Chapter 8

VEHICLES AND PARKING

Articles:

8.05 GENERAL

8.05.010 Title.
8.05.020 Definitions.
8.05.030 State Traffic Laws.
8.05.040 Council Powers.
8.05.050 Manager Duties.
8.05.060 Public Danger.
8.05.070 Owner Responsibility.
8.05.080 Registered Owner Presumption.

8.10 VEHICLES

8.10.010 Unlawful Entry.
8.10.020 Unattended Vehicles.

8.15 DRIVING OFFENSES

8.15.010 Crossing Private Property.
8.15.020 Unlawful Riding.
8.15.030 Repealed.
8.15.040 Illegal Speed Racing.

8.20 BUSES

8.20.010 Bus Offenses.
8.20.020 Repealed.

8.25 PARKING

8.25.010 Unlawful Parking.
8.25.020 Extension of Parking Time.
8.25.030 Public Parking Lots.
8.25.040 Renumbered.
8.25.050 Private Property Parking.
8.25.060 Exemptions.

8.30 ABANDONED AND HAZARDOUS VEHICLES

8.30.010 Abandoned Vehicles Prohibited.
8.30.020 Hazardous Vehicles.
8.30.030 Hazardous Drop Box and Storage Containers.
8.30.040 Enforcement.

8.35 IMPOUNDING VEHICLES

8.35.010 Impound.
8.35.020 Impound Procedures.
8.35.030 Hearing.
8.35.040 Release of Vehicle.
8.35.050 Towing and Storage Liens.

8.40 OFF-STREET VEHICLES

8.40.010 Definitions.
8.40.020 Unlawful Operation of Off-Street Vehicles.
8.40.030 Falsification.
8.40.040 Arrest; Seizure of Vehicle.
8.40.050 Police Custody.
8.40.060 Identification of Owner.
8.40.070 Hearing.
8.40.080 Disposition.
8.40.090 Enforcement.

8.45 REPEALED

8.45.010 Repealed.
8.45.020 Repealed.

8.50 REPEALED

8.50.010 Repealed.
8.50.020 Repealed.

8.55 REPEALED

8.55.010 Repealed.
8.55.020 Repealed.
8.55.030 Repealed.
8.55.040 Repealed.
8.55.050 Repealed.
8.55.060 Repealed.
8.55.070 Repealed.
8.55.080 Repealed.

8.60 REPEALED

8.60.010 Repealed.
8.60.020 Repealed.
8.60.030 Repealed.

8.65 STREET AND SIDEWALKS

8.65.010 Pedestrians.
8.65.020 Driving Upon a Sidewalk.
8.65.030 Obstruction of Street or Sidewalk.
8.65.040 Unlawful Street Marking.
8.65.050 Parade Offenses.
8.65.060 Parade or Street Closure Permit.
8.65.070 Funeral Processions.
8.65.080 Unlawful Interference with a Funeral Procession.

8.70 BICYCLES AND NON-MOTORIZED VEHICLES

8.70.010 Use of a Bicycle or Non-Motorized Vehicle.
8.70.020 Use of Streets.
8.70.030 Use of Public Sidewalks and Property.
8.70.040 Misuse of a Bicycle or Non-Motorized Vehicle.
8.70.050 Impoundment.

8.99 ENFORCEMENT

8.99.010 Violation.
8.99.020 Fines, Penalties, Abatement and Other Enforcement Tools.
8.99.030 Parking Citations.
8.99.040 Owner/Lessee Responsibility.
8.99.050 Registered Owner Presumption.

Article 8.05

GENERAL

Sections:

8.05.010 Title.
8.05.020 Definitions.
8.05.030 State Traffic Laws.
8.05.040 Council Powers.
8.05.050 Manager Duties.
8.05.060 Public Danger.
8.05.070 Owner Responsibility.
8.05.080 Registered Owner Presumption.

8.05.010 Title.

GRC Chapter 8 may be cited as the Gresham Traffic Code.

8.05.020 Definitions.

In addition to the definitions set forth in GRC 1.05.010, and in addition to the definitions the Oregon Vehicle Code (ORS Chapter 801), the following mean:

Abandoned vehicle. 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.

(2) The vehicle has no license plate.

(3) The vehicle appears to be inoperative or disabled.

(4) The vehicle appears to be wrecked, partially dismantled or junked.

Bicycle. A vehicle that:

(1) is designed to be operated on the ground on wheels;

(2) has a seat or saddle for use of the rider;

(3) is designed to travel with not more than three wheels in contact with the ground;

(4) is propelled exclusively by human power; and

(5) has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter.

Bus stop. The space along the edge of a roadway designated by sign for use by buses loading or unloading passengers.

Careless manner. A manner that endangers or which could reasonably be expected to endanger persons or property, including but not limited to moving faster than an ordinary walking speed, the use of portable ramps, or jumping a bicycle or non-motorized vehicle where pedestrians are present or business egress is to the sidewalk.

Compacted Gravel. At least 4” in depth, made up of fractured/fragmented/broken rock 1” or less in diameter and rolled or vibrated for compaction.

Hazardous vehicle. A vehicle left in a location or condition such as to constitute an immediate threat to the safety of vehicular or pedestrian traffic.

Holiday. New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day proclaimed a holiday by the council or manager.

Loading zone. A space on the edge of a roadway or in a public parking lot, designated by sign or pavement marking, for the purpose of loading or unloading passengers or materials.

Motor Vehicle or Motorized Vehicle. 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.

Non-Motorized Vehicle. 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.

Nonstreet area. An area that is not a street, or is a street which is closed to off-street vehicles and posted as such. Does not include areas commonly held open to vehicular use, such as parking lots and racetracks.

Off-street vehicle. A self-propelled motor vehicle designed or capable of traversing natural terrain, including but not limited to snowmobiles, mini-bikes, motorcycles, four-wheel drive trucks, pickups, all-terrain vehicles, jeeps, half-tracks and helicopters. Does not include, unless used for purposed prohibited by GRC 8.40.020 implements of husbandry or military, fire, emergency or law enforcement vehicles used for legal purposes.

Parade. A procession of five or more persons or two or more vehicles.

Parking officer. A person appointed by the manager with the authority to issue citations to vehicles parked or driven in violation of restrictions imposed by this chapter or state law, to initiate impounds of such vehicles, and to remove keys from vehicles parked in violation of GRC 8.10.020.

Public safety officer. A police officer, parking officer, fire prevention inspector, or firefighter.

Private garage. A business engaged in the towing and storage of vehicles.

Public parking lot. A parking lot or other area in the city-owned by the city, and devoted to public use as space for the temporary leaving of motor vehicles. Public parking lots include:

(1) Lot A, located between N.W. Second and N.W. Third near N.W. Miller.

(2) Lot B, located between N.E. Second and N.E. Third near N.E. Hood Street.

(3) Lot C, located at the south side of N.E. Second between N.E. Roberts and N.E. Hood.

