abandoned and Stored Vehicles; and 10.26 – Recreational Vehicles.

WHEREAS, the Silverton City Council desires to update the parking regulations in the City; and,

WHEREAS, the Silverton City Council directed staff to review and prepare code updates that focus on consistent parking regulations and language clarification.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: Chapter 10.08 of the Silverton Municipal Code is amended as set forth in the attached Exhibit A.

Section 2: Chapter 10.24 of the Silverton Municipal Code is amended as set forth in the attached Exhibit A.

Section 3: Chapter 10.26 of the Silverton Municipal Code is amended as set forth in the attached Exhibit A.

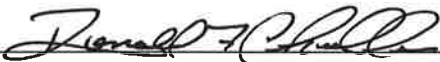
Section 2: This ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton, this 06 day of 02, 2023



Mayor, City of Silverton
Jason Freiling

Attest:



City Manager/Recorder, City of Silverton
Ronald F. Chandler

Exhibit A

Chapter 10.08
STOPPING, STANDING AND PARKING

Sections:

- 10.08.010 Definitions.
- 10.08.20** Parking meter zones designated.
- 10.08.21** Parking – Methods authorized – Emergencies and fires.
- 10.08.22** Parking – Oversized vehicles.
- 10.08.23** Parking – Prohibited locations and activities.
- 10.08.24** Loading zone use and restrictions.
- 10.08.25** Bus – Operation restrictions.
- 10.08.26** Bus – Use of stands.
- 10.08.27** Lights on parked vehicles.
- 10.08.28** Governmental and public utility vehicles.
- 10.08.29** Meters – Deposit of coins.
- 10.08.30** Meters – Legal time limit.
- 10.08.31** Meters – Collection of money.
- 10.08.32** Meters – Effect of defects on violations.
- 10.08.33** Parking permits and meter hoods.
- 10.08.34** Parking violation – Impoundment and disposal conditions.
- 10.08.036 Meters – Installation.
- 10.08.040 Meters – Location and operation.
- 10.08.050 Meters – Parking space markings.
- 10.08.070 Repealed.
- 10.08.080 Repealed.
- 10.08.090 Bus parking exemptions.
- 10.08.100 Meters – Payments as fee for services.
- 10.08.110 Meters – Deposit collections.
- 10.08.120 Meters – Holidays and exempt days.
- 10.08.130 Meters – Recordkeeping of parking violations.
- 10.08.140 Meters – Unlawful coins.
- 10.08.150 Meters – Tampering and other prohibited acts.
- 10.08.160 Meters – Penalty for violation.
- 10.08.170 Repealed.
- 10.08.180 Repealed.

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10.08.190 Logging trucks and other large vehicles.

10.08.210 Violation – Notice – Form and contents – Penalties.

10.08.220 Violation – Failure to pay fine – Penalty.

10.08.230 Chapter provisions not exclusive.

10.08.300 Street sweeping.

10.08.010 Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

- A. “Alley” means a public easement or right-of-way not more than 20 feet and not less than ten feet in width, which intersects a street.
- B. “Block” means the properties abutting both sides of a street:
 - 1. Between two cross streets;
 - 2. Between the City limits and the nearest cross street; or
 - 3. When there is only one cross street:
 - a. Between a cross street and the dead end of a street; or
 - b. Between a cross street and a link projected from the centerline of an intersecting street, such as a “T” intersection.
 - 4. When a block is abutted by a street which, if extended through the block, would create a cross street, but when no street extends through the property, then the block shall be the area commencing at the curb line of the cross street with the next lowest consecutive numbering, and extending in units of 300 feet along the block.
- C. “Curb Line” means the line defined by the raised edge forming the gutter of a vehicular roadway within the right-of-way, or where no raised edge exists, the edge of the pavement.
- D. “Enforcement Authority” – every enforcement officer shall have the authority to enforce this chapter, and shall be considered an “issuing officer” for the purposes of ORS 221.333.

