

[Title 10 VEHICLES AND TRAFFIC](#)

[Chapter 10.10 PARKING ON RIGHTS-OF-WAY](#)



Chapter 10.10

PARKING ON RIGHTS-OF-WAY Revised 9/25

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Article I. Parking on Rights-of-Way

10.10.010 Short title.

This article shall be known as the parking ordinance and may be so cited and pleaded and shall be cited herein as Article I of Chapter [10.10](#) MCC. [Ord. 809 § 1, 1988.]

10.10.020 Purpose.

The purpose of this article is to provide a safer environment on county road rights-of-way by accomplishing the following objectives:

- A. Enhance traffic flows on streets within the urban growth boundaries of the incorporated cities of Marion County.
- B. Reduce roadway damage created by heavily loaded or improperly parked vehicles on public rights-of-way.
- C. Reduce the number of vision obstructions created by large vehicles.
- D. Reduce hazards created by large vehicles parking on narrow streets.
- E. Allow for better emergency vehicle access. [Ord. 809 § 2, 1988.]

10.10.030 Authority.

The Marion County board of commissioners, as road authority in Marion County, has the exclusive authority to regulate, control, or prohibit the stopping, standing, and parking of vehicles upon roadways under their jurisdiction pursuant to ORS [810.160](#). [Ord. 809 § 3, 1988.]

10.10.040 Definitions.

For the purposes of this article, the following definitions shall be used in addition to those found in the Oregon Vehicle Code:

“Allowable gross vehicle weight” means the total weight for a particular axle configuration allowed by this article, including weight of everything on the vehicle.

“County road” means any public road under the jurisdiction of Marion County which is designated as a county road and which is maintained by Marion County, including the entire width of the right-of-way.

“Large vehicle” means any vehicle that exceeds 25 feet in overall length, or exceeds eight and one-half feet in overall width, or exceeds the allowable gross vehicle weight as assigned in the following table:

Total # of Axles Carrying Weight*	Allowable Gross Vehicle Weight
2	15,000 lbs.
3	22,000 lbs.
4	30,000 lbs.
5 or more	38,000 lbs.

* Landing gear and dolly converters shall be considered axles if they are completely supporting one end of a trailer.

“Local access road” means any public road, which is not a county road, and which is under the jurisdiction of Marion County, and which the county is not required to improve or repair, including the entire width of the right-of-way.

“Overall length” means length of a vehicle at its extreme longest points including hitches and bumpers.

“Overall width” means width of a vehicle at its extreme widest points including mirrors, lights, load, and fenders.

“Park” or “parking” means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

“Person” means a natural person, firm, partnership, association or corporation.

“Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

“Vision obstruction” means the blocking or impeding of all or any part of a driver’s field of vision reasonably necessary for safe movement on and around public roadways. [Ord. 809 § 4, 1988.]

10.10.050 Exceptions.

A. This article does not apply while a vehicle is temporarily engaged in the process of loading or unloading passengers or cargo.

B. This article does not apply to:

1. Any state, federal, local government, or public utility vehicle being used for maintenance, construction, or repair of public works or facilities within the right-of-way; or
2. A vehicle owned by the United States being used for collection, transportation, or delivery of mail. [Ord. 809 § 5, 1988.]

10.10.060 Unlawful parking.

A. No person shall park within any county road or local access road:

1. Any vehicle in violation of a parking limitation sign or device.
2. Any large vehicle within 200 feet of an intersection.
3. Any large vehicle in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation in a residential zone between 9:00 p.m. and 7:00 a.m.
4. Any large vehicle on a street which has a surface width of less than or equal to 34 feet.

B. No person shall drive any vehicle on a curb, sidewalk or roadside planting strip except to cross at an authorized permanent or temporary driveway. A person who causes damage shall be responsible for the cost of repair.

C. Any vehicle parked in violation of this article is declared to be a nuisance as a hazard or obstruction to motor vehicle traffic. [Ord. 809 § 6, 1988.]

10.10.070 Penalties for violation.

A violation of this article shall be punishable as provided:

- A. A violation of MCC [10.10.060](#)(A)(2), (3) or (4) is punishable by a fine not to exceed \$50.00.
- B. A violation of MCC [10.10.060](#)(A)(1) or (B) is punishable by a fine not to exceed \$100.00.
[Ord. 809 § 7, 1988.]

