ORDINANCE NO. 2329

AN ORDINANCE AMENDING CHAPTER 70 GENERAL PROVISIONS, CHAPTER 71 TRAFFIC RULES, CHAPTER 72 PARKING REGULATIONS, AND CHAPTER 73 BICYCLE OPERATION OF THE HERMISTON MUNICIPAL CODE.

Whereas, the staff of the City of Hermiston is conducting a major review of the City's Code of Ordinances, now, therefore,

The City of Hermiston ordains as follows:

(New language is in red and underlined and repealed language has ~~a line through it~~.)

Section 1. Section 70.02 of Chapter 70 of the Hermiston Municipal Code is amended to read:

70.02 DEFINITIONS.

~~The definitions contained in the Motor Vehicle Laws of Oregon shall be used where applicable in this traffic code.~~ Except where the context clearly indicates or requires a different meaning, the definitions contained in the Motor Vehicle Laws of Oregon shall be used where applicable in the Hermiston Traffic Code ~~this traffic code~~.

Section 2. Section 70.03 of Chapter 70 of the Hermiston Municipal Code is amended to read:

70.03 POWERS OF CITY COUNCIL AS TO TRAFFIC AUTHORITY.

To the fullest extent provided for in state law and the City Charter ~~Subject to state laws~~, the City Council shall exercise all local traffic authority for the City except those powers expressly delegated by this Traffic Code ~~traffic code~~ or another ordinance. The powers of the City Council include, but are not limited to:

(A) ~~The~~ Regulating the parking and standing of vehicles by:

(1) Classifying portions of streets upon which either parking or standing or both shall be prohibited, or is prohibited during certain hours.

(2) Establishing the time limit for legal parking in limited parking areas.

(3) Designating the angle of parking if other than parallel to the curb.

(4) Designating City ~~city~~ owned or leased property on which public parking will be permitted.

(B) Designating ~~T~~through streets and one-way streets.

(C) For trucks exceeding specified weights, designating streets to which they shall be restricted and streets on which they are prohibited.

(D) Regulating use of ~~T~~traffic control signals and the time of their duration.

(E) Designating ~~B~~bus stops, bus stands, taxicab stands and stands for other passenger common carrier vehicles.

(F) Designating ~~L~~loading zones.

(G) Adopting ~~T~~turn regulations at intersections and driveways.

(H) Establishing ~~M~~marked pedestrian crosswalks and safety zones.

(I) Imposing ~~S~~special speed regulations in city parks.

(J) ~~Parking regulations.~~

Section 3. Section 70.04 of Chapter 70 of the Hermiston Municipal Code is amended to read:

70.04 AUTHORITY OF POLICE, CODE OFFICIALS, AND FIRE OFFICERS.

(A) It shall be the duty of the Police Department, through its officers, to enforce the provisions of this Traffic Code ~~traffic code~~.

(B) In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of this Traffic Code ~~traffic code~~.

(C) Members of the Fire ~~Department~~ District, when at the scene of a fire, or other public emergency may direct or assist the police in directing traffic ~~there at or~~ in the immediate vicinity of the scene as conditions may require notwithstanding the provisions of this Traffic Code.

(D) It shall be the duty of the Code Enforcement Department, through its code officials, to enforce the provisions of this Traffic Code ~~traffic code~~.

Section 4. Section 70.05 of Chapter 70 of the Hermiston Municipal Code is amended to read:

70.05 APPLICATION OF PROVISIONS TO EMERGENCY VEHICLES.

The provisions of this Traffic Code ~~traffic code~~ regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles except as provided by the Motor Vehicle Laws of Oregon, and as follows:

(A) A driver, when operating such vehicle in an emergency, except when otherwise directed by a police officer or other authorized person, may park or stand notwithstanding the provisions of this Traffic Code ~~traffic code~~.

(B) A driver of a police department or fire ~~department~~ district vehicle, when operating such vehicle in an

emergency, may disregard regulations governing turning in specified directions ~~as long as he does not endanger life or property~~.

~~(C) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others.~~

Statutory reference:
Oregon Motor Vehicle Code see ORS Chs. 801 through 823

Section 5. Section 70.06 of Chapter 70 of the Hermiston Municipal Code is amended to read:

70.06 ILLEGAL CANCELLATION OF TRAFFIC CITATIONS.

It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner except where approved by the municipal judge if cited to court or Code Hearings Officer if cited to the Code Hearings Officer and ~~except~~ through appropriate legal proceedings.

Section 6. Section 70.07 of Chapter 70 of the Hermiston Municipal Code is amended to read:

70.07 SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES.

(A) Subject to paragraph (B), ~~Oregon Revised Statutes 809.720 authorizes~~ a police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in this section ~~division~~ (A) may, without prior notice, order the vehicle impounded until a person with the right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a court or hearings officer. This section ~~division~~ applies to the following offenses:

(1) Driving while suspended or revoked in violation of ORS 811.175 or 811.182.

(2) Driving while under the influence of intoxicants in violation of ORS 813.010.

(3) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010.

(4) Driving uninsured in violation of ORS 806.010.