(4) Lot D, located at the north side of E. Powell Street between N.E. Roberts and N.E. Hood.

(5) Lot E, located between N. Main Street and N.E. Roberts, near E. Powell Street.

(6) Lot F, located at W. Powell and N. Main Street.

(7) Lot G, located at N.W. First and N.W. Miller.

(8) Lot H, located at the southwest corner of N.W. Fifth and N.W. Miller.

Public park. An area, recreation center or greenway owned or maintained by the city, and used for open space, botanical display, or recreation.

Recreational vehicle. A boat, motor home, camper, travel trailer, motor coach, or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational or vacation uses. If identified in some manner as a recreation vehicle by the manufacturer or registered as such with the state, it is prima facie a recreation vehicle.

Registered owner. The name on file with the Department of Motor Vehicles Services Division of the State of Oregon, or any other state, indicating ownership of, or legal interest in, a specific vehicle.

Storage. The placing or leaving of property at a location for a period of time in excess of 24 hours.

Traffic lane. That area of the roadway used for the movement of a single line of traffic.

Use. Utilization of a vehicle by operating, riding or propelling such device.

Vehicle. 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.

(Ord. No. 1709, Amended, 12/01/2011; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1674, Amended, 06/02/2009; Ord. No. 1624, Amended, 04/20/2006; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1534, Amended, 10/02/2001)

8.05.030 State Traffic Laws.

A violation of ORS Chapters 801 through 823 is an offense against the city.

8.05.040 Council Powers.

(1) Subject to state laws, the council shall exercise all municipal traffic authority for the city except those powers delegated by this code or by other ordinance.

(2) The powers of the council shall include, but not be limited to:

(a) designation of location of planned future streets;

(b) designation of right-of-way width;

(c) designation of functional classification of streets;

(d) designation of one-way streets;

(e) designation of truck routes;

(f) authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law.

(Ord. No. 1647, Amended, 09/20/2007)

8.05.050 Manager Duties.

The manager shall exercise the following duties:

(1) Implement the ordinances, resolutions and motions of the council by installing, maintaining, removing and altering traffic control devices. Such installation shall be based on the standards contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, and the Oregon Supplements.

(2) Establish, remove or alter the following classes of traffic controls:

(a) crosswalks, safety zones and traffic lanes;

(b) intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies;

(c) parking areas, lots and time limitations, including the form of permissible parking (e.g., parallel or diagonal);

(d) designation of parking time zones; and

(e) traffic control signals, signs, markings, or other devices.

(3) Issue oversize or overweight vehicle permits.

(4) Temporarily block or close streets.

(5) Establish bicycle lanes and paths and traffic controls for such facilities.

(6) Restrict the use of certain streets by any class or kind of vehicle to protect the streets from damage.

(7) Initiate proceedings to change speed zones.

(8) Revise speed limits in Parks.

(9) Establish a temporary designated speed if necessary to protect any portion of a street from being unduly damaged, or to protect the safety of the public and workers when temporary conditions such as construction or maintenance activities constitute a danger.
(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1647, Amended, 09/20/2007)

8.05.060 Public Danger.

(1) Under conditions constituting a danger to the public, the manager may install temporary traffic control devices.

(2) Standards. The regulations of the manager shall be based upon:

(a) Traffic engineering principles and traffic investigations.

(b) Standards, limitations and rules promulgated by the Oregon Transportation Commission.

(c) Other recognized traffic control standards.

8.05.070 Owner Responsibility.

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

8.05.080 Registered Owner Presumption.

In a prosecution of a vehicle owner charged with a violation of this code or state law, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

Article 8.10

VEHICLES

Sections:

8.10.010 Unlawful Entry.
8.10.020 Unattended Vehicles.

8.10.010 Unlawful Entry.

(1) No person shall, without consent of the owner or person lawfully in charge of a motor vehicle:

(a) Climb upon or into such motor vehicle; or

(b) Set an unattended vehicle in motion.

(2) This section shall not apply to public safety officers, other persons directed by police officers, or persons performing under a contract for the removal and towing of vehicles on behalf of the city.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.10.020 Unattended Vehicles.

When a public safety officer finds a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the police department. When an officer removes a vehicle key pursuant to this section, the officer will leave a notice on the vehicle explaining how the key can be retrieved.

Article 8.15

DRIVING OFFENSES

Sections:

8.15.010 Crossing Private Property.
8.15.020 Unlawful Riding.
8.15.030 Repealed.
8.15.040 Illegal Speed Racing.

8.15.010 Crossing Private Property.

(1) No person shall operate a vehicle and proceed from one street to another street by crossing private property of another without the permission of the property owner.

(2) This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.15.020 Unlawful Riding.

(1) No person shall:

(a) Operate a vehicle and permits a passenger to ride on a portion of the vehicle that is not designed or intended for the use of passengers.

(b) Be a passenger in a vehicle and rides on a portion of the vehicle that is not designed or intended for the use of passengers.

(c) Board or alight from a vehicle while the vehicle is moving upon a street.

(2) Subsection (1) shall not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.15.030 Repealed.

(Ord. No. 1256, Repealed, 7/21/1992)

8.15.040 Illegal Speed Racing.

(1) No person shall participate in speed racing upon any street, public or private, or any premise open to the public, within the city.

(2) For purposes of this section, "speed racing" shall be defined as set forth in ORS 811.125.

(3) No person shall be a spectator of speed racing, as defined in ORS 811.125, from any point within the city.

(4) For the purposes of this section, "spectator" shall be defined as a person who attends or is present at or near the scene of any activity prohibited by this ordinance for the purpose of observing any part of such activity.

(5) Any vehicle utilized within the city limits in violation of this section including vehicles belonging to, or under the control of, spectators may be towed without notice, subject to the provisions of GRC 8.35.010 et seq.

(6) Violation of any provision of this section may be subject to a fine or penalty in the maximum amount of $1,000.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1502, Amended, 07/11/2000; Ord. No. 1268, Enacted, 12/17/1992)

Article 8.20

BUSES

Sections:

8.20.010 Bus Offenses.
8.20.020 Repealed.

8.20.010 Bus Offenses.

(1) No person shall stand or park a bus upon a street in a business district at a place other than a bus stop.

(2) A No person shall stand or park a vehicle other than a bus in a bus stop.

(3) The provisions of subsection (2) shall not apply to the operator of a passenger vehicle temporarily stopped for the purpose of and while actually engaged in loading or unloading passengers, and when stopping does not interfere with a bus waiting to enter the restricted space.
(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.20.020 Repealed.

(Ord. No. 1268, Repealed, 12/17/1992)

Article 8.25

PARKING

Sections:

8.25.010 **Unlawful Parking.**
8.25.020 **Extension of Parking Time.**
8.25.030 **Public Parking Lots.**
8.25.040 **Renumbered.**
8.25.050 **Private Property Parking.**
8.25.060 **Exemptions.**

8.25.010 Unlawful Parking.

No person shall:

(1) Park, or permit a vehicle owned, operated, or controlled by the person to be parked, in a public parking lot and do any of the following:

(a) Exceed the time limitation for that public parking lot, unless the person has a monthly parking permit for that lot.