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- E. "Enforcement Officer" means a person designated by the City Manager or Chief of Police to enforce the provisions of this chapter, or any person who is defined as an enforcement officer under ORS 153.005.
- F. "Immobilizer" means a device that is attached to a vehicle and is designed to restrict the normal movement of that vehicle.
- G. "Landscape Strip" means that area between the curb line and the sidewalk line which has not been specifically dedicated, designated, or improved for parking.
- H. "Loading Zone" means a designated parking area reserved for the exclusive use of vehicles during the loading or unloading of passengers or cargo for a period of time not to exceed 20 minutes.
- I. "Parking Zone" means any space adjacent to the curb line where parking is not prohibited and which is designated by painted lines for parking of a vehicle or is large enough to accommodate the parking of one vehicle with no part of such vehicle occupying any prohibited area or encroaching into the travel lane.
- J. "Designated Parking Area" means an area which is identified by signs, meters, markings, or other similar devices commonly used to indicate vehicle parking spaces.
- K. "Parking meter zones" means portions of streets described and established by the city council as zones within which the parking of vehicles shall be controlled, regulated and inspected with the aid of timing devices or meters, referred to in this chapter as "parking meters" or "meters."
- L. "No Parking Zone" means areas posted with either 'No Parking Signs', yellow or red painted curbs.
- M. "Recreational Vehicle" means any vehicle designed or used for temporary living or recreational purposes. This includes but is not limited to travel trailers, recreational vehicles (both on and off highway), motor homes, dune buggies, golf carts, mini-bikes, all-terrain vehicles, motorcycles, jet skis, and boats.
- N. "Roadway" means that portion of a street between the curb lines.
- O. "Sidewalk" means that portion of a street between the curb lines and the adjacent property lines.

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P. “Stand” means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while engaging in receiving or discharging passengers.

Q. “Street” means any public way, road, alley, thoroughfare and place, including bridges, viaducts, and other structures within the corporate limits of the City of Silverton, open, used or intended for use by the general public for vehicles or vehicular traffic as a matter of right. As used in this chapter, “Street” does not include private streets.

R. “Private Street” means highway, road, street, alley, or way within the corporate limits of the City that is privately-owned or maintained.

S. “Travel Lane” means the area of the roadway, marked or unmarked, used for the movement of vehicles, exclusive of bike lanes, shoulders, sidewalks, and parking areas. The following widths should apply to two lane residential streets.

Travel Lane Widths for Residential Streets

Minimum Pavement Width	Parking Area Side A	Parking Area Side B	Roadway Travel Area	Travel Lane	Travel Lane Measured From	Parking Placement
>34'	7	7	>20'	>10	Center of Pavement or painted line	Both Sides of Roadway
34'	7	7	20	10	Center of Pavement or painted line	Both Sides of Roadway
28'	8	8***	12	12**	Centered on Center of Pavement	Both Sides of Roadway
22	9	0'	13	13**	Edge of Pavement Opposite Parking	One Side of Roadway
20'*	0'	0'	20'	10'	Centerline of Pavement	No Parking

*Parking on one side of roadway in the travel lane may be allowed when approved and signed by the City.

**Single travel lane requiring queuing of vehicles for use.

***Parking may be restricted to one side of roadway only

T. “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn, including recreational vehicles and those that are propelled or powered by any means. Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120§ 3, 1999; Ord. 384 § 1, 1949)

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10.08.20 Parking meter zones designated.

Sections of streets may be established as parking meter zones as determined by city council resolution. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 03-103 § 1, 2003; Ord. 90-206 § 1, 1990; Ord. 697 § 1, 1975; Ord. 674 § 1, 1974; Ord. 603 § 14, 1970; Ord. 388 § 1, 1949; Ord. 384 § 2, 1949)

10.08.21 Parking – Methods authorized – Emergencies and fires.

A. No person shall stand or park a vehicle in a street other than parallel with the curb line, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb line, except where the street is marked or signed for angle parking, in which case motor vehicles shall be parked with the front pointed toward the curb line at the angle of and between painted stripes or other markings upon the pavement where such head-in parking is indicated.

B. Where parking space markings are placed on a roadway, no person shall stand or park a vehicle other than within a single marked space and with the front of vehicle pointed in the direction of vehicular travel of the adjacent travel lane.

B. An owner or driver of a vehicle, upon discovering that such vehicle is parked immediately in front of or close to a building to which an emergency vehicle has been summoned, shall immediately remove such vehicle from the area unless otherwise directed by police or fire personnel.