(B) A vehicle shall not be towed or impounded under paragraph (A) if ~~Community caretaking considerations: Vehicles are not to be towed and/or impounded under the authority of ORS 809.720 under any of the following circumstances~~:

(1) The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left in the parked location.

(2) When the arrestee or a passenger is the registered or legal owner of the vehicle and requests that the vehicle be released to a person who is present, willing and able to legally take control of the vehicle. ~~The registered owner and/or a passenger present in the vehicle at the time of the stop have a valid driver's license and are willing and legally able to drive the vehicle at the time.~~

(3) The vehicle is legally parked at a time and place where the likelihood of it being subject to theft ~~and/~~or vandalism is remote and traffic or public safety is not impeded.

(C) ~~All Impoundment~~ Impoundment proceedings and release ~~pursuant to this section~~ shall be done in accordance with ORS 809.716, 809.720, 809.725, and 819.180 ~~and~~ as supplemented below:

(1) All vehicles shall be towed by a licensed tow company under contract with the City ~~city~~ and impounded in a storage site operated by the towing company.

(2) The owner of the impounded vehicle, or the owner's authorized agent, may reclaim such vehicle upon providing proof of ownership, proof of compliance with the financial responsibility laws of the Oregon Motor Vehicle Code, lawful ability to drive the vehicle or other arrangements for transport, and the payment of a towing bill, an impound fee and storage fees on a per day basis commencing with the date of impoundment, all as established by resolution of the City Council.

(3) If the vehicle is not reclaimed within 30 days from the date of impoundment, then such vehicle shall be disposed of by the towing storage company under contract with the City ~~city~~ pursuant to ORS 819.110 to 818.215 ~~as authorized by state law for the disposition of unclaimed vehicles~~.

(4) ~~The City Manager shall adopt a procedure for a hearing to be held before the City Manager, or his or her designee, as hearings officer.~~ A person claiming ~~entitled~~ entitlement to lawful possession of a vehicle towed or impounded under this section ~~such vehicle~~ may appeal the towing or impoundment pursuant to Chapter 136. ~~request a hearing to contest the validity of the impoundment of the vehicle by filing a written request at City Hall for such hearing. The hearing must be requested within ten days of when the vehicle was impounded. The City Manager, or his or her designee, shall set a time for hearing the request within ten days after a written request for a hearing is filed with the city.~~ In addition to any other relevant information, all reasons in paragraph ~~division~~ (A) of this section for impounding or towing the motor vehicle, and all defenses provided in paragraph (B) may be raised at the hearing and any notice of the reason for impound may be amended to conform to the evidence.

(5) Nothing in this Chapter prohibits the impoundment and towing of vehicles as evidence or otherwise authorized by law in conjunction with a criminal investigation or prosecution.

Section 7. Section 70.99 of Chapter 70 of the Hermiston Municipal Code is amended to read:

70.99 PENALTY.

Anyone who violates any provision ~~Violations~~ of this Traffic Code ~~traffic code~~, where no specific penalty is otherwise provided, commits a Class B ~~A~~ violation ~~shall be punished as provided in §10.99. The municipal court may issue a minimum bail schedule for all offenses contained in this traffic code.~~. Each day any violation continues shall be treated as a separate offense. Violation of a provision of this Traffic Code ~~traffic code~~ which is identical to state law shall be punishable by a fine not to exceed the penalty prescribed by the state statute.

Section 8. Section 71.01 of Chapter 71 of the Hermiston Municipal Code is amended to read:

71.01 PERMITS REQUIRED FOR PARADES.

A. A "parade" means any march or procession consisting of people, animals, vehicles or combinations thereof, except funeral processions, upon any public street, sidewalk or alley, which affects the ordinary use of said public right(s)-of-way.

B. Unless waived by the Police Chief as provided in paragraph D, no person shall organize or participate in a parade without first obtaining a parade permit. The parade permit application shall be submitted at least 30 days in advance and include:

(1) The name and address of the person and organization, if any, responsible for the proposed parade.

(2) The date of the proposed parade.

(3) The desired route including assembling points.

(4) The number of persons, vehicles and animals anticipated to be participating in the parade.

(5) The proposed starting and ending time.

(6) A release, hold harmless and indemnification agreement in favor of the City ~~city~~, its officers, employees and agents.

(7) The signature of the person designated as responsible for the parade.

C. Within five business days of receipt of the application, the Police Chief shall grant the permit, grant a modified permit or deny the permit. The Police Chief shall deny the permit only if the Police Chief determines that the parade presents a substantial risk of endangering public safety, creating a significant and unreasonable inconvenience to the public, or there are insufficient public safety resources to facilitate the parade considering such factors as the size, date, duration and proposed route. The Police Chief shall make reasonable efforts to propose reasonable modifications to the date, route, duration or other aspects to allow the parade permit to be issued. The Police Chief may require liability insurance in an amount not less than the current tort claim limits and naming the City ~~city~~, its officers, employees and agents as additional insured if the Police Chief determines that based on the factors listed in this paragraph there is a risk of property damage or injury.

D. Notwithstanding the foregoing, the Police Chief may grant a written waiver of the 30 day notice and the permit requirement for parades of short duration and anticipated to consist of fewer than 25 persons and fewer than 10 vehicles if the Police Chief determines that there likely will be minimal risk of endangerment or disruption.

