

ORDINANCE NO. 176-20

**AN ORDINANCE AMENDING MILLERSBURG
MUNICIPAL CODE TITLE 13**

WHEREAS, the City of Millersburg has jurisdiction and desires to have orderly and safe use of, and access to, City streets and rights-of-way while also providing for orderly public use and safe vehicle operations, and safe parking of motor vehicles; and,

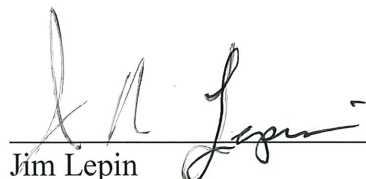
WHEREAS, this Ordinance establishes regulations to provide for the orderly and safe use of, and access to, City streets and rights-of-way while also providing for the orderly public use and safe parking of motor vehicles within the City of Millersburg; and,

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN
AS FOLLOWS:** Millersburg Municipal Code Title 13 is hereby adopted; and,

FURTHERMORE, Millersburg Municipal Code Chapters 13.10, 13.20, and 13.30 are hereby repealed and replaced by Millersburg Municipal Code Title 13 which is attached to this Ordinance.

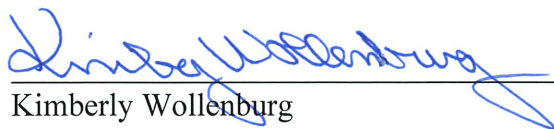
FURTHERMORE, the Council declares an emergency for the health, safety, and welfare of its citizens and thus declares this Ordinance immediately effective upon its passage and signing.

PASSED by the Council this 8th day of September, 2020.



Jim Lepin
Mayor

ATTEST:



Kimberly Wollenburg
City Recorder

Title 13 VEHICLES AND TRAFFIC

Chapters:

13.04 ADOPTION OF STATE TRAFFIC ACT

- [13.04.010](#) Adoption of motor vehicle laws – Oregon Laws.
- [13.04.020](#) Statute duplication, enforcement and extension.

13.08 DEFINITIONS

13.12 ENFORCEMENT

- [13.12.010](#) Council powers.
- [13.12.020](#) City Manager powers.
- [13.12.030](#) Law enforcement and fire officers.

13.16 SIGNS AND SIGNALS

- [13.16.010](#) Private marking unlawful.

13.21 REGULATIONS FOR MOTOR VEHICLE PARKING

- [13.21.010](#) Definitions.
- [13.21.020](#) Improper parking methods.
- [13.21.030](#) Prohibited parking areas.
- [13.21.040](#) Parking time limited in certain areas.
- [13.21.050](#) No Parking-Streets designated.
- [13.21.060](#) No Parking-Trucks and trailers.
- [13.21.070](#) Parking on public streets.
- [13.21.080](#) Parking in violation of signs.
- [13.21.090](#) Designation of parking spaces and signs.
- [13.21.100](#) Use of loading zone.
- [13.21.110](#) Use of passenger loading zone.
- [13.21.120](#) Restricted use of bus and taxicab stands.
- [13.21.130](#) Barricade and parking spaces.
- [13.21.140](#) Exemption.
- [13.21.150](#) Enforcement responsibility.
- [13.21.160](#) Responsibility of owner for parking violations.
- [13.21.170](#) Penalties for parking violations.

13.22 TRAFFIC CONGESTED THOROUGHFARES

- [13.22.010](#) Traffic congested thoroughfares.
- [13.22.020](#) Traffic congested thoroughfare defined.
- [13.22.030](#) Declaration of traffic congested street.
- [13.22.040](#) Posting of signs.
- [13.22.050](#) Signs.
- [13.22.060](#) Acts prohibited.
- [13.22.070](#) Penalty.
- [13.22.080](#) Notice of towing for subsequent violations.
- [13.22.090](#) Towing and impoundment.

[13.22.100](#) Exemptions.

13.23 UNLAWFUL TRANSFERS ON A HIGHWAY

[13.23.010](#) Prohibition against unlawful transfer on a highway.

[13.23.020](#) Exceptions.

[13.23.030](#) Penalty.

13.24 FUNERAL ESCORT SERVICE

[13.24.010](#) Defined.

[13.24.020](#) Authority.

[13.24.030](#) Responsibility.

[13.24.040](#) Equipment.

13.28 PEDESTRIANS

[13.28.010](#) Use of sidewalks.

[13.28.020](#) Crossing at right angles.

[13.28.030](#) Use of crosswalk required.

13.32 PARADES – PROCESSIONS

[13.32.020](#) Parade/processional permits required.

[13.32.030](#) Drivers in procession.

[13.32.040](#) Driving through procession.

13.33 TEMPORARY RIGHT-OF-WAY USE PERMIT

[13.33.010](#) Permit required.

[13.33.020](#) Application.

[13.33.030](#) Standards and conditions.

[13.33.040](#) Revocation – Renewal.

13.36 GENERAL REGULATIONS

[13.36.010](#) Damaging sidewalks and curbs.

[13.36.020](#) Obstructing streets.

[13.36.030](#) Removing glass and debris.

[13.36.040](#) RVs and temporary habitation. Motor vehicle or recreational vehicle use for sleeping or housekeeping purposes and related parking restrictions.

[13.36.050](#) Use of Dynamic Braking Devices (Jake brakes)

[13.36.060](#) Penalties.

13.40 BICYCLES

[13.40.010](#) Riding on sidewalks.

[13.40.020](#) Parking.

13.70 ABANDONED VEHICLES

13.90 PRIVATE PROPERTY IMPOUNDS

[13.90.010](#) General provisions.

[13.90.020](#) Definitions.

[13.90.030](#) Conditions.