C. No person, whether in a vehicle or not, shall intrude upon a street or premises where a fire is in progress in such manner as to interfere with fire personnel in their efforts to extinguish a fire, and no person shall congregate in the vicinity of a fire in such a manner as to hinder or interfere with fire personnel in their efforts to extinguish a fire. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 860 § 6, 1987)

10.08.22 Parking – Oversized vehicles.

Any vehicle due to its size or shape that cannot be parked as provided by SMC 10.08.021 may be parked outside the restricted or limited parking area designated by the city in a manner which will not impede or interfere with vehicular traffic. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 860 § 7, 1987)

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10.08.23 Parking – Prohibited locations and activities – Duration.

A. In addition to provisions of the Motor Vehicle Laws of Oregon, (ORS 811.550), prohibiting places for parking, standing and stopping, no person shall park, stand, stop or store a vehicle or a recreational vehicle:

1. Upon a bridge, viaduct or other elevated structure used as a street, unless otherwise indicated by lawfully installed signs;
2. In any alley, except to load or unload persons or materials, not to exceed 20 minutes;
3. Upon a street for the principal purpose of:
 - a. Displaying a vehicle for sale;
 - b. Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency;
 - c. Displaying advertising from the vehicle;
 - d. Selling merchandise from the vehicle, except in an established market place, or when so authorized or licensed under the ordinances of the city;
4. Within 10 feet of any fire hydrant, even when not marked by traffic control devices.
5. In front of any portion of a handicap access ramp.
6. Within 10 feet of any United States Postal Service owned mailbox or receptacle between 8 A.M. and 6 P.M., except Sundays and official postal holidays.
7. On any portion of a street when it inhibits the necessary view or sight distance, as determined by the city engineer, of street traffic from intersections or driveways. This shall include personal property associated with the vehicle.
8. With its wheel/s on the landscape strip or sidewalk unless posted specifically allowing such parking.

B. The duration of parking, standing, or stopping of vehicles upon a street adjacent to an individual address or property, despite whether the vehicle was moved or removed for a short time or remained stationary, must not exceed:

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1. Twenty-four hours in a five-day period for a vehicle that is located adjacent to property where the vehicle's owner or operator is not the legal resident, unless the owner or legal resident of that property does not object to the vehicle being placed at this location.
2. No limit for a vehicle, excluding a recreational vehicle that is located adjacent to property in which the vehicle's owner or operator is the legal resident.
3. Seventy-two hours in a five-day period for a recreational vehicle that is located adjacent to property where the vehicle's owner or operator is the legal resident or is their guest.
4. When a property abuts a street where parking is prohibited adjacent to such property, the legal resident of the property or their guest may park their vehicle at a location within a block from said property with no limits except for:
 - a. The guest's vehicle shall not be parked for more than 24 hours in a five-day period in front of the same property or address.
 - b. The legal resident's recreational vehicle shall not be parked for more than 72 hours in a five-day period.

10.08.24 Loading zone use and restrictions.

A. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the continuous and expeditious unloading and delivery or pick up and loading of materials or freight in any place designated as a loading zone, during the hours when the provisions applicable to loading zones are in effect.

B. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the continuous and expeditious loading or unloading of passengers in any place designated as a passenger loading zone, during the hours when the provisions applicable to passenger loading zones are in effect.

C. The penalty for violation of this section shall be set by resolution of the city council. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 93-127 § 1, 1993; Ord. 93-110 § 1, 1993; Ord. 860 § 9, 1987)

10.08.25 Bus – Operation restrictions.

The driver of a bus shall not stand or park such vehicle upon any street in any business district at any place other than at a bus stand, except that this

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provision shall not prevent the driver of any passenger vehicle from temporarily stopping for the purpose of and while actually engaged in the loading or unloading of passengers. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 860 § 10, 1987)

10.08.26 Bus – Use of stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stand, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the loading or unloading of passengers, when such stopping does not interfere with any bus about to enter or using such zone. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 860 § 11, 1987)

10.08.27 Lights on parked vehicles.

No lights need be displayed upon any vehicle parking in accordance with this chapter, and upon a street where there is sufficient light to reveal any person or object upon such street within a distance of 500 feet. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 860 § 13, 1987)

10.08.28 Governmental and public utility vehicles.

The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while in use for construction or repair work on the street, or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 860 § 13, 1987)

