

Chapter 5

TRAFFIC

Applicability of State Traffic Laws

5.005 **State Traffic Laws.** The provisions of ORS Chapters 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816, 818, 819, 820, 821, 822, 823, 825 and OAR 740.100.0010 issued thereunder, and Chapter 153, except for ORS 153.019, ORS 153.020, and ORS 153.021, are hereby adopted, and violations thereof shall constitute an offense against the city.

(Section 5.005 amended by Ordinance No. 16305, enacted September 27, 1971; Ordinance No. 16953, enacted December 17, 1973; Ordinance No. 17690, enacted June 28, 1976; Ordinance No. 18257, enacted August 28, 1978; Ordinance No. 18536, enacted November 28, 1979; Ordinance No. 18937, enacted March 8, 1982; Ordinance No. 19237, enacted March 14, 1984; Ordinance No. 19371, enacted December 18, 1985; Ordinance No. 19500, enacted September 28, 1987; Ordinance No. 19640, enacted October 9, 1989; Ordinance No. 19739, enacted December 10, 1990; Ordinance No. 19800, enacted September 23, 1991; Ordinance No. 19937, enacted October 25, 1993, effective November 4, 1993; Ordinance No. 20026, enacted October 9, 1995; Ordinance No. 20096, enacted October 27, 1997; Ordinance No. 20184, enacted January 24, 2000; Ordinance No. 20210, enacted September 25, 2000; Ordinance No. 20244, enacted January 14, 2002; Ordinance No. 20307, enacted and effective February 9, 2004; Ordinance No. 20359, enacted January 23, 2006, effective January 25, 2006; and Ordinance No. 20404, enacted and effective February 26, 2008; Ordinance No. 20446, enacted December 14, 2009, effective January 1, 2010; Ordinance No. 20483, enacted December 12, 2011, effective January 1, 2012; Ordinance No. 20483 ratified by Ordinance No. 20486, enacted and effective January 23, 2012; amended by Ordinance No. 20520, enacted January 13, 2014, effective January 15, 2014; Ordinance No. 20560, enacted January 25, 2016, effective January 27, 2016; Ordinance No. 20587, enacted October 23, 2017, effective October 24, 2017.)

Definitions

5.010 **Definitions.** In addition to those definitions contained in ORS Chapters 801 to 825, and Chapter 153, the following words or phrases, except where the context clearly indicates a different meaning shall mean:

Angle parking. Parking where the longitudinal axes of vehicles form an angle with the alignment of the roadway so that the vehicles are facing the curb or side of the roadway.

Block. The part of one side of a street lying between the two nearest cross streets.

Bus stop. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

Bus stop - Lane Transit District. A bus stop with an official Lane Transit District sign.

Carpool. Three or more individuals who commute to and from work together in a single vehicle on a regular basis at least four days each week.

Commercial marked vehicle. A vehicle used primarily for the transportation of property and only while actually conducting business from the vehicle and meeting one or both of the following criteria:

1. The vehicle bears a "T" license plate.
2. The vehicle bears the name of a business either imprinted on the vehicle or on a commercially made sign measuring no less than 12 inches in height by 12 inches in width and is displayed at least on the driver's side of the vehicle.

Curb. The extreme edge of the roadway.

Double parking. Parking or standing a vehicle on the roadway side of any vehicle stopped or parking at the edge or curb of a street.

Exit. A continuous and unobstructed means of egress to a public way, including, but not limited to, intervening doors, doorways, corridors, exterior balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts and yards.

Funeral procession. The procession attending the burial of a dead human being.

Holiday. As defined in ORS 187.010 to 187.020.

Lane Transit District lay-over zone. An area adjacent to a roadway approved by the city as a bus lay over zone.

Loading zone. A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

Motorized transportation device. Except for an electric assisted bicycle, any vehicle that is not propelled exclusively by human power, including but not limited to, an electric personal assistive mobility device, a moped, a motor assisted scooter, a motor vehicle, a motorcycle, a motorized skateboard, any similar vehicle that operates without human propulsion.

Motor vehicle. Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment, and any other vehicle capable of moving under its own power, notwithstanding

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that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

Park or parking. The conditions of:

1. A motor vehicle that is stopped while occupied by its operator with the engine turned off.
2. A motor vehicle that is stopped while unoccupied by its owner whether or not the engine is turned off.

Parking facility. Any real property, or any building or a portion thereof, privately or publicly owned, which has been marked with designated parking spaces for motor vehicles, or any real property which has not been marked with designated parking spaces for motor vehicles which by function, custom or usage would cause a reasonable person to believe it is used for parking motor vehicles. "Parking facility" does not include:

- (a) Property within a public way,
- (b) Property where parking is normally not permitted at all,
- (c) Property primarily used for residential purposes where there is designated parking for not more than 10 vehicles, or
- (d) An off-street parking lot or structure of another public agency unless the city has contracted with that public agency to enforce the parking regulations at that site.

Public emergency. Includes, but is not limited to, a traffic hazard, traffic or aircraft accident, riot, fire, public disorder, or police tactical operation.

Public event. Includes, but is not limited to, sporting events, parades, political campaigns, caravans, and public celebrations.

Public passenger vehicle zone. Section of street assigned or otherwise identified by city for the sole purpose of loading and unloading passengers for public passenger vehicles, as defined in section 3.005 of this code, other than limousines.

Public way. Any parcel of land unobstructed from the ground to the sky, more than ten feet in width, which is appropriated to free passage of the general public.

Ride-share. Two individuals who commute to and from work together in a single vehicle on a regular basis at least four days each week.

Snow emergency. An event which occurs whenever the parking prohibitions in section 5.677 and 5.678 become effective.

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Snow emergency routes. Streets indicated as priority one, two or three roadways on the map inserted immediately following section 5.995 of this code as it is periodically amended pursuant to section 5.686 of this code.

Street. The terms "highway," "road," and "street," when used in this Code or in ORS as adopted by section 5.005 shall be considered synonymous, unless the context precludes such construction. "Street" as defined herein and the ORS chapters incorporated by reference includes: Alleys, sidewalks, parking areas and accessways owned and maintained by the city.

Tow away zone. That space adjacent to the curb of a street, avenue or public way, or portion thereof, on which stopping, standing or parking has been prohibited, and which is designated as a "Tow Away Zone" by official signs and/or markings.

Traffic lane. That area of the roadway used for the movement of a single line of traffic.

Traffic officer. A community service officer, a police officer and any individual designated by the city manager to serve as a traffic officer.

Vision safety parking zone. An area in the street adjacent to the curb, not in excess of 100 feet in length from the point of tangency of a curb return which has been designated by appropriate signs or markings as a "Vision Safety Parking Zone."

(Section 5.010 amended by Ordinance No. 16270, enacted July 12, 1971; Ordinance No. 16615, enacted September 11, 1972; Ordinance No. 17690, enacted June 28, 1976; Ordinance No. 18715, enacted October 29, 1980; Ordinance No. 18760, enacted February 26, 1981; Ordinance No. 18864, enacted September 14, 1981; Ordinance No. 18883, enacted September 30, 1981; Ordinance No. 19242, enacted April 23, 1984, effective June 22, 1984; Ordinance No. 19318, enacted April 8, 1985, Ordinance No. 19354, enacted September 18, 1985; Ordinance No. 14500, enacted September 28, 1987; Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990; Ordinance No. 19737, enacted December 10, 1990, effective February 1, 1991; and Ordinance No. 19969, enacted July 21, 1994; administratively amended by Ordinance No. 20196, enacted May 8, 2000, effective June 8, 2000; amended by Ordinance No. 20210, enacted September 26, 2000; Ordinance No. 20303, enacted November 24, 2003, effective December 24, 2003; Ordinance No. 20340, enacted March 4, 2005, effective April 3, 2005; Ordinance No. 20466, enacted November 22, 2010, effective December 24, 2010; and Ordinance No. 20538, enacted July 28, 2014, effective August 29, 2014.)

Administration

5.035 Powers of the Council. Subject to state laws, the council shall exercise all municipal traffic authority except those powers specifically and expressly delegated herein or by ordinance.

(Section 5.035 amended by Ordinance No. 19779, enacted June 10, 1991, effective July 10, 1991.)

5.040 Duties of the City Manager.

- (1) Except as required by subsection (2) of this section, the city manager or the manager's designee shall exercise the following duties by administrative actions:
- (a) Implement the ordinances, resolutions and motions of the council and his or her own orders by installing traffic control devices.
 - (b) Designate through streets.
 - (c) Designate the direction of traffic flow.
 - (d) Designate parking meter zones.
 - (e) Designate truck routes or streets where trucks are prohibited.
 - (f) Restrict the use of certain streets by any class or kind of vehicle to protect the streets from damage.
 - (g) Authorize greater maximum weights or lengths for vehicles using city streets than specified by state law where not deleterious to city streets or public safety.
 - (h) Establish, maintain, remove, or alter all traffic control areas and traffic control devices including:
 - 1. Traffic control signals, signs, and pavement markings.
 - 2. Crosswalks, safety zones and traffic lanes.
 - 3. Traffic diverters and similar traffic control devices.
 - 4. Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns and the time when the prohibition applies.
 - 5. Parking areas and time limitations, including the form of permissible parking and any fees therefor.
 - 6. Loading zones and stops for all vehicles.
 - (i) Issue oversize or overweight vehicle permits.
 - (j) Designate certain streets as bridle paths and prohibit bicycles, horses and animals on other streets.
 - (k) Cause a continual check to be made of traffic movement, congestion and accidents on the streets of the city and after appropriate study take appropriate action as provided in this code.
 - (l) Keep and maintain a record showing a description of all signs and signals now installed or hereafter installed on any street.
 - (m) Close or open any street to vehicular or pedestrian traffic. This does not include the authority:
 - 1. To abandon all or part of a pedestrian mall,
 - 2. To vacate all or part of any street, or to close or open a street which the council or city manager determines is of community-wide interest.
 - (n) Provide for and regulate access to and from any street.
 - (o) Designate vision safety parking zones.
 - (p) Impose conditions upon which the streets and other public property may be used for parking.