<u>13.90.040</u>	Prohibitions.
<u>13.90.050</u>	Photographs.
<u>13.90.060</u>	Offer transportation assistance to vehicle owner/owner's agent.
<u>13.90.070</u>	Animals in towed vehicles.
<u>13.90.080</u>	Notification following the tow.
<u>13.90.090</u>	Release of vehicle.
<u>13.90.100</u>	Release at scene.
<u>13.90.110</u>	Regulations.
<u>13.90.120</u>	Predatory tow practices.
<u>13.90.130</u>	Towing and storage rates.
<u>13.90.140</u>	Penalty.
<u>13.90.150</u>	Citizen complaints.
<u>13.90.160</u>	Operator's license.

Chapter 13.04 ADOPTION OF STATE TRAFFIC ACT

13.04.010 Adoption of motor vehicle laws

The City of Millersburg adopts ORS 810.010 through 826.041, and any future amendments thereto.

13.04.020 Statute duplication, enforcement, and extension

The City may enact ordinances which are the same as the State statutes, may enact ordinances which put the State statutes into effect on streets and roads within the City, and may add by ordinance rules and regulations which are not inconsistent with the statutes of the State. A State of Oregon statute will take priority if in conflict with a City Ordinance. (Ord. 13 § 3, passed 12-9-1975; Code 2014 § 71.03)

Chapter 13.08 DEFINITIONS

See ORS 810.010 through 826.041, and any future amendments thereto.

Chapter 13.12 ENFORCEMENT

Sections:

<u>13.12.010</u>	Council powers.
<u>13.12.020</u>	City Manager powers.

13.12.030 Law enforcement and fire officers.

13.12.010 Council powers.

The City Council shall designate, by resolution, the following:

(1) Streets, portions of streets, sides of streets or City owned or leased land upon which parking, or standing shall be prohibited or prohibited during certain hours and the angle of such parking;

(2) Through streets;

(3) One way streets;

(4) Truck routes;

(5) Streets where trucks, machinery, or any other large or heavy vehicles exceeding specified weights shall be prohibited. The vehicles may, however, be operated on such streets for the purpose of delivering or picking up materials or merchandise, but then only by entering the streets at the intersection nearest the destination of the vehicle and proceeding no farther than the nearest intersection.

13.12.020 City Manager powers.

The City Manager for best use of the streets in the public interest shall exercise the following powers based on standards established by the State Highway Commission and recognized traffic control standards such as the Manual on Uniform Traffic Control Devices published by the Bureau of Public Roads, providing, where required by the motor vehicle laws of Oregon approval by the State Highway Commission has first been secured:

(1) Designate where traffic control signals shall be placed and the time of operation of such signals;

(2) Establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier vehicles;

(3) Designate the location of passenger loading zones for use in front of the entrance to any hotel, auditorium, theater, church, school, or public building;

(4) Designate the location of material and freight loading zones;

(5) Designate and cause to be placed or maintained appropriate signs, marks or lines for:

(a) Intersections where drivers of vehicles shall not make right, left, or "U" turns and the times when such prohibitions apply,

(b) Crosswalks at intersections where deemed necessary for pedestrian safety,

(c) Safety zones of such kind and character and at such places as deemed necessary for pedestrian safety,

(d) Play streets, or such hours when certain streets may be used as such, on which no person shall drive a vehicle upon such street or portion thereof, except drivers of vehicles having business or whose residences are within such closed area, and then such driver shall exercise the greatest care in driving upon such street,

(e) Parking meters;

(6) Cause to be placed or marked and maintained:

(a) Traffic control signs,

(b) Parking spaces,

(c) Traffic lanes and other symbols,

(d) All other signs and marking necessary to implement traffic and parking controls enacted by the City Council;

(7) Cause to be removed or reduced in height, or trim any hedge, shrubbery or tree extending over the street;

(8) Make and enforce temporary, experimental or emergency regulations, consistent with this title. No such regulation shall be effective and in force until and unless adequate signs, signals, or other notices are erected clearly indicating such regulation. No such regulation shall remain in effect for more than 30 days.

13.12.030 Law Enforcement and Fire Officers.

(1) It shall be the duty of the authorized Law Enforcement Agency, through its officers, to enforce the provisions of this title.

(2) In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Law Enforcement Agency may direct traffic as conditions may require notwithstanding the provisions of this title.

(3) Members of the Fire Department, when at the scene of an emergency, may direct or assist law enforcement in directing traffic thereat or in the immediate vicinity.

Chapter 13.16 PRIVATE MARKING UNLAWFUL

13.16.010 Private marking unlawful.

It is unlawful for any person to letter, mark, or paint in any manner any letters, marks, or signs on any sidewalk, curb, street, or alley, or to post on a parking strip anything designed or intended to prohibit or restrict parking in front of any sidewalk, dwelling house, business house, or in any alley, except in compliance with the provisions of this title. Violation shall be a fine of \$100.

Chapter 13.21 REGULATIONS FOR MOTOR VEHICLE PARKING

- [13.21.010](#) Definitions.
- [13.21.020](#) Improper parking methods.
- [13.21.030](#) Prohibited parking areas.
- [13.21.040](#) Parking time limited in certain areas.
- [13.21.050](#) No Parking-Streets designated.
- [13.21.060](#) No Parking-Trucks and trailers.
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- [13.21.130](#) Barricade and parking spaces.
- [13.21.140](#) Exemption.
- [13.21.150](#) Enforcement responsibility.
- [13.21.160](#) Responsibility of owner for parking violations.

13.21.170 Penalties for parking violations.

13.21.010 Definitions.

For the purpose of this chapter:

(1) "Park" or "parking" means the standing of a vehicle, whether occupied or not, upon a street otherwise and temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience of traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

(2) "Persons" means and includes any individual, firm, co-partnership, association, or corporation.

(3) "Operator" means and includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee, permittee of the owner or in actual physical control of the vehicle.

(4) "Police" means any authorized law enforcement officer.