10.08.29 Meters – Deposit of coins.

No person shall park a vehicle in any metered parking space, except as otherwise permitted by ordinance, without immediately depositing in the parking meter adjacent to such space such lawful coin or coins of the United States as are required by such meter and as designated by directions on the meter, and when required by the directions on the meter, unless the parking meter indicates at the time such vehicle is parked that an unexpired portion remains of the period for which a coin or coins had been previously deposited. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 860 § 14, 1987)

10.08.30 Meters – Legal time limit.

A. Except as otherwise permitted by ordinance, no person shall park any vehicle

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and let it remain parked in any such parking metered space during any time when the parking meter adjacent to such space indicates that no portion remains of the period for which the last previous coin or coins had been deposited, or beyond the 120-minute time limit for parking in such space between the hours of 9:00 a.m. and 6:00 p.m. (Monday through Friday), Saturdays, Sundays and legal holidays excepted.

B. Continued parking beyond the 120-minute time limit for any meter parking space shall constitute a separate offense for each period or portion of a single time limit for any such meter parking space during which the vehicle remains so parked.

C. Notwithstanding the provisions of subsections (A) and (B) of this section, where a meter specifically authorizes parking for a period in excess of 120 minutes, a person may park a vehicle in such metered space for such time as is authorized by the meter adjacent to the space. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 03-103 § 1, 2003; Ord. 99-120 § 4, 1999; Ord. 860 § 15, 1987; Ord. 391 § 1, 1949; Ord. 384 § 6, 1949)

10.08.31 Meters – Collection of money.

It shall be the duty of the chief of police to direct the collection of all money deposited in parking meters. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 860 § 18, 1987)

10.08.32 Meters – Effect of defects on violations.

Any unintentional violation of any provisions of this chapter by reason of a mechanical failure of a parking meter is not an offense within the meaning of this chapter. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 4, 1999; Ord. 860 § 17, 1987)

10.08.33 Parking permits and meter hoods.

A. The city manager or their designee may issue up to two parking meter hood permits to either the general contractor or property owner engaged in the construction, reconstruction or repair of a building, or engaged in the installation or removal of equipment in a building, adjacent to a street where parking meters are installed for a period of up to 10 days. In addition, the city manager or their designee may issue up to two parking meter hood permits to either the tenant or property owner engaged in a loading or maintenance activity adjacent to a street where parking meters are installed for a period of up to three days. All parking fees are set by resolution of the city council and shall be charged for each parking space where a parking meter hood is requested.

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Extensions of time may be requested prior to the expiration date of the permit if the construction activity has not been completed. Parking meter hoods may be used only for parking space(s) adjacent to the identified location under the granted permit. For construction activities, parking meter hoods shall be returned and all payments shall be received by the city prior to the issuance of a certificate of occupancy for the project.

B. Additionally, the city manager or their designee may issue parking meter hoods to a governmental agency or private, nonprofit agency engaging in an activity or event that has community-wide benefit where parking meters are installed. Parking meter hoods may be issued only for use during each particular activity or event and may not exceed a period of three days.

C. Parking meter hoods shall not be used for the construction, reconstruction or repair of a building, installation or removal of equipment, or loading or unloading or maintenance activities while community activities or events are taking place. At all times when meter hoods are used, vision clearance areas shall be maintained at street intersections. With the exception of debris containers, meter hoods shall be removed and vehicles and equipment shall not remain in parking spaces over the weekend unless expressly allowed by the city manager or his designee.

D. An initial deposit as established by resolution shall be paid for each parking meter hood issued. The city manager or his designee may waive the meter hood deposit for governmental and/or nonprofit agencies.

E. Upon termination of use, the parking meter hood(s) shall be returned to the city. If the hood is returned within five days of permit expiration and is in good condition, the deposit shall be refunded. If the hood is not returned within the allotted time period, then the hood shall be confiscated and the deposit forfeited. Lost or stolen hoods shall be reported immediately to the city manager or their designee for the hood to be replaced and applicable fees shall be paid as per resolution. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 09-01 § 1, 2009; Ord. 07-07 § 1, 2007; Ord. 99-120 § 4, 1999; Ord. 860 § 19, 1987)

10.08.34 Parking violation – Impoundment and disposal conditions.

A. Whenever a traffic citation is issued for violation of any city parking regulation, the police department may impound the vehicle involved and consider it abandoned and will follow the provisions in SMC 10.24.

