

ORDINANCE NO. 504

AN ORDINANCE REGULATING VEHICULAR AND PEDESTRIAN TRAFFIC, PROVIDING PENALTIES FOR VIOLATION THEREOF AND REPEALING ORDINANCES: 255, 322, AND 499.

The City of Columbia City ordains as follows:

Section 1. Short Title. This ordinance may be cited as the “Columbia City Uniform Traffic Ordinance.”

Section 2. Applicability of state traffic laws. Oregon Revised Statutes (ORS), Chapter 153, and the Oregon Vehicle Code, ORS Chapters 801 to 822 inclusive, are hereby adopted by reference together with all future amendments thereto. A violation of any statute adopted by this ordinance is a violation of this ordinance and an offense against the City of Columbia City.

Definitions

Section 3. Definitions. In addition to the definitions contained in the Oregon Vehicle Code, the following mean:

Abandoned Vehicle. A vehicle that remains in the same location for more than 24 hours and one or more of the following conditions exist:

- A) The vehicle does not have a lawfully affixed, unexpired registration plate.
- B) The vehicle appears to be inoperative or disabled.
- C) The vehicle appears to be wrecked, partially dismantled or junked.

Approved Driveway. An improved access extending from the edge of a paved street and onto private property that existed prior to May 1, 2013, or is developed in accordance with a valid driveway permit issued by the City. [Amended by Ordinance No. 13-674-O 6/15/13]

Bicycle Lane. The part of the street designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law.

Bicycle Path. A public way, not part of a street or highway, that is designated and assigned for use as a bicycle route, and may include both a bicycle lane and a bicycle path.

Bicycle Trail. A publicly owned and publicly maintained lane or way designated and assigned for use as a bicycle route, and may include both a bicycle lane and a bicycle path.

Boat. Any vessel capable of floating upon the water (including, but not limited to rafts, canoes, skiffs, dinghies, rowboats, sailing vessels or motorboats). See Recreational Vehicle. [Amended by Ordinance No. 04-599-O 11/7/04]

Crosswalk. Any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for crosswalks under ORS 810.200. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection. Where no marked crosswalk exists, a crosswalk is that portion of the roadway described in the following:

A) Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:

1) The connections of the lateral line of the sidewalks, shoulders, or a combination thereof, on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or

2) The prolongation of the lateral lines of a sidewalk, shoulder, or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder.

B) If there is neither sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection, measuring not less than 6 feet in width, that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk.

Curb. Any raised margin defining the space in the street devoted to vehicular traffic.

Curb Line. The curb line separates a street or highway into the area dedicated to vehicle traffic (roadway) and the area dedicated to pedestrian and nonmotor vehicle traffic (planting strip, sidewalk, etc.)

Driveway.

A) A road or access, whether improved or unimproved, extending from a public right-of-way onto private or public lands or structures for the purpose of gaining vehicle access to such areas and reasonably designated at the property line so as to be an obvious opening for access. For the purposes of enforcement, a driveway:

1. Extends from one curb return to the other;

2. If winged, includes the wings; or

3. If the street is unimproved, the driveway area falls between the projections of the edges of an improved driveway or the most established tire ruts of an unimproved driveway.

B) Such road or access will be enforced as a driveway unless closed by a structure or permanent closure device.

Emergency Vehicles. Vehicles of the Fire District, vehicles of the Rescue and Emergency Services, police vehicles, emergency vehicles of municipal departments, and ambulances, while being used for emergency purposes and displaying lights as required by the Oregon Revised Statutes.

Fog Line or Edge Line. The official 4-inch wide marking that defines the lateral lines of a roadway.

Handicap Access Ramp. An inclination, ramp-like structure, or any other such device designed to serve and provide ease of access from the sidewalk to the roadway or from the street to adjacent property for individuals using a mobility aid. If winged, it includes the winged area of the structure.

Intersection. The area of a roadway created when two or more public roadways join together at any angle, as described in one of the following:

- A) If the roadways have curbs, the intersection is the area embraced within the prolongation or connection of the lateral curb lines.
- B) If the roadways do not have curbs, the intersection is the area embraced within the prolongation or connection of the lateral boundary lines of the roadways.