(b) Park in the public parking lot a vehicle in excess of 10,000 pounds gross vehicle weight (GVW), except for the purpose of and while actually engaged in the loading or unloading of goods. A vehicle in excess of 10,000 pounds GVW may park in Public Parking Lot A for up to four consecutive hours.

(c) Park the vehicle in more than one or beyond the limits of an individual space, unless the size of the vehicle is greater than a single space.

(d) Repair or service the vehicle, except for repairs necessitated by an emergency.

(2) Park, or permit a vehicle owned, operated or controlled by the person to be parked, on a public or private street and do any of the following:

(a) Park where official signs or markings such as curbs painted yellow or red, have been installed prohibiting standing, stopping, or parking.

(b) Park for a longer period of time than designated by official signs, parking meters or other markings placed by the city, county or state, except on Sundays and holidays. Parking time limits shall be effective only between the hours of 8:00 a.m. and 6:00 p.m., unless designated "no parking at any time," or otherwise designated by official signs or markings.

(c) Repair or service a vehicle, except for repairs necessitated by an emergency.

(d) Stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked parking space.

(e) Stand or park a vehicle in a manner that obstructs a driveway.

(f) Park without having a valid permit issued by the manager where official signs designate parking is allowed only with a permit.

(g) Stand or park a hazardous or abandoned vehicle, as defined in GRC 8.05.020, to include, but not be limited to, the violations of no license plate, and plate registration expirations or cancellations in violation of GRC Article 8.30, Abandoned and Hazardous Vehicles.

(h) Park where official signs or markings prohibit standing, stopping, or parking due to street maintenance.

(3) Park, or permit any of the following vehicles or property owned, operated or controlled by the person to be parked, on any public highway, road, street, or right-of-way within the city, except for the immediate loading or unloading of persons or property, or as

otherwise set forth below:

(a) recreational vehicle for more than 72 hours;

(b) vehicle or combination of vehicles (vehicle plus any towed unit) in excess of 10,000 pounds GVW; or

(c) trailer.

(4) Parks in an alley other than for the immediate loading or unloading of persons or property, and in no case for a period in excess of 30 consecutive minutes.

(5) Parks in any private parking lot that is used by licensees or invitees for the delivery, purchase, or sale of goods or services where official signs or markings prohibit or limit parking, except for the immediate loading or unloading of persons or property and when such parking does not interfere with the designated use.

(6) Parks in a place designated as a loading zone when the hours applicable to that loading zone are in effect, except while actually engaged in loading or unloading persons or property. In no case, when the hours applicable to the loading zone are in effect, shall the stop for loading or unloading of property exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

(7) Stores or permits to be stored on a street or other public property a motor vehicle or personal property for a period in excess of 72 consecutive hours; except a motor vehicle may be stored on a street at the address where the vehicle is registered if parking is permitted on that street and it is not a hazardous or abandoned vehicle, as defined in GRC 8.05.020.

(8) Interferes with or cuts off a vehicle which already had begun to maneuver into a vacant parking space on a public street or parking lot.

(9) Parks a vehicle in front of the entrance of any post office or postal station, or other place where mail is received or deposited, or within 10 feet of a private mailbox during the hours of delivery.

(10) Parks a truck tractor and/or trailer on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, hotel, apartment building, or other sleeping accommodation.

(11) Parks, or permits a vehicle owned, operated, or controlled by the person to be parked, in the unfenced Civic Center parking area located immediately west of City Hall and does any of the following:

(a) Parks a vehicle in a designated parking space for any purpose other than that designated for such space. The manager may designate, by official signs or markings or by other means for temporary uses, areas for:

(i) vehicles used by members of the general public or others having business with the city or school district, or attending a meeting at the Civic Center complex, excluding city or school employees engaged in the discharge of their duties (visitor);

(ii) police vehicles;

(iii) city-owned (fleet) vehicles;

(iv) vehicles used by city employees with city car pool permits;

(v) such other uses and conditions of use as the manager deems appropriate.

(b) Parks a vehicle in excess of 10,000 pounds gross vehicle weight (GVW), except for the purpose of and while actually engaged in the loading or unloading of goods and except for city-owned vehicles exceeding 10,000 pounds GVW.

(c) Parks the vehicle in more than one or beyond the limits of an individual space, unless the size of the vehicle is greater than a single space.

(d) Repairs or services the vehicle, except for repairs necessitated by an

emergency.

(e) Parks in an area not designated by official signs or markings for parking.

(12) Parks or permits a vehicle owned or controlled by the person to be parked, on a city street, sidewalk, public parking lot or right-of-way, or other public property, except when authorized by manager, city permit or code, for the principal purpose of:

(a) Displaying the vehicle for sale.

(b) Selling, taking orders for, or attempting to sell or take orders for the present or future delivery of goods or services of any nature, if such sale or orders are made, taken, or attempted from the vehicle.

(c) Displaying advertising from the vehicle.

(13) Parks or permits a vehicle owned or controlled by the person to be parked in any city park or park parking lot anytime the park is closed unless related to activities subject to a valid permit authorizing the use or except as otherwise permitted.

(14) A vehicle displayed for sale or moved throughout the city to avoid violations under this section may be impounded as provided in GRC Article 8.35.

(15) Violation of any provision of this section may be subject to a fine or penalty in the maximum amount of $250.

(Ord. No. 1709, Amended, 12/01/2011; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1624, Amended, 04/20/2006; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1561, Amended, 12/03/2002; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1457, Amended, 11/05/1998; Ord. No. 1452, Amended, 08/20/1998; Ord. No. 1292, Amended, 10/05/1993; Ord. No. 1268, Amended, 12/17/1992)

8.25.020 Extension of Parking Time.

(1) Where maximum parking time limits are designated by sign, the aggregate time of all stops of any vehicle shall not exceed the posted limit:

(a) within any eight hour period, where a time period in excess of two hours is posted;

(b) within any four hour period, where one or two hour period parking is posted; or

(c) within any two hour period, where a period of less than one hour is posted.

(2) These limits shall apply within the same public parking lot or on either side of the street within the same block between intersections.

(3) These limits shall not apply to a vehicle with a valid residential parking permit in residential areas designated by the manager. A resident in a designated area may obtain a permit upon sufficient proof of residency.

8.25.030 Public Parking Lots.

(1) Reserved Areas. Provision may be made within any public parking lot for an area to be reserved exclusively for parking of bicycles, motorcycles, or trucks.

(2) Monthly Parking. Provision may be made within any public parking lot for an area reserved exclusively for monthly parking. The areas shall be clearly distinguished by appropriate markings. The manager shall issue permits for monthly parking. The permits shall be sold for a fee as may be prescribed by council resolution. Each permit shall be conspicuously displayed in the window of the vehicle.

