

BEFORE THE BOARD OF COMMISSIONERS  
FOR MARION COUNTY, OREGON

An Ordinance relating to the )  
Parking of Vehicles on Public )  
Right-of-Way within the )  
Urban Growth Boundaries of ) PUBLIC WORKS  
Incorporated Cities in Marion )  
County as allowed by Oregon )  
Revised Statute 810.160, and )  
Declaring an Emergency )

ORDINANCE No. 809

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS  
FOLLOWS:

SECTION 1. Short Title.

This ordinance shall be known as the "Parking Ordinance" and may be so  
cited and pleaded and shall be cited herein as Ordinance No. 809.

SECTION 2. Purpose.

The purpose of this ordinance is to provide a safer environment on  
county road right-of-ways by accomplishing the following objectives:

- A. Enhance traffic flows on streets within the urban growth  
boundaries of the incorporated cities of Marion County.
- B. Reduce roadway damage created by heavily loaded or improperly  
parked vehicles on public right-of-ways.
- C. Reduce the number of vision obstructions created by large  
vehicles.
- D. Reduce hazards created by large vehicles parking on narrow  
streets.
- E. Allow for better emergency vehicle access.

SECTION 3. Authority.

The Marion County Board of Commissioners, as road authority in Marion County, has the exclusive authority to regulate, control, or prohibit the stopping, standing, and parking of vehicles upon roadways under their jurisdiction pursuant to ORS 810.160.

SECTION 4. Definitions.

For the purposes of this ordinance, the following definitions shall be used in addition to those found in the Oregon Vehicle Code:

Allowable Gross Vehicle Weight - The total weight for a particular axle configuration allowed by this ordinance, includes weight of everything on the vehicle.

County Road - Any public road under the jurisdiction of Marion County which is designated as a county road and which is maintained by Marion County, including the entire width of the right-of-way.

Large Vehicle - Any vehicle that exceeds 25 feet in overall length, or exceeds 8.5 feet in overall width, or exceeds the allowable gross vehicle weight as assigned in the following table:

<u>Total # of Axles Carrying Weight*</u>	<u>Allowable Gross Vehicle Weight</u>
2	15,000 lbs.
3	22,000 lbs.
4	30,000 lbs.
5 or more	38,000 lbs.

\* Landing gear and dolly converters shall be considered axles if they are completely supporting one end of a trailer.

Local Access Road - Any public road, which is not a county road, and which is under the jurisdiction of Marion County, and which the county is not required to improve or repair, including the entire width of the right-of-way.

Overall Length - Length of a vehicle at its extreme longest points including hitches and bumpers.

Overall Width - Width of a vehicle at its extreme widest points including mirrors, lights, load, and fenders.

Park or Parking - The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Person - A natural person, firm, partnership, association or corporation.

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

Vision Obstruction - The blocking or impeding of all or any part of a driver's field of vision reasonably necessary for safe movement on and around public roadways.

#### SECTION 5. Exceptions.

This ordinance does not apply while a vehicle is temporarily engaged in the process of loading or unloading passengers or cargo.

This ordinance does not apply to (1) any state, federal, local government, or public utility vehicle being used for maintenance, construction, or repair of public works or facilities within the right-of-way, or (2) a vehicle owned by the United States being used for collection, transportation, or delivery of mail.

#### SECTION 6. Unlawful Parking.

- A. No person shall park within any county road or local access road:
1. Any vehicle in violation of a parking limitation sign or device.

2. Any large vehicle within 200 feet of an intersection.
  3. Any large vehicle in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accomodation in a residential zone between 9 p.m. and 7 a.m.
  4. Any large vehicle on a street which has a surface width of less than or equal to 34 feet.
- B. No person shall drive any vehicle on a curb, sidewalk or roadside planting strip except to cross at an authorized permanent or temporary driveway. A person who causes damage shall be responsible for the cost of repair.
- C. Any vehicle parked in violation of this ordinance is declared to be a nuisance as a hazard or obstruction to motor vehicle traffic.

SECTION 7. Penalties for Violation.

A violation of this ordinance shall be punishable as provided:

- A. A violation of Section 6 A (2), (3) or (4) is punishable by a fine not to exceed \$50.00.
- B. A violation of Section 6 A (1) or B is punishable by a fine not to exceed \$100.00.

SECTION 8. Citation on Illegally Parked Vehicles.

Violation of this ordinance shall be treated as a traffic infraction and shall be subject to the procedures set forth in ORS 153.500 through 153.595, except as follows:

- A. A justice court, district court or circuit court of this county has concurrent jurisdiction of all complaints filed under this ordinance.

- B. Prosecution of ordinance complaints and/or any other remedy provided by law shall be conducted by the Marion County Legal Counsel or Assistant Legal Counsel.
- C. If the defendant fails to appear, request a hearing, or post bail at the times specified, the court shall enter a civil judgement against the defendant in the amount of the fine plus court costs, which may not exceed \$50.
- D. No warrant of arrest shall be issued for a violation of this ordinance or for failure of any party to appear.
- E. If the operator of a vehicle parked in violation of this ordinance cannot be easily found, the officer may serve the summons by attaching it to the vehicle in a conspicuous place.
- F. All monies collected by the court shall be deposited with the Marion County Treasurer.

SECTION 9. Owner Responsibility.

The owner of a vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.

In a prosecution of a vehicle owner charged with a violation of this ordinance, proof that at the time of the alleged violation the vehicle was registered with the appropriate motor vehicle licensing authority of any state as belonging to the defendant motor vehicle owner shall raise a disputable presumption that he is the owner in fact.

SECTION 10. Impoundment.

Disposition of a vehicle towed and stored as a hazard or obstruction to motor vehicle traffic shall be in accordance with the provisions of ORS 9.120 on impoundment and disposition of hazardous vehicles.

Impoundment of a vehicle does not preclude issuance of a citation for violation of this ordinance.

SECTION 11. Territorial Limitation.

This ordinance shall apply only within the unincorporated areas of Marion County lying within established urban growth boundaries of incorporated cities in Marion County.

SECTION 12. Severability Clause.

Should any provision of this ordinance be declared invalid, such declaration shall not affect the validity of any other provision, and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which the ordinance or such portion thereof was enacted.

SECTION 13. Effective Date.

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall become effective upon its passage.

Dated at Salem, Oregon, this 20th day of October, 1988.

MARION COUNTY BOARD OF COMMISSIONERS

Approved As To Form:

Michael P. Hansen, Atty  
Marion County Legal Counsel

Henry King  
Chairman

Diane Conlon  
Recording Secretary

0920prkngordnnc2.cjs