Local Authorities. Every county, municipality, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

Motor Vehicle. Every vehicle which is self-propelled, including tractors, forklift trucks, motorcycles, road-building equipment, street-cleaning equipment, and any other vehicle capable of moving under its own power, even if the vehicle is exempt from licensing under the motor vehicle laws of Oregon. [Amended by Ordinance No. 04-599-O 11/7/04]

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. [Amended by Ordinance No. 04-599-O 11/7/04]

Official. By authority of, or recognized by, law or code.

Official Vehicle. Any government vehicle so identified by public registration plates.

Official/Reserved Zone. Any space adjacent to the curb or edge of the roadway which is exclusively reserved for those vehicles which have been assigned the space through official permits or other means of designation.

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. [Amended by Ordinance No. 04-599-O 11/7/04]

Operator. Any person who is in actual physical control of a vehicle.

Park, Parking, or Parked. The stopping or standing of any vehicle upon any street or highway within the City, whether such vehicle is occupied or not. It does not mean stopping or halting temporarily for less than 30 seconds to

load/unload passengers, or in obedience to traffic regulations, signs, signals, or officers.

Parking Lane. The area between the curb and not more than 8 feet from the curb or curb line or as shown by official street markings.

Pedestrian. A person afoot; a person operating a pushcart; a person riding on, or pulling, a coaster wagon, sled, scooter, tricycle, bicycle with wheels less than 14 inches in diameter, or a similar conveyance; or on roller skates, skateboard, wheelchair, or a baby in a carriage.

Pedestrian Way. A right-of-way intended for pedestrian traffic.

Planting Strip. The area between the curb or edge of the roadway and an improved sidewalk.

Portable basketball hoop: Any part of a backboard, hoop, net, base or frame designed or intended to be used for play with a ball of any kind and attached to a moveable support base. [Amended by Ordinance No. 14-685-O 10/19/14]

Private Road. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Public Right-of-Way. The area between property lines of a street, an easement, or other area dedicated for public use.

Recreational Vehicle. A boat, camper, motor home, travel trailer, trailer towed with a fifth wheel hitch, fold-up camping trailer, pop-up, tent camper, 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. [Amended by Ordinance No. 13-674-O 6/15/13]

Repair (a vehicle). To perform work on the motor, mechanical, or body parts of a vehicle.

Roadway. The portion of a public street or highway improved for motor vehicle traffic, including the parking lane. On an improved street, the area between the curbs or edge lines of a street.

School Bus. A motor bus owned or operated by authority of any lawfully-recognized school district.

Service (a vehicle). To perform routine maintenance such as replacing fluids or charging batteries.

Shoulder. The portion of a public street or highway without curbs, whether paved or unpaved, contiguous to the roadway, that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

Sidewalk. The portion of the street between the curb or lateral lines of the roadway and the adjacent property lines, intended for use by pedestrians. An improved sidewalk is a pedestrian walkway with permanent surfacing in the sidewalk area of a street or highway.

Skateboard. A board of any material, natural or synthetic, with wheels affixed to the underside, designed to be ridden by a person.

Sled. Vehicles that do not move exclusively on revolving wheels in contact with the surface of the road or on fixed rails.

Street or Highway. "Highway," "street," and "road" are synonymous and include the entire width between the property lines of every public right-of-way when any part thereof is open to the public for purposes of use by vehicular traffic.

Trailer. Trailer means a utility trailer, horse trailer, or boat trailer which is designed to carry a load and be drawn by another vehicle. [Amended by Ordinance No. 13-674-O 6/15/13]

Traffic. Pedestrians, ridden or herded animals, vehicles, light rail, motor buses, and other conveyances, either singly or together, while using any street or highway for purposes of travel or parking.

Traffic Hazard. Any object, including vehicles, that impede the safe movement of vehicles in the public right-of-way.

Truck. A motor vehicle with a maximum combined vehicle and load weight over eight thousand (8,000) pounds that is designed or used to carry freight, property, articles or things. [Amended by Ordinance No. 04-599-O 11/7/04]

Vehicle. Every device in, upon, or by which any person or property is, or may be, transported or drawn upon any public street or highway, except bicycles.