E. No person shall block, obstruct, hinder, impede the passage of, or throw objects on or toward the parade or its participants; except that a person may operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade if directed to do so by a police officer.

F. No person shall deviate from the timing, route, duration or other terms of the parade as approved by the Police Chief unless directed to do so by a police officer.

G. The Police Chief shall not consider the purpose or intended message of the parade in evaluating a parade, except that if the Police Chief determines that the parade poses a serious and imminent threat to public safety due to the anticipated response of third parties, and that public safety resources are inadequate to address that risk, the Police Chief may temporarily deny the permit for a reasonable time until adequate resources are available or issue a permit with modifications designed to reduce the risk.

H. Any person seeking to conduct a parade may appeal a decision by the Police Chief to the City Manager. The City Manager promptly shall conduct an informal review, including any additional information provided by the appellant, and promptly issue a decision affirming, reversing or modifying the decision. If denied, the appellant may appeal the decision to the city council by filing a written request of appeal to the city recorder within 5 days after the denial.

(I) The provisions of this Section 71.01 shall not apply to parades officially authorized by the United States Armed Forces or the military forces of the State of Oregon.

(J) Violation of any provision of this Section 71.01, including violation of any terms of a parade permit, shall be a Class B violation.

~~No procession or parade, except a funeral procession, the forces of the United States Armed Forces and the military forces of this state, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police. Such permit may be granted where it is found that such parade is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace, cause damage or unreasonably interfere with the public use of the streets, or the peace and quiet of the inhabitants of this city.~~

Section 9. Section 71.03 of Chapter 71 of the Hermiston Municipal Code is repealed:

~~71.03 USE OF TOY VEHICLES, SKIS AND THE LIKE.~~

~~(A) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, skateboard or similar device shall go upon any sidewalk on East Main street from First to Third and in the east-west alleys between Main Street and Gladys Avenue and between Main Street and Hurlburt Avenue from First to Third streets and also on any sidewalk on West Hermiston Avenue from North First Place to West Second Street or upon any street except a play street or except to cross at a crosswalk.~~

~~(B) No person on skis, toboggans, sleds or similar devices shall travel on any street, except play streets.~~

Section 10. Section 71.05 of Chapter 71 of the Hermiston Municipal Code is amended to read:

71.05 COMPRESSION ~~JACOB'S~~ BRAKES.

The operation of compression brakes, commonly known as "Jake Brakes ~~Jacob's Brakes,"~~ within the City ~~city~~ is hereby prohibited when use of such device causes additional noise levels of the vehicle and except in case of emergency.

Section 11. Section 71.06 of Chapter 71 of the Hermiston Municipal Code is amended to read:

71.06 OPERATING TRUCKS OVER CITY STREETS.

It shall be unlawful to operate any truck over 30 feet in total length or any truck and trailer or truck and semitrailer combination upon any public street within the City ~~city~~ unless such street has been designated as a truck route. However, these vehicles may use public streets for the specific business purpose of picking up, discharging and delivering goods and property at any business establishment or residence located on other than a designated truck route.

Section 12. Section 71.07 of Chapter 71 of the Hermiston Municipal Code is amended to read:

71.07 DRIVING ON SIDEWALKS.

(A) The driver of a vehicle shall not drive upon or within any sidewalk or parkway area except to cross at a permanent or temporary driveway.

(B) A temporary driveway may be used only after first obtaining a written permit therefor from the superintendent of public works who may impose such requirements as are necessary to protect the public improvements within the streets at the temporary driveway.

(C) Any person who damages or causes to be damaged any public improvements within the street by driving a vehicle upon or within any sidewalk or parkway area shall be liable for such damage, regardless of whether ~~or not~~ the damage resulted from the authorized use of a temporary driveway.

Section 13. Section 71.08 of Chapter 71 of the Hermiston Municipal Code is amended to read:

71.08 REMOVING GLASS AND DEBRIS.

Any party to a collision or other vehicle accident or any other person causing glass or other material or substance likely to injure any person, animal or vehicle to be upon any street in this City ~~city~~ shall, as soon as possible, remove or cause to be removed from such street all such glass or other material or substance.

Section 14. Section 71.03 of Chapter 71 of the Hermiston Municipal Code is amended to read:

71.09 CROSSING PRIVATE PROPERTY.

No operator of a motor vehicle shall proceed from one street to an intersecting street by crossing private property or premises open to the public. This provision does not apply to the operator of a motor vehicle who stops on the property to conduct personal or other business on the property ~~to procure or provide goods or services~~.

Section 15. Section 72.01 of Chapter 72 of the Hermiston Municipal Code is amended to read:

72.01 UNLAWFUL MARKING.

Except as provided by this Traffic Code ~~traffic code~~, it shall be unlawful for any person, except City ~~city~~ personnel authorized to do so, to letter, mark or paint in any manner any letters, marks or signs on any sidewalk, curb or other portion of the street, or to post anything designed or intended to prohibit or restrict parking on any street.