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- (q) Grant permission for use of particular streets by one or more horse drawn wagons or carriages on a regular or isolated basis.
- (2)** When state law prescribes a specific procedure before exercising the authority granted the city manager in this section, or when state law expressly requires a council action, the city manager shall proceed as required by such laws. Any council hearing required by such laws shall be conducted by a hearing official who shall take the testimony and submit a written report of the testimony for council consideration.
- (3)** When the city manager or the manager's designee has determined that an administrative action must be implemented immediately in order to preserve the public safety, the order shall be effective upon the date specified in the order notwithstanding the ability to appeal and review the action as provided in section 5.045.

(Section 5.040 amended by Ordinance No. 17690, enacted June 28, 1976; Ordinance No. 18715, enacted October 29, 1980; Ordinance No. 18883, enacted September 30, 1981, Ordinance No. 18937, enacted March 8, 1982; Ordinance No. 19616, enacted May 22, 1988; Ordinance No. 19737, enacted December 10, 1990, effective February 1, 1991; and Ordinance No. 19779, enacted June 10, 1991, effective July 10, 1991; and administratively amended by Ordinance No. 20113, enacted April 6, effective May 6, 1998.)

5.045 **Appeal.**

- (1)** Any person aggrieved by administrative action of the city manager or the manager's designee taken under the provisions of this chapter may appeal the action to the hearings official appointed under section 2.370 of this code by filing his or her written objection with the city manager within 30 days after the administrative act has occurred. The hearings official, upon ten days' prior written notice to the aggrieved person, shall conduct a hearing on the appeal within 90 days of its filing with the city manager. The hearings official may affirm, modify or repeal the administrative action using the criteria set forth in section 5.055. Except when reviewed as provided in subsection (3) of this section, the decision of the hearings official shall be final when it is filed with the city recorder's office. At the time the decision is filed with the city recorder's office a copy of the decision shall be mailed to the appellant. When the decision concerns installation or removal of traffic diverters or the permanent closure of a street, the decision shall also be promptly distributed to the council.
- (2)** The time limits set forth in subsection (1) of this section shall be reduced when the action being appealed is for a single event of short duration which will occur within 15 days of the administrative action. In such appeals, verbal notice to the aggrieved person of the hearing shall suffice.
- (3)** Any councilor may seek council review of the hearing official's decision concerning the installation or removal of traffic diverters or the permanent closure of a street by filing with the city manager's office a written request to have placed on the council's next agenda the

consideration of whether the council will review the hearings official's decision. Such request shall be filed within 30 days from the date the hearings official's decision is filed with the city recorder. If the council agrees to review the decision, it shall designate a time for hearing the matter and the implementation of the hearings official's decision shall be suspended until the council decides the matter. Ten days prior written notice of the council's hearing shall be mailed to or otherwise delivered to all persons who appeared before the hearings official. At the council hearing the council shall consider the record before the hearings official and any additional evidence and testimony it wishes to consider. After the hearing, upon consideration of the standards in section 5.055, the council may affirm, modify or reverse the hearings official's decision. The decision of the council shall be final.

(Section 5.045 amended by Ordinance No. 19779, enacted June 10, 1991, effective July 10, 1991; and administratively amended by Ordinance No. 20113, enacted April 6, effective May 6, 1998.)

5.050 **Temporary Traffic Controls.** Under conditions constituting a danger to the public, the city manager or the manager's designee may install temporary traffic control devices deemed by him or her to be necessary.

(Section 5.050 amended by Ordinance No. 19779, enacted June 10, 1991, effective July 11, 1991.)

5.055 **Criteria for Administrative Actions.** The administrative action of the city manager or the manager's designee shall be based upon consideration of:

- (a) Traffic engineering principles and traffic investigations.
- (b) Standards, limitations, and rules promulgated by the Oregon Transportation Commission or the Oregon Public Utility Commission or their successors.
- (c) Other recognized traffic control standards.
- (d) The city's adopted transportation-related plans and policies.
- (e) Existing state and local laws regulating use of public ways.
- (f) The efficient use of the public way by the public.
- (g) The use of abutting property.
- (h) The intensity of use of the street by vehicles and pedestrians.
- (i) The physical condition and characteristics of the street and abutting property.
- (j) Emergencies.
- (k) The public health, safety and welfare.
- (l) Special events of community interest including parades and public gatherings.
- (m) Construction within or adjacent to the street.
- (n) When establishing conditions upon the use of parking in the public way and city-owned parking facilities:
 - 1. Applicable and appropriate time limits;
 - 2. The vehicle type and purpose;

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3. The relative, seasonal and special event demands for parking spaces within the areas of the requested parking;
4. The other public uses for the property;
5. The location and physical characteristics of the parking area or facility;
6. The demand for operating revenues, the costs of operations and enforcement;
7. The use of parking regulations to promote city adopted goals and policies;
8. Abuse by applicants of any parking-related permits;
9. The impact on nearby commercial uses;
10. The ease of enforcing the provisions of this chapter; and
11. The availability of other parking spaces.

(Section 5.055 amended by Ordinance No. 18937, enacted March 8, 1982; and Ordinance No. 19779, enacted June 10, 1991, effective July 10, 1991; and Ordinance No. 19969, enacted July 21, 1994.)

5.060 Obedience to and Alteration of Control Devices.

- (1) No person shall disobey the instruction of a traffic control device unless directed to do so by a traffic officer.
- (2) No unauthorized person shall install, move, remove, obstruct, alter the position of, deface or tamper with a traffic control device.

(Section 5.060 amended by Ordinance No. 20466, enacted November 22, 2010, effective December 24, 2010.)

5.065 Authority of Police and Fire Officers.

- (1) It shall be the duty of police officers to enforce the provision of this chapter.
- (2) In the event of a fire or other public emergency, members of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this chapter.

(Section 5.065 amended by Ordinance No. 20466, enacted November 22, 2010, effective December 24, 2010.)

5.070 Authority of School Safety Patrol. No person shall wilfully fail or refuse to comply with a lawful order or direction of a member of a school safety patrol operating within the city while the school safety patrol officers are engaged in controlling traffic at a school crossing and are wearing authorized insignia or uniform.

5.072 Authority of Police Cadets - Traffic Control.

- (1) In the event of a public emergency or public event, as defined in section 5.010 of this Code, police cadets acting at the direction of and under the direct supervision of a police officer shall have the same authority as a police officer when directing traffic on the streets or public thoroughfares of the city.

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- (2) No person shall willfully fail to obey a lawful order, signal, or direction of a duly authorized police cadet while such individual is engaged in directing traffic pursuant to the provisions of subsection (1) of this section and is wearing an authorized insignia or uniform.

(Section 5.072 added by Ordinance No. 18864, enacted September 14, 1981; and amended by Ordinance No. 19542, enacted March 16, 1988, effective March 26, 1988.)

5.075 **Evidence.** The existence of a traffic control device shall be prima facie evidence that the device was lawfully authorized and installed.

5.080 **Existing Control Devices.** Traffic control devices installed prior to the adoption of this Code are hereby recognized as lawfully authorized.

General Regulations

5.105 **Rules of Road.** In addition to state law, the following shall apply to the operation of motor vehicles on the streets of the city:

- (a) The operator of a motor vehicle in the traffic lane shall have the right-of-way over an operator of a motor vehicle departing from a parking space.
- (b) No operator of a motor vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal when other traffic may be affected.
- (c) Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices:
1. A left turn shall not be made from any other lane.
 2. A motor vehicle shall not be driven in the lane except when preparing for, or making a left turn from or into the roadway or when preparing for or making a U-turn where otherwise permitted by law.
 3. The lane shall not be used for passing another motor vehicle.

(Section 5.105 amended by Ordinance No. 17690, enacted June 28, 1976.)

5.110 **Unlawful Riding.**

- (1) No operator shall permit a passenger and no passenger shall ride on a motor vehicle on a street except on a portion of the motor vehicle designed or intended for the use of passengers. This provision shall not apply to an employe engaged in the necessary discharge of a duty, or to a person riding within a truck body in the space intended for cargo.
- (2) No person shall board or alight from a motor vehicle while the motor vehicle is in motion on a street.

(Section 5.110, formerly section 5.125, renumbered and amended by Ordinance No. 17690, enacted June 28, 1976.)

5.115 Clinging to Motor Vehicle. The operator of a motor vehicle on a street shall not knowingly allow a person riding on a bicycle, motorcycle, coaster, roller skates, sled, or other device to attach himself, the vehicle, or the device to his motor vehicle.

(Section 5.115, formerly section 5.130, renumbered and amended by Ordinance No. 17690, enacted June 28, 1976.)

5.120 Driving on Sidewalks and Curbs.

- (1) The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.
- (2) No unauthorized person shall place dirt, wood, or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.
- (3) No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle on a curb or sidewalk without first obtaining authorization and posting bond is required. A person who causes damage shall be held responsible for the cost of repair.

(Section 5.120, formerly section 5.135, renumbered by Ordinance No. 17690, enacted June 28, 1976.)

5.125 Horses on Sidewalks. No person shall ride or lead a horse on a sidewalk except to cross a sidewalk.

(Section 5.125, formerly section 5.140, renumbered by Ordinance No. 17690, enacted June 28, 1976.)

5.130 Obstructing Streets.

- (1) Except as authorized by the city and in a manner prescribed by the city and except as provided in section 4.855, no person shall obstruct the free movement of vehicles or pedestrians using the streets.
- (2) No person shall park or stand a vehicle in such a manner or location that it constitutes a hazard to public safety or an obstruction on the street.

(Section 5.130, formerly section 5.145, renumbered by Ordinance No. 17690, enacted June 28, 1976.)

5.135 Storage of Vehicles on Streets.

- (1) No person shall store or permit to be stored a vehicle or personal property on a street or other public property for a period in excess of 72 hours. It shall constitute prima facie evidence of storage of a motor vehicle if the same is not moved for a period of 72 hours. The continuity of the time shall not be deemed broken by movement of the vehicle elsewhere on the block unless the movement removes the vehicle from the block where it was located before it is returned.
- (2) No person shall store or permit to be stored a vehicle on a street or other public property if the vehicle's registration sticker has expired.

