

ORDINANCE NO. 2753

*Amended by Ord. 2815
Sec. 2nd. 2016
Amended by Ord. 2952
4-10-65 3187
Sec. 1681
Sec. 12 Rep. by 3462*

TITLE: An Ordinance amending Ordinance 1681 and amending all Ordinances thereto relating to traffic and regulating use of public streets in the City of Albany, Oregon. Defining and establishing parking meter zones and regulating and controlling and providing for the inspection of the time parking of vehicles therein by the use of parking meters; prescribing limits of time for parking in parking meter zones; providing for enforcement of this Ordinance and punishment for its violation and declaring an emergency.

WHEREAS, Ordinance No. 1681 adopted April 10, 1946, has been amended by many Ordinances and, at the present time, a consolidation of these Ordinances into one active Ordinance would be to the advantage of those persons attempting to enforce the provisions therein contained now, therefore, to carry out the consolidation of many Ordinances in the interest of the people of the City of Albany, now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: DEFINITIONS:

For the purpose of this Ordinance:

- (a) The word "vehicle" shall mean any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.
- (b) The word "street" shall mean any public street, avenue, road, alley, highway, lane, path, or other public place located in the City of Albany, established for the use of vehicles.
- (c) The word "person" shall mean and include any individual, firm, co-partnership, association or corporation.
- (d) The word "operator" shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee, permittee of the owner or is in actual physical control of the vehicle.
- (e) The word "park" or "parking" shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise and temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.
- (f) The words "parking meter" shall mean and include any mechanical device or meter not inconstant with this Ordinance placed or erected for the regulation of parking by authority of this Ordinance. Each parking meter installed shall indicate by proper legend legal parking.
- (g) The words "parking meter zone" shall mean and include any restricted street upon which parking meters are installed in operation.
- (h) The words "parking meter space" shall mean any space within a parking meter zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

Section 2: PARKING METER ZONES:

The Council shall, by Resolution, establish all parking meter zones.

Section 3: DESIGNATION OF PARKING SPACES:

The Chief of Police is hereby directed and authorized to mark off individual parking spaces in the parking zones designated pursuant to this Ordinance and Resolutions passed thereunder. Parking spaces are to be designated by lines painted or durably marked on the curbing or surface of the street. That each place so marked off, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

Section 4: INSTALLATION OF PARKING METERS:

In said parking meter zones, the Chief of Police shall cause parking meters to be installed upon the curb or sidewalk duly adjacent to the parking spaces provided in Section 3 of this Ordinance. The Chief of Police shall be responsible for the regulation, control, operation, maintenance and use of such parking meters. Each device shall be so set as to display a signal showing legal parking upon the deposit of appropriate coin or coins, lawful money of the United States of America, for a period of time prescribed by this Ordinance. Each device shall be so arranged that upon the expiration of the lawful time limit, it will indicate by proper visible signal that the lawful parking period has expired and in such cases, the right of such people to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties hereinafter provided.

Section 5: OPERATION OF PARKING METERS:

Except in a period of an emergency determined by an officer of the Fire or Police Department, or in compliance with the direction of a Police Officer or traffic control sign or signal, when any vehicle shall be parked in any parking space along side or next to which a parking meter is located, the operator of such vehicle shall, upon entering the said parking meter space, immediately deposit or cause to be deposited in said meter such proper coin of the United States as is required for such parking meter and is designated by proper directions on the meter and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with the directions properly appearing thereon, and failure to deposit such proper coin, and to set the timing mechanism in operation when so required, shall constitute a violation of this Ordinance. Upon the deposit of such coin and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the period for the part of the street in which the said parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space, shall not be required to deposit a coin, so long as his occupancy in such space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as overtime and beyond the period of legal parking time, and such parking shall be deemed as a violation of this Ordinance.

Section 6: PARKING TIME LIMITS:

Parking time limits in a parking meter zone and the amount of money to be deposited for specific times in a parking meter shall be designated by Resolution of the City Council. Parking meters shall be operated in parking meter zones every day between the hours of 9:00 o'clock a.m. and 6:00 o'clock p.m. except Sundays and legal holidays.

Section 7: VIOLATIONS:

It shall be unlawful and the violation of a provision of this Ordinance by any person:

- (a) To cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person, to park overtime, or beyond the period of legal parking time established for any parking meter zone as herein described, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.
- (b) To permit any vehicle to remain or be placed in any parking meter space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- (c) To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely in the area designated by such lines or markings.
- (d) To deface, injure, tamper with, open or wilfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this Ordinance.
- (e) To deposit or cause to be deposited in any parking meter any slugs, device or metal substance, or other substitute for lawful coins.

Section 7: ENFORCEMENT:

It shall be the duty of the Police Department to enforce provisions of this Ordinance.

