

ORDINANCE NO. 2353

AN ORDINANCE AMENDING CHAPTER 70 GENERAL PROVISIONS AND CHAPTER 72 PARKING REGULATIONS OF THE HERMISTON MUNICIPAL CODE

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

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

(New language is in red and underlined and repealed language has a line through it.)

Section 1. Subsection 70.99 of the Hermiston Municipal Code is amended as follows:

70.99 PENALTY.

- (A) Violation of this Traffic Code is a Class D violation.
- (B) The following violations are Class B violations:
 - (1) §71.01 Permits for Parades
 - (2) §71.06 Operating Trucks over City Streets
 - (3) §72.06 Storage and Parking of Trucks, Trailers, and the Like
 - (4) §72.09 Parking and Using Recreational Vehicles for Sleeping or Living Purposes outside Recreational Vehicle Parks

~~Anyone who violates any provision of this Traffic Code, where no specific penalty is otherwise provided, commits a Class B violation.~~ Each day any violation continues shall be treated as a separate offense. Violation of a provision of this Traffic Code which is identical to state law shall be punishable by a fine not to exceed the penalty prescribed by the state statute.

Section 2. Subsection 72.03 of the Hermiston Municipal Code is amended as follows:

72.03 PARKING PROHIBITED IN CERTAIN LOCATIONS.

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

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

- (B) In any alley except to load or unload persons or materials not to exceed 30 minutes.
- (C) Upon any street or public property for the principal purpose of:
 - (1) Displaying such vehicle for sale.
 - (2) Greasing or repairing such vehicle except repairs necessitated by an emergency.
 - (3) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this city.
 - (4) Storage or as junk or dead storage for more than 72 consecutive hours.
- (D) Upon any parkway except where specifically authorized.
- (E) In front of a public or private drive.
- (F) Within ten feet of a fire hydrant.
- (G) Within 15 feet of the driveway entrance of a fire station.
- (H) Within the single space markings of city owned or leased property upon which public parking is permitted if the size or shape of the vehicle makes compliance impossible.
- (I) In a space reserved for disabled persons which would constitute a violation of ORS [811.615](#).
- (J) In front of any United States Postal Service owned mailbox or receptacle.
- (K) Upon any street or public property that has been closed for vehicular use by the City or by a permit issued by the City.

Section 3. Subsection 72.08 of the Hermiston Municipal Code is amended as follows:

72.08 EXEMPTION FOR CERTAIN VEHICLES, ~~TOWING~~.

(A) The provisions of this Traffic Code regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work on the street or any vehicle ~~owned~~ used by the United States Postal Service while in use for the collection, transportation or delivery of ~~United States~~ mail.

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

Section 4. Subsection 72.10 of the Hermiston Municipal Code is amended as follows:

72.10 PARKING CITATION PROCEDURE.

(A) *Citation procedure for certain parking violations.* In lieu of personal delivery of a citation on person committing a violation of this Traffic Code, the citing authority may issue a parking violation notice pursuant to and in accordance with the procedures set forth in ORS [221.333](#) and Chapter [138](#). The citation shall instruct the operator to ~~answer to the charge or pay the penalty imposed within ten days, during specific hours,~~ appear on the alleged violation by a set time and date at the Municipal Court ~~and at a specified place.~~

~~(B) *Failure to comply with parking citation.* If the operator does not respond to the parking violation notice attached to the vehicle such that it is received by the city within 15 days, the city, at its option, may mail a letter, by first-class mail, postage paid and return receipt requested, to the registered owner of the vehicle informing the owner that a rebuttable presumption exists that the owner was the operator or person in control of the vehicle and that as a result of the failure to respond to the citation within ten days of its issuance the fine has now been doubled and that the doubled fine must be paid within ten days of the date the letter is mailed. If the doubled fine is not paid within ten days, the city, at its option, may request a copy of the parking violation notice be filed with the court and by affidavit request that the court issue an order to appear and show cause on a certain date and time. The order to appear and show cause shall be served personally and a return of service shall be completed and filed with the court.~~

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

Section 5. Subsection 72.11 of the Hermiston Municipal Code is added as follows:

72.11 TOWING.

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

Section 6. All other provisions of the Hermiston Municipal Code remain unchanged and in full effect.

Section 7. The City Recorder is hereby authorized to correct any scrivener’s errors and to conform the revisions to the Hermiston Municipal Code with appropriate numbering.

Section 8. Effective Date. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 22nd day of January 2024.

SIGNED by the Mayor this 22nd day of January 2024.

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC City Recorder