(5) "Street" means any public street, avenue, road, alley, highway, lane, path, or other public place located in the City, established for the use of vehicles.

(6) "Vehicle" means any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

13.21.020 Improper parking methods.

(1) No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

(2) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

(3) Whenever the owner or driver of a vehicle discovers that the vehicle is parked immediately in front of or close to a building to which the Fire Department has been summoned, he/she shall immediately remove the vehicle from the area unless otherwise directed by law enforcement or fire officers.

13.21.030 Prohibited parking areas.

No driver of a vehicle shall stop, stand or park it, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or a traffic control signal, in any of the following places:

- (1) When in an intersection;
- (2) On a crosswalk;
- (3) Within 10 feet of a fire hydrant;
- (4) In front of a private driveway;
- (5) On a sidewalk or in such a manner as to block a sidewalk;
- (6) In a bus stand, unless operating a bus;
- (7) In a passenger loading zone, unless loading or unloading passengers and their luggage;
- (8) In a taxi stand, unless a regularly licensed taxicab;

- (9) Upon a bridge, viaduct or elevated structure used as a street;
- (10) In any alley, except to load or unload persons or materials not to exceed 15 consecutive minutes in any one hour. A vehicle may park in any alley between the hours of 8:00 a.m. and 5:00 p.m. if it is actively needed to make installation or repairs to equipment or buildings or for building construction, provided the vehicles will not cause the alley to be blocked to other traffic.
- (11) Upon any parkway except where specifically authorized;
- (12) Upon any street within the City for the principal purpose of:
 - (a) Displaying such vehicle for sale,
 - (b) Greasing or repairing such vehicle, except repairs necessitated by emergency,
 - (c) Displaying or advertising from such vehicle,
 - (d) Selling merchandise from such vehicle, except in a duly licensed market place or when so authorized or licensed under the ordinances of this City,
 - (e) Storage or junkage or dead storage for more than 24 hours.
- (13) A vehicle upon any marked bicycle pathway.
- (14) Upon any public or private street or access designated as a fire lane.

13.21.040 Parking time limited in certain areas.

When signs are erected in any block or within any public parking lot limiting permissible parking time, no person shall park a vehicle within that block or parking lot for longer than the time posted upon the sign. Movement of a vehicle to a parking space on either side of the same street within the area between the intersections at each end of the block shall not extend the time limits for parking. Nor shall movement of a vehicle to another parking space within the same parking lot extend the time limits for parking. After a vehicle has been moved from the posted block or parking lot for a period of time not less than one hour, then a new time limitation shall apply.

13.21.050 No parking – Streets designated.

- (1) It shall be unlawful for any person to park or leave standing a motor-driven or motor-propelled vehicle on any portion of Waverly Drive, Amanda Lane, Bain Street, or Toni Street.
- (2) The entirety of Waverly Drive, Amanda Lane, Bain Street, and Toni Street, located within the City, are hereby designated no parking zones.
- (3) Every 24 hours is a separate and chargeable violation at the discretion of the citing officer.
- (4) Violation of this section is a Class C violation. (Ord. 142, passed 1-8-2019)

13.21.060 No parking – Trucks and trailers.

- (1) The entirety of Western Way located within the City is hereby designated a zone of no parking of trucks or trailers between 10:00 p.m. and 6:00 a.m.
- (2) It shall be unlawful for any person to park a truck or trailer between 10:00 p.m. and 6:00 a.m. on any portion of Western Way.
- (3) Every 24 hours is a separate and chargeable violation at the discretion of the citing officer.
- (4) Violation of this section is a Class C violation. (Ord. 143, passed 1-8-2019)

13.21.070 Parking on public streets.

(1) The storage or parking of a vehicle, trailer, or truck tractor for longer than 72 continuous hours on a public street is prohibited.

(2) A vehicle, trailer, or truck tractor parked or stored on a public street must relocate a minimum of 200 feet from the previous location at least every 72 hours.

(3) The City Manager or his/her designee, using their reasonable discretion, has authority to issue a permit to allow parking of a vehicle, trailer, or truck tractor on a public street for up to 30 days. This permit may be renewed by the City Manager or his/her designee, using their reasonable discretion.

(4) Violation of this section is punishable as a Class D violation. (Ord. 148, passed 4-9-2019)

13.21.080 Parking in violation of signs.

(1) No person shall stand or park a vehicle in violation of any sign posted by the City of Millersburg regulating the manner in which vehicles may be parked upon a public street or upon a public parking lot.

(2) No person shall stand or park a vehicle in violation of any sign posted by the City of Millersburg, or the owner of a private parking lot, regulating the manner in which vehicles may park or stand upon said private parking lot when all businesses served by said lot are closed.

(3) No person shall cause a vehicle to enter upon a private parking lot in violation of any sign posted by the City of Millersburg, or the owner of a private parking lot, regulating or restricting entry upon said private parking lot.

(4) It shall be an affirmative defense to the alleged violation of subsections (2) or (3) of this section that the operator of the vehicle in question had express permission from the owner of the private parking lot in question to park, stand, or enter upon the lot in the manner alleged by the City.

(5) It shall be an affirmative defense to the alleged violation of subsections (2) or (3) of this section that the signs regulating or restricting parking, standing, or entry were not clearly visible or did not prescribe the conduct in question with reasonable clarity.

13.21.090 Designation of parking spaces and signs.

The City Engineer of the City of Millersburg is hereby authorized to designate and mark off individual parking spaces upon public streets or parking lots. Parking spaces are to be designated by lines painted or durably marked upon the curbing or the surface of the street. The City Engineer is further authorized to post signs upon or adjacent to public streets or parking lots regulating the manner in which vehicles may be parked.

13.21.100 Use of loading zone.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick up and loading of materials, freight or passengers in any place designated a loading zone during the hours when the provisions applicable to loading zones are in effect. The stopping, standing, or parking of a vehicle in a loading zone in excess of 15 minutes shall be prima facie evidence of a violation of the use of the loading zone.

