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**102.001. Short Title.** This Chapter shall be known as the Parking Ordinance. (Ord No. 73-2002; Ord No. 21-08)

**102.005. Definitions.**

(a) Unless otherwise provided in this Chapter, terms shall have the meaning prescribed in ORS Chapters 801 through 826, the Oregon Vehicle Code. Where terms are not defined by this Chapter or by the Oregon Vehicle Code, terms shall be given their plain and ordinary meaning.

(b) Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

- (1) Alley means a public easement or right of way not more than twenty feet and not less than ten feet in width, which intersects a street.
- (2) Block means the properties abutting one side of a street:
  - (A) Between two cross streets;
  - (B) Between the city limits and the nearest cross street;
  - (C) When there is only one cross street;
    - (i) Between a cross street and the dead end of a street;
    - (ii) Between a cross street and a line projected from the centerline of an intersecting street, such as a “T” intersection;
  - (D) When a block is abutted by a street which, if extended through the block, would create a cross street, but when no such street extends through the property, then the block shall be the area commencing at the curb line of the cross street with the next lowest consecutive numbering, and extending in units of 600 feet along the block.
- (3) Commercial vehicle means a vehicle used primarily for the delivery or transport of goods or services from a business to a premises or the transportation of persons for compensation. A vehicle that is not conspicuously marked with the business name, or that does not have a sign displayed on the dashboard with the business name, shall not be considered a commercial vehicle. For purposes of this definition, a “sign displayed on the dashboard” means a sign measuring a minimum of eight and one-half inches by eleven inches with lettering not less than two inches high.
- (4) Curb Line means the line defined by the raised edge forming the gutter of a vehicular roadway within the right-of-way, or, where no raised edge exists, the edge of the pavement.
- (5) Designated Fire Lane means a street or other passageway designated to allow the passage of fire apparatus, and identified by signs, marking, or other similar devices commonly used to indicate the road or passageway is a fire lane. A designated fire lane is not necessarily intended for vehicular traffic other than fire apparatus, and may be located on private property.
- (6) Designated Parking Area means an area which is identified by signs, markings, or other similar devices commonly used to indicate vehicle parking spaces.
- (7) Director means the City Manager, or department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head’s designee.
- (8) Downtown Parking District means the Downtown Parking District established by SRC 7.010.
- (9) Enforcement Officer means a person designated by the Director to enforce the provisions of this Chapter, or any person who is defined as an enforcement officer under ORS 153.005.
- (10) Immobilizer means a device that is attached to a vehicle and is designed to restrict the normal movement of that vehicle.

- (11) Landscape Strip means that area between the curb line or edge of the roadway and the sidewalk line which has not been specifically dedicated, designated or improved for parking.
- (12) Loading Zone means a designated parking area reserved for the exclusive use of vehicles during the loading or unloading of passengers or cargo.
- (13) Metered parking zone means a parking zone where the length of time allowed for parking is controlled by a parking meter.
- (14) Off-street parking facility means any off-street motor vehicle parking facility established pursuant to ORS 223.805 - 223.845.
- (15) Park means to stop, or to cause to permit, or to remain stopped, any vehicle or combination of vehicles, or any portion thereof, on any street, off-street parking facility, or other public right-of-way, including sidewalks, or within any designated fire lane, except such stops as are made in response to legal controls or requirements, conditions created by other traffic, emergencies related to the operation of the vehicle during the actual period of such emergency, or momentary stops for the expeditious loading or unloading of passengers.
- (16) Parking control device means any sign, standard, painted curb, marking, or any device, inscription, or designation giving notice of, delineating, controlling or restricting parking or use of parking zones.
- (17) Parking zone means any space adjacent to the curb or edge of a street where parking is not prohibited and which is either designated by painted lines for the parking of one vehicle or is large enough to accommodate the parking of one vehicle with no part of such vehicle occupying any area prohibited; or any space in an off-street parking facility which is designated by painted lines for the parking of one vehicle.
- (18) Permit means an authorization issued in accordance with this Chapter to park a vehicle at a location in the manner, at the times, and in compliance with the conditions specified by the permit.
- (19) Private street means highway, road, street, alley or way within the corporate limits of the City of Salem that is privately owned or maintained.
- (20) Residential Parking District means an area within an RA, RS, RD, RM or RH zone and designated with time limited parking zones or metered parking zones. For the purpose of this Chapter, a Residential Parking District shall include both sides of a street when the residential zone is fronted on the street by a non-residential zone, if there are designated time limited parking zones or metered parking zones on both sides of the street.
- (21) Street means any public highway, road, street, alley or way within the corporate limits of the City of Salem. As used in this Chapter, "street" does not include private streets.
- (22) Salem Civic Center means that area bounded on the north by the south line of Trade Street, on the east by the west line of Liberty Street, on the south by the north line of Leslie Street, and on the west by the east line of Commercial Street.
- (23) Time limited parking zone means a parking zone designated by official signs or markings as restricted in use for a specified period of time.
- (24) Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a street and includes vehicles that are propelled or powered by any means. (Ord No. 136-73; Ord No. 183-79; Ord No. 63-95; Ord No. 64-99; Ord No. 73-2002; Ord No. 31-06; Ord No. 21-08)

**102.010. Administrative Rulemaking; Fees.**

- (a) The Director shall administer and enforce the provisions of this Chapter, and shall have the authority to render written and oral interpretations, to adopt administrative rules and procedures

necessary for its proper administration and enforcement, and to create classes of permits, and to adopt administrative parking regulations for permit parking and the operation of off-street parking facilities.

