

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH
FOR THE PURPOSE OF AMENDING THE MUNICIPAL) ORDINANCE 22-08
CODE CHAPTER 10.08 ARTICLE III, PARKING)
)

WHEREAS, the City of Cannon Beach Municipal Code Chapter 10.08.300 and 10.08.310 are inconsistent and do not align with current practice for imposing fines for parking citations; and

WHEREAS, the amendments eliminate the inconsistencies and align the notification process with current practice; and

WHEREAS, under the amendments, individuals receiving citations have 30 days to respond before the fines are doubled and, if doubled, the owner will receive a letter from the City notifying them of the new balance ; and

WHEREAS, City staff presented the revisions at the November 8, 2022 council meeting; and

NOW THEREFORE, THE CITY OF CANNON BEACH COUNCIL ORDAINS AS FOLLOWS:

1. The Cannon Beach City Council amends Chapter 10.08 of the Cannon Beach Municipal Code as described in Exhibit A to this ordinance, which is attached and incorporated by reference.
2. This Ordinance shall take effect thirty days from the date of adoption.


ADOPTED by the Common Council of the City of Cannon Beach this 6th day of December 2022, by the following roll call vote:


YEAS: Councilors McCarthy, Ogilvie, Risley and Mayor Steidel
NAYS: Councilor Benefield
EXCUSED: None


Sam Steidel, Mayor

Attest:

Approved as to form:


Bruce St. Denis, City Manager


Ashley Driscoll, City Attorney

Article III. Parking

10.08.200 Method of parking.

A. When parking spaces are designated on a street or public lot, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a manner that the front vehicle tire closest to the curb is located within twelve inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

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

C. When the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police or fire officers. (Ord. 89-8 § 12)

10.08.210 Prohibited parking or standing.

No person shall park or stand:

A. A vehicle in violation of the Oregon Vehicle Code or in violation of a parking limitation device;

B. A vehicle in an alley, except for a stop or not more than thirty consecutive minutes for loading or unloading persons or material;

C. A motor truck on a street in front of, or adjacent to, a residence, motel, apartment house, hotel or other sleeping accommodation in a residential zone between the hours of nine p.m. and seven a.m. (Ord. 89-8 § 13)

10.08.215 Parking lots—Regulation of driving, traffic flow and parking.

A. The city shall regulate driving, traffic flow, and parking in selected parking lots and premises open to the public.

B. Signs and markings placed in city-owned parking lots and other city-owned premises that are open to vehicular traffic are designated as “traffic control devices” as defined in ORS 801.540.

C. Property owners of privately owned parking lots which would qualify as “premises open to the public” under ORS 801.400 may apply to the city to have the signs and markings used to regulate or direct the traffic flow in their parking lots designated as “traffic control devices.”

D. Signs and markings designated as “traffic control devices” shall meet the following requirements:

1. Shall be approved by the city.
2. Traffic patterns controlled by “traffic control devices” shall be approved by the city.
3. Signs and markings on private parking lots shall be paid for and maintained by the owner of the property.

E. Property owners of parking lots and premises open to the public may apply to the city for parking enforcement on their private parking lot providing:

1. Parking regulation is related to public safety.
2. The city shall not take any action or responsibility related to “customer only parking” or similar parking restrictions based on the property owner’s commercial or economic needs, with the exception of the U.S. post office or other state or federal agency which wishes to implement time limited parking on some or all of its parking spaces.

F. Persons who fail to obey “traffic control devices” authorized under this section are subject to the provisions of ORS 811.265. (Ord. 94-18 §§ 1—6)

10.08.220 Prohibited practices.

No operator shall park a vehicle, and no owner shall allow a vehicle to be parked, on a street or other public property for the principal purpose of:

- A. Displaying the vehicle for sale;
- B. Repairing or servicing the vehicle, except while making repairs necessitated by an emergency;
- C. Displaying temporary advertising from the vehicle;
- D. Selling merchandise from the vehicle, except when authorized. (Ord. 89-8 § 14)

10.08.230 Establishment of loading zones.

A. The city manager is authorized to designate, establish and maintain, remove or alter loading zones in the city. The location of such zones should be determined by the city manager upon his initiative or upon the request from an adjacent property owner or occupant. The standard for determining the location and size of loading zones is the public welfare. Consideration shall be given to the volume and nature of business within the block, the volume of normal traffic, the relationship between the need for parking space for loading purposes and the need for parking space for the general public, and the hours of the day when loading is necessary or most convenient.

B. Following the designation of a loading zone by the city manager, the public works director shall cause signs to be erected in the zone indicating the conditions applicable to the loading zone. (Ord. 89-6 § 2)

10.08.240 Use of loading zone.

No person shall park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed thirty minutes. (Ord. 89-8 § 15; Ord. 89-6 §§ 2, 3)

10.08.250 Impoundment of vehicles.

Vehicles parked in violation of this article may be towed and impounded. Vehicles impounded shall not be released until all towing and storage charges have been paid and bail in the amount of fifteen dollars has been posted. (Ord. 89-6 § 4)

10.08.260 Authorized emergency vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from, a fire alarm, may park or stand irrespective of the provisions of this chapter.

