



## **WORK SESSION**

### **AGENDA**

#### **City Commission of the City of Warrenton**

**Tuesday, November 22, 2022 – 5:15 P.M.**

**Warrenton City Commission Chambers**

**225 South Main Avenue**

**Warrenton, OR 97146**

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- 1. Call to Order**
  - 2. Roll Call**
  - 3. Discussion on Specified Ordinance Revisions**
  - 4. Adjourn**

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# WARRENTON POLICE DEPARTMENT CITY COMMISSION WORK SESSION



## Specified Ordinance Revisions

On August 11, 2020, we had a discussion about the various events and subsequent issues that occurred on our streets and parks. Though I wanted to amend our City Code to address the issues we faced and to revamp several areas of our current parking code, I waited and monitored the Oregon Legislature as they were bringing forward several bills that did not specifically deal with parking, but could have a parking component to them, especially regarding RVs.

I have decided to move forward and address some specific issues regarding parking, the use of parking spaces, and people handing items from a vehicle to a pedestrian.

For these reasons I have requested a Commission Work Session to

- Review what our current City Ordinances cover
- Review suggested amendments to current City Ordinances

**NOTE:** I will be returning at a later date to the Commission to discuss the use of RVs in the City, living in vehicles, camping, etc.

### Chapter 9.04 Article VIII. Street and Sidewalk Offenses

Current: 9.04.200 Vending goods on streets or sidewalks.

No person shall use or occupy a portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry unless a permit has been obtained. (Ord. 851-A § 73, 1989)

Suggested Amendments:

*9.04.200 Prohibited activity on streets, sidewalks, and right-of-way.*

*No person shall use or occupy any portion of a street, sidewalk, or right-of-way for the purpose of selling or vending goods, wares, or merchandise, cooking food, distributing food, or distributing any other items for free or otherwise without prior permission from the City or by obtaining a permit.*

**Note:** all Penalties under 9.04 include a fine not to exceed \$1,000 except if the violation of a provision is identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in state law.

### Chapter 10.04 TRAFFIC REGULATIONS

Current: 10.04.030 Definitions.

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

“Bus stop” means a space on the edge of a roadway designated by sign for use by buses for loading and unloading of passengers.

“Electric assisted bicycle” or “E-bike” shall be as defined by ORS 801.258 (2020).

“Holiday” means New Year’s Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other proclaimed by the Commission to be a holiday.

“Loading zone” means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours or specified days.

“Motor vehicles” means every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycle, road building equipment, street cleaning equipment, and other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

“Person” means a natural person, firm partnership, association or corporation.

“Street” means highway, road or street as the same are defined in ORS 801.110, 801.305, 801.450 and 801.535, including the entire width of the right-of-way.

“Taxicab stand” means a space on the edge of a roadway designated by sign for use by taxicabs.

“Traffic lane” means that area of the roadway used for the movement of a single line of traffic.

“Vehicle,” as used in subsequent sections of this chapter, includes bicycles as well as electric assisted bicycles.

B. As used in this chapter, the singular includes the plural and the masculine includes the feminine. (Ord. 1240 § 1, 2020; Ord. 842-A § 3, 1989)

#### Suggested Amendments:

- Change the definition of “Motor vehicles” to:
  - *A vehicle propelled or powered by a motor such as an automobile, bus, truck, tractor, farm machinery, motorcycle, two-wheeled scooter, moped, all-terrain vehicle, aircraft, recreational vehicle, golf cart, and go-cart. This definition includes a vehicle that is towed such as a trailer, camper shells, wheeled towing frames, semi-tractor trailers and utility trailers. This definition does not include electric assist bicycles, small engine lawn mowers, self-balancing personal transportation devices such as a Segway and devices of similar scale.*
- Add a definition for “Abandoned vehicle” as follows:
  - *A vehicle that has been deserted, relinquished or has one or more of the following existing conditions:*
    - (1) The vehicle license plate or registration sticker has expired or has been canceled or altered, or the vehicle has a license plate from another vehicle.*
    - (2) The vehicle has no license plate or registration sticker.*
    - (3) The vehicle appears to be inoperative or disabled.*

*(4) The vehicle appears to be wrecked, partially dismantled or junked including vehicles that lack an engine, transmission, wheel, tire, door, body panel, windshield, window, or any other part or equipment necessary to operate safely on the highways of this state.*

*(5) The records of the Oregon Department of Transportation identify the vehicle as sold and the current owner of the vehicle has not registered the vehicle as required by state law.*