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10.08.036 Meters – Installation.

The installation of parking meters is authorized in all parking meter zones established by this chapter or hereafter established by the city council for the purpose of and in such numbers and at such places as the city council in its judgment may deem necessary to regulate, control and inspect the parking of vehicles therein, including the regulation of loading zones for commercial vehicles. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 5, 1999; Ord. 384 § 3, 1949)

10.08.040 Meters – Location and operation.

Parking meters installed in parking meter zones shall be installed upon the curb immediately adjacent to the individual parking spaces described in SMC 10.08.050, and each parking meter shall be so constructed and adjusted as to show, when properly operated, a signal that the space adjacent to which it is installed is or is not legally in use. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 384 § 4, 1949)

10.08.050 Meters – Parking space markings.

A. The city shall have lines or markings painted upon the curb or street adjacent to each parking meter, designating the parking space for which the meter is to be used, and each vehicle parked adjacent to any parking meter shall park within such lines or markings.

B. It is unlawful to park any vehicle across any such line or marking, or to park a vehicle in such a position that it shall not be entirely within the space designated by such lines or markings. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 384 § 5, 1949)

10.08.070 Meters – Operation by coins.

Repealed by Ord. 03-103. (Ord. 384 § 7, 1949)

10.08.080 Loading and unloading – Meter parking permits.

Repealed by Ord. 18-09. (Ord. 99-120 § 6, 1999; Ord. 687 § 1, 1975; Ord. 384 § 18, 1949)

10.08.090 Bus parking exemptions.

A. Upon application being made and approved by the city council, showing a public need therefor, a public transportation company or a bus company may be exempted from the requirement of paying a fee.

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B. The application called for in this section shall provide for a showing by the public transportation body that a genuine public need exists for their service and that the same is in the public interest.

C. Upon approval by the city council of the application, a permit shall be issued to the applicant indicating the particular area where the parking is available, and shall state thereon that the permit is revocable and give the license number or numbers of the vehicle or vehicles that may use such permit.

D. The application permit called for in this section shall be renewable annually or sooner, as the city council may direct. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 732 § 1, 1977; Ord. 384 § 19, 1949)

10.08.100 Meters – Payments as fee for services.

The amount of coins required to be deposited in parking meters as provided in this chapter is levied and assessed as a fee to provide for the proper regulation, control and inspection of traffic upon the public streets, and to cover the cost of supervising, regulating and inspecting the parking of vehicles in the parking meter zones provided for in this chapter and the cost of the purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of the parking meters installed hereunder. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 6, 1999; Ord. 384 § 12, 1949)

10.08.110 Meters – Deposit collections.

It shall be the duty of the chief of police to designate some person or persons to make regular collections of the money deposited in the parking meters and deliver the money to the bank or finance department, and it shall also be the duty of the finance department to assure the money is deposited at the bank and recorded in the appropriate fund. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 6, 1999; Ord. 384 § 13, 1949)

10.08.120 Meters – Holidays and exempt days.

A. Parking meter regulations will not be enforced on any Saturday, Sunday and any federally recognized holidays.

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B. When the holidays fall on Saturday, the prior Friday is exempt from parking meter enforcement; when the holiday falls on a Sunday, the following Monday is exempt from parking meter enforcement. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 6, 1999; Ord. 843 § 1, 1986)

10.08.130 Meters – Recordkeeping of parking violations.

The police department shall maintain an official account of and report the number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such meter is or has been parked in violation of any provision of this chapter, to show, in part, the date, the hour of the violation, the meter number, if appropriate, the make and state vehicle license number of the vehicle, and any other information considered necessary to establish a better understanding of circumstances surrounding such violation. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 384 § 10(B)(2), 1949)

10.08.140 Meters – Unlawful coins.

It is unlawful to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a one-cent, five-cent, 10-cent or 25-cent coin of the United States. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 384 § 8, 1949)

10.08.150 Meters – Tampering and other prohibited acts.

It is unlawful for any unauthorized person to open, or for any person to deface, injure, tamper with or willfully break, destroy or impair the usefulness of, any parking meter installed pursuant to this chapter, or to hitch any animals thereto. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 384 § 9, 1949)