- (3) When a vehicle is found in violation of subsection (1) or (2) of this section an officer responsible for enforcement of this section shall issue a citation for the violation and may order the vehicle impounded after providing the notice required under sections 5.695 and 5.697 and, if requested, a hearing under section 5.698 of this code.
- (4) This section shall not apply to vehicles taken into custody as provided in section 5.225 and section 5.700 of this chapter.

(Section 5.135, formerly section 5.150, renumbered and amended by Ordinance No. 17690, enacted June 28, 1976; amended by Ordinance No. 18937, enacted March 8, 1982; Ordinance No. 20023, enacted September 18, 1995, effective October 18, 1995; and Ordinance No. 20327, enacted July 31, 2004, effective August 30, 2004.)

5.140 Removing Glass and Debris. A party to a vehicle accident or a person causing broken glass or other debris to be on a street shall remove the glass and other debris from the street.

(Section 5.140, formerly section 5.155, renumbered by Ordinance No. 17690, enacted June 28, 1976.)

5.145 Right-of-Way of Military Vehicles. Motor vehicles of the armed forces of the United States and State of Oregon in the performance of their military duties shall have the right-of-way over any persons or vehicles on a public street within the city except United States mail carriers, fire apparatus and other emergency vehicles. No person shall hinder or delay or obstruct a motor vehicle of the armed forces of the United States or State of Oregon being operated in the performance of its military duties.

(Section 5.145, formerly section 5.165, renumbered by Ordinance No. 17690, enacted June 28, 1976.)

5.150 Conveying Hog Fuel, Sawdust, Etc., in Vehicles. No person shall convey in a vehicle on the streets any hog fuel, sawdust or other articles or material of a character which is easily littered or blown from the vehicle, unless it be covered in a manner to prevent littering the streets.

(Section 5.150, formerly section 5.170, renumbered by Ordinance No. 17690, enacted June 28, 1976.)

5.155 Traffic Congestion Thoroughfares.

- (1) Purpose. 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.
- (2) Thoroughfare defined. A thoroughfare is any street, as that term is defined in this code.
- (3) Traffic congestion thoroughfare defined. A traffic congestion thoroughfare is any portion of a public thoroughfare within the city affected by traffic congestion or a pattern of increased traffic caused in whole or in part by the repeated driving of the same motor vehicles along or across that portion of the thoroughfare.

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- (4) Posting signs. With respect to any traffic congestion thoroughfare, the city manager or designee is authorized to declare a portion of the thoroughfare to be a traffic congestion thoroughfare and to cause signs, as described in this section, to be posted giving notice of that designation.
- (5) Signs. The signs referred to in subsection (4) above shall notify drivers that they are entering a traffic congestion thoroughfare; that passage of the same motor vehicle through or across the traffic congestion thoroughfare between the prohibited hours, more than three times during any two hour period is a violation of this section; and that for a subsequent violation the vehicle may be towed.
- (6) Acts prohibited. Between the prohibited hours indicated on the posted signs, no vehicle shall pass along or across a traffic congestion thoroughfare, designated as such by signs as described in subsection (5) above, more than three times during any two hour period.
- (7) Notice of towing for subsequent violations. Upon issuing a citation for violation of subsection (6) of this section, the 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 Section 5.155(6) of the Eugene Code, 1971 for repeated passage of a motor vehicle on or across a traffic congestion thoroughfare. If the vehicle you are driving is again driven along or across this traffic congestion thoroughfare before (end of applicable two hour period) the vehicle may be impounded and towed at your expense or the expense of the owner or other person entitled to possession of the vehicle.

(Name of Officer)

- (8) Exemptions. This section shall not apply to:
 - (a) Any publicly owned vehicle of any city, county, public district, state or federal agency.
 - (b) Any vehicle licensed for public transportation.
 - (c) Any other vehicle granted an exemption by the city manager or designee because passage of the vehicle along or across the traffic congestion thoroughfare is necessary for commercial or medical reasons.
 - (d) Any vehicle being driven directly to or from:**
 1. The residence of the driver or a passenger in the vehicle if the driver or passenger resides on the traffic congestion thoroughfare; or

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2. The place of employment of, or a business owned by, the driver or a passenger in the vehicle if the place of employment or business is located on the traffic congestion thoroughfare.

(Section 5.155 added by Ordinance No. 19541, enacted March 14, 1988, effective March 24, 1988; administratively amended by Ordinance No. 20113, enacted April 6, effective May 6, 1998; and amended by Ordinance No. 20206, enacted August 7, 2000, effective September 6, 2000.)

5.160 Unlawful Use of Motorized Transportation Device.

- (1) No motorized transportation device may be operated on any city owned off-street bicycle or pedestrian path or trail, unless exempt. A motorized transportation device is exempt from this provision if it is used as a mobility aid by a person with a mobility impairment, used by a person with express permission from the City, or used by a City employee or agent in the course of City business.
- (2) No person shall operate a motorized transportation device in a manner causing excessive, unnecessary, or offensive noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.
- (3) In addition to the prohibition in subsection (1) of this section, no person may operate an electric assisted bicycle (when not being operated by human propulsion) on any city owned off-street bicycle or pedestrian path or trail located within the East Alton Baker Plan boundary.

(Section 5.160 added by Ordinance No. 20340, enacted March 4, 2005, effective April 3, 2005; administratively corrected June 15, 2005; amended by Ordinance No. 20538, enacted July 28, 2014, effective August 29, 2014.)

Parking Regulations

5.215 Regulations Not Exclusive. Any time limit on parking shall not relieve a person from the duty of observing other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

5.220 Method of Parking.

- (1) Cycles may be parked in a street perpendicular to the edge of the roadway provided, however, that cycles shall be parked only within designated vehicle parking spaces and shall not be parked so as to interfere with the safety or operation of vehicles parked in adjacent parking spaces.
- (2) Cycles may also park in the triangular or rectangular areas specified and designated adjacent to the beginning or ending of angle parking stalls when signs or markings have been installed allowing said parking. The cycle must occupy the space within the marked lines placed for the

purpose of showing the limits of available parking space for such cycles.

- (3) Where parking space markings are placed on a street, in a parking lot or in a parking structure, no person shall stand or park a vehicle other than in the indicated direction, other than in a marked space and, unless the size or shape of the vehicle makes compliance impossible, other than within a single marked space.
- (4) The operator who first begins maneuvering a vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive the first operator of the priority or block his access to the vacant parking space.
- (5) Whenever the operator of a vehicle discovers that his or her vehicle is parked close to a building to which the fire department or ambulance service has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police, ambulance or fire officers.

(Section 5.220 amended by Ordinance No. 17356, enacted May 12, 1975; Ordinance No. 17690, enacted June 28, 1976; and Ordinance No. 18937, enacted March 8, 1982.)

5.225 Prohibited Stopping, Standing and Parking.

- (1) Except as authorized by a parking space rental permit issued in accordance with section 5.350, no person shall stop, stand or park a vehicle in such a manner or location that it constitutes a hazard to public safety or an obstruction to vehicle, bicycle or pedestrian traffic on the street, which shall include, but not be limited to, stopping, standing or parking:
 - (a) On a sidewalk;
 - (b) Within an intersection;
 - (c) On a crosswalk;
 - (d) Along side or opposite a street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (e) Upon a bridge or other elevated structure used as a street or within a street tunnel;
 - (f) On any railroad tracks or within 7.5 feet of the nearest rail at a time when the parking of vehicles would conflict with railroad operations or repair of the railroad tracks;
 - (g) On a throughway;
 - (h) In the area between roadways of a divided highway, including cross overs;
 - (i) In a bicycle lane, unless there is at least 3.5 feet of unobstructed bicycle lane between the standing or parked vehicle and the nearest vehicular lane; or
 - (j) A vehicle in an area designated as a vision safety parking zone, except a motorcycle, a trailer of less than 3 feet in height, or any other vehicle less than 5 feet in height with windows on all four sides that are transparent and unobstructed;

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- (k) Any place where official signs or markings prohibit stopping, standing or parking.
- (2)** Except to momentarily pick up or discharge a passenger, no person shall stand or park a vehicle in such a manner or location that it constitutes a hazard to public safety or an obstruction to vehicle, bicycle or pedestrian traffic on the street, which shall include, but not be limited to, standing or parking:
- (a) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
 - (b) In front of a public or private driveway;
 - (c) Within 10 feet of a fire hydrant;
 - (d) Within 20 feet of a cross walk at an intersection;
 - (e) Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control signal located at the side of the street if the standing or parking of the vehicle obstructs the view of the official traffic control device located at the side of the street;
 - (f) Within 15 feet of the driveway entrance to a fire station and on the side of the street opposite the entrance to the fire station within 75 feet of the entrance;
 - (g) Within an area marked by yellow paint on the street or on the curb;
 - (h) On a street or portion thereof designated by official signs as a "Tow-Away Zone";
 - (i) Other than a motorbus, in a bus stop which has been designated by official signs or, other than a taxicab, in a taxicab stand which has been designated by official signs, or at any time in interference with any motorbus or taxicab waiting to enter or about to enter the officially designated space; or
 - (j) A motorbus or taxicab on a street in a business district at a place other than a bus stop or taxicab stand, respectively.
- (3)** No operator shall park and no owner shall allow a vehicle to be parked:
- (a) Continuously for a time longer than the maximum time limit posted on an official sign or provided in this chapter;
 - (b) Except as provided in subsection (5) of this section, in an alley other than for the expeditious loading or unloading of persons or property, but in no case for a period in excess of 30 consecutive minutes in any two-hour period;
 - (c) In a zone designated by official signs as a loading zone when the hours applicable to that loading zone are in effect for any purpose or length of time other than for the expeditious loading or unloading of persons or property for more than the time limits posted or in the event no time limits are posted, for a period in excess of 30 consecutive minutes in any two-hour period;