(3) Signs. The manager shall post and maintain at each entrance to a public parking lot a sign stating in substance the following:

(a) parking is limited to a specific time limitation except for monthly parking;

(b) monthly parking is permitted only in the designated areas;

(c) parking is restricted to vehicles of less than 10,000 pounds GVW, except for Public Parking Lot A;

(d) if special parking is provided for bicycles, motorcycles or mopeds, or trucks, where such special parking is permitted.

8.25.040 Renumbered.

(Ord. No. 1709, Renumbered to GRC 8.25.060, 12/01/2011)

8.25.050 Private Property Parking.

(1) Properties with a single-family dwelling or duplex shall have no more than five motor vehicles, including not more than two recreational vehicles, parked or stored per dwelling.

(2) All motor vehicles shall be parked on a hard surface, such as compacted gravel, concrete, asphalt or similar durable material. Loose soil, rock, gravel or stone is prohibited.

(3) Exclusive of driveways, no vehicle shall be parked within the front yard, except for the immediate loading and unloading of persons or property.

(4) No vehicle shall be parked so as to extend into the public right-of-way.
(Ord. No. 1709, Enacted, 12/01/2011)

8.25.060 Exemptions.

The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county, state, or public utility while in use for construction, maintenance or repair work on a street or utility, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail.
(Ord. No. 1709, Renumbered, 12/01/2011)

Article 8.30

ABANDONED AND HAZARDOUS VEHICLES

Sections:

8.30.010 Abandoned Vehicles Prohibited.
8.30.020 Hazardous Vehicles.
8.30.030 Hazardous Drop Box and Storage Containers.
8.30.040 Enforcement.

8.30.010 Abandoned Vehicles Prohibited.

(1) No vehicle that the manager, public safety officer, or law enforcement officer has reason to believe is abandoned, as defined in GRC 8.05.020, may be parked or left standing upon:

(a) 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.

(b) 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.

(c) Private property for a period in excess of five days in any manner that exposes it to view from a street, sidewalk, or property adjoining the premises, but only if it is an abandoned vehicle as defined in GRC 8.05.020.

(i) One vehicle per private property address/location may be permitted; provided, however, said vehicle must be covered by a manufactured vehicle cover designed specifically for that purpose; enclosed within a permitted structure; or behind a sight-obscuring fence.

(2) 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 Gresham.

(3) In addition to or in lieu of any citation issued for violation of this code or state law:

(a) A vehicle parked or left standing in violation of this section may be impounded as provided in GRC Article 8.35.

(b) A vehicle parked or left standing in violation of GRC 8.30.010(1)(c) may be abated as provided in GRC Article 7.50.

(Ord. No. 1709, Amended, 12/01/2011; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1655, Amended, 07/15/2008; Ord. No. 1624, Amended, 04/20/2006; Ord. No. 1268, Amended, 12/17/92; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1457, Amended, 11/05/1998)

8.30.020 Hazardous Vehicles.

(1) No person shall commit, cause, or allow:

(a) a vehicle to block, impede or interfere with the vision or normal flow of vehicular or pedestrian traffic on public or private streets;

(b) a vehicle to pose an immediate danger to the public and/or environmental safety, such as a vehicle with a leaking fuel system, extreme vandalism, shattered window(s), partially dismantled;

(c) a vehicle to be parked or left standing on a street, public or private parking lot, or other area where immediate access is needed by the fire department or the police department and their respective equipment;

(d) 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

(e) a vehicle to block or be within 10 feet of a fire hydrant.

(2) A vehicle parked or left standing in violation of this section may be impounded as provided in GRC Article 8.35.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1624, Amended, 04/20/2006; Ord. No. 1457, Amended, 11/05/1998)

8.30.030 Hazardous Drop Boxes and Storage Containers.

(1) No person shall store or deliver drop box or other large storage container authorized to be in the public right of way by GRC 6.35.040(16) when:

(a) the drop box or storage container blocks, impedes or interferes with the vision or normal flow of vehicular or pedestrian traffic on public or private streets or sidewalks;

(b) the drop box or storage container is located in the public right-of-way other than where parking is allowed;

(c) the drop box or storage container is on a street, public or private parking lot, or other area designated as an area where immediate access may be needed by the fire department or the police department and their respective equipment;

(d) the drop box or storage container is on a street where snow removal equipment will soon clear the street and removal of the drop box or storage container is reasonably necessary in order to clear the street;

(e) the drop box or storage container blocks or is within ten feet of a fire hydrant. The drop box or storage container does not have a minimum of one square foot of reflective material on each corner next to traffic;

(f) the drop box or storage container exceeds 20.5 feet in length and eight feet in width; or

(g) the drop box or storage container leaks.

(2) The owner of the drop box or other large storage container and the property owner shall make every effort to place the drop box or storage container on private property prior to placement in the public right-of-way.

(3) A drop box or storage container in violation of this section or GRC 6.35.040 may be impounded as provided in GRC Article 8.35.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1624, Amended, 04/20/2006; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1534, Enacted, 10/02/2001)

8.30.040 Enforcement.

Violation of any provision of this article may be subject to a fine or penalty in the maximum amount of $500.

(Ord. No. 1700, Enacted, 03/03/2011)

Article 8.35

IMPOUNDING VEHICLES

Sections:

8.35.010 Impound.
8.35.020 Impound Procedures.
8.35.030 Hearing.
8.35.040 Release of Vehicle.
8.35.050 Towing and Storage Liens.

8.35.010 Impound.

In addition to any remedy imposed for violation of this code or state law, a vehicle in violation of this chapter may be impounded as follows:

(1) Without Prior Notice. A vehicle may be towed without prior notice when:

(a) the vehicle is a hazardous vehicle as prohibited in GRC 8.30.020;

(b) the manager, public safety officer or law enforcement officer reasonably believes that the vehicle is stolen;

(c) the manager, public safety officer or law enforcement officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;

(d) the vehicle was in possession of a person taken into custody by the manager, public safety officer or law enforcement officer;

(e) the vehicle is unlawfully parked on a public or private street in a conspicuously restricted space, zone or traffic lane where parking is limited or prohibited to designated classes of vehicles or periods of time, or at any time when the vehicle interferes with the intended use of such space, zone or traffic lane;

(f) the vehicle obstructs the entrance of any post office or postal station, or is within 10 feet of a private mailbox during the hours of delivery;

(g) the vehicle was in the possession of a person who a public safety officer or law enforcement officer has probable cause to believe, at or just prior to the time the public safety officer or law enforcement officer stops the person, has committed any of the following offenses:

(i) driving while suspended or revoked (ORS 811.175 or 811.182);

(ii) driving while under the influence of intoxicants (ORS 813.010);

(iii) operating without driving privileges or in violation of license restrictions (ORS 807.010);

(iv) driving an uninsured vehicle (ORS 806.010).