Section 16. Section 72.02 of Chapter 72 of the Hermiston Municipal Code is amended to read:

72.02 METHOD OF PARKING.

(A) No person shall stand or park a vehicle in a street or public lot other than parallel with the edge of the roadway, 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, except where the street is marked or signed for angle parking.

(B) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space.

(C) Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the Fire District ~~Department~~ has been summoned, ~~he or she~~ they shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.

Section 17. Section 72.03 of Chapter 72 of the Hermiston Municipal Code is amended to read:

72.03 PARKING PROHIBITED IN CERTAIN LOCATIONS.

In addition to provisions of the Motor Vehicle Laws of Oregon prohibiting parking, no person shall park a vehicle:

(A) Upon any bridge, viaduct or other elevated structure used as a street, unless otherwise indicated by lawfully installed signs.

(B) In any alley except to load or unload persons or materials not to exceed 30 minutes.

(C) Upon any street or public property for the principal purpose of:

(1) Displaying such vehicle for sale.

(2) Greasing or repairing such vehicle except repairs necessitated by an emergency.

(3) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this City ~~city~~.

(4) Storage or as junk~~age~~ or dead storage for more than 72 consecutive hours.

(D) Upon any parkway except where specifically authorized.

(E) In front of a public or private drive.

(F) Within ten feet of a fire hydrant.

(G) Within 15 feet of the driveway entrance of a fire station.

(H) ~~Not~~ Within the single space markings of City ~~city~~ owned or leased property upon which public parking is permitted unless the size or shape of the vehicle makes compliance impossible.

(I) In a space reserved for disabled persons which would constitute a violation of ORS 811.615.

(J) In front of any United States Postal Service owned mail box or receptacle.

Statutory reference:
Oregon Motor Vehicle Code, see ORS Chs. 801 through 823

Section 18. Section 72.03 of Chapter 72 of the Hermiston Municipal Code is amended to read:

72.04 PARKING IN LOADING ZONES.

(A) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials, freight or passengers in any place designated as a loading zone during the hours when the provisions applicable to loading zones are in effect. In no case shall the stop in a loading zone, during loading zone hours, ~~for loading and unloading of passengers and personal baggage~~ exceed 30 minutes ~~,nor the loading or unloading of materials exceed 30 minutes~~.

(B) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the 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.

Section 19. Section 72.06 of Chapter 72 of the Hermiston Municipal Code is amended to read:

72.06 STORAGE AND PARKING OF TRUCKS, TRAILERS AND THE LIKE.

(A) It shall be unlawful for any person, firm or corporation owning or having control of any truck or trailer in excess of 10,000 pounds gross weight or any truck power unit or tractor to park the same upon any street, alley, parking strip, avenue or public way in any residential area of the City ~~city~~ or adjacent to any residence, church, school, hospital, multiple dwelling, park or playground in any area of the City ~~city~~. The provisions of this section shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the City ~~city~~ for the actual loading or unloading of goods, wares or merchandise; provided, however, that "loading" or "unloading" as used in this section shall be limited to the actual time consumed in such operation. In addition thereto, the provisions of this section shall not be deemed to prohibit minor repairs on any such vehicles described above wherein total lapsed time in making such repairs does not exceed eight hours duration. The parking of any equipment under authority of this section shall, in no event be, within 20 feet of the intersection of property lines at any intersection, except alleys. ~~Any vehicle mentioned in this section parked upon any street, avenue parking strip or public way within the city in~~

~~violation of this section may be towed and impounded. The registered owner or operator shall be liable for all expenses incurred.~~

(B) It shall be unlawful for any person, firm or corporation owning or having control of any bus or a vacation house trailer, camper, boat and/or boat trailer, motor home, tent trailer, utility trailer or any motorized or unmotorized vehicle undergoing repairs while incapable of being moved by its own power source to park the same upon any streets or on any parking strip, avenue or public way within the City ~~city~~ for longer than 72 hours.

Section 20. Section 72.07 of Chapter 72 of the Hermiston Municipal Code is amended to read:

72.07 OBSTRUCTING STREETS.

Except as provided by this Traffic Code or any other ordinance of the City ~~city~~, no person shall place, park, deposit or leave upon any street or other public way, sidewalk or curb any article or thing or material which in any way prevents, interrupts or obstructs the free passage of pedestrian or vehicular traffic, or obstructs a driver's view of traffic-control signs and signals.

Section 21. Section 72.08 of Chapter 72 of the Hermiston Municipal Code is amended to read:

72.08 EXEMPTION FOR CERTAIN VEHICLES, TOWING.

A. The provisions of this Traffic Code regulating the parking or standing of vehicles shall not apply to any vehicle of a City ~~city~~ department or public utility while necessarily 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.

B. Unless otherwise provided in this Chapter, any vehicle parked upon any street, avenue parking strip or public way within the City ~~city~~ in violation of this Chapter may be towed and impounded. The registered owner or operator shall be liable for all expenses incurred. Post-tow notice shall be provided in the manner set forth in ORS 819.180. Section 70.07 (C) (1)-(4) shall apply to all such tows.