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- (d) Within the area between the curb or curb line and the sidewalk line or outer edge of the sidewalk commonly known as the curb strip;
 - (e) On either side of the street in front of or adjacent to a residence, motel, apartment house, hotel or other place with sleeping accommodations between the hours of 10:00 p.m. and 6:00 a.m. of the following day if the vehicle is a motorbus or motor truck as defined in ORS 801.355 or a trailer bearing a PUC license;
 - (f) Contrary to the written conditions upon which a parking space rental permit or other parking permit was issued by the city;
 - (g) In a parking space that has been reserved in accordance with subsection (5) of section 5.350;
 - (h) On a street for the principal purpose of:
 - 1. Displaying the vehicle for sale;
 - 2. Repairing or servicing the vehicle, except repairs necessitated by an emergency;
 - 3. Displaying advertising from the vehicle; or
 - 4. Selling merchandise from the vehicle, except when authorized;
 - (i) Any place in violation of the limitations contained on posted official signs;
 - (j) In a Lane Transit District bus stop except:
 - 1. A Lane Transit District bus or a contract bus of Lane Transit District while loading/unloading passengers;
 - 2. When allowed by the terms of a contract or permit with the city;
 - 3. Buses referred to in subsections 1. and 2. of this subsection may park in a designated Lane Transit District bus lay-over zone for a period of time not to exceed 30 minutes;
 - (k) Any other place or manner prohibited by state law.
- (4)** The operator or owner of a vehicle has not violated the provisions of this section:
- (a) When the disregard thereof is necessary to avoid conflict with other traffic, or in compliance with law or at the direction of a police officer, a city employee or a traffic control device; or
 - (b) If it is a vehicle owned or operated by the state, county or city when stopping, standing or parking is necessary to perform maintenance or repair work on the street.
- (5)** An owner or operator of a vehicle that is to load or unload which will require parking the vehicle in the alley longer than the above time allowed shall obtain prior approval and consent from the office of the traffic engineer. The approval shall not be a continuing one, and each time the owner or operator of the vehicle desires to park in an alley pursuant to the terms of this paragraph he or she shall obtain a separate and distinct approval from the office of the designated official. Further, the traffic engineer may grant permission to the owner or

operator of a vehicle who loads or unloads material therefrom to enter an alley from a direction other than normally required when the vehicle's doors open only from one side making it more convenient, practical or necessary to enter the alley from the wrong direction in order to load or unload.

- (6) In the event a vehicle has been found standing or parked in violation of subsections (1) and (2) of this section, in addition to issuance of a citation for the violation, a police officer, parking control officer or community service specialist may order the vehicle impounded.
- (7) After impounding a vehicle under this section, the city shall provide notice as required under sections 5.695 and 5.697 of this code.
- (8) The above provisions are in addition to the Oregon Vehicle Code laws prohibiting parking.

(Section 5.225 amended by Ordinance No. 17356, enacted May 12, 1975; Ordinance No. 17690, enacted June 28, 1976; Ordinance No. 18537, enacted November 28, 1979; Ordinance No. 18760, enacted February 2, 1981; Ordinance No. 18883, enacted September 30, 1981; Ordinance No. 18937, enacted March 8, 1982; Ordinance No. 19500, enacted September 28, 1987; Ordinance No. 19542, enacted March 16, 1988, effective March 26, 1988; Ordinance No. 19969, enacted July 21, 1994; Ordinance No. 20023, enacted September 18, 1995, effective October 18, 1995; Ordinance No. 20075, enacted January 27, 1997, effective February 26, 1997; and Ordinance No. 20303, enacted November 24, 2003, effective December 24, 2003.)

5.231 Prohibited Parking - Immobilization of Vehicles Involved.

- (1) For purposes of this section:
 - (a) Bail is outstanding if it is not posted within the time specified by the citation that indicates the amount of the bail, and remains outstanding until entry of judgment in the judicial proceedings based on the citation; and
 - (b) A fine is outstanding if overdue and unpaid and remains outstanding until discharged by payment, judicial action, or confinement in a jail or prison.
- (2) No operator of a vehicle shall cause, and no owner of a vehicle may allow the vehicle to be on:
 - (a) A public thoroughfare in the city,
 - (b) City property,
 - (c) Property occupied by the city, or
 - (d) Property on which the city enforces parking regulations under contract, if the vehicle has been involved in one or more parking violations under this code for which outstanding bail or a fine or fines or both total \$30 or more.
- (3) A parking control officer, community service specialist, or police officer of the city who finds a vehicle so located that its operator or owner or both are in violation of this section shall immobilize the vehicle in accordance with section 5.700 of this code.

(Section 5.231 added by Ordinance No. 18937, enacted March 8, 1982; amended by Ordinance No. 19200, enacted November 23, 1983; Ordinance No. 19542, enacted March 16, 1988, effective March 26, 1988; and Ordinance No. 19930, enacted September 13, 1993.)

5.240 Prohibited Parking - Off-Street Facilities.

- (1) Except to momentarily pick up or discharge a passenger, no person shall stand or park a vehicle on private or public property in a marked emergency vehicle lane.
- (2) This subsection does not apply to property within the public way or to an emergency vehicle parked while its operator performs official duties. Except to momentarily pick up or discharge a passenger, or except with permission of the owner or person in lawful possession of the premises, no person shall stand or park a vehicle or allow a vehicle to stand or park in a manner or location that impedes the orderly movement of vehicle or pedestrian traffic on such premises.
- (3) Except for an emergency vehicle parked while its operator performs official duties, no person shall park a vehicle in a parking facility in violation of signs posted as provided in section 5.540(1) of this code which have been approved under subsections 5.540(2) or 5.540(3) of this code and contain additional words that unauthorized vehicles may be cited for violation of this subsection.

(Section 5.240 added by Ordinance No. 19242, enacted April 23, 1984, effective June 22, 1984.)

5.255 Leaving Unattended Vehicle. No operator or person in charge of a vehicle shall park it or allow it to be parked on a street, on other premises open to the public, or on a new or used car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed.

(Section 5.255 amended by Ordinance No. 17690, enacted June 28, 1976 and Ordinance No. 18937, enacted March 8, 1982.)

5.260 Action by Police Officer, Parking Control Officer or Community Service Specialist. Whenever a police officer, parking control officer or community service specialist shall find a motor vehicle parked unattended with the ignition key in the vehicle in violation of section 5.255, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

(Section 5.260 amended by Ordinance No. 18937, enacted March 8, 1982; and Ordinance No. 19542, enacted March 16, 1988, effective March 26, 1988.)

5.265 Parking Time Limit. Maximum parking time limits designated by sign for a block shall apply to parking in the 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 without being removed from the block. The operator of the vehicle or its registered owner shall be regarded as prima facie in charge of it.

(Section 5.265 amended by Ordinance No. 16387, enacted February 14, 1972.)

5.270 Use of City Property.

- (1) Regulations of this chapter shall not prevent the use of city property by the city, its employees and agents for a designated purpose and shall not be deemed to prohibit the use of public ways and roadsides in parks except on areas where the parking of vehicles will damage the improved grounds.
- (2) No person shall park or store a vehicle on property of the city except on written permission from the designated city official.
- (3) The authorization granted under this section shall be of a type prescribed by the city, and shall be on the dashboard of the vehicle so as to be visible and readable through the front windshield from outside the vehicle or displayed as otherwise provided in the written conditions upon which the authorization is granted.

(Section 5.270 amended by Ordinance No. 18760, enacted February 25, 1981, and Ordinance No. 18937, enacted March 8, 1982.)

5.275 Parking Control Officer and Community Service Officer. Parking control officers and community service officers are authorized to issue citations and notices of violation of parking provisions of this code to violators, but are not authorized to arrest. Such citations or notices of violation shall be in a form approved by the city attorney and need not be verified by oath.

(Section 5.275 amended by Ordinance No. 18715, enacted October 29, 1980; Ordinance No. 19219, enacted February 8, 1984; and Ordinance No. 19542, enacted March 16, 1988, effective March 26, 1988; Ordinance No. 20466, enacted November 22, 2010, effective December 24, 2010.)

5.276 Authority to Mark Vehicles. A police officer, parking control officer or community service officer may mark motor vehicles that are parked, standing, or stopped to aid in the enforcement of parking regulations. Such mark shall be made by chalk upon the tires of the vehicle or by some other convenient method that will not injure or damage the vehicle. Marks so placed shall not be interfered with, concealed, or obliterated or erased by any person other than a police officer, parking control officer, or community service officer while the vehicle remains parked, standing or stopped at the place where the vehicle is marked.

(Section 5.276 added by Ordinance No. 19621, enacted June 12, 1989; amended by Ordinance No. 20466, enacted November 22, 2010, effective December 24, 2010.)

5.285 Charges for Off-Street Parking.

- (1) A motor vehicle parked on or in a non-metered off-street parking facility provided by the city may not be removed from that facility by a person other than a representative of the city authorized so to remove it, until the charge for the parking, as indicated by a city-authorized public

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notice at the facility, has been paid to the city or to a representative of the city authorized to receive the payment.

