

1 **ENGROSSED ORDINANCE BILL NO. 9-17**

2 AN ORDINANCE RELATING TO PARKING; AMENDING SRC 78.240, 102.005, SRC  
3 102.040, SRC 102.045, SRC 102.055, SRC 102.060, SRC 102.135, AND SRC 102.245; AND  
4 CREATING NEW SRC 102.067.

5 *The City of Salem ordains as follows:*

6 **Section 1.** SRC 102.005 is amended to read:

7 **102.005. Definitions.**

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

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

14 (1) Alley means a public easement or right of way not more than twenty feet and  
15 not less than ten feet in width, which intersects a street.

16 (2) Block means the properties abutting both sides ~~one side~~ of a street:

17 (A) Between two cross streets; or

18 (B) Between the city limits and the nearest cross street; or

19 (C) When there is only one cross street;

20 (i) Between a cross street and the dead end of a street; or

21 (ii) Between a cross street and a line projected from the centerline of an  
22 intersecting street, such as a “T” intersection;

23 (D) When a block is abutted by a street which, if extended through the block,  
24 would create a cross street, but when no such street extends through the  
25 property, then the block shall be the area commencing at the curb line of the  
26 cross street with the next lowest consecutive numbering, and extending in units  
27 of 600 feet along the block.

28 (3) Commercial vehicle means a vehicle used primarily for the delivery or transport  
29 of goods or services from a business to a premises or the transportation of persons  
30 for compensation. A vehicle that is not conspicuously marked with the business

1 name, or that does not have a sign displayed on the dashboard with the business  
2 name, shall not be considered a commercial vehicle. For purposes of this  
3 definition, a “sign displayed on the dashboard” means a sign measuring a minimum  
4 of eight and one-half inches by eleven inches with lettering not less than two inches  
5 high.

6 **(4)** Curb Line means the line defined by the raised edge forming the gutter of a  
7 vehicular roadway within the right-of-way, or, where no raised edge exists, the edge  
8 of the pavement.

9 **(5)** Designated Fire Lane means a street or other passageway designated to allow  
10 the passage of fire apparatus, and identified by signs, marking, or other similar  
11 devices commonly used to indicate the road or passageway is a fire lane. A  
12 designated fire lane is not necessarily intended for vehicular traffic other than fire  
13 apparatus, and may be located on private property.

14 **(6)** Designated Parking Area means an area which is identified by signs, markings,  
15 or other similar devices commonly used to indicate vehicle parking spaces.

16 **(7)** Director means the City Manager, or department head charged by the City  
17 Manager with the implementation and enforcement of this Chapter, or that  
18 department head’s designee.

19 **(8)** Downtown Parking District means the Downtown Parking District established  
20 by SRC 7.010.

21 **(9)** Enforcement Officer means a person designated by the Director to enforce the  
22 provisions of this Chapter, or any person who is defined as an enforcement officer  
23 under ORS 153.005.

24 **(10)** Immobilizer means a device that is attached to a vehicle and is designed to  
25 restrict the normal movement of that vehicle.

26 **(11)** Landscape Strip means that area between the curb line or edge of the roadway  
27 and the sidewalk line which has not been specifically dedicated, designated or  
28 improved for parking.

29 **(12)** Loading Zone means a designated parking area reserved for the exclusive use  
30 of vehicles during the loading or unloading of passengers or cargo.

1 (13) Metered parking zone means a parking zone where the length of time allowed  
2 for parking is controlled by a parking meter.

3 (14) Off-street parking facility means any off-street motor vehicle parking facility  
4 established pursuant to ORS 223.805 - 223.845.

5 (15) Park means to stop, or to cause to permit, or to remain stopped, any vehicle or  
6 combination of vehicles, or any portion thereof, on any street, off-street parking  
7 facility, or other public right-of-way, including sidewalks, or within any designated  
8 fire lane, except such stops as are made in response to legal controls or  
9 requirements, conditions created by other traffic, emergencies related to the  
10 operation of the vehicle during the actual period of such emergency, or momentary  
11 stops for the expeditious loading or unloading of passengers.

12 (16) Parking control device means any sign, standard, painted curb, marking, or  
13 any device, inscription, or designation giving notice of, delineating, controlling or  
14 restricting parking or use of parking zones.

15 (17) Parking meter means a device placed at or near the curb adjacent to a street or  
16 on City of Salem owned property and designed to register the duration of time and  
17 the limit thereof for parking in a parking zone, upon payment by United States  
18 coins, United States currency, a credit card, or a debit card. Parking meter as used  
19 in this chapter includes a pay station.