(h) the vehicle remained in a park after emergency park closure pursuant to GRC 7.10.130(2); or

(i) the manager, public safety officer or law enforcement officer reasonably believes the vehicle was utilized in a manner contrary to GRC 8.15.040.

(2) With Prior Notice. A vehicle may be towed three calendar days (excluding holidays, Saturdays and Sundays) after the date of the notice, as provided by GRC 8.35.020 when:

(a) the manager, public safety officer or law enforcement officer reasonably believes that the vehicle is abandoned, as defined in GRC 8.05.020, and in violation of GRC 8.30.010(1);

(b) the vehicle is unlawfully parked pursuant to GRC 8.25.010, where there is no reasonable need to immediately remove the vehicle; or

(c) the vehicle is unlawfully parked pursuant to GRC Article 8.45, where there is no reasonable need to immediately remove the vehicle; or

(d) the vehicle is parked on city-owned or operated property without express city permission.

(3) A vehicle impounded pursuant to this section shall be taken into custody by the manager, public safety officer or law enforcement officer and shall be held at the expense of the owner or person entitled to possession of the vehicle. The manager, public safety officer or law enforcement officer may use the personnel, equipment and facilities of the city for the removal and storage of the vehicle, or may hire a private garage or a towing company for that purpose.

(4) A vehicle used in committing a traffic or parking violation for which an unserved warrant or citation is on file with the Multnomah County Circuit Court may be towed upon order of the Multnomah County Circuit Court.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1502, Amended, 07/11/2000; 1457, Amended, 11/05/1998; Ord. No. 1268, Amended 12/17/1992; Ord. No. 1256, Amended, 07/21/1992)

8.35.020 Impound Procedures.

(1) Pre-Impound Investigation and Notice. The manager, public safety officer or law enforcement officer shall, when a vehicle may be impounded after notice under this chapter:

(a) make a routine investigation to discover the driver or registered owner and request immediate removal of the vehicle; or

(b) if the registered owner or driver cannot be discovered, make a diligent inquiry as to the name and address of the owner of the vehicle by examining it for license number, I.D. number, make, style and any other information that may help in identifying the owner, and transmit such information to the motor vehicles division of the state in which the vehicle is registered with an inquiry for the name and address of the owner, whenever such vehicle is required by law to be registered with that office;

(c) Place a notice of intent to impound upon the windshield or some other conspicuous part of the vehicle which is easily seen by the passing public, whether or not the owner is identified as set forth above.

(d) The pre-impound notice required by this subsection shall include the following:

(i) the name and badge number of the public safety officer or law enforcement officer or identification of other city employee issuing the notice;

(ii) that if the vehicle is not removed within the prescribed time limit, the vehicle will be impounded;

(iii) the statute, ordinance or rule violated by the vehicle under which the vehicle will be removed;

(iv) the telephone number and address of the city department that will provide information about where the vehicle will be held in custody if it is towed;

(v) that any person who, at the request of the manager, public safety officer or law enforcement officer, impounds a vehicle, shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold to satisfy the lien if the charges are not paid;

(vi) that the owner, possessor or person having an interest in the vehicle may request a hearing within five calendar days (excluding holidays, Saturdays and Sundays) from the date of the notice on the validity of the proposed impound and the reasonableness of the lien; and

(vii) that the request for hearing may be made in person, by telephone or in writing to the person so designated in the notice.

(e) If a hearing is timely requested before the vehicle is taken into custody, the vehicle shall not be impounded until a hearing is set and held in accordance with GRC 8.35.030.

(2) Post-Impound Notice. If a vehicle is taken into custody of the city, the manager, public safety officer or law enforcement officer shall provide notice by certified mail, return receipt requested, and postage prepaid, within 48 hours of the removal (not including holidays, Saturdays or Sundays) to the owners of the vehicle and any lessors or security interest holders as shown on the records of the Department of Transportation.

(a) The post-impound notice required by this subsection shall include the following:

(i) the statute, ordinance or rule under which the vehicle has been taken into custody or removed on behalf of the city;

(ii) the location where the vehicle may be redeemed by the owner or person entitled to possession;

(iii) that the vehicle is subject to towing and storage charges, and the telephone number and address of the facility that may be contacted for information on the charges that have accrued to the date of the notice and the daily storage charges;

(iv) that the vehicle and its contents are subject to a lien for payment of the towing and storage charges in favor of the facility that towed and is storing the vehicle, and that the vehicle and its contents may be sold at public auction to satisfy the lien if the charges are not paid by the specified date;

(v) that the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession; removal of any conditions required for the police department to release its hold; payment of the administrative fee for processing release of the vehicle; and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority;

(vi) that the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing on the validity of the tow and the reasonableness of the charges, if requested within five calendar days (excluding holidays, Saturdays or Sundays) from the date of the notice, and that the request for hearing may be made in person, by telephone or in writing to the person so designated in the notice; and

(vii) that hearing costs may be assessed against the person requesting the hearing, including costs of the hearing officer and any witnesses.

(b) Reasonable efforts shall be made to ascertain the name and address of the owner and/or other persons with an interest in the vehicle so that notice may be mailed, if reasonably possible, within 48 hours of impound. However, no notice need be mailed pursuant to this subsection when:

(i) a vehicles does not display license plates or other identifying markings by which the registration or ownership of the vehicle can be determined;

(ii) the identity and address of the vehicle owner is not available from the appropriate motor vehicle licensing and registration authority and when the identity and address of the owner and/or

other persons with an interest in the vehicle cannot otherwise be reasonably determined; or

(iii) actual notice of a tow has been given personally to the owner or person entitled to possession. Such actual notice must include all information required under subsection (2)(a) above. Actual notice may be used in lieu of the mailed notice required by subsection (2).

(3) Inventory of Impounded Vehicle. The contents of all vehicles impounded by a public safety officer or law enforcement officer will be inventoried in accordance with the provisions of GRC 2.82.020 through GRC 2.82.050.
(Ord. No. 1457, Amended, 11/05/1998; Ord. No. 1372, Amended, 09/05/1995)

8.35.030 Hearing.

(1) Request for Hearing.

(a) Post-Impound Hearing Request. The owners or any lessors or security interest holders as shown on the records of the Department of Transportation must request a hearing within five calendar days (excluding holidays, Saturdays and Sundays) from the date of the notice. The request may be made in person, by telephone or in writing to the person designated in the notice. Failure to make a timely request for a hearing shall constitute a waiver of the right to a hearing.

(b) Pre-Impound Hearing Request. If the owners or any lessors or security interest holders as shown on the records of the Department of Transportation timely request a hearing before the vehicle is taken into custody, the vehicle shall not be impounded until a hearing is set and held in accordance with this section.

(2) Hearing Procedures.

(a) When timely request for a hearing is made, a hearing shall be held before a hearings officer appointed by the city attorney.