Section 22. Section 72.09 of Chapter 72 of the Hermiston Municipal Code is amended to read:

72.09 PARKING AND USING RECREATIONAL VEHICLES FOR SLEEPING OR LIVING PURPOSES OUTSIDE RECREATIONAL VEHICLE PARKS.

(A) Recreation Vehicle means a vehicle with or without motive power, which is designed for human occupancy and is to be used temporarily for recreational, seasonal, or emergency purposes.

(B) Except in a recreational vehicle park, it shall be unlawful to park any recreational vehicle on any public way, road, street, or place within the City ~~city~~ while using it for sleeping or living purposes for any period of time exceeding three hours except in residential neighborhoods where the period of time will not exceed 24 hours.

(C) Except in a recreational vehicle park, it shall be unlawful to park any recreational vehicle within the

City ~~city~~ while using it for sleeping or living purposes for any period of time exceeding seven days within the last six months.

(D) Notwithstanding paragraphs (B) and (C) ~~This section provides an exemption from §72.09(C)~~ for ~~the~~ construction, reconstruction, or remodeling of a public or private nonprofit social service, community, religious, or recreational facility (hereinafter referred to as "project"). ~~R~~ recreational vehicles may obtain a permit from the City ~~city~~ to be parked for sleeping or living purposes at or on adjacent property to ~~at or near~~ the project in excess of seven days in conjunction with a project until the completion of the project or six months, whichever is less, provided that the following requirements are met, which the applicant(s) must accept as conditions of the permit:

(1) The property owner and the person or agent in charge of the project, if the two are different, submit a complete application for the exemption permit together with a basic site plan (scale drawing not necessary); written consent to the parking of recreational vehicles for sleeping or living purposes at or near the project from all ~~adjacent~~ property owners and residents adjacent to the project site; and sign a release allowing access by City ~~city~~ officials to the project site and the location of the recreational vehicles for the purposes of inspection and enforcement of the terms and conditions of the permit, including towing of the recreational vehicles and removal of temporary sewer and water service connections if found to be in violation of the permit ~~whether or not the permit has expired~~.

(2) The exemption permit must be issued ~~to the property owner and the person or agent in charge of the project, if the two are different,~~ before the recreational vehicles are used for sleeping or living purposes in conjunction with the project.

(3) ~~(3) Before a recreational vehicle is used for sleeping or living purposes in conjunction with a project, the owner(s) and/or occupant(s) of the recreational vehicle must sign a release allowing access to and towing of the recreational vehicle for purposes of inspection and enforcement of the terms and conditions of the exemption permit.~~

Recreational vehicles used for sleeping and living purposes, in conjunction with a project, must be parked at the location indicated in the exemption permit. Upon expiration of the exemption permit, all recreational vehicles must be removed from the project site, whether they are used for sleeping or living purposes or not.

(4) ~~Recreational vehicles used for sleeping and living purposes in conjunction with a project must be parked at the location indicated in the exemption permit. Upon expiration of the exemption permit, all recreational vehicles must be removed from the project site, whether they are used for sleeping or living purposes or not.~~

The recreational vehicles must either be self-contained, with all grey water and/or sewage disposed of at an appropriate disposal location in accordance with state regulations or be lawfully connected to a temporary connection for City ~~city~~ sewer.

(5) ~~The recreational vehicles must either be self contained, with all grey water and/or sewage disposed of at an appropriate disposal location in accordance with state regulations or be connected to a temporary connection for city sewer.~~

If temporary connections for City ~~city~~ sewer and water service are used, they must be installed in accordance with all applicable state codes and City ~~city~~ regulations at the expense of the property owner and/or the person or agent in charge of the project. All temporary connections must be removed upon expiration of the exemption permit. (SDC charges will not be assessed on the temporary connections.)

(6) ~~If temporary connections for city sewer and water service are used, they must be installed in accordance with all applicable state codes and city regulations at the expense of the property owner and/or the person or agent in charge of the project. All temporary connections must be removed upon expiration of the exemption permit. (SDC charges will not be assessed on the temporary connections.)~~

The recreational vehicles must meet all requirements of the Hermiston Code of Ordinances.

~~(7) The recreational vehicles must meet all requirements of the Hermiston Code of Ordinances.~~

(E) The City Manager or ~~his/her~~ designee is hereby delegated the general authority to issue the exemption permits authorized herein, including the preparation of the forms for the applications and permits, and the terms and conditions thereof.

(F) The maximum number of permits that may be issued under 72.09(D) is for six recreational vehicles.

(G) A person commits the offense of "Filing a False Application for an RV Parking Permit" if the application contains false information. The offense described in this section is a Class ~~B~~ A violation. In addition, the exemption permit may be immediately revoked at the discretion of the City Manager or ~~his/her~~ designee.

(H) A person commits the offense of "Violating an RV Parking Exemption Permit" if the property owner or person in charge of the project, or any agent thereof, or any person using the recreational vehicles violates the terms of the exemption permit or any provisions of 72.09 herein. The offense described in this section is a Class ~~B~~ A violation. In addition, the exemption permit may be immediately revoked for violation of the permit or if a public safety issue arises, at the discretion of the City Manager or ~~his/her~~ designee.