10.08.160 Meters – Penalty for violation.

Any person violating any provisions of SMC 10.08.140 and 10.08.150 shall be deemed guilty of an infraction, and upon conviction thereof shall be punishable by a fine set by resolution of the city council. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 6, 1999; Ord. 97-105 (3), 1997; Ord. 384 § 11, 1949)

10.08.170 East Main Street parking restrictions.

Repealed by Ord. 18-09. (Ord. 406 §§ 1 – 3, 1952)

10.08.180 Oak Street parking restrictions.

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Repealed by Ord. 18-09. (Ord. 401 §§ 1 – 3, 1952; Ord. 390 §§ 1 – 3, 1949)

10.08.190 Logging trucks and other large vehicles.

A. Between the hour of sunset and the hour of sunrise, Pacific Standard Time, it is unlawful for any person or persons to park any of the vehicles described in this section upon any public street or roadway within the city, within an area of one block, or within a like area upon any street or roadway which is not designated in blocks, for a period of more than two hours.

B. The vehicles covered by the provisions of this section are as follows: logging trucks, logging truck trailers, logging trucks with trailer attached, any trucks with trailers or semi-trailers attached, truck trailers, semi-truck trailers, gravel trucks, and any vehicle of an overall length exceeding 20 feet and any vehicle of a width at its widest point exceeding 80 inches.

C. Anyone violating the terms of this section shall, upon conviction thereof, be subject to a fine set by resolution of the city council. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 97-105 (3), 1997; Ord. 392 §§ 1 – 3, 1950)

10.08.210 Violation – Notice – Form and contents – Penalties.

The police department shall attach to such vehicle an official notice stating that it has been parked in violation of this chapter, and instructing the owner or operator to report to the finance department at City Hall in regard to such violation. The penalty amounts for violations of this section and any collection costs shall be set by resolution of the city council. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 6, 1999; Ord. 93-110 § 2, 1992; Ord. 818 § 1, 1985; Ord. 709 § 3, 1976; Ord. 384 § 10(B)(3), 1949)

10.08.220 Violation – Failure to pay fine – Penalty.

The police department shall secure the attention of the subject violator who remains unresponsive to the official citation by impoundment and/or immobilization of the vehicle identified by state license number or by official registration information identifying the vehicle for which the citation was originally issued. Costs incurred by such impoundment action of the police department shall be assessed to the registered owner at the time the vehicle is reclaimed. In addition, such costs shall include an administrative fee set by resolution of the city council. The violator cannot claim his/her vehicle until payment of all outstanding fines and fees has been received. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 99-120 § 6, 1999; Ord. 89-103 § 4, 1989; Ord. 709 § 4, 1976;

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Ord. 384 § 10(B)(4), 1949)

10.08.230 Chapter provisions not exclusive.

This chapter shall be deemed to be in addition and supplementary to, and not in conflict with nor a repeal of, existing ordinances of the city, but shall be an additional provision for the regulation of traffic and parking in the parking meter zones provided for herein. (Ord. 18-09 § 1 (Exh. A), 2018; Ord. 384 § 14, 1949)

10.08.300 Street sweeping.

A. It shall be unlawful for any person, firm or corporation to park any motor vehicle, trailer, motorcycle or to store any personal property of any nature on a public street within designated downtown parking areas on Friday mornings between the hours of 2:00 a.m. and 6:30 a.m. The city staff shall schedule those times that sweeping shall occur and establish and maintain signs for that purpose.

Chapter 10.24
ABANDONED AND STORED
VEHICLES

Sections:

- 10.24.010 Application of provisions.
- 10.24.020 Definitions.
- 10.24.025 Towing of vehicle constituting a hazard or obstruction.
- 10.24.030 Investigation of vehicle – Impoundment notice.
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- 10.24.110 Delivery to purchaser.
- 10.24.120 Fees and charges – Private garage services.
- 10.24.130 Fees and charges – Designated.

10.24.010 Application of provisions.

This chapter shall apply to all abandoned and stored vehicles now in the possession of the city, as well as to all such vehicles as may hereafter be impounded.

10.24.020 Definitions.

As used in this chapter, unless the context requires otherwise:

- A.** “Abandoned and/or Stored” means left unoccupied and unclaimed or in a damaged, inoperative or dismantled, partially dismantled condition or junked upon the streets or alleys of the city, and upon any area of public property.
- B.** “Chief of police” means and includes any other authorized law enforcement officer of the city.
- C.** “City” means the city of Silverton, Oregon.
- D.** “Costs” means the expense of removing, storing or selling an impounded vehicle.