- Add definitions for “Hazardous vehicle” as follows:
  - *A vehicle left in a location or condition such as to constitute an immediate threat to public health and safety, the environment, or the safety of vehicular or pedestrian traffic, or in a manner prohibited code.*
- Add a definition for “Non-motorized vehicle” as follows:
  - *A vehicle, other than a bicycle, propelled or powered by means other than a motor such as in-line skates, roller skates, skateboard, skis, toboggan, sled, coaster, self-propelled scooter, toy vehicles, and similar devices. This definition includes self-balancing personal transportation devices such as a Segway.*
- Add a definition for “Storage” as follows:
  - *The placing or leaving of property at a location for a period of time in excess of 24 hours.*
- Add a definition for “Vehicle” as follows:
  - *Any device in, upon or by which any person, animal or property is or may be transported, drawn or moved upon a street, highway, waterway or airway and includes vehicles that are propelled or powered by any means.*

#### Current 10.04.140 Storage of motor vehicles on streets

No person shall store or permit to be stored on a street or other public property, without permission of the Commission, a motor vehicle or personal property for a period in excess of 24 hours. Failure to move a motor vehicle or other personal property for a period of 24 hours shall constitute prima facie evidence of storage of a motor vehicle. (Ord. 842-A § 14, 1989)

#### Suggested Amendments:

##### *10.04.140 Storage of vehicles and personal property on streets*

- A. No person shall abandon, store, or permit to be stored on a street or other public property a vehicle or personal property for a period in excess of 24 consecutive hours.*
- B. A vehicle may be parked on the street adjacent to the address where the vehicle is registered for up to 72 consecutive hours, if parking is permitted on that street, is not an abandoned or hazardous vehicle, as defined in 10.04.030, or otherwise non-compliant under this code.*
- C. It is no defense to any of the above prohibited acts of this section that the personal property has been moved to a different location but has continuously remained on or within public rights-of-way located in the city or on city-owned property.*
- D. Failure to move a vehicle or personal property for a period of 24 hours shall constitute prima facie evidence of storage of a vehicle, 72 hours if adjacent to the owners address.*
- E. A vehicle, or other personal property that is abandoned or stored in the public rights- of-way or on city property in violation of this section may be impounded and disposed of following the*

*procedures in ORS 819.100 to 819.215. Officers should make a reasonable attempt to contact the registered or current owner prior to removing or towing the vehicle and/or other personal property.*

- F. If an officer reasonably believes that a vehicle, or other personal property is on a public right-of-way or city-owned property in violation of this section, and that the registered, or current owner of the vehicle or other personal property has already received at least two notices of illegal storage under 10.04.040 within the previous six month period, such vehicle or other personal property is deemed a hazard and may be towed, or removed, without further notice to the registered, or current owner.*

#### Current 10.04.160 Prohibited parking or standing

In addition to the State motor vehicle laws prohibiting parking, no person shall park or stand:

- A. A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.
- B. A vehicle upon a bridge, viaduct or other elevated structure used as a street, or within a street tunnel, unless authorized.
- C. A motor truck as defined by ORS 801.355, a motor bus as defined by ORS 801.200, or a trailer as defined by ORS 801.560 on a street in a residential zone between the hours of 6:00 p.m. and 4:00 a.m. of the following day; provided that no such motor truck, motor bus or trailer having an overall width in excess of six feet, six inches may be parked, except for loading or unloading, or in an emergency, on any street, except in an industrial or commercial zone, with a roadway width of less than 34 feet from curb to curb, at any time.
- D. Except when necessary to avoid conflict with other traffic, or in compliance with law or directions of a police officer or official traffic control device, or momentarily to pick up or discharge a passenger or passengers, no person shall park a vehicle, whether occupied or not, or place any obstruction that would impede mail delivery, in front of or within 15 feet on either side of a curbside mailbox or other place where mail is received or deposited, on postal delivery days between 8:00 a.m. and 6:00 p.m. (Ord. 1194-A § 1, 2015)

Suggested Amendments:

#### *10.04.160 Prohibited parking or standing*

*In addition to the State motor vehicle laws prohibiting parking, no person shall park or stand:*

- A. A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.*
- B. A vehicle upon a bridge, viaduct or other elevated structure used as a street, or within a street tunnel, unless authorized.*
- C. Any vehicle having an overall width in excess of six feet, six inches between the hours of 7:00 p.m. and 4:00 a.m. except for loading or unloading, or in an emergency, on any street in a residential zone. Exceptions apply in an industrial or commercial zone, unless the roadway width of less than 34 feet from curb to curb.*

- D. Except when necessary to avoid conflict with other traffic, or in compliance with law or directions of a police officer or official traffic control device, or momentarily to pick up or discharge a passenger or passengers, no person shall park a vehicle, whether occupied or not, or place any obstruction that would impede mail delivery, in front of or within 15 feet on either side of a curbside mailbox or other place where mail is received or deposited, on postal delivery days between 8:00 a.m. and 6:00 p.m.*