(b) Fees for parking, including parking permits, shall be set by resolution of the City Council. (Ord No. 73-2002; Ord No. 21-08)

**102.015. Suspension of Parking Regulations.**

(a) The Director may temporarily suspend parking regulations established by this Chapter when it is in the public interest to do so. In making a determination that the suspension of parking regulations would be in the public interest, the Director shall consider:

- (1) Time limits for the suspension;
- (2) The vehicle types and purposes that will be subject to the suspension;
- (3) The seasonal and special event demand for parking spaces within the areas where the parking regulations will be suspended;
- (4) The effect of the suspension on City goals and policies;
- (5) The impact on nearby commercial uses; and
- (6) The availability of other parking that could accommodate the need that gives rise to the proposed suspension.

(b) The decision to suspend enforcement shall be posted on the City's website. The posting shall describe the territorial limits of the suspension, the times during which the suspension will be effective, the basis for the suspension, and any other matters that are necessary to give the public reasonable notice of the terms of the suspension. The suspension shall be effective upon the date of such posting. (Ord No. 73-2002; Ord No. 21-08)

**102.020. Authority of Director to Adopt Administrative Parking Orders Relating to On-Street and Off-Street Parking.**

(a) The Director shall, as provided in this subsection, have the authority to adopt administrative orders relating to on-street and off-street parking.

(1) **Off-street parking facilities.** The Director may adopt administrative parking regulations relating to off-street parking facilities: to:

- (A) Designating stop signs;
- (B) Designating metered parking zones, time limited parking zones, and the time limits thereof; crosswalks; loading zones; safety zones; and traffic lanes;
- (C) Designating the striping and marking of lanes and the turning movements thereon;
- (D) Directing the placement and maintenance of signs as may be reasonable or necessary for the safety of traffic; and
- (E) Designating speeds for vehicles within an off-street parking facility.

(2) **On-street parking zones.** The Director may adopt administrative parking regulations relating to on-street parking zones, including, but not limited to, designating metered parking zones, time limited parking zones, small car parking zones, motorcycle parking zones, and loading zones, and establishing the time limits thereof.

(b) Any administrative order issued pursuant to this section shall be in writing, and shall contain a clear statement of the regulation and identify the street or streets subject to the order. Administrative orders shall be filed with the City Recorder, and a copy provided to the Chief of Police prior to the effective date of the order. No administrative order issued pursuant to this section shall be effective until the order has been filed with the City Recorder and all necessary steps have been taken to implement the order, including, but not limited to, the installation, removal, or modification of any signs, signals, parking meters, or other traffic devices. The adoption of administrative orders pursuant to this section shall not be deemed administrative rulemaking for purposes of SRC Chapter 20J. (Ord No. 21-08)

**102.025. Enforcement Authority.** Every enforcement officer shall have the authority to enforce this Chapter, and shall be considered an "issuing officer" for the purposes of ORS 221.333. (Ord No. 73-2002; Ord No. 21-08)

**102.030. Application; Adoption of State Parking Offenses.**

(a) The provisions of this Chapter prohibiting the stopping, standing or parking of a vehicle shall not apply to the stopping, standing or parking of a vehicle that is necessary to avoid conflict with other traffic or is made in compliance with directions of an enforcement officer.

(b) The following sections of the Oregon Vehicle Code are hereby adopted by reference:

- (1) ORS 811.550 "Places where stopping, standing and parking prohibited";
- (2) ORS 811.555 "Illegal stopping, standing or parking; affirmative defense; penalty";
- (3) ORS 811.560 "Exemptions from prohibitions on stopping, standing and parking";
- (4) ORS 811.565 "Dangerous movement of stopped, standing or parked vehicle; penalty";
- (5) ORS 811.570 "Improperly positioning parallel parked vehicle; exception; affirmative defense; penalty";
- (6) ORS 811.575 "Violation of posted parking restrictions on state highways; affirmative defense; penalty";
- (7) ORS 811.580 "Parking vehicle on state highway for ending purposes; penalty";
- (8) ORS 811.585 "Failure to secure motor vehicle; affirmative defense; penalty";
- (9) ORS 811.615 "Unlawful parking in space reserved for persons with disabilities; exceptions; penalty";
- (10) ORS 811.617 "Blocking parking space reserved for persons with disabilities; penalty";
- (11) ORS 811.625 "Unlawful use of disabled person parking permit; penalty";
- (12) ORS 811.627 "Use of invalid disabled person parking permit; penalty";
- (13) ORS 811.630 "Misuse of program placard; penalty". (Ord No. 73-2002; Ord No. 21-08)

**102.035. Method of Parking.**

(a) A vehicle which is parked without a licensed driver in the driver's seat thereof shall be parked with the brakes effectively set; the engine off; the keys removed from the ignition and the ignition system left in such a condition that it cannot be readily activated without a key; and, when parked upon any perceptible grade, with the front wheel or wheels turned toward the nearest curb or edge of the roadway.

(b) A vehicle which is parked in an unmarked or parallel parking zone shall be headed as though proceeding in the same direction as traffic in the traffic lane immediately adjacent to such parking zone, and shall be parked parallel to the curb or edge of the roadway with the tires on the side of the vehicle adjacent to the curb or edge no further than twelve inches into the roadway therefrom.

(c) A vehicle which is parked in an angle parking zone shall be parked headed toward the nearest curb or edge of the roadway.