Vendor. Any person who conducts business in the public right-of-way or any other public property.

[Amended by Ordinance No. 13-674-O 6/15/13]

Administration

Section 4. Powers of the Council.

A) Subject to state laws, the City Council shall have the authority to exercise all municipal traffic authority for the City, except those powers specifically and expressly delegated by this or other ordinance to another jurisdiction or authority.

B) The powers of the Council include, but are not limited to:

- 1) Designation of through streets.
- 2) Designation of one-way streets.
- 3) Designation of truck routes.
- 4) Authorization of greater maximum weights or lengths for vehicles using city streets other than specified by state law.
- 5) Initiation of proceedings to change speed zones.
- 6) Temporary blocking or closing of streets.
- 7) Establishment of bicycle lanes and paths and traffic controls for such facilities.
- 8) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.

- 9) Establishment, removal or alteration of 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 and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
 - d) Loading zones and stops for vehicles.
 - e) Traffic control signals.

Section 5. Public danger. Under conditions constituting a danger to the public, the Chief of Police or his or her designee may install temporary traffic control devices.

Section 6. Authority of police and fire officers. In the event of a fire or other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

(sections 7 through 8 reserved for expansion)

General Regulations

Section 9. Operation of Off-Road Vehicles. It is unlawful for any person to operate an off-road vehicle on any non-road area which the operator does not own unless:

- A) The operator possesses written permission from the owner, contract purchaser or lessee of the non-road area; or
- B) The operator possesses written evidence of membership in a club or association to which the owner, contract purchaser or lessee of the off-road area has given written permission and a copy of which has been filed with the chief of police; or
- C) The owner, contract purchaser or lessee of the non-road area has designated the non-road area as open for recreational purposes by filing such consent and other information necessary to identify the area with the chief of police; or
- D) The owner, contract purchaser or lessee has designated the non-road area as being open to off-road vehicle use by posting notice thereof in a form and manner prescribed by the chief of police.

It is unlawful for any person to falsify any of the above (A through D).

All off-road vehicles must be equipped with spark arrestor and muffler system which must be sufficient so as not to create unreasonable noise which will likely interfere with the reasonable enjoyment of neighboring properties.

[Amended by Ordinance No. 04-599-O 11/7/04]

Section 10. Unlawful riding.

A) No operator of a motor vehicle shall permit a passenger to, and no passenger shall, ride on a vehicle on a street except on a portion of the vehicle designed or intended for the use of passengers. This provision does 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.

B) No person shall board or alight from a motor vehicle while the vehicle is in motion on a street.

Section 11. Damaging sidewalks and curbs.

A) The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at an authorized permanent or temporary driveway.

B) No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C) No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization from the City and posting bond if required. A person who causes damage shall be responsible for the cost of the repair.

Section 12. Removing glass and debris. A party to a vehicle accident or a person causing broken glass or other debris to be on a street shall remove the glass or other debris from the street as soon as practicable.

Section 13. Obstructing streets. No person shall park or leave on a street, including an alley, parking strip, sidewalk or curb, a vehicle part, trailer, box, merchandise of any description, or any other thing that impedes traffic or obstructs the view, except as allowed by this or other ordinances of the City.

Section 14. Unnecessary noise. No person shall operate a motor vehicle in the City in a manner that creates or causes excessive noise. The operation of compression brakes, commonly known as "Jacob brakes," in a manner that creates unnecessary noise is prohibited.

(sections 15 to 17 reserved for expansion)

Parking Regulations.

Section 18. Method of parking.

A) All persons parking a vehicle in the City of Columbia City must comply with the following rules in addition to any rules mandated by a parking

zone, a traffic control device, an authorized officer or unless specifically directed otherwise by this ordinance.

B) Emergency vehicles may stop or park in any manner necessary at any time while serving an emergency.

C) Where parking spaces are designated on a street, no person shall stand or park a vehicle other than in the indicated direction and within a single-marked space, unless the size or shape of the vehicle makes compliance impossible.

D) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street has priority to park in that space, and no other vehicle operator shall attempt to interfere.

E) When the operator of a vehicle discovers that the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

F) No person may park or stop a vehicle other than in the direction of traffic.

G) A recreational vehicle, boat or trailer may be parked upon that portion of an approved driveway that is located within the street right-of-way for an indefinite period of time provided, however, that it is parked no less than six feet from the edge of the paved street, does not obstruct views of traffic or create a dangerous or hazardous condition, and it is maintained in accordance with the maintenance standards outlined in Section 21, Subsection E, Item 6 of this Ordinance. Said parking shall be subordinate to the rights of the City and the public to make any use of the right-of-way that is permitted by law. [Amended by Ordinance No. 13-676-O 6/20/13]

Section 19. Prohibited parking or standing. No operator shall park and no vehicle owner shall allow a vehicle to be parked in a public right-of-way for the principal purpose of:

A) Displaying temporary advertising from the vehicle.

B) Displaying the vehicle for sale; except the City Council may authorize the sale of an impounded or City-owned vehicle to be sold on any public right-of-way.

C) Repairing or servicing the vehicle, except:

1) Repairs necessitated by an emergency: or

2) Any City-owned vehicle.

[Amended by Ordinance No. 13-674-O 6/15/13]

Section 20. Prohibited parking. No person shall park or stand a vehicle:

A) In violation of state motor vehicle laws or in violation of a lawfully-erected parking limitation device or curb painting.

B) Outside of, or across, an official line or mark designating a parking space, or between such lines in a maneuvering area.

C) If the vehicle is a drop box parked during the hours of sunset to sunrise without reflective devices on the edge or side of the vehicle nearest the center of the street. The reflective device must be plainly visible for a distance of 200 feet in either direction from the drop box, parallel with the center of the street.

D) If the vehicle is a drop box within 50 feet of an intersection without permission of the City Council. This regulation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.

E) In the public right-of-way, public park, or City-owned, or City-operated property if the vehicle is abandoned.

F) In a manner that creates a traffic hazard impeding the safe movement of vehicular or pedestrian traffic.

G) Within 10 feet of any hydrant.

H) In front of any portion of a handicap access ramp.

I) Over, upon, or in such a manner as to prevent access to any water meter, gate valve, or other appliance in use on any water meter connection of the City Public Works, located on public property, the public right-of-way or private property.

J) Within 10 feet of the nearest rail of a railroad track.

K) On or within a bicycle lane, path, or trail.

L) So as to prevent the free passage of other vehicles, and bicycles, on any street or alley.

M) When the vehicle is a truck, a truck trailer, a vehicle or combination of vehicles (vehicle plus any towed unit) in excess of 10,000 pounds GVW in the public right-of-way except:

1) While loading or unloading property belonging to the occupants of or while performing a service on the adjacent residence or premises for a period not to exceed 8 hours. In order for this exception to apply, any loading, unloading, or providing of services must be ongoing and continuous during the period of time the vehicle is parked.

2) That said vehicle may park adjacent to or directly across from public park property during special events if authorized by a written permit from the City of Columbia City.

[Amended by Ordinance No. 13-674-O 6/15/13]

N) When the vehicle is a recreational vehicle, boat or trailer:

1) On the public street for a period of time exceeding five consecutive days.

2) In the undeveloped right-of-way of a public street for a period exceeding five consecutive days unless authorized by an approved Exception Permit.

[Amended by Ordinance No. 13-674-O 6/15/13]

O) On the roadway side of a vehicle which is stopped or parked:

1) In an officially designated parking space; or

2) Adjacent to the curb line of a street.

P) Alongside or opposite a street excavation or obstruction when stopping or parking would obstruct traffic.

Q) That is required by state law to be registered that is not registered, whose registration has expired or that does not have a current permit in lieu of registration.

R) Within 50 feet of an intersection when vehicle design, modification, or load obscures the visibility or view of approaching traffic, any traffic control sign, any traffic control signal, or any pedestrian in a crosswalk.

S) In front of and 10 feet on either side of a vehicle delivery mail box between 8 a.m. and 6 p.m., except Sundays and official postal holidays.
[As amended by Ordinance No. 05-614-O 9/15/05.]