B. This section does not relieve drivers of authorized emergency vehicles from the duty to park or stand with regard for the safety of all persons. (Ord. 89-8 § 16)

10.08.270 Lights on parked vehicles.

No lights need be displayed on a vehicle that is parked in accordance with this chapter on a street where there is sufficient light to reveal a person or object at a distance of at least three hundred feet from the vehicle. (Ord. 89-8 § 17)

10.08.280 Extension of parking time.

When signs are erected in any block or within any public parking lot limiting permissible parking time, no person shall park a vehicle within that block or parking lot for longer than the time posted upon the sign. Movement of a vehicle to a parking space on either side of the same street within the area between the intersections at each end of the block shall not extend the time limits for parking. Nor shall movement of a vehicle to another parking space within the same parking lot extend the time limits for parking. After a vehicle has been moved from the posted block or parking lot for a period of time not less than one hour, then a new time limitation shall apply. (Ord. 17-4 § 1; Ord. 89-8 § 18)

10.08.290 Exemptions.

The provisions of this chapter that regulate the parking or standing of vehicles do not apply to:

- A. A city, county, state or public utility vehicle being used for public works maintenance, construction or repair work;
- B. A vehicle owned by the United States being used for collection, transportation or delivery of mail;
- C. A vehicle of a disabled person who complies with the provisions of ORS 801.235 and ORS 811.600 to 811.640. (Ord. 89-8 § 19)

10.08.300 Citation of illegally parked vehicle.

When a vehicle without an operator is found parked in violation of a restriction imposed by this chapter or state law, the officer finding the vehicle shall note the license number and any other information displayed on the vehicle that may identify the owner and shall attach a parking citation to the vehicle. The citation shall instruct the operator to post the bail imposed within thirty days (Ord. 89-8 § 20)

10.08.310 Failure to comply with parking citation.

If the operator does not respond to a parking citation attached to the vehicle within a period of thirty days:

- A. The fine will be doubled, and
- B. A letter will be sent to the registered owner of the vehicle giving them thirty days to pay the new balance. Failure to pay the new balance within thirty days will result in the ticket being sent to collections without further notice.

C. The vehicle may be impounded, and an impounded vehicle shall not be released until all outstanding fines and charges are paid. (Ord. 89-8 § 21)

10.08.320 Owner responsibility.10

The owner of a vehicle that is in violation of a parking restriction is responsible for the offense unless the operator used the vehicle without the owner's consent. (Ord. 89-8 § 22)

10.08.330 Registered owner presumption.

In a proceeding charging violation of a parking restriction against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner. (Ord. 89-8 § 23)

10.08.340 Impoundment of vehicles.

A. Disposition of a vehicle towed and stored under provisions of state law for the removal of hazardous vehicles is in accordance with provisions of state law on impoundment and disposition of abandoned vehicles.

B. Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this chapter.

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

D. Illegally parked vehicles may be towed from public property and stored at the expense of the vehicle owner.

E. Vehicles may be impounded by removal or by the use of a "boot." (Ord. 89-8 § 24)

10.08.350 Standing or parking buses and taxicabs.

The operator of a bus or taxicab shall not park or stand the vehicle on a street in a business district other than at a bus stop or taxicab stand, except that this provision does not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers. (Ord. 89-8 § 25)

10.08.360 Restricted use of bus and taxicab stands.

No person shall park or stand a vehicle other than a taxicab in a taxicab stand or a bus in a bus stop, except that the operator of a passenger vehicle may stop temporarily while loading or unloading passengers when the stop does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space. The driver of such a vehicle must remain in the vehicle at all times. (Ord. 89-8 § 26)

10.08.370 Recreational vehicles—Parking restrictions.

No person shall park a recreational vehicle on the public right-of-way of any street or in a public parking lot, within the city, unless the public right-of-way or parking lot has been designated by signs as a parking area for recreational vehicles. (Ord. 84-13 § 2)

10.08.375 Recreational vehicles—Commercial zones.

No person shall park a trailer on the public right-of-way of any street or in a public parking lot within the limited commercial zone (C-1) or general commercial zone (C-2) of the city, unless the public right-of-way or parking lot has been designated by signs as a parking area for recreational vehicles. (Ord. 91-15 § 1)

10.08.380 Recreational vehicles—Designated parking areas.

The city council may designate parking areas for the exclusive use of recreational vehicles, or for the combined use of recreational vehicles and other vehicles. (Ord. 84-13 § 3)

10.08.390 Recreational vehicles—Towing.

Recreational vehicles or trailers parked in violation of this chapter may be towed and impounded at the direction of the police department. The vehicles shall not be released until all towing costs have been paid. (Ord. 91-15 § 2; Ord. 84-13 § 4)

10.08.400 Violation—Penalty.

A. Violation of Sections [10.08.200](#) to [10.08.280](#) and [10.08.370](#) to [10.08.390](#) is punishable by a fine not to exceed fifty dollars.

B. Violation of a provision identical to a state statute is punishable by a fine not to exceed the penalty prescribed by the state statute. (Ord. 89-8 § 34; Ord. 84-13 § 5)