(b) The hearing shall be set within 72 hours of receipt of the request and the hearing shall be conducted within four calendar days of receipt of the request for hearing, excluding holidays, Saturdays and Sundays. However, the time within which the hearing is to be set or conducted may be extended at the request or with the consent of the owner or person entitled to request the hearing as provided in this chapter.

(c) At the hearing, the owner or person entitled to request the hearing as provided in this chapter may contest the validity of the impound and the reasonableness of the charges.

(d) The city shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds to believe that the vehicle was being operated in violation of ORS 806.010, ORS 807.010, ORS 811.175, ORS 811.182, ORS 813.010, or the relevant portion of the Gresham Revised Code. The city may present evidence either by testimony or by affidavit. If the city's evidence is presented only by affidavit and the hearings officer cannot resolve a question by information contained in the affidavit or relevant report, the hearing may be held open for a reasonable time to complete the record.

(3) Decision of the Hearings Officer.

(a) If the hearings officer finds that impound of the vehicle was proper, the hearings officer:

(i) shall enter an order supporting the impound/removal; and

(ii) shall find that the owner or person entitled to possession is liable for any towing and storage charges resulting from the impound; and

(iii) may find that the owner or person entitled to possession is liable for the costs of the tow hearing, including costs of the hearings officer and any witnesses.

(b) If the hearings officer finds that impound of the vehicle was improper, the hearings officer shall:

(i) order the vehicle released to the owner or person entitled to possession;

(ii) find that the owner or person entitled to possession is not liable for any towing or storage charges resulting from the impound; and

(iii) order the city to satisfy the towing and storage lien.

(c) The decision of the hearings officer is final.

(4) Failure to Appear at the Hearing. If the person requesting the hearing does not appear at the scheduled hearing, the hearings officer may enter an order supporting the impound and assessing towing and storage costs, and shall add an assessment for the costs of the hearings officer and any witnesses who appeared at the time set for hearing.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1590, Amended, 09/16/2004; Ord. No. 1561, Amended, 12/03/2002; Ord. No. 1457, Amended, 11/05/1998; Ord. No. 1268, Amended, 12/17/1992)

8.35.040 Release of Vehicle.

(1) A vehicle which has been impounded under GRC 8.35.010 may be released to a person entitled to lawful possession provided the Gresham Police Department has released its hold, if any, on the vehicle, and upon compliance with the following:

(a) submission of proof that a person with valid driving privileges will be operating the vehicle;

(b) submission of proof of compliance with financial responsibility requirements for the vehicle; and

(c) payment to the Gresham Police Department of an administrative fee sufficient to recover its actual administrative costs for the impoundment.

(2) Notwithstanding subsection (1) of this section, a person who holds a security interest in the impounded vehicle may obtain release of the vehicle by paying the administrative fee.

(3) When a person entitled to possession of the impounded vehicle has complied with the requirements of subsection (1) or (2) of this section, the Gresham Police Department shall authorize the person storing the vehicle to release it upon payment of any accrued towing and storage costs, unless otherwise ordered by the hearings officer.

(4) The council may establish by resolution an administrative fee for processing the release of the vehicle.

(5) Notwithstanding any other provision of law, a police or law enforcement officer, a police or law enforcement agency or any person acting as an agent for either has authority to refuse to release or authorize release of any motor vehicle from custody to any person who is visibly under the influence of intoxicants.

(Ord. No. 1457, Amended, 11/05/1998; Ord. No. 1329, Amended, 11/03/1994)

8.35.050 Towing and Storage Liens.

A person who, at the request of the manager, public safety officer or law enforcement officer, takes a vehicle into custody under the provisions of GRC 8.30.010 through GRC 8.35.020 shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be a possessory chattel lien in accordance with ORS Chapter 87 and shall be foreclosed in the manner provided by law. If the appraised value of the vehicle is $750 or less, the vehicle shall be disposed of in the manner provided in ORS 819.220.

(Ord. No. 1561, Amended, 12/03/2002; Ord. No. 1457, Amended, 11/05/1998; Ord. No. 1268, Amended, 12/17/1992)

Article 8.40

OFF-STREET VEHICLES

Sections:

8.40.010 Definitions.
8.40.020 Unlawful Operation of Off-Street Vehicles.
8.40.030 Falsification.
8.40.040 Arrest; Seizure of Vehicle.
8.40.050 Police Custody.
8.40.060 Identification of Owner.
8.40.070 Hearing.
8.40.080 Disposition.
8.40.090 Enforcement.

8.40.010 Definitions.

(Ord. No. 1534, Repealed, 10/02/2001)

8.40.020 Unlawful Operation of Off-street Vehicles.

(1) No person shall operate an off-street vehicle on a nonstreet area which the operator does not own, unless:

(a) the operator possesses written permission from the owner, contract purchaser or lessee of the nonstreet area;

(b) the operator possesses written evidence of membership in a club or association to which the owner, contract purchaser or lessee of the nonstreet area has given written permission and a copy of which has been filed with the manager or chief of police;

(c) the owner, contract purchaser or lessee of the nonstreet area has designated the nonstreet area as open for recreational purposes in accordance with ORS 105.655 to 105.680 by filing consent and other information necessary to identify the area with the manager or chief of police; or

(d) the owner, contract purchaser or lessee has designated the nonstreet area as being open to off-street vehicle use by posting notice in a form and manner prescribed by the manager or chief of police.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.40.030 Falsification.

(1) No person shall:

(a) Falsify the written permission required by GRC 8.40.020(1)(a).

(b) Falsify the evidence of club or association membership or the written permission required by GRC 8.40.020(1)(b).

(c) Falsify the filing or consent required by GRC 8.40.020(1)(c).

(d) Post the notice or remove the posted notice required by GRC 8.40.020(1)(d) without the consent of the owner, contract purchaser or lessee.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.40.040 Arrest; Seizure of Vehicle.

(1) A public safety officer may arrest a person operating an off-street vehicle in violation of GRC 8.40.020 or may issue a citation in accordance with ORS 133.070.

(2) A public safety officer may seize an off-street vehicle incident to the arrest or citation of the operator if there are reasonable grounds to believe that the vehicle was operated with willful or reckless disregard of the likelihood of causing substantial damage to the off-street area and that substantial damage has been caused by that operation.

(Ord. No. 1700, Amended, 03/03/2011)

8.40.050 Police Custody.

(1) The manager shall retain possession of a seized vehicle and proceed at once against the person arrested in court.

(2) If the person arrested is the legal owner of a seized vehicle, it shall be returned to the owner upon execution of a bond or cash deposit, with sureties acceptable to the manager, in a sum equal to the average value of the vehicle as stated in a list of average values of known vehicle categories approved by the manager. The bond or cash deposit shall be conditioned upon the return of the vehicle to the manager upon disposition of the judgment of the court.