20 ~~(18)~~(17) Parking zone means any space adjacent to the curb or edge of a street  
21 where parking is not prohibited and which is either designated by painted lines for  
22 the parking of one vehicle or is large enough to accommodate the parking of one  
23 vehicle with no part of such vehicle occupying any area prohibited; or any space in  
24 an off-street parking facility which is designated by painted lines for the parking of  
25 one vehicle.

26 ~~(19)~~(18) Permit means an authorization issued in accordance with this Chapter to  
27 park a vehicle at a location in the manner, at the times, and in compliance with the  
28 conditions specified by the permit.

29 ~~(20)~~(19) Private street means highway, road, street, alley or way within the  
30 corporate limits of the City of Salem that is privately owned or maintained.

1           ~~(21)(20)~~ Residential Parking District means an area within an RA, RS, RD, RM or  
2           RH zone and designated with time limited parking zones or metered parking zones.  
3           For the purpose of this Chapter, a Residential Parking District shall include both  
4           sides of a street when the residential zone is fronted on the street by a non-  
5           residential zone, if there are designated time limited parking zones or metered  
6           parking zones on both sides of the street.

7           ~~(22)(21)~~ Street means any public highway, road, street, alley or way within the  
8           corporate limits of the City of Salem. As used in this Chapter, “street” does not  
9           include private streets.

10          ~~(23)(22)~~ Salem Civic Center means that area bounded on the north by the south  
11          line of Trade Street, on the east by the west line of Liberty Street, on the south by  
12          the north line of Leslie Street, and on the west by the east line of Commercial  
13          Street.

14          ~~(24)(23)~~ Time limited parking zone means a parking zone designated by official  
15          signs or markings as restricted in use for a specified period of time.

16          ~~(25)(24)~~ Vehicle means any device in, upon or by which any person or property is  
17          or may be transported or drawn upon a street and includes vehicles that are  
18          propelled or powered by any means.

19          **Section 2.** SRC 102.040 is amended to read:

20          **102.040. Prohibited Parking.** It shall be unlawful for any person to park:

- 21           (a) Any vehicle at any place prohibited by ORS 811.550;
- 22           (b) Any vehicle at any place adjacent to a curb which has been painted yellow or red by
- 23           the City;
- 24           (c) Any vehicle within the landscape strip;
- 25           (d) Any vehicle contrary to any parking control device;
- 26           (e) Any vehicle in any public alley, except for the purpose of loading or unloading
- 27           passengers or cargo, and then only for a period of time not to exceed thirty minutes;
- 28           (f) Any vehicle in any parking zone when the vehicle is parked for the principal purpose
- 29           of:
- 30           (1) Displaying the vehicle for sale;

1 (2) Selling, taking orders for, or attempting to sell or take orders for the present or  
2 future delivery of goods or services of any nature, if such sales or orders are made,  
3 taken, or attempted from the vehicle;

4 (3) Displaying advertising from the vehicle; or

5 (4) Repairing, constructing, reconstructing, or servicing the vehicle;

6 (g) Any vehicle, or a combination of vehicles and trailers in excess of twenty-three feet  
7 in overall length or eight feet in overall width:

8 (1) On a street within any district zoned residential, except while actually engaged  
9 in the process of loading or unloading passengers or cargo or providing services in  
10 the district; or

11 (2) On a street within that area bounded on the west by the west line of Front  
12 Street, on the north by the south line of Union Street, on the east by the west line of  
13 12<sup>th</sup> Street, and on the south by the center line of Trade Street, except while actually  
14 engaged in the process of loading or unloading passengers or cargo or providing  
15 services in the area, and then only for a period of time that shall not exceed thirty  
16 minutes; or

17 (3) On any street which is less than thirty feet in overall width.

18 (h) Any motorized recreational vehicle:

19 (1) On a street within any district zoned residential between 10:00 p.m. and 6:00  
20 a.m., if the motorized recreational vehicle is in excess of twenty-three feet in  
21 overall length, or in excess of eight feet in overall width;

22 (2) On a street within that area bounded on the west by the west line of Front  
23 Street, on the north by the south line of Union Street, on the east by the west line  
24 of 12th Street, and on the south by the center line of Trade Street, except while  
25 actually engaged in the process of loading or unloading passengers or cargo or  
26 providing services in the area, and then only for a period of time that shall not  
27 exceed thirty minutes; or

28 (3) On any street which is thirty feet or less in overall width;

29 (i) Any vehicle that is not designed for self-propulsion, or is not connected to a vehicle  
30 designed for self-propulsion and is parked on a street or off-street parking facility.