13.21.110 Use of passenger loading zone.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in any place designated as a passenger loading zone during the hours when the provisions applicable to passenger loading zones are in effect.

13.21.120 Restricted use of bus and taxicab stands.

No person shall stop, stand, or park a vehicle other than a bus in a bus stand or other than a taxicab in a taxicab stand, except that the driver of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

13.21.130 Barricade of parking spaces.

(1) The City Engineer may issue a permit to be placed on a barricade in a parking space in a time limit zone to a contractor or utility company engaged in construction, reconstruction, or repair of a building or installation of equipment, or to persons engaged in moving furniture or fixtures into or out of a building located adjacent to a street in a time limit zone when such building is to be used as a public gathering place.

(2) The permit shall be issued only for each particular construction job or use.

(3) No person shall stand or park vehicles and/or equipment other than those described on the permit in the posted or barricaded space or area.

13.21.140 Exemption.

The provisions of this title regulating the parking or standing of vehicles do 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 by the United States while in use for the collection, transportation, or delivery of United States mail.

13.21.150 Enforcement responsibility.

The law enforcement agencies and their officers employed providing service to the City shall have the responsibility for the enforcement of the provisions of this chapter.

13.21.160 Responsibility of owner for parking violations.

(1) The owner of a vehicle parked in violation of MMC [13.21.010](#) through [13.21.120](#) shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

(2) In a prosecution of a vehicle owner charged with a violation of MMC [13.21.010](#) through [13.21.120](#), 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 shall raise a disputable presumption that he/she was the owner at the time of the violation in question.

13.21.170 Penalties for parking violations.

Unless otherwise stated, violations of MMC [13.21.010](#) through [13.21.120](#) shall be punishable only through the imposition of a civil penalty in the amount not to exceed \$100.00 per violation, and shall be enforceable in any civil court of competent jurisdiction.

Chapter 13.22

TRAFFIC CONGESTED THOROUGHFARES

Sections:

- [13.22.010](#) Traffic congested thoroughfares.
- [13.22.020](#) Traffic congested thoroughfare defined.
- [13.22.030](#) Declaration of traffic congested street.
- [13.22.040](#) Posting of signs.
- [13.22.050](#) Signs.
- [13.22.060](#) Acts prohibited.
- [13.22.070](#) Penalty.
- [13.22.080](#) Notice of towing for subsequent violations.
- [13.22.090](#) Towing and impoundment.
- [13.22.100](#) Exemptions.

13.22.010 Traffic congested thoroughfares.

The purpose of this section is to prohibit the repeated driving of a motor vehicle along and across one portion of a congested public thoroughfare. Violation of this section shall constitute a strict liability offense without requirement of a culpable mental state.

13.22.020 Traffic congested thoroughfare defined.

A traffic congested thoroughfare shall be defined as any public street, or portion thereof, which has been so designated by the City Council of the City of Millersburg because of the repeated driving of the same motor vehicles thereon during particular days of the week and/or during particular hours of the day.

13.22.030 Declaration of traffic congested street.

The City Council of the City of Millersburg, by motion or resolution, may declare a portion of a public street to be a traffic congested thoroughfare whenever, in the exercise of reasonable discretion, it is determined that the repeated driving of the same motor vehicles along that portion of the public street during particular days of the week and/or particular hours of the day has caused that street to become so congested with traffic as to cause obstruction of streets, sidewalks, and parking lots, or the impediment of access to retail business or other buildings open to the public, or the interference with the use of property for the conduct of business in the areas adjacent thereto, or that emergency vehicles cannot respond in that area in a timely manner. The motion or resolution may specify particular days of the week and/or particular hours of the day when the repeated driving in question is prohibited.

13.22.040 Posting of signs.

Whenever the City Council of the City of Millersburg declares a portion of a street to be a traffic congested thoroughfare, it shall cause signs to be posted giving notice of that designation.

13.22.050 Signs.

The signs referred to in MMC [13.22.040](#) shall notify drivers that they are entering a traffic congested thoroughfare and that passage of the same motor vehicle through or across the traffic congested thoroughfare between prohibited hours, and/or during prohibited days, more than two times, is a violation of this section and that upon a subsequent violation, the vehicle may be towed.

13.22.060 Acts prohibited.

Between the hours and/or on the days, specified in the motion or resolution referred to in MMC [13.22.030](#), no vehicle shall pass along or across a traffic congested thoroughfare, designated as such by signs as described in MMC [13.22.050](#), more than two times during any two-hour period.

13.22.070 Penalty.

Violation of this chapter shall be a civil infraction punishable as a Class D violation.

13.22.080 Notice of towing for subsequent violations.

Upon issuing a citation for violation of MMC [13.22.060](#), the citing officer shall give the person to whom the citation is issued a written notice which shall state:

NOTICE

You have been cited for violation of MMC Section [13.22.060](#) for repeated passage of a motor vehicle on or across a traffic congested thoroughfare. If the vehicle you are driving is again driven along or across a traffic congested thoroughfare before (end of applicable 2-hour period) the driver may be cited for violation of MMC Section [13.22.060](#) and the vehicle may be impounded and towed at your expense or at the expense of the owner or other person entitled to possession of the vehicle.

_____ Name of Officer

13.22.090 Towing and impoundment.

Any vehicle which violates MMC [13.22.060](#) more than once within the same prohibited time period may be cited for multiple violations of MMC [13.22.060](#) and the vehicle used in the commission of the violations may be towed and taken to a storage area maintained by the tower, selected by the Law Enforcement Agency, and there impounded. All costs of towing, storage, and impoundment, shall be at the expense of the owner or person entitled to possession of the vehicle.