8.40.060 Identification of Owner.

(1) If the person arrested is not the legal owner of a seized vehicle, the manager shall make a reasonable effort to identify the name and address of the owner. If the name and address of the owner is determined, the manager shall notify the owner by registered or certified mail of the seizure and inform the owner of his rights under this section.

(2) A person notified under this section, an owner of the vehicle or any other person asserting a claim of lawful possession of a seized vehicle, may, prior to trial, move the court for return of the vehicle or obtain possession of the vehicle by posting bond or cash in accordance with GRC 8.40.050(2).

8.40.070 Hearing.

(1) Upon receipt of motion for return of a vehicle, the court shall hold a hearing to determine if the owner or person asserting a lawful claim to the vehicle had knowledge that the vehicle would be used in violation of GRC 8.40.020.

(2) If the court determines that the movant had knowledge that the person arrested would use the vehicle in violation of GRC 8.40.020, the vehicle shall not be returned except in accordance with GRC 8.40.050 and GRC 8.40.060. The vehicle shall be subject to forfeiture as specified in GRC 8.40.080.

(3) If the person arrested is not convicted of a violation and the manager is in possession of the vehicle, it shall be returned to the owner immediately.

8.40.080 Disposition.

(1) Upon conviction of the person arrested, the court may order a return of a seized vehicle to the owner after payment of all expenses; or, upon motion made by the district attorney, it may order forfeiture and sale of the vehicle at public auction by the manager.

(2) In determining whether to order a forfeiture and sale of the vehicle, the court shall consider the amount of damage caused by the use of the vehicle and the willfulness or recklessness of the violation.

(3) If the court orders a forfeiture and sale of the vehicle, the manager, after deducting $50.00 for administrative expenses, plus all other expenses incurred, to the extent of the remaining proceeds, shall pay all liens of record, ratably and according to their priorities. Any balance remaining shall be paid into the general fund of the city.

(4) If no person claims the vehicle, the manager shall advertise the sale of the vehicle and its description in accordance with the requirements of GRC 2.81.000 through GRC 2.81.050 of this code. Proceeds from the sale of the property, after deducting the expenses and costs, shall be paid into the general fund of the city. The manager may submit a bid for purchase at the public sale if the vehicle could be used for city purposes. Unsold property may be destroyed.

8.40.090 Enforcement.

Violation of any provision of this article may be subject to a fine or penalty in the maximum amount of $1,000.
(Ord. No. 1700, Enacted, 03/03/2011)

Article 8.45

REPEALED.

Sections:

8.45.010 Repealed.
8.45.020 Repealed.

8.45.010 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.45.020 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1674, Amended, 06/02/2009; Ord. No. 1534, Amended, 10/02/2001; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1425, Amended, 06/17/1997)

Article 8.50

REPEALED

Sections:

8.50.010 Repealed.
8.50.020 Repealed.

8.50.010 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1534, Amended, 10/02/2001; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.50.020 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1534, Amended, 10/02/2001; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

Article 8.55

REPEALED

Sections:

8.55.010 Repealed.
8.55.020 Repealed.
8.55.030 Repealed.
8.55.040 Repealed.
8.55.050 Repealed.
8.55.060 Repealed.
8.55.070 Repealed.
8.55.080 Repealed.

8.55.010 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.55.020 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1534, Amended, 10/02/2001; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.55.030 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.55.040 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1590, Amended, 09/16/2004)

8.55.050 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011)

8.55.060 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.55.070 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011; Ord. No. 1507, Amended, 09/19/2000; Ord. No. 1268, Amended, 12/17/1992)

8.55.080 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011)

Article 8.60

REPEALED

Sections:

8.60.010 Repealed.
8.60.020 Repealed.
8.60.030 Repealed.

8.60.010 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011)

8.60.020 Repealed.

(Ord. No. 1700, Repealed, 03/03/2011)

8.60.030 Repealed.

(Ord. No. 1268, Repealed, 12/17/1992)

Article 8.65

STREET AND SIDEWALKS

Sections:

8.65.010 Pedestrians.
8.65.020 Driving Upon a Sidewalk.
8.65.030 Obstruction of Street or Sidewalk.
8.65.040 Unlawful Street Marking.
8.65.050 Parade Offenses.
8.65.060 Parade or Street Closure Permit.
8.65.070 Funeral Processions.
8.65.080 Unlawful Interference with a Funeral Procession.

8.65.010 Pedestrians.

(1) Pedestrians shall cross a street at a right angle, unless crossing within an angled, marked crosswalk.

(2) No person shall:

(a) cross a street other than within a crosswalk in blocks with marked crosswalks; or

(b) cross a street within 150 feet of a marked crosswalk.

(3) Exceptions. The provisions of this section regulating pedestrian use of the streets do not apply to employees of the city, county, state, or public utility while engaged in their official duties.
(Ord. No. 1700, Enacted, 03/03/2011)

8.65.020 Driving upon a Sidewalk

(1) No person shall operate or park a motorized vehicle upon a sidewalk, or roadside planting or median strip, except to cross at a permanent or temporary driveway.
(Ord. No. 1700, Enacted, 03/03/2011)

8.65.030 Obstruction of Street or Sidewalk.

(1) No person shall obstruct the free movement of vehicles or pedestrians using the street or sidewalk without first obtaining a permit from the city as provided in GRC 8.65.060 or GRC 6.35.040.

(2) GRC 8.65.030(1) does not apply to city, county, state, or public utility employees engaged in their official duties, or persons engaged in construction work pursuant to a development or building permit.
(Ord. No. 1700, Enacted, 03/03/2011)

8.65.040 Unlawful Street Marking.

(1) No person shall paint or mark any public street, sidewalk, or other property in the public right-of-way except for persons authorized to install or maintain traffic control markings, maintain roads, identify the location of utilities, or as otherwise permitted by the manager.

(2) Violation of any provision of this section may be subject to a fine or penalty in the maximum amount of $500.
(Ord. No. 1700, Enacted, 03/03/2011)

8.65.050 Parade Offenses.

(1) No person shall organize or participate in a parade that may disrupt or interfere with vehicular traffic on a public street without first obtaining a permit.

(2) 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.
(Ord. No. 1700, Enacted, 03/03/2011)

8.65.060 Parade or Street Closure Permit.

(1) Application for a parade or street closure permit shall be made to the manager at least 45 days prior to the intended date of the parade or street closure, unless the time is waived by the

manager. The manager shall notify the applicant of the decision within ten business days of receipt of the application.

(2) Applications shall include the following information:

(a) The name and address of the person responsible for the proposed parade or street closure.

(b) The date of the proposed parade or street closure.

(c) The desired route, including assembling points, of the parade, or the location of the streets to be closed.

(d) A Traffic Control Plan showing the way traffic will be rerouted around the closed streets.

(e) The number of persons, vehicles and animals that will be participating in the parade.

(f) The proposed starting and ending time.