10.10.080 Citation on illegally parked vehicles.

Violation of this article shall be treated as a violation and shall be subject to the procedures set forth in ORS [153.030](#) through [153.121](#), except as follows:

- A. A justice court, district court or circuit court of this county has concurrent jurisdiction of all complaints filed under this article.
- B. Prosecution of ordinance complaints and/or any other remedy provided by law shall be conducted by the Marion County legal counsel or assistant legal counsel.
- C. If the defendant fails to appear, request a hearing, or post bail at the times specified, the court shall enter a civil judgment against the defendant in the amount of the fine plus court costs, which may not exceed \$50.00.
- D. No warrant of arrest shall be issued for a violation of this article or for failure of any party to appear.
- E. If the operator of a vehicle parked in violation of this article cannot be easily found, the officer may serve the summons by attaching it to the vehicle in a conspicuous place.
- F. All monies collected by the court shall be deposited with the Marion County treasurer.
[Ord. 1264 § 2(5), 2008; Ord. 809 § 8, 1988.]

10.10.090 Owner responsibility.

The owner of a vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.

In a prosecution of a vehicle owner charged with a violation of this article, proof that at the time of the alleged violation the vehicle was registered with the appropriate motor vehicle licensing authority of any state as belonging to the defendant motor vehicle owner shall raise a disputable presumption that he is the owner in fact. [Ord. 809 § 9, 1988.]

10.10.100 Impoundment.

Disposition of a vehicle towed and stored as a hazard or obstruction to motor vehicle traffic shall be in accordance with the provisions of ORS [819.120](#) on impoundment and disposition of hazardous vehicles.

Impoundment of a vehicle does not preclude issuance of a citation for violation of this article. [Ord. 809 § 10, 1988.]

10.10.110 Territorial limitation.

This article shall apply only within the unincorporated areas of Marion County lying within established urban growth boundaries of incorporated cities in Marion County. [Ord. 809 § 11, 1988.]

Article II. Parking and Business Activities on Rights-of-Way

10.10.120 Title.

This article shall be known as the Marion County right-of-way ordinance and may be so cited and pleaded. [Ord. 1182 § 1, 2003.]

10.10.130 Purpose.

The purpose of this article is to restrict and regulate parking and business activities in public rights-of-way of the county. As the road authority, the Marion County board of commissioners has exclusive authority to regulate, control or prohibit the stopping, standing and parking of vehicles upon roadways and rights-of-way under county jurisdiction, pursuant to ORS [810.160](#). [Ord. 1182 § 2, 2003.]

10.10.140 Definitions.

“County property” means any property owned or leased by the county. The term “county property” includes any plaza owned or leased by the county in common with another owner or lessee. The term “county property” does not include any county road.

“Motor vehicle” means any vehicle that is, or is designed to be, self-propelled.

“Nonmotorized vehicle” means any vehicle that is not designed to be self-propelled.

“Park” means to park, stand or stop as those three terms are defined within the Oregon Vehicle Code and set forth in the Oregon Revised Statutes.

“Person” means an individual, corporation, partnership, association or other entity.

“Public road” means any county road, including the entire width of the right-of-way, that has been designated as a county road under the provisions of ORS [368.016](#), and any local access road, including the entire width of the right-of-way, that is subject to the county’s jurisdiction under ORS [368.031](#).

“Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public roadway. [Ord. 1385 § 2, 2018; Ord. 1182 § 3, 2003.]

10.10.150 Prohibitions.

A. No person shall park any motor vehicle or nonmotorized vehicle in public roads for three consecutive days or longer.

B. No person shall offer any goods, services or vehicles for sale or conduct any other business in public roads.

C. No person shall sell, offer for sale, give away or offer for free a live animal on county property or a public road within Marion County.

D. Subsection (C) of this section does not apply to:

1. Marion County Community Service – Dog Services;
2. Adoption events conducted on county property by a registered animal control agency or humane society if authorized in writing by Marion County; or
3. Adoption events conducted on a public road within Marion County if authorized by a duly issued right-of-way permit from Marion County. [Ord. 1385 § 3, 2018; Ord. 1182 § 4, 2003.]

10.10.160 Enforcement responsibility and authority.

This article may be enforced by a Marion County enforcement officer. [Ord. 1182 § 5, 2003.]

10.10.170 Violations.

Violation of this article is a Class B violation as provided in ORS Chapter [153](#). Enforcement shall be accomplished through a violation proceeding under ORS Chapter [153](#) and Chapter [1.25](#) MCC. [Ord. 1182 § 6, 2003.]