13.22.100 Exemptions.

MMC Sections [13.22.010](#) through [13.22.090](#) shall not apply to:

- (1) Any publicly owned vehicle of any City, County, public district, state, or federal agency.
- (2) Any vehicle licensed for public transportation.
- (3) Any other vehicle granted an exemption by the Law Enforcement Agency having jurisdiction because passage of the vehicle along or across the traffic congested thoroughfare is necessary for commercial and medical reasons.

Chapter 13.23

UNLAWFUL TRANSFERS ON A HIGHWAY

Sections:

- [13.23.010](#) Prohibition against unlawful transfer on a highway.
- [13.23.020](#) Exceptions.
- [13.23.030](#) Penalty.

13.23.010 Prohibition against unlawful transfer on a highway.

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

- (1) While a driver or passenger in a vehicle on a highway, road, or street within the boundaries of the City of Millersburg gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of, any money or tangible personal property to a pedestrian; or
- (2) While a pedestrian accepts, receives, or retains possession or control of any money or tangible personal property from a driver or passenger in a vehicle on a highway, road, or street within the boundaries of the City of Millersburg.

13.23.020 Exceptions.

- (1) This section does not apply if the vehicle is legally parked. This section also does not apply to persons participating in a "pedestrian activity," as defined by OAR Chapter [734](#), Division [58](#), for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of such permit are being met.
- (2) This section does not apply to fundraising events sponsored by a non-profit organization, where appropriate right-of-way permits have been received from the jurisdiction having roadway authority.

13.23.030 Penalty.

Any person found violating this chapter shall be guilty of committing a Class C violation.

Chapter 13.24

FUNERAL ESCORT SERVICE

Sections:

- [13.24.010](#) Defined.
- [13.24.020](#) Authority.
- [13.24.030](#) Responsibility.
- [13.24.040](#) Equipment.

13.24.010 Defined.

The term "funeral escort service" means any person, firm, or corporation employed by a funeral establishment for the purpose of providing vehicular escort for a funeral procession.

13.24.020 Authority.

Any person or persons employed as a funeral escort service while carrying out the function of a funeral escort may direct traffic as necessary to allow the safe and expeditious travel of a funeral possession.

13.24.030 Responsibility.

The authority granted in Section [13.24.020](#) does not relieve a person acting as a funeral escort from the duty to operate in a manner that insures the safety of all persons or property.

13.24.040 Equipment.

Vehicles used to escort funeral processions may display warning lights as permitted in Oregon Revised Statutes while actually engaged in escorting a funeral procession.

Chapter 13.28 PEDESTRIANS

Sections:

- [13.28.010](#) Use of sidewalks.
- [13.28.020](#) Crossing at right angles.
- [13.28.030](#) Use of crosswalk required.

13.28.010 Use of sidewalks.

Pedestrians shall not use any roadway for travel when sidewalks abutting the same are available.

13.28.020 Crossing at right angles.

No pedestrian shall cross a street at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk. Violation shall be a fine of not more than \$50.

13.28.030 Use of crosswalk required.

No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks. Violation shall be a fine of not more than \$50.

Chapter 13.32 PARADES – PROCESSIONS

Sections:

- [13.32.020](#) Parade/processional permits required.
- [13.32.030](#) Drivers in procession.
- [13.32.040](#) Driving through procession.

13.32.020 Parade/processional permits required.

No procession or parade, except a funeral procession, the forces of the United States Armed Forces, and the military forces of this State, shall occupy, march, or proceed

along any street except in accordance with a temporary right-of-way permit. The permit may be granted where it is found that the parade is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace, cause damage, or unreasonably interfere with the public use of the streets, or the peace and quiet of the inhabitants of this City.

13.32.030 Drivers in procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the street as practical and shall follow the vehicle ahead as closely as is practical and safe.

13.32.040 Driving through procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while in motion, except where traffic is controlled by traffic signals or when otherwise directed by a law enforcement officer. This provision does not apply to authorized emergency vehicles.

Chapter 13.33 TEMPORARY RIGHT-OF-WAY USE PERMIT

Sections:

- [13.33.010](#) Permit required.
- [13.33.020](#) Application.
- [13.33.030](#) Standards and conditions.
- [13.33.040](#) Revocation – Renewal.

13.33.010 Permit required.

No person or persons shall obstruct or make use of a public street, sidewalk, or other right-of-way for the purpose of a public or private gathering, parade or processional, display advertising, offering of services, food or other merchandise, promotional event, or making use of a public right-of-way which would limit the unobstructed use of such by the general public, without first obtaining a temporary right-of-way permit.

13.33.020 Application.

Application for a temporary right-of-way use permit shall be made on the form provided by the City and shall contain:

- (1) The name of the person or organization requesting the permit; and
- (2) A description of the intended use, routes, size of display, and, if required, a drawing or site plan which indicates size, materials, and location of the intended use.

13.33.030 Standards and conditions.

The City Manager shall review each application with consideration to existing laws and ordinances, disruption of, or hazards to safe vehicle and pedestrian movement and authorize those activities which will be permitted. Should an application for a permit be denied, the applicant may appeal to the City Council.

13.33.040 Revocation – Renewal.

The permit shall be valid for the period specified thereon and may be renewed annually. Permits may be revoked or renewal thereof denied for violation of conditions placed on the permit, or for any fraud or misrepresentation in the application.

Chapter 13.36 GENERAL REGULATIONS

Sections:

- [13.36.010](#) Damaging sidewalks and curbs.
- [13.36.020](#) Obstructing streets.
- [13.36.030](#) Removing glass and debris.
- [13.36.040](#) RVs and temporary habitation. Motor vehicle or recreational vehicle use for sleeping or housekeeping purposes and related parking restrictions.
- [13.36.050](#) Use of Dynamic Braking Devices (Jake brakes)
- [13.36.060](#) Penalties.