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E. “Designated Parking Area” means an area which is identified by signs, meters, markings, or other similar devices commonly used to indicate vehicle parking spaces.

F. “Enforcement Officer” means a person designated by the City Manager or Chief of Police to enforce the provisions of this chapter, or any person who is defined as an enforcement officer under ORS 153.005.

G. “Owner” means any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership, or any interest, legal or equitable, in a vehicle.

H. “Storage” means the placing or leaving a vehicle at a location for a period of time in excess of 24 hours.

I. “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn, including recreational vehicles and those that are propelled or powered by any means.

10.24.025 Custody and towing of vehicle constituting hazard or obstruction.

A. When a vehicle is disabled, abandoned, parked or left standing unattended on a road or highway right-of-way and is in such a location as to constitute a hazard or obstruction to motor vehicle traffic using the road or highway, an Enforcement Officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the Enforcement Officer may cause the vehicle to be towed at the owner’s expense. The owner shall be liable for the costs of towing and storing the vehicle.

B. As used in this section, a “hazard or obstruction” includes, but is not necessarily limited to:

1. Any vehicle that is parked so that any part of the vehicle extends within the paved portion of the travel lane.

2. Any vehicle that is parked so that any part of the vehicle extends within the highway shoulder or bicycle lane.

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C. As used in this section, “hazard or obstruction” does not include parking in a designated parking area along any highway or, parking temporarily for a short period of time on the shoulder of the highway with the operation of the hazard lights of the vehicle, a raised hood of the vehicle, or advance warning with emergency flares or emergency signs.

D. The disposition of a vehicle towed under the authority of this section shall be in accordance with the provisions of the City relating to impoundment and disposition of vehicles that are deemed abandoned or stored as set forth in this Chapter 10.24.

10.24.030 Investigation of vehicle – Impoundment notice.

A. It shall be the duty of the police department, whenever a vehicle that does not constitute a hazard or obstruction is found abandoned or stored upon the streets or alleys, or any area of public property, in the same position or at the same location for a period of 72 consecutive hours over a 5-day period to:

1. Make a routine investigation to discover the owner and request removal of the vehicle; and

2. If the owner is not found, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.

B. Such notice shall state that the police department will remove and impound the vehicle under the provisions of this chapter within 24 hours of the day of the posting, unless:

1. The owner removes the vehicle; or

2. Good cause is shown, satisfactory to the chief of police, why such vehicle should not be removed by the owner, or removed and impounded by the city.

10.24.40 Unremoved vehicle – Nuisance – Removal by city.

- A.** An abandoned or stored vehicle that does not constitute a hazard or obstruction which remains in the same position for a period of 24 hours after a notice to remove has been posted upon such vehicle, and no person has appeared to show good cause why such vehicle should not be moved, shall constitute a nuisance.
- B.** It shall be the duty of the police department to remove and impound any vehicle which shall constitute a nuisance under the provisions of this chapter, and store such vehicle and any personal property found in the vehicle upon city property, or store the same in a private garage, pending investigation into the ownership of such vehicle.
- C.** Vehicles deemed a nuisance under this chapter shall be impounded and disposed following the procedures in ORS 819.100 – 819.215 and this chapter.

10.24.080 Impounded vehicle – Redemption.

- A.** An owner may redeem a vehicle impounded under the provisions of this chapter, before a sale has taken place, by applying to the police department, whereupon the owner shall:

 - 1.** Submit evidence of ownership or interest in the vehicle, satisfactory to the chief of police, that such claim is rightful; and
 - 2.** Pay the costs due and owing at the time the application to redeem is made.

10.24.090 Sale of vehicle – Use of proceeds.

- A.** If no claim shall have been made to redeem an impounded vehicle before the time set for the sale of such vehicle, the chief of police shall hold a sale at the time and place appointed, within the view of the vehicle to be sold.

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B. The vehicle shall be sold to the highest and best bidder, providing that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the chief of police shall enter a bid on behalf of the city in an amount equal to such costs.