Current 10.04.170 Prohibited practices

No operator shall park and no owner shall allow a vehicle to be parked upon a street or other public property for the principal purpose of:

- A. Displaying the vehicle for sale.
- B. Repairing or servicing the vehicle, except repairs necessitated by an emergency.
- C. Displaying advertising from the vehicle.
- D. Selling merchandise from the vehicle, except when authorized. (Ord. 842-A § 17, 1989)

Suggested Amendments:

*10.04.170 Prohibited practices*

*No person shall do any of the following upon a street, right-of-way, or other public property:*

- A. Display a vehicle for sale.*
- B. Repair or service a vehicle, except when repairs are necessitated by an emergency.*
- C. Display advertising from a vehicle except when authorized.*

Add this section to 10.04:

*10.04.\*\*\* Unlawful transfer on a highway or street*

*A person commits the offense of unlawful transfer on a highway or street if the person:*

- A. While a driver or passenger in a vehicle on a highway, right-of-way, road or street within the boundaries of the City of Warrenton, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of any item to a pedestrian; or*
- B. While a pedestrian, accepts, receives or retains possession or control of any item from a driver or passenger in a vehicle on a highway, right-of-way, road or street within the boundaries of the City of Warrenton.*

*For purposes of Code 10.04.\*\*\*, "highway, right-of-way, road or street" means the vehicular travel or turning lane or any associated shoulder, driveway or traffic divider area within the right-of-way where vehicles are reasonably expected to be encountered. The prohibitions of the section do not apply if the vehicle is parked in a legal parking space located on or off the right-of-way or during a law enforcement stop or action.*

*This chapter also does not apply to persons participating in a "pedestrian activity," as defined in OAR 734 Division 58, for which a permit has been issued by Oregon Department of Transportation, so long as all terms of such permit are being met.*

#### *10.04.\*\*\* Penalty.*

*Any person found violating this chapter shall be guilty of committing a traffic violation punishable by a fine not to exceed \$100.*

**Note:** all Penalties under 10.04 include:

- a fine not to exceed \$100 for Sections 10.04.090 to 10.04.140 (general regulations)
- a fine not to exceed \$50 for Sections 10.04.150 to 10.04.260 (parking regulations)
- except if the violation of a provision is identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in state statute.

### **Chapter 10.12 ABANDONED VEHICLES**

Current: 10.12.010 Abandoned vehicles.

The City Commission of the City of Warrenton hereby adopts ORS 819.010 through 819.270, to be used for the impounding and disposition of abandoned vehicles. (Ord. 837-A § 1, 1989)

Suggested Amendments:

### **Chapter 10.12 ABANDONED AND HAZARDOUS VEHICLES**

#### *10.12.010 Abandoned vehicles.*

*The City Commission of the City of Warrenton hereby adopts ORS 819.010 through 819.270, to be used for the impounding and disposition of abandoned vehicles.*

#### *10.12.020 Abandoned vehicles prohibited.*

- A. No vehicle that a public safety officer has reason to believe is abandoned, as defined in code 10.04.030, may be parked or left standing upon:*
- 1. The right-of-way of any city, county, or state highway, street or alley or upon any city property for a period in excess of 24 hours.*
  - 2. The right-of-way of any private street or alley or upon any private property used by business licensees, customers, or the public for a period in excess of 24 hours.*
- B. It is no defense to any of the above prohibited acts of this section that the vehicle has been moved to a different location within the city limits of Warrenton.*

#### *10.12.030 Hazardous Vehicles*

- A. No person shall commit, cause, or allow:*
- B. a vehicle to block, impede or interfere with the vision or normal flow of vehicular, bicycle or pedestrian traffic on public or private streets and sidewalks;*

- C. a vehicle to pose an immediate danger to the public or environmental safety, such as a vehicle with leaking fluids that are at risk of entering into the public storm drains or causing a hazardous road condition, extreme vandalism, shattered glass, or partially dismantled;
- D. a vehicle to be parked or left standing on a street, public or private parking lot, or other area where immediate access is needed, or could be needed in the event of an emergency, by the fire department or the police department and their respective equipment;
- E. a vehicle to be parked or left standing on a street where snow removal equipment will soon clear the street and removal of the vehicle is reasonably necessary in order to clear the street; or
- F. a vehicle to block or be within 10 feet of a fire hydrant.

*10.12.040 Penalty.*

*Any person found violating this chapter shall be guilty of committing a traffic violation punishable by a fine not to exceed \$200. (State ORS Base Fine is \$265)*