(d) A vehicle which is parked in a marked parking zone shall be parked so that no portion of such vehicle is upon, over, or across the lines marking such zone. (Ord No. 73-2002)

**102.040. Prohibited Parking.** It shall be unlawful for any person to park:

- (a) Any vehicle at any place prohibited by ORS 811.550;
- (b) Any vehicle at any place adjacent to a curb which has been painted yellow or red by the City;
- (c) Any vehicle within the landscape strip;
- (d) Any vehicle contrary to any parking control device;

- (e) Any vehicle in any public alley, except for the purpose of loading or unloading passengers or cargo, and then only for a period of time not to exceed thirty minutes;
- (f) Any vehicle in any parking zone when the vehicle is parked for the principal purpose of:
  - (1) Displaying the vehicle for sale;
  - (2) Selling, taking orders for, or attempting to sell or take orders for the present or future delivery of goods or services of any nature, if such sales or orders are made, taken, or attempted from the vehicle;
  - (3) Displaying advertising from the vehicle;
  - (4) Repairing, constructing, reconstructing, or servicing the vehicle;
- (g) Any vehicle, or a combination of vehicles and trailers in excess of twenty-three feet in overall length or eight feet in overall width:
  - (1) On a street within any district zoned residential, except while actually engaged in the process of loading or unloading passengers or cargo or providing services in the district; or
  - (2) On a street within that area bounded on the west by the west line of Front Street, on the north by the south line of Union Street, on the east by the west line of 12<sup>th</sup> Street, and on the south by the center line of Trade Street, except while actually engaged in the process of loading or unloading passengers or cargo or providing services in the area, and then only for a period of time that shall not exceed thirty minutes; or
  - (3) On any street which is less than thirty feet in overall width.
- (h) Any motorized recreational vehicle:
  - (1) On a street within any district zoned residential between 10:00 p.m. and 6:00 a.m., if the motorized recreational vehicle is in excess of twenty-three feet in overall length, or in excess of eight feet in overall width;
  - (2) On a street within that area bounded on the west by the west line of Front Street, on the north by the south line of Union Street, on the east by the west line of 12<sup>th</sup> Street, and on the south by the center line of Trade Street, except while actually engaged in the process of loading or unloading passengers or cargo or providing services in the area, and then only for a period of time that shall not exceed thirty minutes; or
  - (3) On any street which is thirty feet or less in overall width;
- (i) Any vehicle that is not designed for self propulsion, or is not connected to a vehicle designed for self propulsion and is parked on a street or off-street parking facility.
- (j) Any vehicle in the same location on a street or in an off-street parking facility for a continuous period of time of more than five days.
- (k) Any junk motor vehicle as described in SRC 50.025(a)(25) on a street, or in an off-street parking facility.
- (l) Any vehicle in violation of SRC 806.025(a).
- (m) Any vehicle in any crime prevention zone designated in SRC Chapter 95 when the vehicle is in the zone for the principal purpose of transporting a person in violation of an exclusion order issued pursuant to SRC 95.740.
- (n) Any vehicle within any area which is designated fire lane.
- (o) Any vehicle in violation of an administrative parking order relating to on-street and off-street parking issued pursuant to SRC 102.020. (Ord No. 4251; Ord No. 5638; Ord No. 136-73; Ord No. 148-79; Ord No. 183-79; Ord No. 37-86; Ord No. 46-94; Ord No. 30-2002; Ord No. 73-2002; Ord No. 74-07; Ord No. 21-08; Ord No. 31-13)

**102.045. Prohibited Parking in Downtown Parking District.**

- (a) Within the Downtown Parking District described in SRC 7.010, parking meters and time limits are prohibited for any city-owned parking (on or off-street), except as permitted below.
- (b) The city-owned multi-level parking structures (Chemeketa, Liberty, and Marion Parkades) any city-owned surface parking lot are exempted from the prohibition of (a) above.

- (c) Time limits for on-street parking zones, which are established for a temporary period, including, by way of example and not limitation, special events and holidays.
- (d) Increased annual assessments to finance the operation of the Downtown Parking District, SRC 7.110(a), are capped at the lesser of the percentage increase in the Bureau of Labor Statistics general consumer price index for the Portland, Oregon, metropolitan area for the preceding year or 2.0%.
- (e) Except when authorized by a valid parking permit, the following persons may not park a motor vehicle in the Downtown Parking District in any on-street parking zone or in an off-street parking facility, between the hours of 8:00 a.m. and 9:00 p.m. except Sundays and legal holidays:
  - (1) A student, during the time the student is attending a class at an educational institution. This subsection shall not apply to any student attending the first scheduled day of class in which the student is enrolled;
  - (2) A person working in his or her place of employment, except that such persons may park in 30 minute parking zones for up to 30 minutes;
  - (3) A person engaged in the conduct of his or her business or profession at one location within the Downtown Parking District for a period lasting two or more consecutive days;
  - (4) A person summoned to serve as a juror in the Circuit Court of the State of Oregon for Marion County;
  - (5) A person who is an unsalaried employee or volunteer worker who is assigned to or working at any agency, office, or business establishment, including nonprofit organizations located within the Downtown Parking District, but not including volunteers who are working temporarily within the Downtown Parking District for recognized nonprofit charitable organizations whose immediate purpose is the temporary promotion of their organization whose normal place of business is located outside the area described in SRC 7.010. (Ord No. 69-77; Ord No. 132-78; Ord No. 167-78; Ord No. 68-80; Ord No. 34-83; Ord No. 65-85; Ord No. 74-87; Ord No. 33-91; Ord No. 31-98; Ord No. 73-2002; Ord No. 29-2004; Ord No. 74-07; Ord No. 21-08; Ord No. 27-10; Resolution No. 2013-68; Ord No 20-14)