- (2)** To secure:

 - (a) Payment of the charge,
 - (b) Payment of whatever unpaid charges have accrued in favor of the city under chapter 5 of this code on account of prior parking, towing, and impounding of the vehicle, and
 - (c) Payment of whatever unpaid amounts have been imposed by the municipal court for violations of the chapter that have involved the vehicle, the city may immobilize the vehicle in accordance with section 5.700 of this code. If release of the vehicle is not then effected in accordance with that section, the vehicle may be removed from the parking facility in accordance with section 5.695 of this code and shall thenceforth be subject to the provisions of that section regarding impoundment, redemption, and sale.
- (3)** The duty to pay the parking charge referred to previously in this section shall rest primarily on the person who parks the vehicle in or on the facility. If, however, neither the person who parks the vehicle nor anyone else pays the charge, the owner of the vehicle shall pay it.
- (4)** By an action in the municipal court for services rendered, the city may collect the charge from the person who parks or owns the vehicle. In the same action the city may also collect whatever charges result from the towing and storage effected because of nonpayment of the charge. In the action the city may also collect a sum sufficient to reimburse the city for the cost of the services of the attorney who brings the action, the cost of the municipal court for the time it is involved in the action, and the administrative costs incidental to the action.
- (5)** Except for the airport as defined in section 2.415 of this code, the charges for off-street parking facilities and the conditions upon which parking is authorized shall be established by administrative action of the city manager.
- (6)** The city manager may:

 - (a) Waive all or part of the charges established in subsection (5) of this section for persons who ride-share, carpool or ride motorcycles and park them in designated spaces, for physically disabled persons, for participants in special events of community interest, for city sponsored events, for persons required to park at city hall in order to perform their official duty or for persons obligated under a contract to perform services at city hall when the cost of such parking would be passed on to the city as part of the contractual obligation to pay for the services.
 - (b) Collect all charges on an annual basis or any part thereof.
 - (c) Establish discount rates for purchasing parking permits in bulk or for multiple months.
- (7)** When establishing charges within the limits of subsections (5) and (6) of this section, the following shall be considered:

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- (a) The transportation and economic development goals adopted by the city council;
- (b) The demand for public parking;
- (c) The ability of the city to meet the financial obligations of existing or proposed parking facilities.
- (d) When considering the charges for facilities in proximity to the Hult Center, the level of tax support the city provides to that center.

(Section 5.285 added by Ordinance No. 16687, enacted January 8, 1973; amended by Ordinance No. 17690, enacted June 28, 1976; Ordinance No. 18715, enacted October 29, 1980; Ordinance No. 18906, enacted December 16, 1981; Ordinance No. 18992, enacted June 16, 1982; Ordinance No. 19801, enacted December 8, 1982; Ordinance No. 19242, enacted April 23, 1984, effective June 22, 1984; Ordinance No. 19356, enacted September 23, 1985; Ordinance No. 19399, enacted August 13, 1986; Ordinance No. 19926, enacted June 28, 1993; Ordinance No. 19969, enacted July 21, 1994; Ordinance No. 20023, enacted September 18, 1995, effective October 18, 1995; administratively amended by Ordinance No. 20113, enacted April 6, effective May 6, 1998; amended by Ordinance No. 20198, enacted July 10, 2000, effective August 9, 2000; and Ordinance No. 20260, enacted July 22, 2002, effective August 22, 2002.)

5.290 **Denial of Parking Permits.** The city manager or designee may withhold issuing any parking permits authorized by this chapter if the person seeking the parking permit or a vehicle owned by the person seeking the parking permit:

- (a) has outstanding citations for violations of this chapter for which bail has not been deposited with or fines paid to the municipal court; or
- (b) is subject to a municipal court order denying the issuance thereof.

(Section 5.290 added by Ordinance No. 18937, enacted March 8, 1982; and amended by Ordinance No. 19969, enacted July 21, 1994.)

Parking Meters

5.305 **Legal Time Limit.** No person in charge of a vehicle shall leave it in a metered parking space continuously for a number of minutes or hours exceeding the number indicated by the meter for that space. The continuity of the time shall not be deemed broken by movement of the vehicle out of and back into the space, unless the movement removes the vehicle from the block or lot in which the space is located.

(Section 5.305 amended by Ordinance No. 16387, enacted February 14, 1972.)

5.310 **Deposit of Coins; Tokens.**

- (1) Except as this chapter otherwise permits, whenever a parking meter indicates that the time for parking has expired, no person shall park a vehicle in the parking space for that meter, or leave in that space a vehicle of which he or she has charge, without immediately activating the meter.

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- (2) No person shall deposit in a parking meter anything other than:
 - (a) A coin of the United States of the denomination indicated by the meter.
 - (b) A token that is supplied by a person carrying on a business or occupation in the city and is authorized by the city for use in the meter.

(Section 5.310 amended by Ordinance No. 16387, enacted February 14, 1972; and Ordinance No. 20179, enacted November 8, 1999 effective December 8, 1999.)

5.315 Extension of Parking Time.

- (1) No person shall activate a parking meter in such a manner as to cause it to indicate that a vehicle in the parking space for the meter is parked there for a permissible time when in fact that time is elapsed for that vehicle.
- (2) If a person moves a vehicle from one or more metered parking spaces to another in the same block or lot without removing the vehicle from the block or lot, the time permissible for parking the vehicle in the space to which the vehicle is so moved shall be the time indicated by the meter for that space, minus the aggregate of times that the vehicle is parked in the spaces from which it is so moved. The person in charge of the vehicle shall not leave it in that space longer than the time so permissible for it to be parked there.

(Section 5.315 amended by Ordinance No. 16387, enacted February 14, 1972.)

5.320 Person in Charge. For purposes of sections 5.305, 5.310, and 5.315 of this Code, the operator of a vehicle or its registered owner shall be regarded as prima facie in charge of it.

(Section 5.320 amended by Ordinance No. 16387, enacted February 14, 1972.)

5.325 Mechanical Malfunction. A violation of any provision of sections 5.305 to 5.315 of this Code shall not constitute an offense if the violation results from mechanical malfunction of a parking meter.

(Section 5.325 amended by Ordinance No. 16387, enacted February 14, 1972.)

5.330 Collections. The city manager or designee shall cause all coins and tokens in parking meters to be collected and disbursed.

(Section 5.330 added by Ordinance No. 16387, enacted February 14, 1972; and amended by Ordinance No. 19969, enacted July 21, 1994.)

5.335 On-Street Parking Meter Rates.

- (1) The minimum and maximum charges for on-street parking in parking meter zones are hereby established at between \$0.25 and \$2.00 for one hour.
- (2) The city manager when designating parking meter zones, hourly rates and time limitations by administrative action may adjust the time received for depositing less than a twenty-five cent coin to approximate

the rates established. In making this adjustment consideration shall be given to the cost of modifying the parking meters affected and the demand for parking in the zone.

- (3) When there is a limited supply of parking meter parts, or when no parts are available, the city manager may continue to use parking meters which have a rate less than the rate established in subsection (1) of this section until such time as the meters can be modified or replaced so long as it is no longer than two years from the adoption of this section or from a subsequent amendment to subsection (1) of this section.

(Section 5.335 added by Ordinance No. 18715, enacted October 29, 1980, and amended by Ordinance No. 19339, enacted August 13, 1986.)

Parking Space Rental Permits

5.350 Parking Space Rental Permits.

- (1) Authorization. The city manager or designee may, under conditions set forth in this section, issue parking space rental permits upon a proper and complete written application therefor.
- (2) Application. If it is necessary for a person to park a motor vehicle in a parking restricted area for a period of time or in a manner that would otherwise not be permitted to facilitate construction work, maintenance, service or repair work, or the moving of furniture, equipment and other supplies, such person shall make an application upon a form approved by the city manager or designee, for a parking space rental permit.
- (3) Issuance of Permit. In deciding whether to issue a parking space rental permit, the city manager, or designee, shall consider the criteria set out at subsection (n) of section 5.055 and determine the necessity of the applicant's desired use; provided, however, that the investigation and determination of necessity need not precede the issuance of the permit if the application shows reasonable necessity in accordance with subsection (2) of this section. Daily employee parking shall not be considered a necessity under this section. Upon approval of the application and payment of all required fees, a parking space rental permit shall be issued, with conditions as to time, location, and manner of use as may be appropriate;
- (4) Placement and Use of Permit. When parking pursuant to the permit, the permit holder shall place the permit face up on the driver's side dashboard of the vehicle with the recorded validation readable from outside the vehicle. The permit holder shall not park in any space lawfully occupied by another vehicle, nor park in a manner that blocks the egress of any lawfully parked vehicle. The permit shall be used only when parking a vehicle is necessary to the performance of the work for which the application was submitted.
- (5) Reservation of Spaces. A parking space rental permit issued pursuant to this section may authorize the permit holder to use barricades to

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reserve one or more parking spaces. In using barricades, the permit holder shall comply with all conditions and regulations imposed as to their use. Use of barricades in any manner not authorized by the permit shall be cause for revocation of the permit or the barricade authorization.

- (6)** Fees. Prior to issuance of a parking space rental permit, the applicant shall pay a fee established by the city manager pursuant to section 2.020 of this code.
- (7)** Revocation of Permit. The use of a parking space rental permit issued pursuant to this section for any purpose other than that set forth in the application or in any manner contrary to the permit's terms and conditions shall be cause for revocation of the permit. Upon written notification to the permit holder that the permit has been revoked, the permit shall be deemed invalid for all purposes and all fees paid shall be forfeited.
- (8)** General Limitations. Unless the parking space rental permit specifically authorizes to the contrary, the permit holder shall not use the permit to park:
 - (a) At a location where parking or stopping is prohibited;
 - (b) In a parking space during hours when parking or stopping at that location is prohibited;
 - (c) In a parking space for longer than permitted if the space is designated as permitting parking for a period of time less than one hour.

Nothing in this section shall prevent a parking control officer, police officer or other authorized person from issuing a citation for violation of this or any other applicable provision of this code or from towing or impounding a vehicle when the towing or impounding is authorized under any other provision of this code.

- (9)** The city manager may adopt by administrative rule pursuant to the provisions of section 2.019 of this code more specific procedures and criteria with respect to, but not limited to, the issuance, use, or revocation of parking space rental permits. Violation of a rule adopted hereunder shall constitute a violation of this section.

(Section 5.350 amended by Ordinance No. 17441, enacted August 11, 1975; Ordinance No. 19969, enacted July 21, 1994; and clerically corrected May 1, 2008.)

Shuttle Bus Fares

5.385 **Shuttle Bus Fares.** No person shall ride the city operated shuttle bus without paying the fare established herein. The single round-trip fare shall be \$0.50 and the monthly fare shall be \$10.00. The fares shall be collected as directed by the city manager and may be sold on an annual basis or any part thereof.

(Section 5.385 added by Ordinance No. 18748, enacted January 14, 1981.)