(I) Upon completion of the project or six months, whichever is sooner, the recreational vehicle(s) must be removed by the owner or occupant(s) of the recreational vehicles or by the property owner or agent in charge of the construction. ~~If not so removed, the City Manager or his/her designee may have the recreational vehicles towed at the expense of the owner or occupant(s) of the recreational vehicles or the property owner or agent in charge of the project, or all of them.~~

(J) A recreational vehicle located on City ~~city~~ property in violation of this Section may be towed. A recreational vehicle located on private property in violation of this Section is a public nuisance and may be abated, including removal by the City ~~city~~ as provided in Chapter 92. In either event, the costs of towing or removal shall be borne by the owner, occupants, property owner or other responsible person. The City Manager or ~~his/her~~ designee shall maintain an accurate record of the cost incurred by the City ~~city~~ in removing the recreational vehicle, including any attorney fees, whether or not any legal action is filed, and shall include therein an overhead charge of 10% of the total cost for administration. The total cost, including the administrative overhead, shall be a debt due and owing the City ~~city~~ and may be collected as provided by law, including being ~~thereupon be~~ assessed to the property in the same manner as for abating a nuisance.

(K) Upon expiration of the exemption permit or project completion, whichever is first, all temporary sewer and water service connections must be removed by the property owner and the person or agent in charge of the project. If not so removed, the City Manager or ~~his/her~~ designee may disconnect or remove any connections on City ~~city~~ property ~~enter the property and remove the temporary connections~~ at the expense of the property owner and the person or agent in charge of the project.

(L) The City Manager or ~~his/her~~ designee shall maintain an accurate record of the cost incurred by the City ~~city~~ in removing the temporary sewer and water connections, including any attorney fees, whether or not any legal action is filed, and shall include therein an overhead charge of 10% of the total cost for administration. The total cost, including the administrative overhead, shall be a debt due and owing the City ~~city~~ and may be collected as provided by law, including being ~~thereupon be~~ assessed to the property in the same manner as for abating a nuisance.

(M) ~~In case suit or action is instituted by the city in the circuit court to enforce the exemption permit, the property owner and the person or agent in charge of the project shall pay the attorney's fees of the city incurred in arbitration or trial thereof, and on any appeal therefrom.~~

Any vehicle subject to tow under this section shall be posted at least 24 hours in advance, unless presenting an immediate risk to public safety. The registered owner or operator shall be liable for all expenses incurred. Post-tow notice shall be provided in the manner set forth in ORS 819.180. Section 70.07 (C) (1)-(4) shall apply to all such tows.

(N) Fees for permits issued under 72.09(D) may be set by resolution of the City Council.

(O) The restrictions of this section do not apply to recreational vehicles used in conjunction with seasonal sales requiring on-site security between the dates of June 20th through July 5th, and November 20th through December 26th of each year.

Section 23. Section 72.10 of Chapter 72 of the Hermiston Municipal Code is amended to read:

72.10 PARKING CITATION PROCEDURE.

(A) Citation procedure for certain parking violations. In lieu of personal delivery of a citation on person committing a violation of this Traffic Code ~~traffic code~~, the citing authority may issue a parking violation notice pursuant to and in accordance with the procedures set forth in ORS ~~221.340~~ 221.333 and Chapter 138. The citation shall instruct the operator to answer to the charge or pay the penalty imposed within 10 days, during specific hours, and at a specified place.

(B) Failure to comply with parking citation. If the operator does not respond to the parking violation notice attached to the vehicle such that it is received by the City ~~city~~ within 15 days, the City ~~city~~, at its option, may mail a letter, by first-class mail, postage paid and return receipt requested, to the registered owner of the vehicle informing the owner that a rebuttable presumption exists that the owner was the operator or person in control of the vehicle and that as a result of the failure to respond to the citation within 10 days of its issuance the fine has now been doubled and that the doubled fine must be paid within 10 days of the date the letter is mailed. If the doubled fine is not paid ~~If the owner does not comply~~ within 10 days,

the City ~~city~~, at its option, may request a copy of the parking violation notice be filed with the court and by affidavit request that the court issue an order to appear and show cause on a certain date and time. The order to appear and show cause shall be served personally and a return of service shall be completed and filed with the court.

(C) *Registered owner subject to prosecution.* The registered owner of a vehicle receiving a parking violation citation issued pursuant to this section, shall be presumed to be the owner in fact of the vehicle at the time of the citation's issuance and to be the operator or person in control of the vehicle at the time of the violation. The registered owner of any vehicle may overcome the presumption by presenting sufficient evidence that ~~shall have an affirmative defense to a prosecution of the violation, if~~ at the time the violation notice was issued the vehicle's use was not authorized by the owner, either expressly or by implication.

Section 24. Section 73.01 of Chapter 73 of the Hermiston Municipal Code is amended to read:

73.01 BICYCLE TO BE IN SAFE CONDITION: COMPLIANCE WITH LAWS.

It shall be unlawful for any person to ride or operate a bicycle in the City ~~city~~ unless the bicycle is equipped as required by state law ~~otherwise provided in this chapter and unless the bicycle is in safe mechanical condition~~. Every person riding or operating a bicycle on any street, alley, or public place in the City ~~city~~ shall be subject to all provisions of the laws of the state and the ordinances of the City ~~city~~ applicable to the drivers of vehicles, except the provisions thereof that by their very nature can have no application or as otherwise specifically provided in the Oregon State Vehicle Code.