**102.050. Required Information for the Downtown Parking District.**

- (a) Upon request by the city:
  - (1) An employer of a person employed part time or full time in the city shall furnish the City the full name of the employer and employee, including unsalaried or volunteer workers;
  - (2) A person self-employed part time or full time in the city shall furnish to the City his or her full name.
- (b) The information requested by this section shall be supplied in a mode and on forms prescribed by the Director. (Ord No. 69-77; Ord No. 107-77; Ord No. 68-80; Ord No. 74-87; Ord No. 73-2002)

**102.055. Overtime Parking in Time Limited Parking Zones.**

- (a) It shall be unlawful to park a vehicle in violation of the maximum time limits applicable in any time limited parking zone. The maximum time limits in a time limited parking district shall be a period of time, designated as the time limit on the parking control device designating the time limited parking zone.
- (b) In all time limited parking zones, other than a time limited parking zone in the Downtown Parking District, maximum time limits shall apply to parking in the block and the opposing block, not merely to parking in one or more particular parking spaces in the block. No person in charge of a vehicle may extend the permissible time for parking the vehicle in the block by causing the vehicle to be moved from one parking space to another in the block or on the opposing block without being removed from the block.

(c) In the Downtown Parking District, maximum time limits shall apply to parking in the block. No person in charge of a vehicle may extend the permissible time for parking the vehicle in the block by causing the vehicle to be moved from one parking space to another in the block. (Ord No. 136-73; Ord No. 183-79; Ord No. 27-81; Ord No. 35-97; Ord No. 73-2002; Ord No. 21-08; Ord No. 20-14)

**102.060. Overtime Parking in Metered Zones.** It shall be unlawful for any person to park in a metered parking zone:

(a) At any time when the meter indicates that the parking time authorized by deposit of the last coin therein has expired; or

(b) In excess of the maximum lawful time limits applicable in a metered parking zone. For purposes of this subsection the term “maximum time limits” shall mean a continuous period of time designated as the time limit on the parking meter. Calculation of the continuous period of time shall commence when the vehicle enters the metered parking zone, and shall not be extended beyond such continuous period of time by the deposit of coins that add time beyond maximum time limits; or

(c) At any time when the meter indicates that parking is prohibited. (Ord No. 136-73; Ord No. 147-74; Ord No. 73-2002; Ord No. 21-08)

**102.065. Application of Time Limits on Certain Days.**

(a) Except as provided in subsection (b) of this section, and unless specifically designated otherwise by a parking control device, the time limitations and deposit requirements imposed on metered or time limited parking zones shall not apply on January 1, Martin Luther King Day, Presidents Day, Memorial Day, July 4, Labor Day, Veterans Day, Thanksgiving Day, December 25, and the following Monday if any such day falls on a Sunday in any year.

(b) Unless specifically designated otherwise by a parking control device, time limited parking zones in the Downtown Parking District apply all days of the year except December 25. (Ord No. 3401; Ord No. 4551; Ord No. 5303; Ord No. 160-72; Ord No. 136-73; Ord No. 63-95; Ord No. 35-97; Ord No. 73-2002; Ord No. 20-14)

**102.070. Failure to Display Permit when Required.** It shall be unlawful for a person to park a vehicle in a permit area when the person is an authorized permit holder in good standing, but has failed to display a parking permit as required. (Ord No. 73-2002)

**102.075. Failure to Obey Administrative Parking Regulations.** It shall be unlawful for any person to violate any rule, regulation or order adopted pursuant to SRC 102.010 or SRC 102.020. (Ord No. 21-08)

**102.080. Prohibited Parking in Carpool Permit Zone.** No two carpool permits issued with the same permit number shall be parked in the same carpool permit zone at the same time. Each vehicle having the same permit number shall be considered in violation of this section. (Ord No. 21-08)

**102.085. Parking for Persons with Disabilities; Parking in Violation of Disabled Parking Laws Prohibited.**

(a) Pursuant to ORS 811.635, a person holding a “Wheelchair User” placard or decal, or another person while transporting its holder to or from the parking location, may:

(1) Park a motor vehicle in any public parking zone restricted as to the length of time without incurring penalties imposed for overtime parking in such zones.

(2) Park a motor vehicle in any public parking zone with metered parking without being required to pay any parking meter fee.

(b) The privileges granted by subsection (a) of this section do not include any of the following:

- (1) Parking in zones where stopping, parking, or standing of all motor vehicles is prohibited.
  - (2) Parking in the late evening or overnight when such parking is prohibited.
  - (3) Parking in zones reserved for special types of motor vehicles or activities.
  - (4) Parking in zones where parking is permitted only for thirty minutes or less.
- (c) Except as allowed under subsection (a) of this section, it shall be unlawful for any person to park at any place, including private property, in violation of ORS 811.615 through 811.625.
- (d) Notwithstanding the requirements of SCR 102.145, the municipal court judge may promulgate court rules regarding waiver of personal appearance for a person cited under this section. (Ord No. 111-82; Ord No. 37-86; Ord No. 46-94; Ord No. 73-2002; Ord No. 21-08; Ord No. 11-15)

