

YAMHILL COUNTY, OREGON
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CHARLES STERN
COUNTY CLERK

88-02

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Regulating)
Parking on the Wheatland Boat) ORDINANCE NO. 457
Ramp)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business on January 6, 1988 in regular session, Commissioners Ted Lopuszynski, Donald D. Porter, and David E. Bishop being present.

WHEREAS, a boat ramp adjacent to the Wheatland Ferry was built and is maintained by the county on property owned by the county pursuant to a deed recorded at film volume 54, page 234; and

WHEREAS, activities on county property are matters of county concern; and

WHEREAS, ORS 203.035 empowers the county, by ordinance, to exercise authority over matters of county concern; and

WHEREAS, complaints have been received that parking on the boat ramp at Wheatland Ferry obstructs access to the ramp; and

WHEREAS, to insure safe use of the boat ramp adjacent to the Wheatland Ferry it is necessary to regulate parking on the ramp, NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ordains as follows:

Section 1. No person shall leave an unattended motor vehicle on those portions of the boat ramp at Wheatland Ferry that are posted as a "No Parking" zone.

Section 2. The provisions of this ordinance shall not apply to a city, county, state or federal vehicle performing governmental duties or as necessary for construction or repair work at the boat ramp.

Section 3. Any person found guilty of violating this ordinance may be punished by imposition of a fine not to exceed \$10.00. The maximum fine shall double if the defendant fails to either pay the fine or request a court appearance within seven days of issuance of a Uniform Parking Citation.

Section 4. In all prosecutions for violations of this ordinance, it shall be sufficient to charge the defendant by an unsworn written notice known as a Uniform Parking Citation which shall clearly state:

- (1) The date, place, and nature of the charge;
- (2) The time and place for the defendant to either pay the fine or request a hearing before the court;
- (3) The name of the issuing officer;
- (4) The license number of the vehicle.

Section 5. The citation described in Section 4 of this ordinance shall serve as the complaint in the case and shall either be delivered to the defendant or placed in a conspicuous place upon the vehicle involved in the violation. In all other respects the procedures provided for by law in such cases shall be followed.

Section 6. The registered owner of the vehicle involved in a violation of this ordinance is prima facie responsible for the violation charged pursuant to this ordinance. The registered owner or other party responsible for the violation shall, within seven days, either pay the fine indicated on the citation or request a hearing. If an appearance is requested, the matter will be placed on the district court calendar for hearing. If no response is received from the defendant after 14 days from date of issuance of the citation, the county may move the court for an order requiring the defendant to appear.

Section 7. (1) Whenever a vehicle on the boat ramp at Wheatland Ferry is parked in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

(2) A vehicle that is not parked in a manner that constitutes an obstruction to traffic or a hazard to public safety may only be towed if:

(a) The vehicle is parked in violation of this ordinance, another county parking ordinance or state law;

(b) The vehicle has four or more unpaid parking violations arising out of this ordinance or Ordinance #196 outstanding against it;

(c) The registered owner of the vehicle has been mailed notice that due to nonpayment of four or more parking citations, the owner's vehicle may be subject to towing. The notice provided shall be as specified in ORS 819.170 except that no notice by affixing a citation to the vehicle shall be required; and

(d) The registered owner is given prior opportunity for hearing substantially as provided in ORS 819.190.

A vehicle impounded under this subsection may be held until all outstanding fines and charges have been paid.

(3) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of ORS Chapter 819 relating to the impoundment and disposition of vehicles abandoned on public highways.

(4) The impoundment of a vehicle shall not preclude the issuance of a citation for violations of this ordinance.

Section 3. This ordinance being necessary for the health, safety, and welfare of the people of Yamhill County, and the Board of Commissioners having declared an emergency to exist, shall be effective upon approval by the Board and posting of the parking restrictions in Section 1 by the Department of Public Works.

DONE at McMinnville, Oregon this 6th day of January, 1988.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STEIN
County Clerk

Ted Lopuszynski
Chairman TED LOPUSZYNSKI

By: *Elaine Pearcey*
Deputy ELAINE PEARCEY

Donald D. Porter
Commissioner DONALD D. PORTER

FORM APPROVED BY:

Timothy S. Sadlo
TIMOTHY S. SADLO
Assistant County Counsel

David E. Bishop
Commissioner DAVID E. BISHOP