Bicycles

5.395 **Application of Traffic Code.** Every person riding a bicycle within the corporate limits of the city shall be subject to the provisions of this chapter applicable to the driver of a motor vehicle, except those provisions which by their very nature can have no application.

(Section 5.395 added by Ordinance No. 17690, enacted June 28, 1976.)

5.400 **Operating Rules.**

- (1) No person may ride a bicycle on a sidewalk in that area bounded by the eastern sidewalk along Lincoln Street between 8th and 13th Avenues, the northern sidewalk along 8th Avenue between Lincoln and Pearl Streets, on either side of Willamette Street between 7th and 8th Avenues, the eastern sidewalk along Pearl Street between 8th and 13th Avenues, on either side of Broadway between Pearl and High Streets, and on the northern sidewalk along 13th Avenue between Pearl and Lincoln Streets.
- (2) No person may park a bicycle in or near a public thoroughfare or place in such a manner as to obstruct traffic or endanger persons or property.
- (3) A person riding a bicycle
 - (a) In a lane for vehicular traffic or parking may ride only in the direction legally prescribed there for that traffic.
 - (b) In a lane for vehicular traffic or parking shall ride as closely to the curb as is safe, but when approaching an intersection where a curb lane is designated "Left Turn" or "Right Turn" shall avoid that lane within 50 feet of the intersection if intending to ride through the intersection without turning.
 - (c) On a street or alley shall ride in single file with other bicyclists whenever a motor vehicle is approaching within 100 feet to the rear.
 - (d) On a bicycle path or a sidewalk shall keep as far to the right as is safe, except when overtaking and passing pedestrians and other vehicles, which shall be overtaken and passed only on the left.
- (4) Peace officers, police community service officers, police volunteers, and parole and probation officers performing official duties are exempt from the provisions of this section.

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(Section 5.400, formerly section 5.410, renumbered and amended by Ordinance No. 17690, enacted June 28, 1976; amended by Ordinance No. 20496, enacted October 8, 2012, effective November 10, 2012; and Ordinance No. 20538, enacted July 28, 2014, effective August 29, 2014.)

5.420 Impounding of Bicycles.

- (1)** A bicycle left on public property for a period in excess of 24 hours may be impounded by the police department.
- (2)** In addition to any citation issued, a bicycle parked in violation of this chapter may be immediately impounded.
- (3)** If a bicycle impounded under this chapter bears an Oregon driver's license number, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner.
- (4)** A bicycle impounded under this chapter which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

(Section 5.420, formerly section 5.435, renumbered and amended by Ordinance No. 17690, enacted June 28, 1976; amended by Ordinance No. 18325, enacted January 22, 1979.)

Pedestrians

5.425 **Right Angles.** A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

(Section 5.425, formerly section 5.470, renumbered by Ordinance No. 17690, enacted June 28, 1976.)

5.450 **Skateboards.**

- (1) As used in this section, a "skateboard" means a board of any material natural or synthetic with wheels affixed to the underside, designed to be ridden by a person and propelled by human power.
- (2) No person shall ride a skateboard:
 - (a) On any sidewalk within the area bounded by the eastern sidewalk along Lincoln Street between 8th and 13th Avenues, the northern sidewalk along 8th Avenue between Lincoln and Pearl Streets, on either side of Willamette Street between 7th and 8th Avenues, the eastern sidewalk along Pearl Street between 8th and 13th Avenues, on either side of Broadway between Pearl and High Streets, and on the northern sidewalk along 13th Avenue between Pearl and Lincoln Streets.
 - (b) In any multi-level parking facility within the city.
 - (c) Within ten feet of any major bus transfer station.
 - (d) In the portion of a street designated for automobile traffic, except when crossing a street in a crosswalk or at a right angle.
 - (e) On Alder Street, including the sidewalks thereof, between and including the southern sidewalk of East 12th Avenue and the northern sidewalk of East 14th Avenue, nor on East 13th Avenue, including the sidewalks thereof, between and including the eastern sidewalk of Pearl Street and the eastern sidewalk of Kincaid Street.
- (3) A person commits the offense of unsafe operation of a skateboard on the sidewalk if the person does any of the following:
 - (a) Rides a skateboard upon a sidewalk where prohibited;
 - (b) Rides a skateboard upon a sidewalk where not otherwise prohibited and does not yield the right of way to all pedestrians on the sidewalk; or
 - (c) Rides a skateboard on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property.

(Section 5.450 added by Ordinance No. 19623, enacted June 26, 1989; amended by Ordinance No. 19693, enacted June 11, 1990; amended by Ordinance No. 20057, enacted August 12, 1996; Ordinance No. 20071, enacted November 4, 1996, effective December 4, 1996; and Ordinance No. 20538, enacted July 28, 2014, effective August 29, 2014.)

Parades and Processions

5.500 **Parades - Prohibited Activity.** No person shall participate in a parade unless a permit has been obtained prior to commencement of the parade. As used in sections 5.500 to 5.520, "parade" means a gathering of at least ten persons who travel more than 100 feet on the public streets, sidewalks, alleys, or thoroughfares for a common purpose of public demonstration. No parade permit shall be required for parades of 100 persons or less who use the city sidewalks and obey all pedestrian and traffic laws and do not wish to use the city streets for such activity.

(Section 5.500 amended by Ordinance No. 18511, enacted October 3, 1979 and Ordinance No. 18885, enacted October 26, 1981.)

5.505 **Parades - Permit.**

- (1)** Application for parade permits shall be made in writing to the chief of police or his designate at least 48 hours prior to the intended time of the parade, unless such application processing interval is waived by him. In considering whether to waive or increase this application processing interval, the police chief or his designate shall base his decision on the following criteria:
 - (a) Whether the size of the proposed parade is such that extra law enforcement resources are required and scheduling of the allocation of such resources requires further time;
 - (b) Whether additional time is needed to inform the public of the parade in order to avoid public inconvenience;
 - (c) Whether additional time is needed to evaluate the merits of issuing a permit.
- (2)** Applications shall include the following information:
 - (a) The name and address of the person responsible for the proposed parade;
 - (b) The date of the proposed parade;
 - (c) The desired route including assembling points;
 - (d) The number of persons, vehicles, and animals which will be participating in the parade;
 - (e) The proposed starting and ending time; and
 - (f) The signature of the person designated as chairman.
- (3)** If the chief of police or his designate, on receipt of the application determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he shall approve the route and date and issue the permit. If the chief of police or his designate determines that the parade cannot be conducted at any place or at any time without endangering public safety, he shall deny the permit. In determining whether public safety is endangered by conducting the parade, the police chief shall consider whether reliable information shows that parade organizers intend to engage in violence during the course of the parade.

- (4) If the chief of police or his designate determines that the parade as requested cannot be conducted without seriously inconveniencing the general public, he shall issue the permit with approval of a different route or date. In determining whether to propose a different route or date, the police chief shall consider the following criteria:
 - (a) Whether the parade is likely to cause excessive traffic congestion;
 - (b) Whether the parade is likely to interfere substantially with the orderly operation of governmental or private commercial business by blocking access to such enterprises for a long period of time.
- (5) The chief of police shall notify the applicant of his decision within 48 hours of receipt of the application. If the chief of police or his designate refuses to issue a parade permit as requested, he shall issue written findings specifying the reasons for the decision and furnish those findings to the applicant with the notification of the decision.
- (6) If the chief of police proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the council.
- (7) The chief of police shall develop and publish administrative rules governing the issuance of parade permits. Such rules may include, but not be limited to provisions which:
 - (a) Restrict the days and times for permissible parades;
 - (b) Designate certain major streets which cannot be used for parades; and
 - (c) Impose insurance obligations and costs for extra police services for the organizers of parades.

(Section 5.505 amended by Ordinance No. 18512, enacted October 3, 1979, and Ordinance No. 18885, enacted October 26, 1981.)

5.510 Parades - Appeal to Council.

- (1) An applicant may appeal the decisions of the chief of police by filing a written request of appeal with the city recorder within five days after the chief of police has proposed alternatives or refused to issue a permit.
- (2) The council shall schedule a hearing date which shall not be later than three days following the filing of the written appeal with the city recorder and shall notify the applicant of the date and time that he may appear either in person or by a representative. The council may appoint a councilor or committee of councilors to hear the appeal.

(Section 5.510 amended by Ordinance No. 18885, enacted October 26, 1981; and Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998.)

5.515 Parades - Offenses Against Parades.

- (1) No person shall unreasonably interfere with a parade or parade participant.
- (2) No person shall operate a vehicle that is not part of a parade between the vehicle or persons comprising a parade.

5.520 Parades - Permit Revocable. The chief of police or his designate may revoke a parade permit if:

- (a) An imminent threat of violence and personal injury to the parade participants exists, all reasonable efforts to protect the parade participants have failed, and a request to disband the parade made to the parade organizers has been refused;
- (b) Actual violence has been caused by the parade organizers;
- (c) Actual violence that endangers public safety has been caused by parade participants and public safety cannot be protected without revocation of the permit; or
- (d) There is a significant deviation from the route designated in the application or approval, or assembly at points not shown in the application or approval, which occurs without approval of the police officer in charge of the parade escort.

(Section 5.520 amended by Ordinance No. 18512, enacted October 3, 1979, and Ordinance No. 18885, enacted October 26, 1981.)

5.525 Funeral Processions. A permit shall not be required to conduct a funeral procession.

- (a) The procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
- (b) The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
- (c) All motor vehicles in the procession shall be operated with their lights turned on.
- (d) No person shall unreasonably interfere with a funeral procession.
- (e) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

5.540 Signs Required for Parking Facilities Before Citing or Towing Unauthorized Vehicles.

- (1) When required by this code or state law a parking facility shall have notice of parking restrictions posted in at least one of the following ways:
 - (a) A sign at each entrance in plain view to any person entering the facility in a motor vehicle which:
 - 1. Is not more than 10 square feet nor less than 3 square feet in size;
 - 2. Contains lettering readable for a distance of 50 feet stating:
 - a. Who is authorized to use the parking facility,
 - b. That unauthorized vehicles will be cited for violation of section 5.240 of this code or will be towed away at the vehicle owner's expense, and
 - c. The hours when unauthorized vehicles may be cited or towed; or

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- (b) Signs within the parking facility of the same size and content as prescribed in paragraph (a) of this subsection which are readable from each parking space; or
 - (c) At each designated parking space an individual sign of not less than one square foot nor more than three square feet in size containing the notice prescribed in paragraph (a)2. of this subsection.
- (2)** The city manager or his or her designee shall prescribe standard signs with wording that meets the requirements of subsection (1) of this section. Existing signs which do not meet the sign design approved by the city manager shall be replaced with signs of the approved design no later than July 1, 1985.
- (3)** Upon written approval of the city manager or his or her designee, the size of the signs and lettering required by this section may be modified provided the modification gives reasonable notice to vehicle operators seeking a place to park.