Section 21. Exemption. The provisions of this ordinance that regulate the parking, stopping, or standing of vehicles do not apply to:

A) A vehicle of the city, county, state, or a public utility while necessarily in use for construction or repair work on a street.

B) A vehicle owned by the United States while in use for the collection, transportation, or delivery of mail.

C) A vehicle of a disabled person who complies with the provisions of ORS 811.610 to 811.6.

D) A vehicle stored in an unimproved alley when the City Council has granted permission to encroach on and occupy the public right-of-way by way of an approved and recorded Exception Permit. [Amended by Ordinance No. 04-599-O 11/7/04]

E) The City Council may, at its sole discretion, approve the issuance of an Exception Permit to permit the parking or storage of a recreational vehicle, boat or trailer within the undeveloped portion of the right-of-way subject to the following conditions:

1) Completion of an Application for an Exception Permit.

2) Payment of an Exception Permit fee.

3) Storage authorized under an Exception Permit must be parked directly adjacent to residentially zoned property legally occupied by the owner of the storage.

4) Storage must be kept at least six (6) feet from the edge of the paved street and shall not obstruct views of traffic or create a dangerous or hazardous condition.

5) Only one Exception Permit may be applicable to a single property at any time.

6) Storage must be maintained in proper condition. For purposes of this section, proper condition means:

a) Licensed, operable and insured;

b) No visible damaged parts;

- c) No peeling, blistering, rusting, mossy or otherwise deteriorating exterior surfaces;
 - e) No flat tires;
 - f) No deteriorating or torn tarps or covers or trash storage;
 - g) All awnings, slide-outs and pop-ups must be closed, except for purposes of loading, unloading, and general maintenance;
 - h) All grass, weeds, or similar vegetation in or around storage mowed to lawn height.
- 7) Exception Permits shall be issued for the specific recreational vehicle, boat or trailer identified on the Application.
 - 8) Exception Permits are non-transferable.
 - 9) The City Council may revoke an Exception Permit at any time. All Exception Permits shall be subordinate to the rights of the City and the public to make any use of the right-of-way that is permitted by law.
- [Amended by Ordinance No. 13-674-O 6/15/13]

(sections 22 through 25 reserved for future expansion)

Section 26. Portable basketball hoops:

A) Permit required: No portable basketball hoop shall be placed within any part of the street right-of-way without first obtaining a Portable Basketball Hoop Permit. The City Council may, at its sole discretion, approve the issuance of a Portable Basketball Hoop Permit to permit the placement of a portable basketball hoop within the right-to-way. The owner or lessee of the adjacent or abutting real property shall complete an application for a Portable Basketball Hoop Permit, which shall include an agreement signed by the owner or lessee stating that they will hold the City harmless from all liability as outlined in Subsection D, Item 2 of this Section. The application shall be accompanied by a fee of \$20.00, the owner or lessee's proof of current liability insurance, and a site plan showing the requested placement location. If approved, the permit shall become renewable annually on the first day of January. Renewal applications shall be processed at no charge and shall be accompanied by the owner or lessee's proof of current liability insurance.

B) Permissible locations and use:

1) Portable basketball hoops shall not be placed within or upon any sidewalk.

2) Portable basketball hoops shall be placed at least five feet from manholes, catch basins, traffic signs, fire hydrants, light poles, mail boxes, and above ground electrical transformers, telephone boxes, and cable boxes.

3) Portable basketball hoops shall be placed in a manner that does not impede the flow of motor vehicle traffic.

4) All players utilizing a portable basketball hoop shall yield to the flow of motor vehicle traffic.

C) Adjacent or abutting landowner's or lessee's maintenance duties and liabilities: When a permit is issued for a portable basketball hoop under this ordinance, the owner or lessee of the adjacent or abutting real property shall be responsible for maintaining the portable basketball hoop in accordance with the following standards:

1) Reflectors or reflective tape shall be placed upon both sides of the portable basketball hoop in visible locations.

2) Portable basketball hoops shall be maintained in a stable condition with adequate weight distribution to prevent tipping.