(g) The signature of the person responsible for the proposed parade or street closure.

(3) A nonrefundable permit fee shall accompany all applications for a parade or street closure. The council shall establish by resolution the amount charged for a parade permit or a street closure permit.

(4) A parade permit or street closure permit shall be granted if the manager, upon receipt of the application, determines that:

(a) the parade or street closure can be conducted without endangering public safety; and

(b) the parade or street closure can be conducted without seriously inconveniencing the general public; and

(c) there is sufficient public safety personnel, if the manager determines it is necessary to monitor or direct participants, observers and the general public, to facilitate the safe and orderly conduct of the parade or street closure; and

(d) there is insurance coverage for the parade or street closure of a type and amount as required by the city attorney, unless the attorney determines that the nature of the activity carries minimal or no risk to the city.

(5) If the manager determines that the parade or street closure cannot meet the requirements of subsection four, the manager may:

(a) propose an alternate route for the parade or alternate location for the street closure; or

(b) propose an alternate date.

(6) The manager may revoke a parade permit or street closure permit if circumstances reasonably show that the parade or street closure can no longer be conducted consistent with public safety.
(Ord. No. 1700, Enacted, 03/03/2011)

8.65.070 Funeral Processions.

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

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

(3) All motor vehicles in the procession shall be operated with their lights turned on.
(Ord. No. 1700, Enacted, 03/03/2011)

8.65.080 Unlawful Interference with a Funeral Procession.

(1) No person shall:

(a) block, obstruct, hinder or interfere with a funeral procession.

(b) drive a vehicle that is not a part of the procession between the vehicles of a funeral procession.

(Ord. No. 1700, Enacted, 03/03/2011)

Article 8.70

BICYCLES AND NON-MOTORIZED VEHICLES

Sections:

8.70.010 Use of a Bicycle or Non-Motorized Vehicle.
8.70.020 Use of Streets.
8.70.030 Use of Public Sidewalks and Property.
8.70.040 Misuse of a Bicycle or Non-Motorized Vehicle.
8.70.050 Impoundment.

8.70.010 Use of a Bicycle or Non-Motorized Vehicle.

Any person using a bicycle or non-motorized vehicle upon a street, sidewalk, or public property shall do so at such person's own risk and shall yield the right-of-way to pedestrians.
(Ord. No. 1700, Enacted, 03/03/2011)

8.70.020 Use of Streets.

No person shall use or travel a street of the city on non-motorized vehicle except where authorized by the manager.
(Ord. No. 1700, Enacted, 03/03/2011)

8.70.030 Use of Public Sidewalks and Property.

(1) No person shall use a bicycle or non-motorized vehicle upon a sidewalk within the city in a careless manner.

(2) No person shall use or permit the use of a bicycle or non-motorized vehicle:

(a) within city buildings; or

(b) at City Hall, the Center for the Arts, Heroes Memorial, or other public properties designated by the City Manager, and all public areas adjacent to the above mentioned and designated properties, including but not limited to, plazas, pedestrian areas, sidewalks, planters, artistic or memorial structures, seating areas, accessways, access ramps, and handrails,

(Ord. No. 1700, Enacted, 03/03/2011)

8.70.040 Misuse of a Bicycle or Non-Motorized Vehicle.

No person shall leave a bicycle or non-motorized vehicle:

(1) in a manner which obstructs a street. sidewalk, driveway or building entrance;

(2) on private property without the consent of the person in charge or the owner of the property;

(3) on public property for a period in excess of 18 hours; or

(4) in a public parking lot in a vehicle parking space. A bicycle may only be parked in a public parking lot where special provision has been made for bicycles, in the stand, rack, or other bicycle holder.
(Ord. No. 1700, Enacted, 03/03/2011)

8.70.050 Impoundment.

(1) A bicycle or non-motorized vehicle in violation of GRC Article 8.70 may be immediately impounded by the police department.

(2) If a bicycle or non-motorized vehicle impounded under this section is licensed, or other means of determining its ownership exist, the police shall make a reasonable effort to notify the owner.

(3) A bicycle or non-motorized vehicle impounded under this section that remains unclaimed for a period of more than 60 days may be disposed of in accordance with GRC Article 2.81, the city's procedures for disposal of abandoned or lost personal property.

(4) A bicycle or non-motorized vehicle impounded under this section may be held until the person using the device at the time of the impound is acquitted or provides proof that security deposit or the fine upon conviction has been paid, unless otherwise ordered by the Circuit Court or other court of competent jurisdiction.

(Ord. No. 1700, Enacted, 03/03/2011)

Article 8.99

ENFORCEMENT

Sections:

8.99.010 Violation.
8.99.020 Fines, Penalties, Abatement and Other Enforcement Tools.
8.99.030 Parking Citations.
8.99.040 Owner/Lessee Responsibility.
8.99.050 Registered Owner Presumption.

8.99.010 Violation.

A violation shall have occurred when any requirement or provision of this chapter has not been complied with. Violation of any provision of this chapter may be subject to enforcement action by the manager.
(Ord. No. 1700, Enacted, 03/03/2011)

8.99.020 Fines, Penalties, Abatement and Other Enforcement Tools.

(1) Any condition caused or permitted to exist in violation of any provision of this chapter is a threat to public health and safety. Any such condition is unlawful and constitutes a nuisance.

(2) In addition to any other remedies provided herein, violation of any section of this chapter may be enforced as set forth in GRC Article 7.50, or as otherwise authorized by law.

(3) Unless otherwise specified, violation of any provision of this chapter may be subject to a fine or penalty in the maximum amount of $500.

(4) Each day on which a violation occurs or continues is a separate violation and may be subject to a separate fine or penalty.

(5) In the event of a fire or other public emergency, public safety officers may direct traffic as conditions require, notwithstanding the provisions of this chapter.
(Ord. No. 1700, Enacted, 03/03/2011)

8.99.030 Parking Citations.

(1) Whenever a vehicle is found to be in violation of this chapter or state law, the public safety officer may record the vehicle license number and any other information displayed on the vehicle that may identify its owner, and conspicuously affix a citation or civil penalty in accordance with GRC Article 7.50.

(2) If parking is subject to a time limit, separate citations may be issued if the duration exceeds multiple increments of the posted time.
(Ord. No. 1700, Enacted, 03/03/2011)

8.99.040 Owner/Lessee Responsibility.

The owner or lessee of a vehicle in violation of a parking restriction is responsible for the offense, unless the operator of the vehicle accepts responsibility. It shall be an affirmative defense that the vehicle was used without the owner's or lessee's consent.
(Ord. No. 1700, Enacted, 03/03/2011)

8.99.050 Registered Owner Presumption.

In a proceeding against a vehicle owner charging a violation of this chapter, proof that the vehicle was registered to the person issued the citation or civil penalty at the time of the violation shall constitute a rebuttable presumption that such person was the owner.
(Ord. No. 1700, Enacted, 03/03/2011)