**102.090. Obstructing Enforcement.** It shall be unlawful for any person to:

- (a) Cover, erase, or otherwise render indistinguishable any mark placed on the tires of a vehicle by an enforcement officer.
- (b) Intentionally resist such an officer who is acting in the discharge or apparent discharge of duty.
  - (1) "Resist," as used in this subsection has the meaning set forth in SRC 95.430.
  - (2) It is no defense to a prosecution under this subsection that the enforcement officer lacked legal authority to make the arrest or enforce the regulations of this Chapter, provided the enforcement officer was acting under color of official authority.
- (c) Interfere with, or in any way hinder any enforcement officer acting in the discharge or apparent discharge of duty by intimidation, force or physical contact. This subsection shall not apply to the hindrance of an unlawful action by an enforcement officer or interference with the making of an arrest.
- (d) Knowingly and willfully give any false, untrue, or misleading information to such an officer who is acting in the discharge or apparent discharge of duty with the intent to hinder, delay, mislead, or impede such officer in the prosecution of official duties or with the intent to obstruct justice.
- (e) Discard, mutilate, or destroy any parking citation which charges a violation of this Chapter if such charge has not yet been finally resolved by payment of fine or final court action. (Ord No. 68-96; Ord No. 73-2002)

**102.095. Tampering With Parking Control Devices.** It shall be unlawful to tamper with, remove or alter any parking control device. (Ord No. 136-73; Ord No. 57-88; Ord No. 73-2002)

**102.100. Unauthorized Use of a Parking Meter.** It shall be unlawful for any person to:

- (a) Deposit any counterfeit coin, foreign coin, "slug," or other thing or material in any parking meter other than a coin in lawful coinage of the United States of America of a denomination designated on the meter as appropriate for deposit therein.
- (b) Deface, injure, tamper with or willfully break, destroy, or impair the usefulness of any parking meter installed pursuant to this Chapter. (Ord No. 136-73; Ord No. 73-2002)

**102.105. Unauthorized Use of Parking Permits.**

- (a) It shall be unlawful for any person to copy, reproduce, or alter any parking decal, form, sticker, or other device issued by the City of Salem pursuant to the provisions of this Chapter.
- (b) It shall be unlawful for any person to use any altered, forged, or expired permit on any vehicle for the purpose of representing that such vehicle is in compliance with any section of this Chapter which requires a sticker, form, decal, or other device when that vehicle and the owner are not so entitled. (Ord No. 85-79)

**102.110. Unauthorized Parking Control Devices.** It shall be unlawful for any person to place, erect, paint, inscribe, or otherwise establish any parking control device which purports to restrict or control parking, except such parking control devices as are authorized by this Chapter, any other provision of the Salem Revised Code, or the laws of the State of Oregon. (Ord No. 136-73; Ord No. 73-2002)

**102.115. False Statements by Applicant.** It shall be unlawful for any person to willfully make any false, untrue, or misleading statement on any application for a parking permit or renewal thereof, or to willfully withhold information or make incomplete disclosure concerning any matter required to be furnished in connection with any such parking permit. (Ord No. 35-97)

**102.120. Method of Charging Parking Violations.** Citations issued for violations of this Chapter shall, in addition to any other applicable laws, conform with ORS 221.333. (Ord No. 73-2002; Ord No. 21-08)

**102.125. Separate Offenses in Time Limited Parking Zones and Metered Parking Zones.** Each multiple of the maximum time limits in a time limited parking zone or metered parking zone during which a vehicle is unlawfully parked shall constitute a separate offense. Example: Where a time limited parking zone or metered parking zone is designated as two hours, each two-hour period during which a vehicle remains parked in excess of the initial two hours shall constitute a separate offense. (Ord No. 136-73; Ord No. 27-81; Ord No. 73-2002; Ord No. 21-08)

**102.130. Responsibility for Violations.** Except as otherwise provided in this Chapter:

(a) The owner of a vehicle parked in violation of this Chapter shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

(b) In a prosecution of a vehicle owner, proof that, at the time of the alleged violation, the vehicle was registered with the appropriate motor vehicle licensing authority as belonging to the defendant shall raise a rebuttable presumption that the defendant was the owner in fact. (Ord No. 73-2002; Ord No. 21-08)

**102.135. Violations.**

(a) **Infractions.**

(1) Violation of SRC 102.030(b) "Application; Adoption of State Parking Offenses"; SRC 102.035 "Method of Parking"; SRC 102.040 "Prohibited Parking"; SRC 102.045 "Prohibited Parking in Downtown Parking District"; SRC 102.055 "Overtime Parking in Time Limited Parking Zones"; SRC 102.060 "Overtime Parking in Metered Zones"; SRC 102.070 "Failure to Display Permit when Required"; SRC 102.075 "Failure to Obey Administrative Parking Regulations"; SRC 102.080 "Prohibited Parking in Carpool Permit Zone"; and SRC 102.085(b) "Parking for Persons with Disabilities; Parking in Violation of Disabled Parking Laws Prohibited" is an infraction and is punishable by the fines set forth in subsection (2) of this section.

(2) Fines for infractions established by this Chapter shall be:

(A) SRC 102.030(b) "Application; Adoption of State Parking Offenses": The fine amounts provided for the specific violation of the Oregon Vehicle Code and incorporated by reference under SRC 102.030(b).

(B) SRC 102.035 "Method of Parking": \$25.00.

(C) SRC 102.040 "Prohibited Parking": \$50.00.

(D) SRC 102.045 "Prohibited Parking in Downtown Parking District": \$100.00. If a person has violated this section two times within any one-year period, the fine shall be \$175.00, and if a person has violated this section more than two times, within any one-year period, then the fine shall be \$250.00.

- (E) SRC 102.055 “Overtime Parking in Time Limited Parking Zones”: \$25.00; Residential Permit Overtime Parking: \$30.00; Loading Zone Over-Time: \$30.00.
- (F) SRC 102.060 “Overtime Parking in Metered Zones”: \$30.00.
- (G) SRC 102.070 “Failure to Display Permit when Required”: \$15.00.
- (H) SRC 102.075 “Failure to Obey Administrative Parking Regulations”: \$20.00.
- (I) SRC 102.080 “Prohibited Parking in Carpool Permit Zone”: \$40.00.
- (J) SRC 102.085 “Parking for Persons with Disabilities; Parking in Violation of Disabled Parking Laws Prohibited”: The fine amounts listed in ORS 811.615-811.630.