(Section 5.540 added by Ordinance No. 18868, September 16, 1981; amended by Ordinance No. 18953, enacted April 14, 1982; Ordinance No. 19220, enacted February 8, 1984; and Ordinance No. 19242, enacted April 23, 1984, effective June 22, 1984.)

Traffic Offenses on Premises Open to the Public

5.555 **Crossing Private Property or Premises Open to the Public.**

- (1) No operator of a motor vehicle shall proceed from one street to an intersecting street by crossing private property or premises open to the public. This provision shall not apply to the operator of a motor vehicle who stops on the property for the purpose of procuring or providing goods or services.
- (2) Violation of this section is a municipal offense subjecting the violator to arrest by a police officer or private citizen if the violation takes place in the presence of the officer or citizen or by a police officer acting under authority of a municipal court warrant.
- (3) Convictions shall not be reported to the Department of Motor Vehicles.

(Section 5.555 amended by Ordinance No. 17690, enacted June 28, 1976; Ordinance No. 19500, enacted September 28, 1987; and Ordinance No 20256, enacted June 10, 2002, effective July 10, 2002.)

Citation and Bail

5.653 Joinder of Offenses. A parking citation must charge but one offense and in one form only, except several parking citations against a vehicle operator or owner for the same act of stopping, standing or parking may be consolidated upon order of the municipal court.

(Section 5.653 added by Ordinance No. 18937, enacted March 8, 1982.)

5.665 Owner Responsibility. The owner of a vehicle placed in violation of a parking restriction shall be severally responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

5.670 Registered Owner Presumption. In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

(Section 5.670 amended by Ordinance No. 18937, enacted March 8, 1982.)

5.675 Expedited Judicial Review of Violations. The municipal court may establish procedures for the owner, operator or person in charge of a vehicle to receive a review of the written record for any citation based on a violation of this chapter or for towing and storage fees provided in section 5.693 of this chapter and to receive a decision on the written record. Before a person uses the procedures established under this section the municipal court may require the posting of bail or bond for the offense, the waiver of the right to trial and appeal therefrom, and an agreement that any decision rendered

shall be final and no appeal taken thereon. The review may be limited to matters not previously considered by the municipal court.

(Section 5.675 added by Ordinance No. 18937, enacted March 8, 1982.)

Snow Emergency

5.677 Snow Emergency - Parking on Priority One and Priority Two Routes.

- (1)** Whenever the city manager or the manager's designee finds, on the basis of falling snow, sleet, freezing rain, formation of ice, or on the basis of a forecast by the U. S. Weather Bureau of snow, sleet or freezing rain, that weather conditions will make it necessary that streets be sanded and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the city manager or the manager's designee may put into effect a parking prohibition on all or parts of priority one routes and priority two routes as necessary by declaring it in the manner prescribed by section 5.681 of this code.
- (2)** Notwithstanding the provisions of section (1) of this section, a parking prohibition shall automatically go into effect on any part of any priority one or priority two route on which there has been an accumulation of one inch or more of snow or an accumulation of ice on the road surface.
- (3)** Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the city manager or the manager's designee in accordance with section 5.682 of this code. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a priority one or priority two route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

(Section 5.677 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990.)

5.678 Snow Emergency - Parking on Priority Three Routes.

- (1)** Whenever the city manager, or the manager's designee finds, on the basis of falling snow, sleet, freezing rain, formation of ice, or on the basis of a forecast by the U. S. Weather Bureau of snow, sleet, or freezing rain, that weather conditions will make it necessary that roads be sanded and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the city manager or the manager's designee may put into effect a parking prohibition on parts or all of priority three routes as necessary by declaring it in a manner prescribed by section 5.681 of this code. The prohibition shall remain in effect until terminated by announcement of the city manager or the manager's designee in accordance with section 5.682 of this code.
- (2)** While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on a street to which it applies.

- (3) Nothing in this section shall be construed to permit parking at any time or place where it is forbidden under any other provision of law.

(Section 5.678 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990.)

- 5.679** **Snow Emergency - Condition of Motor Vehicles Operated During Snow Emergency.** No person operating a motor vehicle on part of a priority one, priority two, or priority three route on which there is a covering of snow, sleet or ice, or on which there is a parking prohibition in effect shall allow such vehicle to become inoperative.

(Section 5.679 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990.)

- 5.680** **Snow Emergency - Stalled Vehicles on Snow Emergency Routes.**

Whenever a vehicle becomes stalled for any reason, whether or not in violation of sections 5.677 to 5.687 of this code, on any part of a snow emergency route on which there is a covering of snow, sleet, or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route, either to the first cross street which is not a snow emergency route or some other location. No person shall abandon or leave his or her vehicle in the roadway of a snow emergency route regardless of whether he or she indicates, by raising the hood or otherwise, that the vehicle is stalled.

(Section 5.680 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990.)

- 5.681** **Snow Emergency - Declaration of Emergency.** The city manager or the manager's designee shall cause each declaration by him or her of a snow emergency to be publicly announced by means of broadcast or telecast from stations with a normal operating range covering the city. The city manager or the manager's designee may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the city manager or the manager's designee, including the time it became or will become effective and shall specify the streets or areas affected.

(Section 5.681 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990.)

- 5.682** **Snow Emergency - Termination of Parking Prohibitions.** Whenever the city manager or the manager's designee shall find that some or all of the conditions which gave rise to the parking prohibition in effect pursuant to sections 5.677 to 5.687 of this code no longer exist, he or she may declare the prohibition terminated, in whole or in part, in a manner prescribed by section 5.681 of this code, effective immediately upon announcement.

(Section 5.682 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990.)

5.683 Snow Emergency - Temporarily Effective Provisions to Take

Precedence. Any provision of sections 5.677 to 5.687 of this code which becomes effective by declaration of the city manager or the manager's designee or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer.

(Section 5.683 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990.)

5.684 Snow Emergency - Publication of Snow Emergency Route Maps.

(Section 5.684 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990; and repealed by Ordinance No. 20516, enacted September 23, 2013, effective October 25, 2013.)

5.685 Snow Emergency - Removal, Impounding and Return of Vehicles.

Any vehicle left parked or abandoned on a priority one, priority two or priority three route during a snow emergency shall be deemed to constitute a hazard or obstruction to motor vehicle traffic using that street and may be removed immediately under the direction of a police officer, parking control officer or community service specialist and impounded according to the provisions of sections 5.695 and 5.697 of this chapter and the administrative rules adopted thereunder. The provisions of this section are in addition to Oregon Vehicle Code laws and other provisions of this Code prohibiting parking.

(Section 5.685 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990; amended by Ordinance No. 20023, enacted September 18, 1995, effective October 18, 1995.)

5.686 Snow Emergency - Amendment of Snow Emergency Route Map.

The city manager or the manager's designee shall from time to time review the snow emergency route map and may change the priority of roadways or add new roadways to the priority system. Such changes shall be made as a part of an administrative order and shall be subject to appeal as provided in section 5.045 of this code.

(Section 5.686 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990; and amended by Ordinance No. 20516, enacted September 23, 2013, effective October 25, 2013.)

5.687 Snow Emergency - Authority to Close Roads.

In addition to the authority already granted the city manager or the manager's designee under section 5.040 of this code to temporarily close any street to vehicular or pedestrian traffic, the city manager or the manager's designee shall have the authority under this provision to temporarily close any street to vehicular or pedestrian traffic when in his or her opinion it is necessary to do so because of a snow emergency. However, such closure shall not be subject to the notice

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requirements and appeal requirements set forth in sections 5.040 and 5.045 of this code. Nevertheless, the city manager shall cause to be placed and maintained during such temporary closures "no parking", "no walking", "street closed", or other appropriate directional signs.

(Section 5.687 added by Ordinance No. 19723, enacted October 22, 1990, effective November 21, 1990.)

Vehicle Impoundment Procedures

5.693 **Impoundment - Owner's Responsibility.** The owner of a vehicle shall be responsible for the cost of towing and storage of the vehicle impounded plus the costs of notice and sale as provided in sections 5.693 to 5.980.

(Section 5.693 added by Ordinance No. 18937, enacted March 8, 1982.)

5.695 **Impoundment of Vehicles.**

- (1) When this code or state law provides for impounding a vehicle, it shall be given a citation and may be removed by or under the direction of a police officer, parking control officer or community service specialist of the city; taken to the city facilities for storing vehicles or to some reputable motor vehicle storage facility and kept there until it is redeemed or sold.
- (2) Subsection (1) of this section shall not apply to vehicles impounded under the direction of a police officer for criminal investigative purposes or for safekeeping when the operator of the vehicle is unable to safely and lawfully park the vehicle. If the owner fails to claim the vehicle within five days after its impoundment or notice of its release from criminal investigations, it shall be impounded, redeemed or sold as provided in this section and section 5.699 of this chapter.
- (3) The city manager or his or her designee shall adopt administrative rules setting forth the requirements of impoundment notices, which shall comply with the federal constitutional requirement of due process of law, and the procedures to be followed at any hearings requested thereon. The rules shall be adopted in the manner set forth in section 2.019 of this code.