10.10.180 Removal and impoundment of vehicles.

A. In addition to a violation proceeding under ORS Chapter [153](#) and Chapter [1.25](#) MCC, violation of the provisions of this article may result in the removal and impoundment of the vehicle at the vehicle owner's expense.

1. The county may utilize the services of one or more competent towing service firms for the removal and storage of motor vehicles taken into custody pursuant to this article.
2. A towing service company that takes a vehicle into custody under this article shall have a lien on the vehicle and its contents for the just and reasonable towing and storage charges and may retain possession of the vehicle and its contents until the charges are paid.

3. If a vehicle taken into custody pursuant to this article is not reclaimed within 30 days after it is taken into custody, the vehicle may be disposed of pursuant to ORS [819.210](#) through [819.260](#).

B. Prior to removal and impoundment, a written notice will be affixed to the vehicle and sent by first class mail to the last registered owner of the vehicle. The notice will state that, if the vehicle is not removed from the public road within two days from the date of the notice, the vehicle will be impounded.

C. When a vehicle has been impounded pursuant to this article, within two business days of the impoundment written notice shall be given by certified mail to the last registered owner of the vehicle that it has been impounded and information on where the owner can retrieve it. The notice shall include information on the hearing procedures described in MCC [10.10.200](#). [Ord. 1182 § 7, 2003.]

10.10.190 Release of vehicle.

A vehicle impounded under MCC [10.10.180](#) shall be released to a person entitled to possession upon the payment to Marion County department of public works of an administrative fee of \$25.00 and payment of any towing and storage charges. Proof of entitlement to possession and the administrative fee shall be presented to Marion County department of public works, which shall authorize the entity storing the vehicle to release it upon payment of towing and storage charges. [Ord. 1182 § 8, 2003.]

10.10.200 Hearing.

A. Upon written request of the legal owner or the registered owner, or any other person who reasonably appears to have an interest in the vehicle, delivered to the Marion County hearings officer within five business days of the date of the notice of impoundment, a hearing shall be held before the hearings officer. The written request shall state the grounds upon which the person requesting the hearing believes that the removal of the vehicle was not justified.

B. The hearing shall be set and conducted within four business days of receipt of the request, if the vehicle remains impounded. The hearing may be set for a later date if the vehicle is no longer impounded or if the owner or person entitled to possession so requests. At the hearing:

1. The owner may contest the validity of the action of the enforcement officer in causing the vehicle to be impounded.

2. The county shall have the burden of showing the validity of the impoundment of the vehicle. The enforcement officer who ordered impoundment of the vehicle may submit an affidavit or official report in lieu of making a personal appearance at the hearing.

C. If the hearings officer finds that:

1. The action of the county in towing the vehicle was proper, the hearings officer shall enter an order supporting the removal and may assess costs of the hearing against the person requesting the hearing.

2. The action of the county in towing the vehicle was invalid, the hearings officer shall find that the owner is not liable for any towing or storage charges occasioned by the towing and order the county to satisfy the towing and storage lien, or order the county to reimburse the owner for any towing and storage charges paid by the owner for the vehicle.

D. If the person requesting the hearing does not appear at the scheduled hearing, the hearings officer may enter an order supporting the removal and assessment of towing and storage costs.

E. The decision of the hearings officer pursuant to this section is final.

F. The hearings officer shall provide a written statement of the results of the hearing held under this section to the person requesting the hearing. [Ord. 1182 § 9, 2003.]

Article III. Street Vending

10.10.210 Purpose and findings. Revised 9/25

A. The purpose of this article is to provide a safer environment on and near roads within the county by accomplishing the following objectives:

1. Improve safety for street vendors.

2. Improve safety for all drivers, bicyclists, and pedestrians.

3. Enhance traffic flow on roads and sidewalks within Marion County.

4. Allow for better emergency vehicle access.

5. Protect property owners and businesses near roads.

6. Protect consumers from the health risks of food sold by street vendors who did not grow or package that food and are not licensed or inspected.

B. The board of commissioners finds that:

1. Street vendors, if not properly regulated, create safety hazards, including but not limited to: interfering with traffic flow, distracting drivers, obstructing vision clearances, obstructing sidewalk and Americans with Disabilities Act (ADA) access, and encouraging vehicles to act unsafely by pulling off roads with short notice or parking or idling within the right-of-way.
2. Many street vendors have historically operated on municipal property or private property without permission, violating property rights and creating liability risks for property owners.
3. There are significant health risks from food sold by street vendors who did not grow or package that food and are not licensed or inspected.
4. This article will help accomplish the goals in subsection (A) of this section. [Ord. 1481 § 2, 2025.]