1 (j) Any vehicle in the same location on a street or in an off-street parking facility for a  
2 continuous period of time of more than five days.

3 (k) Any junk motor vehicle as described in SRC 50.025(a)(25) on a street, or in an off-  
4 street parking facility.

5 (l) Any vehicle in violation of SRC 806.025(a).

6 (m) Any vehicle in any crime prevention zone designated in SRC Chapter 95 when the  
7 vehicle is in the zone for the principal purpose of transporting a person in violation of an  
8 exclusion order issued pursuant to SRC 95.740.

9 (n) Any vehicle within any area which is designated fire lane.

10 (o) Any vehicle in violation of an administrative parking order relating to on-street and  
11 off-street parking issued pursuant to SRC 102.020.

12 **Section 3.** SRC 102.045 is amended to read:

13 **102.045. Prohibited Parking in Downtown Parking District.**

14 (a) Within the Downtown Parking District described in SRC 7.010, parking meters and  
15 time limits are prohibited for any city-owned parking (on or off-street), except as  
16 permitted ~~below~~ in this section.

17 (b) The city-owned multi-level parking structures (Chemeketa, Liberty, and Marion  
18 Parkades) any city-owned surface parking lot are exempted from the prohibition of (a)  
19 above.

20 ~~(c) Time limits for on-street parking zones, which are established for a temporary period,~~  
21 ~~including, by way of example and not limitation, special events and holidays.~~

22 ~~(c)(d)~~ Increased annual assessments to finance the operation of the Downtown Parking  
23 District, SRC 7.110(a), are capped at the lesser of the percentage increase in the Bureau  
24 of Labor Statistics general consumer price index for the Portland, Oregon, metropolitan  
25 area for the preceding year or 2.0%.

26 ~~(d)(e)~~ Except when authorized by a valid parking permit, the following persons may not  
27 park a motor vehicle in the Downtown Parking District in any on-street parking zone or  
28 in an off-street parking facility, between the hours of 8:00 a.m. and 9:00 p.m. except  
29 Sundays and legal holidays:  
30

- (1) A student, during the time the student is attending a class at an educational institution. This subsection shall not apply to any student attending the first scheduled day of class in which the student is enrolled;
- (2) A person working in his or her place of employment, except that such persons may park in 30 minute parking zones for up to 30 minutes;
- (3) A person engaged in the conduct of his or her business or profession at one location within the Downtown Parking District for a period lasting two or more consecutive days;
- (4) A person summoned to serve as a juror in the Circuit Court of the State of Oregon for Marion County;
- (5) A person who is an unsalaried employee or volunteer worker who is assigned to or working at any agency, office, or business establishment, including nonprofit organizations located within the Downtown Parking District, but not including volunteers who are working temporarily within the Downtown Parking District for recognized nonprofit charitable organizations whose immediate purpose is the temporary promotion of their organization whose normal place of business is located outside the area described in SRC 7.010.

**Section 4.** SRC 102.055 is amended to read:

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

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

1 ~~(e) In the Downtown Parking District, maximum time limits shall apply to parking in the~~  
2 ~~block. No person in charge of a vehicle may extend the permissible time for parking the~~  
3 ~~vehicle in the block by causing the vehicle to be moved from one parking space to~~  
4 ~~another in the block~~

5 **Section 5.** SRC 102.060 is amended to read:

6 **102.060. Overtime Parking in Metered Zones.** It shall be unlawful for any person to park in a  
7 metered parking zone:

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

10 (b) At any time when the receipt received from a parking meter indicates that the  
11 authorized parking time has expired; or

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

18 **(d)** ~~(e)~~ At any time when the parking meter indicates that parking is prohibited.

19 **Section 6.** SRC 102.135 is amended to read:

20 **102.135. Violations.**

21 **(a) Infractions.**

22 (1) Violation of SRC 102.030(b) “Application; Adoption of State Parking  
23 Offenses”; SRC 102.035 “Method of Parking”; SRC 102.040 “Prohibited Parking”;  
24 SRC 102.045 “Prohibited Parking in Downtown Parking District”; SRC 102.055  
25 “Overtime Parking in Time Limited Parking Zones”; SRC 102.060 “Overtime  
26 Parking in Metered Zones”; SRC 102.070 “Failure to Display Permit when  
27 Required”; SRC 102.075 “Failure to Obey Administrative Parking Regulations”;  
28 SRC 102.080 “Prohibited Parking in Carpool Permit Zone”; and SRC 102.085(b)  
29 “Parking for Persons with Disabilities; Parking in Violation of Disabled Parking  
30

Laws Prohibited” is an infraction and is punishable by the fines set forth in subsection (2) of this section.