**(b) Misdemeanors.** A violation of SRC 102.090 “Obstructing Enforcement”; SRC 102.095 “Tampering with Parking Control Devices”; SRC 102.100 “Unauthorized Use of a Parking Meter”; SRC 102.105 “Unauthorized Use of Parking Permits”; SRC 102.110 “Unauthorized Parking Control Devices”; SRC 102.115 “False Statement by Applicant”; SRC 102.165 “Immobilizer Removal”; and SRC 102.180 “Tampering with or Damaging an Immobilizer” is a misdemeanor. (Ord No. 136-73; Ord No. 69-77; Ord No. 193-79; Ord No. 27-81; Ord No. 63-81; Ord No. 111-82; Ord No. 47-90; Ord No. 45-92; Ord No. 27-93; Ord No. 82-94; Ord No. 49-95; Ord No. 46-97; Ord No. 73-2002; Ord No. 21-08; Ord No. 22-13; Ord No. 9-15)

**102.140. Payment of Parking Fines; Late Payment of Fees.**

- (a) Before midnight of the fourteenth calendar day following the date of the alleged violation, any person charged with an infraction under this Chapter shall pay the fine in the amount shown on the citation, or enter a plea of not guilty or no contest as provided in SRC 102.145.
- (b) If the fine remains unpaid at the end of the fourteen calendar day period set forth in subsection (a) of this section, the person shall pay, in addition to the fine in the amount shown on the citation, a late charge of \$10.00.
- (c) If the date for payment specified in subsection (a) or (c) of this section falls on a Saturday, Sunday or a legal holiday, the date for payment shall be not later than 5:00 p.m. of the next business day following the Saturday, Sunday or legal holiday. (Ord No. 136-73; Ord No. 9-75; Ord No. 72-77; Ord No. 115-77; Ord No. 193-79; Ord No. 27-81; Ord No. 111-82; Ord No. 57-86; Ord No. 22-90; Ord No. 47-90; Ord No. 38-92; Ord No. 45-92; Ord No. 82-94; Ord No. 80-96; Ord No. 89-96; Ord No. 35-97; Ord No. 46-97; Ord No. 73-2002; Ord No. 5-2003; Ord No. 29-2004; Ord No. 21-08)

**102.145. Appearance by Defendant.**

- (a) A defendant must, within fourteen days of the date a citation for a violation of this Chapter is issued, make a first appearance by one of the following methods:
  - (1) Personally appearing before the municipal court and entering a plea;
  - (2) Entering a plea of guilty or no contest in writing, by regular mail or personal delivery to the court clerk, accompanied by the sum fixed as bail;
  - (3) Depositing the sum fixed as bail, by regular mail or personal delivery to the court clerk, without a specific plea. Depositing a sum pursuant to this subsection shall be deemed a plea of no contest.
- (b) If the defendant fails, within the time provided by subsection (a) of this section, to make a first appearance or to deposit the required bail, the municipal court shall enter an order and judgment of default against the defendant, with the sum fixed as bail entered as a judgment in favor of the City. (Ord No. 136-73; Ord No. 73-2002; Ord No. 21-08; Ord No. 17-10)

**102.150. Exclusion from Off-Street Parking Facilities.**

- (a) In addition to other measures provided in any other ordinances of the Code or any of the laws of the State of Oregon, any person who within any Off-Street Parking Facility violates any provision of the Code or any non-felony criminal laws of the State of Oregon or any regulation

duly made and issued by the Director may be excluded from any Off-Street Parking Facility for a period of 30 days and any person who violates any felony law of the State of Oregon may be excluded from any or all Off-Street Parking Facilities for a period of 90 days.

(1) Written notice shall be given to any person excluded from any Off-Street Parking Facility. Such notice shall specify the reason for the exclusion, and the dates and places of exclusion. The notice shall prominently display warning of the consequences of failure to

comply, right of appeal and opportunity to apply for temporary waiver from the effects of the notice. Exclusion shall commence immediately upon delivery of the notice to the excluded person.

(b) A person who has received written notice of exclusion and who violates the notice restrictions may be charged with Trespass under SRC 95.550. In addition the person may be excluded from any or all Off-Street Parking Facilities for an additional period of not more than 90 days.

(c) Any person receiving a second written notice of exclusion within 6 months of receiving another such notice may be excluded from any or all Off-Street Parking Facilities for a period of not more than 90 days.

(d) For the purposes of this section a person "violates" a provision of law if based on the evidence reason exists to believe that more likely than not an offense was committed and the person committed it.

(e) Persons with authority to enforce this section are any enforcement officers or other persons designated by the Director to enforce this section, and any individuals providing security services under contract with the Department of Administrative Services.

(f) The appeal provisions in SRC 95.770 apply to exclusion notices issued under this section. (Ord No. 73-2002; Ord No. 31-2003; Ord No. 31-06)

#### **102.155. Towing and Impoundment of Vehicles.**

(a) An enforcement officer may, in addition to or in lieu of issuing a parking citation, cause such vehicle to be towed and impounded if any of the following conditions exist:

- (1) The vehicle is parked in violation of this Chapter;
- (2) The vehicle has been immobilized and the past due parking fines and immobilizer fees have not been paid by noon of the day following immobilization;
- (3) The vehicle presents a traffic or public safety hazard;
- (4) An immobilizer was removed following the payment of a check or other instrument and the payment was returned to the City because of insufficient funds, stop payment order, account closure, or other similar action;
- (5) Following the tampering with and/or unauthorized removal of an immobilizer; or
- (6) When so ordered by the Municipal Court.