10.10.220 Definitions. Revised 9/25

- A. “County property” means any property owned or leased by the county. The term “county property” includes any plaza owned or leased by the county in common with another owner or lessee. The term “county property” does not include any public road.
- B. “Immediate family member” means the spouse, parent, stepparent, child, sibling, stepsibling, son-in-law, daughter-in-law, or grandchild of the property owner.
- C. “Permitted street vendor” means a person who has applied for and been granted a permit for activities as a street vendor under this article.
- D. “Park” means to park, stand or stop as those three terms are defined within the Oregon Vehicle Code and set forth in the Oregon Revised Statutes.
- E. “Person” means an individual, corporation, partnership, association or other entity.
- F. “Public road” means any city or county road, including the entire width of the right-of-way, within Marion County. This includes:
1. Any road that has been designated as a county road under the provisions of [ORS 368.016](#);
 2. Any local access road that is subject to the county’s jurisdiction under [ORS 368.031](#); and
 3. For any city that opts into this article, any city road under the jurisdiction of that city per [ORS 373.320](#), [ORS Chapter 373](#), or other authority.
- G. “Street vendor” or “street vending”:

1. Means any person or entity offering street vendor products for sale at a nonpermanent location within a public road or within 50 feet of the public road's right-of-way.

2. Does not include any person or entity on their own private property or any person on private property owned by an immediate family member.

3. Does not include a person or entity whose business is licensed or permitted by a government body to operate for a specific purpose, so long as operating for that specific purpose within the requirements of that license or permit, such as a retail firework sales permit, a temporary restaurant license, or a conditional use permit.

4. Does not include a person or entity offering street vendor products for sale within a public road while that public road is closed for a government-permitted temporary event like a parade or farmers market, so long as the person or entity is following applicable regulations for the temporary event.

5. Does not include a person or entity who is operating within a city under a city code provision allowing business within a public road next to their permitted business, so long as the person or entity is in full compliance with that city's requirements.

H. "Street vendor equipment" means any vehicle, equipment, or other materials used by a street vendor for staging, marketing, or selling street vendor products.

I. "Street vendor products" means anything marketed or sold by a street vendor, including perishable goods and nonperishable goods.

J. "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public roadway, including both motorized and nonmotorized.
[Ord. 1481 § 2, 2025.]

10.10.230 Prohibitions and permit. Revised 9/25

A. No person shall engage in street vending without a permit.

B. Permit Restrictions.

1. A permitted street vendor must have on their person and display upon request a copy of the permit and government-issued legal identification showing they are one of the listed individuals under the permit.

2. A permitted street vendor shall only engage in street vending in a location where there is legal access from the public road and a location for safe and legal parking by customers.

3. A permitted street vendor may not operate on private property without written permission of the property owner.

4. A permitted street vendor may not operate on county property.
5. A permitted street vendor may not park on or obstruct a public road while engaging in street vending.
6. A permitted street vendor may not operate in a manner that obstructs a sidewalk, bike lane, or multiuse path along a public road.
7. A permitted street vendor shall be at least 100 feet away from any other permitted street vendor.
8. A permitted street vendor shall not leave any street vendor equipment or street vendor products unattended.
9. Notwithstanding any other requirement, a permitted street vendor may operate an ice cream truck that drives and parks temporarily on public roads so long as the following requirements are met:
 - a. Any food sold is commercially sealed and prepackaged.
 - b. Driving must be within the speed limit and not more than 10 miles per hour below the speed limit.
 - c. Parking may not be in a location that obstructs traffic.
 - d. Parking may not be in a location that is likely to attract children to travel to the ice cream truck in an unsafe way or manner.
 - e. Parking may not be in the same location longer than five minutes, except if operating in a city that allows for a longer period of time, then parking may not be in the same location longer than the time allowed by that city's code.
 - f. Noise ordinance requirements of the county or applicable city must be followed.
 - g. Operation may not occur between 10:00 p.m. and 7:00 a.m.