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

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

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

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

(D) SRC 102.045 “Prohibited Parking in Downtown Parking District”:

\$100.00. If a person has violated this section two times within any one-year period, the fine shall be \$175.00, and if a person has violated this section more than two times, within any one-year period, then the fine shall be \$250.00.

(E) SRC 102.055 “Overtime Parking in Time Limited Parking Zones”: \$25.00; Residential Permit Overtime Parking: \$30.00; Loading Zone Over-Time: \$30.00.

(F) SRC 102.060 “Overtime Parking in Metered Zones”: \$30.00.

(G) SRC 102.067 “Failure to Display Proof of Payment”: \$25.00

~~(H)(G)~~ SRC 102.070 “Failure to Display Permit when Required”: \$15.00.

~~(I)(H)~~ SRC 102.075 “Failure to Obey Administrative Parking Regulations”: \$20.00.

~~(J)(I)~~ SRC 102.080 “Prohibited Parking in Carpool Permit Zone”: \$40.00.

~~(K)(J)~~ SRC 102.085 “Parking for Persons with Disabilities; Parking in Violation of Disabled Parking Laws Prohibited”: The fine amounts listed in ORS 811.615-811.630.

**(b) Misdemeanors.** A violation of SRC 102.090 “Obstructing Enforcement”; SRC 102.095 “Tampering with Parking Control Devices”; SRC 102.100 “Unauthorized Use of a Parking Meter”; SRC 102.105 “Unauthorized Use of Parking Permits”; SRC 102.110 “Unauthorized Parking Control Devices”; SRC 102.115 “False Statement by Applicant”; SRC 102.165 “Immobilizer Removal”; and SRC 102.180 “Tampering with or Damaging an Immobilizer” is a misdemeanor.

1 **Section 7.** SRC 102.245 is amended to read:

2 **102.245. Exemptions.** Notwithstanding any other provision of this Chapter:

3 ~~(a) City owned and marked vehicles, when in use for official City business, may park in 30~~  
4 ~~minute parking zones and loading zones for up to 30 minutes.~~

5 **Section 8.** The following SRC 102.067 is hereby added to SRC Chapter 102:

6 **102.067. Failure to Display Proof of Payment.** It shall be unlawful to park or permit to be  
7 parked any vehicle in a parking space metered by a pay station without properly displaying valid  
8 proof of payment. As used in this section, properly displaying valid proof of payment means  
9 placing the payment receipt on the dashboard of the vehicle in such a manner that the expiration  
10 time and date are readily visible from the exterior. For motorcycles, the payment receipt shall be  
11 displayed in a manner where it is readily visible.

12 **Section 9.** SRC 78.240 is amended to read:

13 **78.240. Sidewalk-Cafes in the Public Right-of-Way.**

14 ~~(a) Any person owning or operating an restaurant or café eating or drinking establishment that~~  
15 ~~serves food, beverages or alcoholic liquor to patrons seated at tables located within the sidewalk~~  
16 ~~area in front of the restaurant or café eating or drinking establishment shall maintain a pedestrian~~  
17 ~~pathway of not less than five feet wide and a vehicle buffer zone of not less than three feet wide~~  
18 ~~within the sidewalk area. The pedestrian pathway and the vehicle buffer zone shall be kept clear~~  
19 ~~of fixtures, tables, or chairs at all times. The pedestrian pathway shall begin either where the~~  
20 ~~public sidewalk and the property line meet or between the sidewalk-café seating area and the~~  
21 ~~street when the sidewalk-café seating area is placed next to a building or property line and then~~  
22 ~~extends into or is placed entirely on the adjacent public sidewalk.~~

23 ~~(b) It shall be unlawful for any person owning or operating a sidewalk restaurant or café to fail to~~  
24 ~~maintain a pedestrian pathway or a vehicle buffer zone as required in subsection (a). Any person~~  
25 ~~owning or operating an eating or drinking establishment that serves food, beverages or alcoholic~~  
26 ~~liquor to patrons seated at tables located within the alley area in front of the eating or drinking~~  
27 ~~establishment shall maintain a clearance of at least 15 feet width within the alley along the entire~~  
28 ~~length of the seating area to allow the passage of vehicles and pedestrians.~~

29 ~~(c) A violation of this section is unlawful.~~

**Section 10. Codification.** In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

**Section 11. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: S. Wahrgren