(Section 5.695 amended by Ordinance No. 16487, enacted May 22, 1972, Ordinance No. 17187, enacted October 7, 1974, Ordinance No. 18937, enacted March 8, 1982; Ordinance No. 19028, enacted September 29, 1982; Ordinance No. 19542, enacted March 16, 1988, effective March 26, 1988; and Ordinance No. 20023, enacted September 18, 1995, effective October 18, 1995.)

5.696 **Impoundment - Inventory.** When a vehicle has been lawfully impounded by the city, the contents shall be inventoried. An inventory conducted pursuant to this section shall be made for the following purposes:

- (a) To ensure the protection of the owner's property while it is impounded;
- (b) To reduce the potential assertion of false claims against the city or other persons for lost, stolen or damaged property; and
- (c) To reduce the danger to police officers and others from the impoundment of uninventoried property.

The city manager or the manager's designee shall adopt an administrative program for inventories conducted pursuant to this section. These internal policies shall be designed and administered so that the inventories are conducted for the purposes set forth in this section and under specific

guidelines which ensure that the inventory involves no exercise of discretion by the person directing or taking the inventory.

(Section 5.696 added by Ordinance 20023, enacted September 18, 1995, effective October 18, 1995.)

5.697 **Impoundment - Notice.** When this code or state law provides for impounding a vehicle, the city shall provide notice of the impoundment in accordance with the procedures established by administrative rules of the city manager issued pursuant to section 5.695 of this code.

(Section 5.697 added by Ordinance No. 18937, enacted March 8, 1982; amended by Ordinance 20023, enacted September 18, 1995, effective October 18, 1995.)

5.698 **Hearing to Contest Validity of Impoundment.**

(1) A person provided notice under section 5.697 of this code, or any other person who reasonably appears to have an interest in the vehicle, may request a hearing to contest the validity of the removal and custody of a vehicle.

(2) The manner of giving notice of the right to a hearing provided for in subsection (1) of this section and the procedures to be followed at the hearing shall comply with the rules adopted by the city manager pursuant to section 5.695 of this code.

(Section 5.698 added by Ordinance 20023, enacted September 18, 1995, effective October 18, 1995.)

5.699 **Impoundment - Sale and Redemption.**

(1) Any vehicle impounded by authority of section 5.695 shall be sold as prescribed in section 2.825 et seq. of this code. Any notice given the owner in compliance with section 5.697 and the administrative rules adopted under section 5.695 may be used in meeting the notice requirements of section 2.825.

(2) The city's interest in and hold on any vehicle impounded by authority of section 5.695 shall be released any time prior to sale of the vehicle upon the owner or other person having a financial interest in the vehicle posting with municipal court any unpaid bail and paying all unpaid fines.

(Section 5.699 added by Ordinance No. 18937, enacted March 8, 1982; amended by Ordinance No. 20023, enacted September 18, 1995, effective October 18, 1995.)

5.700 **"Boot" - Installation.**

(1) When a driver, owner, or person in charge of a motor vehicle is cited for violation of section 5.231 the officer issuing the citation shall:

(a) Immobilize the vehicle temporarily, until 11:00 a.m. of the following day, by installing on or attaching to the vehicle a device designed to restrict the normal movement of the vehicle;

(b) Conspicuously affix to the vehicle the written notice prescribed in subsection (2) of this section;

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- (c) Unless release of the vehicle is arranged by 11:00 a.m. of the following day, remove the vehicle from the street or other public property as provided in section 5.695 of this code.
- (2) The notice required by subsection (1) of this section shall contain:
 - (a) The name of the city employe ordering the temporary immobilization;
 - (b) A description of the vehicle and its location;
 - (c) A statement of the reason for the temporary immobilization of the vehicle including a reference to the section of this Code violated;
 - (d) Where to go and how to obtain release of the vehicle;
 - (e) The date and time when the city will have the vehicle towed and stored at the owner's expense, resulting in the sale of the vehicle to satisfy these expenses and unpaid bail and fines if the owner fails to redeem the vehicle;
 - (f) The statement that attempting to remove the immobilization device or removing it or attempting to remove or removing the vehicle before it is released as authorized by this code is an offense.
- (3) The parking restrictions of the city shall not apply to a vehicle that has been temporarily immobilized as provided in this section.

(Section 5.700 amended by Ordinance No. 16487, enacted May 22, 1972, and Ordinance 18937, enacted March 8, 1982; and Ordinance No. 20023 enacted September 18, 1995, effective October 18, 1995.)

5.705 "Boot" - Removal.

- (1) No person other than an officer of the city may remove or attempt to remove the device, or move or attempt to move the vehicle, before it is released by the police department or the clerk of the municipal court in accordance with this section. If the device has been removed, or the vehicle has been moved, in violation of this subsection, in addition to the issuance of a citation for the violation, a parking control officer, community service specialist or police officer of the city may order the impoundment of the vehicle. After the vehicle has been impounded, the city shall provide notice as provided under section 5.697 of this code and the administrative rules adopted under section 5.695 of this code.
- (2) A vehicle shall be released and the temporary immobilization device removed when the owner, operator or person in charge of the vehicle:
 - (a) Posts bail and pays all fines and bail for parking citations issued against the vehicle, its operator or owner; or
 - (b) Presents clear and convincing information to an employe of the city designated by the municipal judge to receive such information, that the present owner of the vehicle did not own the immobilized vehicle at the time the parking citations were issued that established the violation of section 5.231, or that the bail and fines for parking citations that establish the violation of section

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5.231 have been paid before the vehicle was temporarily immobilized.

- (3) The city employe designated by the municipal judge as provided in subsection (2) of this section may for good cause extend the time limit the temporary immobilization device is left attached to a vehicle before it is towed and stored provided the owner, in writing, assumes all risk of damage to the vehicle while it remains immobilized. The extension of the time limit shall not exceed an additional 24 hours, excluding Sundays and holidays.

(Section 5.705 amended by Ordinance No. 16487, enacted May 22, 1972, and Ordinance No. 18937, enacted March 8, 1982; and Ordinance No. 20023, enacted September 18, 1995, effective October 18, 1995.)

5.980 Possessory Lien for Towing and Storage.

- (1) Any person who, at the request of a police officer, parking control officer or community service specialist of the city, tows and stores a vehicle as authorized by this chapter:
 - (a) Except as otherwise provided in this section, shall have a lien on the vehicle and its contents in accordance with ORS 87.152 for the just and reasonable charges for towing and storage services performed;
 - (b) May retain possession of the vehicle and contents until such charges are paid; and
 - (c) Shall provide written notice, approved by the city, containing information on the procedures necessary to obtain the release of the vehicle and judicial review or hearing as provided in sections 5.675 and 5.697 of this chapter to each person who seeks to redeem the vehicle.
- (2) A lien described under this section does not attach to the contents of any vehicle until 15 days after taking the vehicle into custody.
- (3) No person towing or storing a vehicle as provided in this chapter may release the vehicle without first obtaining the written permission of the municipal court or the police department.
- (4) Before any net proceeds from the sale of the vehicle are paid to the Lane County Treasurer as provided in subsection (2) of ORS 87.206, they shall be deposited with municipal court to satisfy any unpaid bail and fines for parking offenses involving the said vehicle. Any amount remaining thereafter shall then be paid by the city to Lane County Treasurer. At the time the net proceeds are deposited with the municipal court, the lien claimant shall also deliver to municipal court the documents required by subsection (2) of ORS 87.206.

(Section 5.980 added by Ordinance No. 18937, enacted March 8, 1982; and amended by Ordinance No. 19542, enacted March 16, 1988, effective March 26, 1988.)

Penalties

5.990 Penalties - Specific.

- (1) Except as may be limited by Charter, violations of ORS provisions adopted by reference in section 5.005 of this Code are offenses against the city and are punishable up to the maximum amounts established by order of the Municipal Court Judge, which amounts shall not exceed the maximum amounts established under state law.
- (2) Violation of sections 5.060 to 5.150, 5.160, subsections (1) and (2) of section 5.225, 5.540, 5.555, and subsections (3) and (4) of section 5.980 is punishable by fine not to exceed \$100.00.
- (3) Violation of sections 5.285 or 5.385, shall be punishable by a fine not exceeding \$25.00.
- (4) In addition to or in lieu of a penalty for a bicycle violation, the municipal judge may prohibit the operation of a bicycle used in the violation on the streets of the city for a period not to exceed 30 days. In such event, the chief of police shall be directed to impound the bicycle, and retain it for the period that the operation is prohibited, or the owner's registration card held for the period during which the operation of the bicycle is prohibited.
- (5) When there have been repeated violations of paragraph (3)(f) of section 5.225, in addition to the penalty provided in section 5.995, the municipal judge may suspend for up to one year the privilege of purchasing a parking space rental permit for any vehicle owned or leased by the offender.
- (6) Violation of Section 5.155(6) is punishable by fine not to exceed \$150. Each subsequent violation within the same prohibited time period shall constitute a separate violation, and in addition to the penalty provided herein, the vehicle may be towed and taken to a storage area designated by the city and may be impounded, all at the expense of the owner or person entitled to possession of the vehicle.

(Section 5.990 amended by Ordinance No. 16270, enacted July 12, 1971; Ordinance No. 16687, enacted January 8, 1973; Ordinance No. 16959, enacted January 7, 1974; Ordinance No. 17690, enacted June 28, 1976; Ordinance No. 18554, enacted January 9, 1980; Ordinance No. 18681, enacted July 2, 1980; Ordinance No. 18748, enacted January 14, 1981; Ordinance No. 18868, enacted September 16, 1981, Ordinance No. 18937, enacted March 8, 1982; Ordinance No. 19500, enacted September 28, 1987; Ordinance No. 19541, enacted March 14, 1988, effective March 24, 1988; Ordinance No. 19969, enacted July 21, 1994; Ordinance No. 20307, enacted and effective February 9, 2004; Ordinance No. 20340, enacted March 4, 2005, effective April 3, 2005; and administratively corrected June 28, 2005.)

5.995 Penalties - General. Except as provided in section 5.990, violation of any section of this chapter is punishable by fine not to exceed \$50.00.

(Section 5.995 added by Ordinance No. 18937, enacted March 8, 1982.)