13.36.010 Damaging sidewalks and curbs.

(1) The driver of a vehicle shall not drive upon or within any sidewalk or parkway area except to cross at a permanent or temporary driveway.

(2) No person shall place any dirt, wood, or other material in the gutter or space next to the curb of any street with the intention of using the same as a driveway.

(3) No person shall remove or damage in any way any portion of any curb or move any heavy vehicle or thing upon or over a curb or sidewalk without first notifying the City Engineer, and such person shall be held responsible for any and all damage.

13.36.020 Obstructing streets.

No person shall park or leave any vehicle or any part thereof, or any trailer, box, ware or merchandise of any description, basketball hoop, or any other thing that in any way impedes traffic, or obstructs the view, upon any street, including an alley, parking strip, sidewalk or curb, except by such lawful use and parking of vehicles upon streets and alleys as is allowed by this title or other ordinances of this City; or in which a valid right-of-way permit has been obtained from the City and is affixed to the object in question .

13.36.030 Removing glass and debris.

Any person causing glass to be broken upon, or any party to a collision or other vehicle accident upon any street in this City shall immediately remove or cause to be removed from such street all glass and other foreign substance.

13.36.040 RVs as Temporary Habitation. Motor vehicle or recreational vehicle use for sleeping or housekeeping purposes and related parking restrictions.

It is unlawful, within the City limits, for any person to use, allow to use, or permit to use on their private property a motor vehicle or recreational vehicle for sleeping or housekeeping purposes except as follows:

- (1) Within an approved recreational vehicle park;

(2) On the premises of a private residence and with the consent of the occupant of the residence; vehicles may be stored, but not used for continuous human habitation. The use of boats, trailers, detached campers, recreational vehicles, fifth-wheelers, motorized dwellings, travel trailers, tent trailers, tents, and similar recreational facilities for temporary habitation is limited to 30 days in a 12-month period within the City limits. No property may have more than one recreational vehicle, fifth-wheel, travel trailer, tent trailer, tent, or any combination thereof, occupied concurrently. Each occupied recreational vehicle accrues one day toward the 30-day limit for each night it is occupied. For example, a trailer occupied for 10 days and a tent for 4 days, results in 14 days of occupation. At the City's sole discretion, the City may grant one 30-day extension upon receiving a written request at least 10 days prior to the expiration of the 30-day period. Exceptions shall require written authorization from the City;

(3) Within a public right-of-way, parking of self-contained recreational vehicles is limited to 72 hours, with the consent of the adjacent property owner. In addition, parking of any such vehicle is further limited by the provisions of MMC [13.21.030](#) and all other regulations pertaining to the parking of vehicles;

(4) When conditions require, and with the consent of the property owner and all adjacent property owners which share a property line with the subject property, the City Manager may approve a special temporary use permit for recreational vehicle use of up to 90 days duration in order to alleviate a temporary housing hardship which cannot otherwise be satisfied within a recreational vehicle park, additional time may be approved by the City in extenuating circumstances. Such approval may be subject to any conditions which the City Manager deems appropriate to maintain public safety and community aesthetics. In addition, any such permit may be revoked at any time by action of the City Manager and/or City Council.

(a) It is unlawful for any person to discharge wastewater from a recreational vehicle to a storm sewer, sanitary sewer, street, or upon private property except at an approved holding facility or dump station.

(b) No utility connections shall be made across public right-of-way to a vehicle except by temporary permit issued by the City Engineer. Any utility connection must comply with ADA regulations (e.g. exterior covering or protection of the connection).

13.36.050 Use of Dynamic Braking Devices (Jake brakes)

(1) No person shall use within the City limits any dynamic braking device on any motor vehicle, except to avoid imminent danger to persons or property.

(2) A dynamic braking device, commonly referred to as a Jake or Jacob brake, is one used primarily on trucks and buses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes. (Ord. 97, passed 7-8-2003; Code 2014 § 70.01)

13.36.060 Penalties.

Any person violating any of the provision of this chapter is subject to those penalties set forth in the respective Oregon Revised Statutes, and if not referenced in the Oregon Revised Statutes, then by a civil penalty of not more than \$1,000 per occurrence.

Chapter 13.40 BICYCLES

Sections:

- [13.40.010](#) Riding on sidewalks.
- [13.40.020](#) Parking.

13.40.010 Riding on sidewalks.

Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. Violation shall be a fine of not more than \$50.

13.40.020 Parking.

No person shall park a bicycle upon a street or upon a sidewalk except in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. Violation shall be a fine of not more than \$50.

Chapter 13.70 ABANDONED VEHICLES

The City of Millersburg has adopted and implements the Oregon Revised Statutes pertaining to the process and procedures for abandoned vehicles within the City of Millersburg.

Chapter 13.90 PRIVATE PROPERTY IMPOUNDS

Sections:

- [13.90.010](#) General provisions.
- [13.90.020](#) Definitions.
- [13.90.030](#) Conditions.
- [13.90.040](#) Prohibitions.
- [13.90.050](#) Photographs.
- [13.90.060](#) Offer transportation assistance to vehicle owner/owner's agent.
- [13.90.070](#) Animals in towed vehicles.
- [13.90.080](#) Notification following the tow.
- [13.90.090](#) Release of vehicle.
- [13.90.100](#) Release at scene.
- [13.90.110](#) Regulations.
- [13.90.120](#) Predatory tow practices.
- [13.90.130](#) Towing and storage rates.
- [13.90.140](#) Penalty.
- [13.90.150](#) Citizen complaints.
- [13.90.160](#) Operator's license.

13.90.010 General provisions.

(1) Purpose. The purpose of the Private Property Impound (PPI) Code is to require that towing from private parking facilities be performed safely and at a reasonable price. Because towing from private parking facilities affects City residents and visitors, regulation is necessary to ensure that the public safety and convenience are protected.

(2) Conformity to State Laws. The PPI Code shall be construed in conformity with the laws and regulations of the State of Oregon Motor Vehicle Code regarding towing from private property.