(b) The owner of the vehicle, or any person authorized by the owner to act on the owner's behalf, may redeem the vehicle pursuant to SRC 102.220.

(c) A motor vehicle which has been towed and impounded shall, if not lawfully redeemed pursuant to SRC 102.220, be disposed of as provided in SRC 102.230 through 102.240. (Ord No. 136-73; Ord No. 32-82; Ord No. 73-2002; Ord No. 21-08; Ord No. 26-11)

**102.160. Immobilizer Installation.** Any enforcement officer may immobilize a motor vehicle located upon a public street or city off-street parking facility or designated parking facility owned or operated by the State of Oregon Department of Administrative Services by installing on or attaching to the vehicle an immobilizer if:

(a) The vehicle is parked in violation of any of the provisions of this Chapter and at the time displays no license plates;

- (b) The driver, owner, or person in charge of the motor vehicle has bails, fines, or bail forfeitures of not less than \$60.00 outstanding for more than 30 days;
- (c) The vehicle is parked in a designated permit parking area displaying an altered parking permit or a permit obtained under fraudulent conditions; or
- (d) The vehicle is parked in violation of any of the provisions of this Chapter and the car is owned by or registered to a person excluded from a crime prevention district in which the car is parked. (Ord No. 51-81; Ord No. 22-90; Ord No. 35-97; Ord No. 73-2002; Ord No. 74-07)

**102.165. Immobilizer Removal.** No person, except an enforcement officer may remove or attempt to remove the immobilizer and no person shall move or attempt to move the vehicle until the device is removed by the City. (Ord No. 51-81; Ord No. 57-88; Ord No. 73-2002)

**102.170. Hearing.** If a vehicle is immobilized or impounded, the person entitled to the vehicle may request a hearing on the immobilization or impoundment as provided by SRC 102.215. (Ord No. 51-81; Ord No. 73-2002; Ord No. 27-10)

**102.175. Immobilization Penalty.**

- (a) At the time of immobilization, an enforcement officer shall, in addition to all unpaid bails, fines, or bail forfeitures affix an additional penalty of \$75.00.
- (b) The total of all unpaid bails, fines, and bail forfeitures shall be paid before the immobilizer is removed. This shall include the immobilizer penalty and all parking citations that have become adjudicated as final due to the passage of the fourteen day appeal period under SRC 102.145(a) and no appeal having been filed. (Ord No. 51-81; Ord No. 51-91; Ord No. 46-97; Ord No. 73-2002; Ord No. 21-08; Ord 22-13)

**102.180. Tampering with or Damaging an Immobilizer.** It shall be unlawful for any person to willfully destroy, damage, deface, alter, tamper with, or in any way impair the usefulness, temporarily or permanently, of any immobilizer. (Ord No. 73-2002)

**102.200. Towing of Vehicles.**

- (a) In addition to any other authority a police officer has to tow vehicles, a police officer is authorized to order a motor vehicle towed if the driver of the vehicle is arrested, the vehicle is parked unattended on private property, and the officer reasonably believes the driver lacks permission to allow the vehicle to remain parked on the property.
- (b) Any vehicle which is to be towed shall be inventoried for its condition and contents by the enforcement officer. The purpose of the inventory is to identify and protect known property within the vehicle and to prevent erroneous claims of damage or loss to the vehicle or its contents.
- (c) The City may contract the services of one or more competent towing service firms for the removal and storage of motor vehicles taken into the custody of the City for any reason. The contract shall provide for a schedule of maximum charges for towing and storage of such motor vehicles.
- (d) A towing service company who, at the request of the City, takes a vehicle into custody shall have a lien on the vehicle and its contents for the just and reasonable towing and storage charges, may retain possession of the vehicle and its contents until the charges are paid. (Ord No. 72-76; Ord No. 18-81; Ord No. 32-82; Ord No. 89-94; Ord No. 24-2002; Ord No. 59-2002; Ord No. 42-09)

**102.205. Notice Prior to the Removal of an Abandoned Vehicle.** If the City proposes to take custody of a vehicle under SRC 102.040(j), the City shall provide notice in a manner set forth

under ORS 819.170. (Ord No. 18-81; Ord No. 32-82; Ord No. 89-94; Ord No. 57-96; Ord No. 24-2002; Ord No. 73-2002; Ord No. 42-09)

**102.210. Post-Tow Notice to Owner.** Except for abandoned vehicles appraised at less than \$500, if the City takes custody of a vehicle, the City shall provide notice as required in ORS 819.180. (Ord No. 72-76; Ord No. 90-80; Ord No. 18-81; Ord No. 32-82; Ord No. 89-94; Ord No. 95-95; Ord No. 25-98; Ord No. 24-2002; Ord No.42-09)

**102.215. Hearing.**

(a) Upon written request of the legal owner or the registered owner, or any other person who reasonably appears to have an interest in the vehicle, delivered to the Municipal Court not more than five days from the mailing date of the notice under SRC 102.205 hearing shall be held before the Municipal Judge. The written request shall state the grounds upon which the person requesting the hearing believes that the removal and custody of the vehicle is not justified.

(b) The hearing shall be set and conducted within two regular court days of receipt of the request, holidays, Saturdays, and Sundays not included. The hearing can be set for a later date if the owner or person entitled to possession so requests. At the hearing, the owner may contest:

- (1) The validity of the action of the enforcement officer in taking the vehicle into custody; and
- (2) The reasonableness of the charge set for towing and storage of the vehicle. Towing and storage charges set by ordinance or by contract entered into pursuant to ordinance are presumed to be reasonable for purposes of this section.