Section 25. Section 73.02 of Chapter 73 of the Hermiston Municipal Code is amended to read:

~~73.02 COMPLIANCE WITH TRAFFIC SIGNALS.~~

~~Every person operating a bicycle in the city shall stop for all stop signs and traffic signals.~~

73.02~~3~~ UNLAWFUL TO RIDE ON SIDEWALK IN URBAN RENEWAL DISTRICT.

It shall be unlawful to ride or operate a bicycle on any sidewalk in the City ~~city~~ inside of the Urban Renewal District. It shall be lawful to ride or operate a bicycle on any sidewalk in the City ~~city~~ outside of the Urban Renewal District.

Section 26. Section 73.03 of Chapter 73 of the Hermiston Municipal Code is amended to read:

~~73.03 UNLAWFUL TO RIDE ON SIDEWALK IN COMMERCIAL ZONE.~~

~~It shall be unlawful to ride or operate a bicycle on any sidewalk in the city inside of the commercial zone. It shall be lawful to ride or operate a bicycle on any sidewalk in the city outside of the commercial zone.~~

73.03 PARKING REGULATIONS.

(A) No person shall park any bicycle against windows or parking meters or on the main traveled portion of the sidewalk nor in such manner as to constitute a hazard to pedestrians, traffic, or property.

(B) If there are no bicycle racks or other facilities intended to be used for parking of bicycles in the vicinity, bicycles may be parked on the sidewalk in an upright position parallel to and within 24 inches of the curb.

Section 27. Section 73.04 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.04 RIDING ABREAST.~~

~~Every person riding or operating a bicycle on any street, alley, or public place in the city shall keep the bicycle on the extreme right of the traffic lane, and it shall be unlawful for two or more operators of bicycles to travel abreast on any street, alley, or public place in the city or to operate the bicycle on traffic lanes otherwise than in single file.~~

73.04 CERTIFICATE

Upon payment of the fee established by Council resolution, if any or none, the Police Department may register and provide a stamp or other marking to any owner of a bicycle to discourage theft and assist in retrieving a lost or stolen bicycle.

Section 28. Section 73.05 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.05 CLINGING TO MOVING VEHICLES.~~

~~No person riding or operating a bicycle in the city shall cling or attach himself or his bicycle to any other moving vehicle or person in any other vehicle.~~

Section 29. Section 73.06 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.06 SINGLE RIDERS.~~

~~No person shall operate or ride on any bicycle upon the streets, alleys, or public highways of the city two or more persons upon the same bicycle; provided, however, that this restriction shall not apply to tandem bicycles or other bicycles equipped for two or more riders.~~

Section 30. Section 73.07 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.07 CARRYING ARTICLES.~~

~~No person riding or operating a bicycle in the city shall carry any package, bundle, or article which prohibits the rider from having full control of the bicycle at all times.~~

Section 31. Section 73.08 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.08 RACING; TRICK RIDING.~~

~~(A) Racing. No person riding or operating a bicycle upon a public highway or street shall participate in any race, speed, or endurance contest unless such race or endurance contest has the written permission of and is under supervision of the Chief of Police.~~

~~(B) Trick riding. No person riding or operating a bicycle shall perform or attempt to perform any acrobatic fancy, or stunt riding upon any public highway or street in the city.~~

Section 32. Section 73.09 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.09 PARKING REGULATIONS.~~

~~(A) No person shall park any bicycle against windows or parking meters or on the main traveled portion of the sidewalk nor in such manner as to constitute a hazard to pedestrians, traffic, or property.~~

~~(B) If there are no bicycle racks or other facilities intended to be used for parking of bicycles in the vicinity, bicycles may be parked on the sidewalk in an upright position parallel to and within 24 inches of the curb.~~

Section 33. Section 73.10 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.10 SPEED.~~

~~No person shall ride or operate a bicycle faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard to the safety of the operator and other persons upon the streets, sidewalks, and public highways of the city.~~

Section 34. Section 73.11 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.11 RIDING ON PARKS, PLAYGROUNDS AND SCHOOLS.~~

~~No person shall ride or operate a bicycle upon any playground, park, or school ground where children are playing without permission of the person having supervision thereof.~~

Section 35. Section 73.12 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.12 TURNS.~~

~~(A) Turning. Every person riding or operating a bicycle upon the streets and highways of the city shall turn only at intersections except as otherwise provided herein.~~

~~(B) Right turn. Every person riding or operating a bicycle intending to turn to the right at an intersection or into an alley or driveway, shall approach the turning point in the line of traffic nearest the right-hand curb of the street.~~

~~(C) Left turn. Every person riding or operating a bicycle intending to turn left at an intersection or to enter an alley or driveway shall approach the joint of turning in the line of traffic nearest to the center of the~~

roadway. The operator of a bicycle in turning left at an intersection shall pass to the right of the center of the intersection before turning unless otherwise directed by markers, buttons, or signs.

(D) U-turns.

(1) No bicycle shall be turned in any business district so as to proceed in the opposite direction, except at intersections.