(3) Savings Clause. If any provision of the PPI Code is found by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such holding shall not affect the validity, legality, and enforceability of any other provision of the PPI Code.

13.90.020 Definitions.

For the purposes of the PPI Code, the following definitions apply. Terms, phrases, words, abbreviations, and their derivatives used, but not specifically defined in this section, either shall have the meanings defined in the State of Oregon Motor Vehicle Code, or if not therein defined, shall have the meanings commonly accepted in the community.

(1) "Owner's agent" means a person bearing documentation from the registered owner officially authorizing them to possess or operate the vehicle.

(2) "Private parking facility" means any property used for motor vehicle parking at which the property owner or manager restricts or reserves parking, including, but not limited to, mobile home parks, apartment complexes, private gated communities, and business or shopping centers or malls.

(3) "Private parking facility owner" means the owner, operator, lessee, manager, or other person(s) in lawful possession of a private parking facility, or any designated agent of the private parking facility owner.

(4) "Private property impound(s)" or "PPI" means the impoundment of a vehicle from a private parking facility at the request of the property owner, operator, lessee, manager, or person in lawful possession of the private property facility, without the prior consent of the vehicle's registered owner.

(5) "Release at scene fee" (RAS fee) means the fee allowed to be charged when a vehicle owner/owner's agent returns before the PPI tower has departed in tow. Not applicable until the hookup is complete and tow truck is in motion.

(6) "Temper fee" means an additional charge assessed by a tow driver when someone uses offensive language or is perceived as aggressive.

(7) "Towing" means to draw or pull along a vehicle by means of a tow truck or car carrier.

(8) "Towing firm" or "tower" means any entity whose business includes the towing of motor vehicles from private parking facilities and the subsequent storage of such towed vehicles.

(9) "Vehicle owner" means the person registered with the Department of Motor Vehicles as the owner of the vehicle.

13.90.030 Conditions.

All PPI towers operating within the City of Millersburg shall:

(1) Perform all PPI tows in a safe manner, taking care not to cause damage to the person or property of others while towing or storing a vehicle; and

(2) Practice courtesy and professionalism when dealing with law enforcement and persons redeeming or seeking to redeem a towed vehicle; and

(3) Cooperate fully with any law enforcement agency to facilitate processing of evidence associated with any PPI towed vehicle identified as a possible stolen vehicle; and

(4) Be considered in possession of any vehicle towed under this chapter, and therefore entitled to charge a release at scene fee, when the hookup is complete and the tow truck has begun towing the motor vehicle by engaging the tow truck's transmission and moving forward.

13.90.040 Prohibitions.

PPI towers operating within the City of Millersburg under this chapter shall not:

(1) Require any vehicle owner/owner's agent to make any statement or sign any document promising not to dispute validity of the tow or fees assessed or relieving the PPI tower from responsibility for the condition of the vehicle or its contents;

(2) Solicit PPI towing business by means of payment of a gratuity, commission, or any other consideration to the private property owner, operator, manager, or employee;

(3) Remove a vehicle from a private parking facility unless the hookup has been completed and all safety equipment has been attached;

(4) Use predatory tow practices, as described in MMC [13.90.120](#);

(5) Charge or assess a temper fee;

(6) Charge fees in excess of those in MMC [13.90.130](#); or

(7) Place towed vehicles in storage outside of the City of Millersburg. Exemptions may be granted by the Law Enforcement Agency serving the City but at no greater distance than 5 miles outside of the City of Millersburg.

13.90.050 Photographs.

Prior to performing private property facilities impound, using a digital camera with time and date stamp, the PPI tower shall photograph the vehicle to be towed and the parking facility signage. Such photographs shall illustrate the conditions of the vehicle's location that warrant such an impound, and be made available upon request by the law enforcement agency or the City, pursuant to a complaint investigation or audit. The tow company is not allowed to charge a fee for photographs.

13.90.060 Offer transportation assistance to vehicle owner/owner's agent.

Pursuant to ORS [822.230](#)(3)(d), PPI towers shall offer to either provide transportation for the vehicle owner/operator from the immediate vicinity of the location from which the vehicle was towed to the tower's storage lot for release of the vehicle, or make a call on behalf of the vehicle owner to arrange transportation.

13.90.070 Animals in towed vehicles.

Vehicles with any live animal will not be towed.

13.90.080 Notification following the tow.

The PPI tower shall notify the Linn County Sheriff's Office within 15 minutes after the PPI tower takes possession of a vehicle by providing the details of the tow including:

(1) Vehicle license plate (to verify against prior notice information);

(2) Issuer state of license plate;

- (3) Expiration date of license plate;
- (4) VIN (vehicle identification number), if visible;
- (5) Make of vehicle;
- (6) Model of vehicle;
- (7) Style of vehicle;
- (8) Year of vehicle;
- (9) Color of vehicle;
- (10) Address from which the vehicle was towed or released at the scene;
- (11) Address to which the vehicle was towed;
- (12) Name of the business and person who authorized the tow;
- (13) Name and phone number of tow company.

13.90.090 Release of vehicle.

- (1) Upon release of the vehicle to the registered owner/owner's agent, the PPI tower must provide an itemized receipt of tow charges.
- (2) Within 15 minutes of releasing a vehicle to the registered owner/owner's agent or foreclosing on possessory lien, the PPI tower shall notify the Law Enforcement Agency serving the City of Millersburg by telephone.
- (3) The PPI tower must have personnel available at the storage facility to release a vehicle within 30 minutes after receiving a request for vehicle release.