3) A hoop ring shall be at least 10 feet above the surface of the street, measured vertically from the surface of the street.

4) Owners and lessee's of a portable basketball hoop shall properly, safely and reasonably maintain, inspect, repair, use and supervise its use and shall be responsible for compliance with the requirements of this ordinance. Damage to the portable basketball hoop which occurs during the lawful, nonnegligent use of the public right-of-way shall be the responsibility of the hoop owner.

5) A person who is injured or whose property is damaged by reason of an act or omission constituting a violation of this section shall have a cause of action for any and all damages sustained, including punitive damages, against a person or persons referred to in this section, whose acts or omissions result in a violation of this section. The person or persons who actually cause such injury or damage by reason of their negligence, wrongful or intentional misconduct shall also be liable.

D) City immunity from liability:

1) No recourse whatsoever shall be had or available against the City, its elected officials, officers, employees or agents for damage, injury or loss to any person or property arising directly or indirectly out of the negligent otherwise wrongful construction, maintenance, inspection, repair, use or supervision of use of any portable basketball hoop placed in the public right-of-way or for any act or omission in violation of this ordinance.

2) In consideration for the City allowing a person owning, possessing, occupying or having control of real property that abuts or is adjacent the public right-of-way to maintain, inspect, repair, use or supervise the use of a portable basketball hoop placed in the public right-of-way, such person shall indemnify, defend and hold the City, its elected officials, officers, employees and agents harmless against any claim, suit or action made against the City, its elected officials, officers, employees and agents as a result of any person's failure to satisfy any obligation imposed by this ordinance.

E) City revocation: Nothing contained herein shall be construed as a permanent conveyance, grant or transfer of a property interest or permanent private right in any public right-of-way. The City retains the right to revoke the privilege allowed under a Portable Basketball Hoop Permit at any time, without cause, upon giving 30-days written notice to the permit holder.

[Amended by Ordinance No. 14-685-O 10/19/14]

Section 27. Bicycles, skateboards, roller skates prohibited. No person shall use a bicycle, skateboard, roller skates, including in-line skates or other similar devices, on the sidewalk extending south from the City Community Hall to the south property line of City Hall or on the courtyard in front of City Hall.

Section 28. Failure to comply with parking citation attached to parked vehicle. If the operator does not respond to a parking citation affixed to a vehicle with 5 working days, the Municipal Court may send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of 14 days:

- A) The fine will be doubled; and
- B) The vehicle is subject to impoundment and may be sold if not redeemed.

Section 29. Owner responsibility. The owner of a vehicle in violation of a parking restriction shall be responsible for the offense, unless the use of the vehicle was secured by the operator without the owner's consent.

Section 30. Registered owner presumption. In a proceeding against a vehicle owner charging a violation of a restriction on parking, proof that the vehicle was registered to the defendant at the time of the violation shall constitute a presumption that the defendant was the owner.

(sections 31 through 33 reserved for expansion)

Impoundment and Penalties

Section 34. Impoundment of vehicles.

- A) When a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, even if the vehicle was parked by another or if the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

B) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the procedures of state law relating to impoundment and disposition of abandoned vehicles.

C) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this ordinance.

D) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

E) Whenever a police officer observes a vehicle parked in violation of a provision of this ordinance or state law, and if the vehicle has 5 or more unpaid violations against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in subsection (B) of this section.

Section 35. Towing and storage charges. Any vehicle impounded by the City and towed by the City and or stored on City-owned or City-operated property will be subjected to the following minimum costs:

- A) Towing: \$50 within the city limits of Columbia City.
- B) Storage: \$15 per day.

Section 36. Penalties.

A) A violation of any provision of this ordinance is punishable by a fine not to exceed \$100.00, except as otherwise provided in subsection (B) of this section.

B) Violation of a provision identical to a state statute is punishable by a fine not to exceed the penalty prescribed by the state statute.

[Section 37. Severability.]

Section 38. Existing control devices and markings. Parking and traffic control devices and markings installed prior to the adoption of this ordinance are lawfully authorized.

[Section 39. Repealer.]

Passed by the council and approved by the mayor January 16, 1997.