C. The proceeds of such sale shall be applied:

1. To the payment of costs incurred by the city; and
2. Then for such services as may be rendered by a private garage; and
3. The balance, if any, shall be transferred to the city treasurer, to be credited to the general fund. (Ord. 646 § 8, 1972)

10.24.100 Sale of vehicle – Certificate – Liability limitation.

A. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the city clerk.

B. The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. 646, entitled “An Ordinance for the Impounding and Disposition of Abandoned Vehicles” and pursuant to due notice of the time and place of sale, I did on the _____ day of _____, 20____, sell at public auction to _____ for the sum of \$_____ cash, he or she being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(brief description of the property)

And in consideration of the payment of the said sum of \$_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this _____ day of _____, 20____.

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Note: the City of Silverton assumes no responsibility as to the condition of title of the above described property. In case this sale shall for any reason be invalid, the liability of the City is limited to the return of the purchase price.(Ord. 646 § 9, 1972)

10.24.110 Delivery to purchaser.

Upon such sale being consummated, the chief of police shall deliver the vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption. (Ord. 646 § 10, 1972)

10.24.120 Fees and charges – Private garage services.

Where the council selects a private garage, the council shall also establish reasonable fees for such services by resolution, with the following conditions:

A. The city shall not be liable for services rendered by a private garage from any source other than such amounts as may be collected from the owner on redemption, or from a purchaser upon sale, after the city shall have deducted its expenses, unless the city shall be the purchaser of the vehicle.

B. No lien shall be created by this chapter in favor of the private garage upon the vehicle for such services.

C. The vehicle shall not be released from the private garage except upon a receipt, signed by the chief of police, proffered by the purchaser

10.24.130 Fees and charges – Designated.

In the enforcement and execution of the provisions of this chapter, the chief of police shall charge and collect fees set by resolution.

Chapter 10.26
RECREATIONAL VEHICLES

Sections:

- 10.26.010 Recreational vehicle defined.
- 10.26.020 Parking on public street.
- 10.26.030 Residency or occupancy in public places prohibited.
- 10.26.035 Residency in recreational vehicle in public places – Permit required
- 10.26.040 Residence in vehicle on private property – Permit required.
- 10.26.050 Permits generally.
- 10.26.060 Permits – Time limit.
- 10.26.070 Permits – No cost.

10.26.010 Recreational vehicle defined.

As used in this chapter, “recreational vehicle” means any motor home, travel trailer, camper or other vehicle used for or equipped for sleeping and living purposes.

10.26.020 Parking on public street

It is unlawful to park a recreational vehicle on a public street in violation of SMC 10.08.023.

10.26.030 Residency or occupancy in public places prohibited.

It is unlawful to reside, live in, or occupy any recreational vehicle in any public place, including public right-of-way, within the city unless the owner or operator of the vehicle applies for and obtains a permit from the city.

10.26.035 Residency in recreational vehicles in public places -Permit required

The owner or operator must be the applicant and apply for and obtain a permit from the city, to reside, live in or occupy a recreational vehicle in public places. A permit may be valid for up to 15 days.

10.26.040 Residence in vehicle on private property – Permit required.

It is unlawful to reside and live in a recreational vehicle on private property for more than 15 days in any particular 30-day period without having a permit issued by the city. To park and live in a recreational vehicle on private property for more than 15 days in any particular 30-day period, the applicant shall apply for and obtain a permit from the city which shall be good for an additional 15-day period.

10.26.050 Permits generally.

Permits shall be in the form as prescribed by the city manager and shall not be issued unless the applicant shows satisfactory proof to the city manager or his designee that the recreational vehicle is fully self-contained with respect to water supply, garbage disposal and sanitation. The permit shall be temporary in nature and shall not be issued to the same vehicle more than twice in any particular six-month period.

10.26.060 Permits – Time limit.

Notwithstanding anything contained herein to the contrary, a permit shall be available for a period not to exceed 90 days for purposes of residing in a recreational vehicle on the same premises wherein a dwelling is being constructed and the applicant has a current building permit for said construction. In this respect, the applicant shall furnish proof to the city manager that the recreational vehicle is fully self-contained and provides no health hazard to the community with respect to water, sewer and garbage. Said permit shall be renewable in the discretion of the city manager.

10.26.070 Permits – No cost.

All permits required and issued under this chapter shall be free of charge and the same shall be renewable at the discretion of the city manager. (Ord. 92-102, 1992)