C. Permit Applications.

1. Application for a permit shall be submitted to the Marion County health and human services environmental health program along with an appropriate application fee. The amount of the application fee shall be determined by the Marion County board of commissioners by order.
2. Marion County environmental health program shall designate an application form for use in applying for a permit under this section. The application form shall require all of the following:

- a. If the applicant is an entity, the full legal name, address, and contact information of a named individual responsible for ensuring compliance with permit requirements.
- b. If the applicant is an individual, the individual's full legal name, address, and contract information.
- c. The full legal name of all individuals covered under the street vendor permit.
- d. Proof of insurance for the street vendor, including coverage for all individuals covered under the street vendor permit. Coverage must include at least \$1,000,000 in commercial general liability coverage.
- e. The applicant must agree to indemnify the county for any activities by the applicant under the permit.
- f. If the street vendor will be operating on private property, written proof of property owner consent is required, and the property owner's phone number must be included. Written proof could include a fully executed rental or lease agreement, although financial terms and other similar confidential terms may be redacted.
- g. Certification that a copy of the street vendor permit will be kept with all individuals or entities who will operate under the permit for marketing or selling street vendor products.

3. A permit is valid for one year. [Ord. 1481 § 3, 2025.]

10.10.240 Enforcement responsibility and authority. Revised 9/25

A. Enforcement by Marion County may be via a Marion County enforcement officer, by any designee of the Marion County sheriff, or by any designee of the Marion County health and human services administrator.

B. Outside the city limits of any incorporated city, this article may be enforced by Marion County.

C. Within the city limits of any incorporated city, the governing body of a city may opt into this article. A city may choose to allow enforcement by Marion County and/or by that city's law enforcement officers or other city-determined enforcement officers. If a city does not specify who may enforce, then Marion County may enforce within that city's city limits. [Ord. 1481 § 4, 2025.]

10.10.250 Penalties. Revised 9/25

A. Operating as a street vendor without a permit in violation of MCC [10.10.230](#)(A) is subject to a daily fine of up to \$1,000.

B. Operating as a permitted street vendor in violation of any of the requirements in MCC [10.10.230](#)(B) or (C) is subject to a daily fine of up to \$500.00, except that violation of MCC [10.10.230](#)(B)(1) is subject to a daily fine of up to \$1,000.

C. Street vendor equipment may be impounded, towed, and held until a fine is paid.

D. Nonperishable street vendor products may be impounded and held until a fine is paid.

E. If a fine is not paid within 30 days, the county may dispose of impounded street vendor equipment or nonperishable street vendor products:

1. As unclaimed property;

2. Via auction with proceeds to first cover the fine, holding costs, and auction costs and any excess treated as unclaimed property;

3. In the manner provided by MCC [10.20.040](#); or

4. Via any other method allowed by law. [Ord. 1481 § 5, 2025.]

10.10.260 Hearings. Revised 9/25

A. A person whose property is seized under this article may request a hearing before the Marion County hearings officer to contest the validity of the impoundment. A request must be made within five calendar days of the impoundment. The request shall be made to a person designated by the impounding entity to receive such requests.

B. When a timely request for a hearing is made, a hearing shall be held before the Marion County hearings officer. The hearing shall be set for four calendar days after the request is received excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing. The hearings officer shall render a written determination. The hearings officer shall provide a copy of the written determination to the person requesting the hearing.

C. The impounding agency shall have the burden of proving by a preponderance of the evidence that there was probable cause to believe that, at or just prior to the time the enforcing entity stopped the person, the person committed an offense described in this article.

D. An enforcing officer who ordered the vehicle impounded may submit an affidavit or official report to the hearings officer in lieu of making a personal appearance at the hearing.

E. If the hearings officer finds that the impoundment was proper, the hearings officer shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the property is liable for usual customary towing and storage costs. The

hearings officer may also find the owner or person entitled to possession of the property liable for costs of the hearing. The decision of the hearings officer is a final decision.

F. If the hearings officer finds that impoundment of the property was improper, the hearings officer shall order the property released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the property is not liable for any towing or storage costs resulting from the impoundment. If there is a lien on the property for towing and storage charges, the hearings officer shall order it paid by the impounding agency. The decision of the hearings officer is a final decision.

G. If a person entitled to lawful possession of property impounded under this article sufficiently establishes for the impounding agency that the property was being operated without the consent of the person entitled to lawful possession at the time that the property was impounded, the impounding agency shall waive the fee under this article. For purposes of this section, proof that a person entitled to lawful possession of the property reported the property as stolen to a police agency prior to impoundment of the property shall be conclusive evidence that the property was being operated without the consent of the person. [Ord. 1481 § 6, 2025.]