Section 8: COLLECTIONS:

It shall be the duty of the Chief of Police to designate some person or persons to make regular collections of the money deposited in the said meters and it shall be the duty of such person or persons so designated to remove from the parking meters the coins therein deposited and deliver the said monies to the City Recorder of the City of Albany. Such person or persons making collections from the meters shall be bonded in the sum of \$1,000.00 to insure faithful performance of his or their duties.

Section 9:

The amount of coins required to be deposited in the parking meters, as provided herein, is hereby levied and assessed as the fee to provide for the proper regulation, control and inspection of traffic upon the public streets and to cover the costs of supervising, regulating and inspecting the parked vehicles in the parking meter zones provided for herein; for the cost and maintenance of off street parking and such revenues that might be obtained therefrom shall be deposited in a special fund.

The Budget Committee of the City of Albany, as prescribed by the Charter of the City of Albany and under the laws of the State of Oregon, shall, in arranging budget items for the fiscal year, determine that portion of the City Police Department Budget which is properly chargeable to the above purposes. The Budget Committee shall then set aside that sum for immediate revenues to offset the said amount and the City Recorder shall draw upon the meter fund, a warrant, payable to the General Fund of the City at the close of each quarter of the fiscal year, covering one-fourth of the amount budgeted.

ORDINANCE NO. 2753 CONTINUED

The said budget items shall include salaries, meter expense, costs of painting and marking parking areas, operation and installation.

The balance of the revenue from parking meters shall be placed in a fund designated as the "Meter Reserve Fund" from which the monies may be expended for purposes other than those set forth, including acquiring property for off street parking, providing the same is expended in the manner provided by the Charter and Ordinances now effective, providing the same is related to the control and regulation of parking of traffic.

Section 10: LOADING ZONE:

There is hereby established the following class of loading zones in the City of Albany:

a) General Loading Zones: These zones shall be for the general use of those persons actually receiving or delivering goods, wares and merchandise to the area near the loading zone. They shall not be considered a individual parking place for any commercial vehicle, but for the use of the general public in loading or unloading.

b) Specific Loading Zones: These zones shall be for the use of a particular business or merchant and shall only be issued when there is no other space available for loading or unloading. The Council shall not be obligated to establish specific loading zones. If specific loading zones are established in a meter zone, as in this Ordinance defined, the business or merchant to whom a zone is issued shall pay to the City an annual license fee in the sum of \$60.00 or proration thereof for any part of the year. The license fee shall become payable upon the creation of the zone and upon the 1st day of January thereafter, while the zone remains in effect.

The Council shall designate the zones and shall, by Resolution, regulate the time a loading zone shall be in effect. If the loading zone is in the meter zone, the portion of the day when the zone is not designated for loading purposes, shall be treated as a regular meter zone and governed by the Ordinances relating thereto.

Upon establishment of loading zones by Resolution, the City Manager shall have the same appropriately marked.

It shall be unlawful for any person to park any vehicle in any loading zone, except when engaged in loading or unloading merchandise or freight therein.

Section 11: VIOLATION:

It shall be the duty of the Chief of Police to keep account of all violations of this Ordinance.

(a) He shall keep an account of and report the number of each parking meter which indicates the vehicle occupying the parking meter space adjacent to such parking meter is or has been parked in violation of any provision of this Ordinance, the date and hour of such violation, the make, the State license number of such vehicle and any other facts or knowledge of which is necessary to thoroughly understand the circumstances attending such violation.

(b) He shall attach to such vehicle a notice stating it has been parked in violation of this Ordinance, and instructing the owner or operator to report to the City Court in regard to such violation. The owner or operator may, within 24 hours after the time when such notice is attached to such vehicle, pay the City Court in full satisfaction of such violation, the minimum sum of 50c.

Section 12: FINE:

Any person violating any provision of this Ordinance shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be punishable by a fine not exceeding \$100.00 or by imprisonment in the City Jail of the City of Albany for a period not exceeding 90 days or by both such fine and imprisonment.

Section 13: CONSTITUTIONALITY:

If any section, part of section, sentence, clause, or phrase of this Ordinance shall be held to be unconstitutional or invalid, the remaining provisions hereof shall nevertheless remain in full force and effect.

Section 14:

All Ordinances or parts of Ordinances or Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

Section 15: EMERGENCY DECLARED:

Whereas, the peace, health and safety of the people of the City of Albany requires this Ordinance shall become immediately effective, therefore, an emergency is hereby declared to exist and this Ordinance shall become in full force immediate upon final passage by the Council and approval by the Mayor.

Passed by the Council: November 13, 1957

Approved by the Mayor: November 13, 1957

W. F. DeWitt
Mayor

Effective date: November 13, 1957

ATTEST:

Arthur P. Albany
City Recorder