(2) No bicycle operated in a residence district shall be turned so as to proceed in the opposite direction when any other vehicle is approaching from either direction within 200 feet, except at an intersection.

(E) Turn right against red light. The operator of a bicycle which is stopped as close as practicable to the entrance of an intersection in obedience to a red light or stop signal may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, unless a sign has been posted at the intersection prohibiting such turn.

Section 36. Section 73.13 of Chapter 73 of the Hermiston Municipal Code is repealed:

73.13 CROSSING.

The operator of a bicycle on leaving an alley or driveway, when his view of either the sidewalk or street area is obstructed shall stop such bicycle immediately prior to riding upon such sidewalk or street area.

Section 37. Section 73.14 of Chapter 73 of the Hermiston Municipal Code is repealed:

73.14 SIGNALS.

No person shall turn a bicycle or stop a bicycle which he is riding or operating unless such movement can be made with safety, and then only after giving an appropriate signal during the last 50 feet traveled by the bicycle before turning or stopping.

Section 38. Section 73.15 of Chapter 73 of the Hermiston Municipal Code is repealed:

73.15 ACCIDENTS.

(A) The operator of any bicycle involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and he shall give his name, address, and the license number of his bicycle to the person with whom he was in collision, and he shall obtain the same information from the other person.

(B) It shall be the duty of the bicycle operator to make a written report of any accident resulting in death or injury to the Police Department with 24 hours of such accident.

Section 39. Section 73.25 of Chapter 73 of the Hermiston Municipal Code is repealed:

BICYCLES CERTIFICATION

~~73.25 CERTIFICATE REQUIRED.~~

~~It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, highways, or alleys of the city without first obtaining from the Police Department or its authorized agent a certificate therefor.~~

Section 40. Section 73.26 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.26 ISSUANCE OF CERTIFICATE BY POLICE; RECORDS.~~

~~(A) The Police Department is hereby authorized and directed to issue bicycle certificates of title which shall be good until revoked. Such certificates, when issued, shall entitle the holder thereof to operate such bicycle for which the certificate was issued upon the streets, alleys, or public highways of the city, exclusive of the sidewalks, except as hereinafter provided. The Police Department may issue a bicycle certificate of title for a bicycle when so requested by the owner. The Police Department shall charge a fee for issuing a certificate as established by resolution of the City Council.~~

~~(B) The Chief of Police may issue to each bicycle dealer certificate of title forms which shall be executed in duplicate at time of sale of each bicycle, the original thereof which shall be delivered to the purchaser, the duplicate forwarded within 24 hours to the Chief of Police. The certificate of title form shall include such information as the make and model of the bicycle sold, the color thereof, the frame number, date of sale, name and address of purchaser, and such other information as the Chief of Police may direct. There will be no fee for the issuance of such certificate.~~

~~(C) The purchaser shall promptly take the certificate to the Police Department which shall issue a number therefor, and will cause the identical number to be stamped upon the underside of the sprocket of the bicycle. The Police Department will maintain a record of the bicycle by name and address of certificate holder, together with complete description of the bicycle and any other information which might serve to promptly identify the bicycle.~~

Section 41. Section 73.27 of Chapter 73 of the Hermiston Municipal Code is repealed:

~~73.27 SAFE MECHANICAL CONDITION.~~

~~Every person desiring a bicycle certificate must satisfy the Chief of Police or his authorized agent that the bicycle for which the applicant desires to secure license plates meets the following requirements as to safe mechanical condition.~~

~~(A) Brakes. Every bicycle shall be equipped with a brake adequate to skid the front or rear tire of the bicycle upon application of the brake.~~

~~(B) Warning devices. Every bicycle may be equipped with a horn or bell capable of emitting sound audible for a distance of not less than 100 feet under normal conditions.~~

~~(C) Sirens and whistles. It shall be unlawful to equip a bicycle with a siren or whistle.~~

~~(D) Handlebar grips. Every bicycle that is equipped with handlebar grips must have the grips securely glued or cemented to the handlebars.~~

~~(E) Carriers. Every bicycle equipped with a carrier must have the carrier securely attached to the bicycle.~~

~~(F) Stands. Every bicycle should be equipped with a stand of either kick or "U" type.~~

~~(G) Lights. Every bicycle operated at any time from a half-hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person or vehicle on the streets or sidewalks shall be equipped with a lamp affixed to the front of the bicycle, which lamp shall exhibit a white light visible for a distance of 500 feet from the front of the bicycle, and the bicycle shall be equipped with a red lamp or reflector affixed to the rear fender, which shall exhibit a red light visible for a distance of 300 feet from the rear of the bicycle.~~

Section 42. Section 73.99 of Chapter 73 of the Hermiston Municipal Code is amended to read:

73.99 PENALTY.

Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof, ~~be punished as provided in 10.99~~ commits a Class C ~~A~~ violation, unless a different class or penalty is provided by state law for the same or substantially similar offense. The fines for parking violations shall be as established by Council resolution.

Section 43. Effective date. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 8th day of November 2021.

SIGNED by the Mayor this 8th day of November 2021.

_____
Dr. David Drotzmann, Mayor

ATTEST:

_____
Lilly Alarcon-Strong, CMC, City Recorder