(c) The City shall have the burden of showing the validity of the taking of the vehicle.

(d) At any time prior to the requested hearing, the owner or the person entitled to possession of the vehicle may regain possession of the vehicle as provided by SRC 102.220 by posting with the City security in the form of cash or bond in an amount sufficient to cover costs of removing and storage, together with any fines or bails owed pursuant to SRC 102.135 and a fee in an amount set by resolution of the City Council.

(e) If the Municipal Judge finds that:

- (1) The action of the City in taking the vehicle into custody was proper, the Municipal Judge shall enter an order supporting the removal and may assess costs of the hearing against the person requesting the hearing.
- (2) The action of the enforcement officer in taking the vehicle into custody was invalid, the Judge shall:
  - (A) Order the vehicle released to the owner;
  - (B) Find that the owner is not liable for any towing or storage charges occasioned by the taking;
  - (C) Order the City to satisfy the towing and storage lien; and
  - (D) Order the City to reimburse the owner for any towing and storage charges and City fees paid by the owner for the vehicle. New storage costs on the vehicle will not start to accrue until more than twenty-four hours after the time the vehicle is officially released to the owner under this paragraph.

(f) If the person requesting the hearing does not appear at the scheduled hearing, the Municipal Judge may enter an order supporting the removal and assessment of towing and storage costs and apply any security posted against such costs.

(g) The action of the Municipal Judge pursuant to this section is final.

(h) The Municipal Judge shall provide a written statement of the results of the hearing held under this section to the person requesting the hearing. (Ord No. 18-81; Ord No. 32-82; Ord No. 89-94; Ord No. 95-95; Ord No. 73-2002; Ord No. 42-09)

**102.220. Owner Reclaiming Vehicle.** The legal owner, registered owner, or person entitled to

possession of an unclaimed vehicle may reclaim such vehicle any time after it is taken into custody, and before it is sold upon presentation of satisfactory proof of ownership or right to possession to the chief of police or the purchasing supervisor, whoever has custody of said vehicle at the time of the claiming, and payment of towing and storage charges, unpaid fines, bails, forfeitures attached to the vehicle, and city fees or posting of security required under this chapter. (Ord No. 72-76; Ord No. 90-80; Ord No. 18-81; Ord No. 95-95; Ord No. 24-2002; Ord No. 42-09)

**102.225. Appraisal of Unclaimed Vehicles.** The city shall cause an unclaimed vehicle to be appraised within a reasonable time by a person holding a certificate issued under ORS 819.230. (Ord No. 24-2002; Ord No. 42-09)

**102.230. Disposition of Motor Vehicles Valued at Greater than \$2,000.** Any motor vehicle appraised at a value greater than \$2,000 under SRC 102.225, and not redeemed for a period of thirty days after the date of mailing notice pursuant to SRC 102.210, or the taking of the vehicle into the custody of the City, whichever is later, may be disposed of in accordance with the City of Salem Public Contracting Rules. (Ord No. 72-76; Ord No. 19-78; Ord No. 32-82; Ord. No. 107-87; Ord No. 89-94; Ord No. 30-97; Ord No. 24-2002; Ord No. 31-06; Ord No. 42-09)

**102.235. Disposition of Motor Vehicles Appraised at \$2,000 or Less.** Any motor vehicle appraised at a value of \$2,000 or less, except an abandoned vehicle appraised at a value less than \$500, under SRC 102.225, and which remains unclaimed and not redeemed for a period of thirty days after the date of mailing notice pursuant to SRC 102.210, or the taking of the vehicle into the custody by the City, whichever is later, may be disposed of as follows:

(a) The Chief of Police shall transmit to the Purchasing Administrator an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, that the vehicle will be junked or dismantled, and that:

(1) Notice of intent to junk or dismantle the vehicle has been sent with the notification required under SRC 102.210; or

(2) The owner has signed a release under oath, disclaiming any further interest in the vehicle, which release shall be forwarded with the affidavit; or

(3) No legal owner, owner, or person entitled to possession has been located after reasonable efforts under SRC 102.210.

(b) If any of the persons notified under SRC 102.210 has not signed a release, and has not, within thirty days after the date notice is mailed, reclaimed the vehicle, such action shall constitute a waiver of the interest of such person.

(c) Upon receipt of the affidavit described in subsection (a) of this section, the Purchasing Administrator may, without further notice or public auction dispose of the vehicle by sale in accordance with the provisions of any contract authorized by the City Council and pertaining thereto, or as otherwise provided in the City of Salem Public Contracting Rules.

(d) No such vehicle shall be sold or transferred to any person without first requiring that such person comply with the provisions of, and execute the forms required by ORS 819.220. (Ord No. 72-76; Ord No. 32-82; Ord No. 107-87; Ord No. 89-94; Ord No. 6-96; Ord No. 24-2002; Ord No. 31-06; Ord No. 42-09)

**102.240. Disposal of Abandoned Vehicles Appraised at \$500 or Less.** If an abandoned vehicle is appraised at \$500 or less by a person who holds a certificate under ORS 819.230, the city may choose to dispose of the vehicle in conformance with OR 819.215. (Ord No. 89-94; Ord No. 24-2002; Ord No. 42-09)

**102.245. Exemptions.** Notwithstanding any other provision of this Chapter:

(a) City owned and marked vehicles, when in use for official City business may park in 30

minute parking zones and loading zones for up to 30 minutes. (Ord No 20-14)