13.90.100 Release at scene.

- (1) If the vehicle owner or operator returns to the vehicle while the tower is still attaching equipment to the vehicle, or the vehicle is fully attached but the tow driver is still outside the cab of the tow truck, or if the tow driver has entered the cab of the tow truck but has not yet engaged the tow truck's transmission to begin removal of the towed vehicle; the PPI tower shall release the vehicle to the vehicle owner or operator at no charge.
- (2) If the vehicle owner or operator stops the PPI tower when the hookup is complete and the tow truck is in motion with the vehicle, the PPI tower shall immediately halt the tow and inform the vehicle owner of the amount of the RAS fee, and that the vehicle owner has up to 15 minutes, without additional charge, to provide payment of the RAS fee. If the RAS fee is collected, the tower shall unhook the vehicle and release it to the vehicle owner/owner's agent. If the vehicle owner/owner's agent fails to provide payment within 15 minutes, the PPI tower may proceed to tow the vehicle to the storage facility.

13.90.110 Regulations.

- (1) It shall be unlawful to tow a vehicle from a private parking facility unless:
 - (a) The private parking facility owner/operator gives the private property impound (PPI) tower express written authorization identifying the specific vehicle, signed at the time of the tow.
- (2) Signage. It shall be unlawful to tow a vehicle from a private parking facility unless the private parking facility meets the following signage requirements:
 - (a) At least 1 sign shall be posted and readily visible at each entryway into the parking lot, not more than 10 feet from the public right-of-way or street edge. Such signs shall:

- (i) Be posted so that the center of the sign is not more than eight feet or less than four feet above the ground; and
- (ii) Be at least 16 inches by 24 inches in size; and
- (iii) Be printed in letters not less than two inches high; and
- (iv) State that parking is prohibited, reserved or otherwise restricted; and
- (v) State who is authorized to park and the hours during which parking is restricted. (Example: "Parking for customers of _____ only during _____ hours"); and
- (vi) State that towing and storage of a vehicle will be at the owner's expense; and
- (vii) Prominently display the PPI tower's name and 24-hour telephone contact number for release of a vehicle; and
- (viii) Be maintained so as to remain legible and unobstructed by any tree, shrub, bush, vehicle or other obstacle; and
- (ix) When replacing missing or defaced signs, new signs must be posted for a minimum of 24 hours before towing commences or resumes.

(b) When a private parking facility is shared by multiple business operations (e.g., shopping mall or office park), parking spaces must be marked, or signs posted, so as to indicate which spaces are reserved for each business.

(c) PPI towers may request an exception to the rules for sign location. Such request shall be made to the City Manager or his/her designee and must be made in writing and offer an alternative posting for approval.

(d) Fire lanes from which vehicles may be towed shall be marked in compliance with the Oregon Fire Code.

(e) Signage shall not be required if the vehicle being towed has been properly posted as abandoned per ORS [98.830](#).

13.90.120 Predatory tow practices.

It shall be unlawful for a PPI tower to do any of the following:

- (1) Park within 1,000 feet of a private parking facility for the purpose of covert observation in order to obtain PPI tows;
- (2) Post any observer at or near a private parking facility for the purpose of monitoring and ordering towing; and
- (3) Patrol private parking facilities for the purpose of monitoring motor vehicles to tow.

13.90.130 Towing and storage rates.

- (1) Rates and fees for PPI towing, RAS, and storage shall be set by Council resolution.
- (2) The PPI tower must accept at least the following methods of payment for any fees or rates assessed:

(a) Cash. Adequate cash must be available at all times at the storage facility and with the tow driver for the purpose of making change.

13.90.140 Penalty.

- (1) Any violation of this chapter shall be deemed a misdemeanor as provided under MMC [1.20.030](#), unless the City requests it to be treated as a violation.

(a) Violation: a civil penalty of not more than \$1,000 or such sum as may be provided in the ordinance defining the offense.

(b) Misdemeanor: a fine of not more than \$2,500 or imprisonment not to exceed one year, or both such fine and imprisonment.

(2) Upon a finding of a violation of any section of this PPI Code by a PPI tower, the Linn County Justice Court may direct release of a vehicle at no charge, or a refund of all or part of fees paid by a vehicle owner/owner's agent for towing and storage, in lieu of, or in addition to civil penalties or other remedies under this code.

(3) Nothing in this section is intended to prevent any person from pursuing private legal remedies.

13.90.150 Citizen complaints.

(1) A vehicle owner/operator whose vehicle has been impounded, or who has paid an RAS fee, has 90 days from the date of the tow to file a written complaint against the PPI tower with the Law Enforcement Agency serving the City of Millersburg.

(2) The Law Enforcement Agency shall provide a copy of the written complaint to the PPI tower within 15 days of receipt.

(3) The PPI tower shall provide a written statement of response within 10 days of the date it received the complaint, unless an extension is granted by the Law Enforcement Agency. The response shall include all documentation requested by the Law Enforcement Agency, including a copy of the agreement or signed invoice authorizing the tow, an explanation for how the circumstances justified the tow, an itemized receipt of tow charges, and the photograph of the vehicle and signs at the scene of the tow as required by this chapter.

(4) After reviewing the complaint and the response provided by the PPI tower, the Law Enforcement Agency shall determine whether the tow was properly performed under this chapter and, if not, the appropriate remedy as set forth under MMC [13.90.140](#). The Law Enforcement Agency shall submit a written decision and mail it to each party within 75 days from the date of receipt of the original complaint. The PPI tower and/or vehicle owner/operator can seek remedies through civil process.

13.90.160 Operator's license.

Each applicant for an operator's license shall apply to the City of Millersburg for such license upon such form as prescribed by the City of Millersburg and shall include thereon the following information:

(1) Name and post office address of the business;

(2) Name and post office address of the owner/applicant (if a partnership or joint venture, the application must so state and contain the names and addresses of all parties thereto);

(3) Address of storage yard(s) where PPI tows will be taken to;

(4) A license under this section expires annually on December 31st;

(5) A license under this section may be suspended or revoked for a violation of ORS [98.854](#) or [98.859](#).