

**ORDINANCE NO. 1216**

**AN ORDINANCE DEFINING THE DOWNTOWN PARKING DISTRICT, PROHIBITING EMPLOYEE/EMPLOYER, VOLUNTEER, RESIDENT, RESIDENT VISITOR AND STUDENT PARKING WITHIN THE DOWNTOWN PARKING DISTRICT AND DEFINING PARKING CONTROL ZONES AND SIGNS, REPEALING ORDINANCES 1086, 1087 AND 1188.**

The people of Tillamook City do ordain as follows:

**Section 1: Definitions**

The Downtown Parking District boundaries are defined as the following street(s). Both sides of each street are within the district unless specifically indicated otherwise in this section:

Stillwell Avenue, First Street to Fifth Street,  
Ivy Avenue, First Street to Third Street,  
Main Avenue, First Street to Fifth Street,  
Pacific Avenue, First Street to Fifth Street,  
Laurel Avenue, First Street to Fifth Street,  
Madrona Avenue, First Street to Fourth Street,  
First Street, Stillwell Avenue to Madrona Avenue,  
Second Street, Stillwell Avenue to Laurel Avenue,  
Third Street, Stillwell Avenue to Nestucca Avenue,  
Fourth Street, mid-block of Grove [Stillwell] Avenue to Madrona Avenue,  
Fifth Street, Stillwell Avenue to Main Avenue on the North Side  
Fifth Street, Main Avenue to Laurel Avenue.

The Downtown Parking District: means the downtown area of Tillamook City, defined by the boundaries in 1.1, where there is the desire to control or restrict parking of employee's, employers, residents, students, volunteers and resident visitors, where indicated by approved sign(s), to provide customer parking and better access to businesses in the District.

Block: means the area on both sides of a street between nearest cross-streets or intersection.

Days and Hours of Ordinance Enforcement: means Monday through Saturday, 9 AM to 5 PM, excluding Sundays and holidays.

The Parking District shall include: all public streets and all off street public parking facilities in the boundaries of the Downtown Parking District.

Officer: means any City of Tillamook Police Officer, Reserve Police Officer or other City of Tillamook employee, full time, part time or temporary, approved by the Chief of Police to enforce City of Tillamook ordinances or State ORS in regards to any parking or ordinance violations within the city limits of Tillamook.

Employee/Employer: means any owner, operator, sales person, agent or worker whether paid by salary, bonus, commission, piecework or hourly wage and associated with or working for any

commercial, professional, fraternal or public establishment within the Tillamook City Parking District, unless excluded through franchise agreement or Federal or State laws.

Employee/Employer Volunteer: means any person, who not for compensation, acting or serving willingly and with no constraint or guarantee of reward, performs any function(s) normally done by an Employee/Employer in any commercial, professional, fraternal or public establishment within the Tillamook City Parking District, unless excluded through franchise agreement or Federal or State laws.

Permit: means a permit or pass, provided by the City of Tillamook, either for or not for a fee, set by resolution, allowing parking in a parking space or area otherwise not allowed by this ordinance.

Permit(s) include a daily construction permit, (Described and enforced in Ordinance 1201, as well as a Delivery Permit.

Delivery Permit(s) allow permit holder to park in any parking space in the Downtown Parking District for up to 15 minutes at a time for the purpose of loading, unloading, delivering or picking up items from their place of business or employment, providing a temporary exemption from zone restriction(s) indicated for that space.

Construction Permit(s) shall be requested and provided through the Police Department.

Delivery Permit(s) shall be requested through the Street Committee, approved by the City Council and then assigned by the Police Department.

Resident: means regularly staying at an apartment or dwelling, a place where a person regularly stays or lives, ones legal domicile.

Visitor: means visiting, for any period of time, a resident, or residents other visitor. This may include other family member(s) who do not normally reside at the same residence as the resident.

Student: a student of any college, training center or school that receives payments from students as tuition and accepts members of the public as customers who receive services for which payments are made for such services, shall be classified as an employee/employer while attending such college, training center or school.

Work: shall have all its common meanings, including activities as a volunteer or student.

Business: means any and all businesses that provide a service, merchandise or goods and collect fees for that service, merchandise or goods; clubs and organizations with restricted memberships that receive payment for food and drink served to members and non-members; providers of professional services, and collecting fees for services provided.

Zone(s): means a specific number of connected parking space(s), either on a public street, or in a public owned parking lot, signed the same, to control duration of parking allowed and/or types of person(s) allowed to park in those identified spaces. The goal of this section is to easily identify a specific area or number of spaces to have consistent parking control for easier use and for easier enforcement. A specific number of parking spaces could include but not be limited to a block, one side of a block, a row of parking spaces in a lot or even an entire lot. Signs would all

be consistent in the district and also be consistent with signs of similar control, throughout Tillamook City.

Zone designation(s) for specific parking space(s) in city parking lot(s), on city street(s) and other city controlled parking area(s) or space(s) within the Downtown Parking District shall be approved by the City Council by resolution.

Zone (A) means: 15 minute parking, a maximum of 15 minutes at any one time in spaces in this zone.

Zone (B) means: 30 minute parking, a maximum of 30 minutes at any one time in spaces in this zone.

Zone (C) means: 1 Hour parking, a maximum of 1 hour at any one time in spaces in this zone.

Zone (D) means: 2 Hour parking, a maximum of 2 hours at any one time in spaces in this zone.

Zone (E) means: 3 Hour parking, a maximum of 3 hours at any one time in spaces in this zone.

Zone (F) means: 4 Hour parking, a maximum of 4 hours at any one time in spaces in this zone.

Zone (G) means: 8 Hour parking, a maximum of 8 hours at any one time in spaces in this zone.

Zone (H) means: Permit parking only, permits provided by the City, by process, with or without fee.

Zone (I) means: No employee, employer parking in this zone without permit.

Zone (J) means: No resident parking in this zone, without permit.

Zone (K) means: No volunteer, student parking in this zone, without permit.

Zone (L) means: No visitor parking in this zone, without permit.

## **Section 2: Parking Control**

A person parking within the parking district shall comply with this ordinance and with the posted times on signs marking individual spaces or areas.

## **Section 3: Parking Restrictions**

No person shall cause any motor vehicle operated by that person to be parked upon a public street or public owned parking facility within the Downtown Parking District, in violation of any zone (I), (J), (K) or (L) restriction defined in this ordinance, identified by sign, between the hours of 9:00 a.m. and 5:00 p.m. daily, excepting holidays and Sundays.

## **Section 4: Overtime Parking**

No person shall park a vehicle on the same block for longer than the time designated for the parking space or area. Where a sign designates maximum parking time limits, movement of a

vehicle within that block or parking lot shall not extend the time limits for parking. A subsequent violation occurs if the vehicle remains after issuance of a citation for an additional time period which exceeds the time designated for the space.

**Section 5: Citations by Officer on Illegally Parked Vehicles**

Upon violation of this ordinance, an Officer shall record on the citation the information necessary to identify the vehicle, its owner or operator, and to prove the violation. The citation shall include a summons notifying the owner or operator of the date, time and place to appear and answer the citation in Municipal Court. The officer shall next serve the citation on the owner or operator personally or by affixing the citation to the vehicle if the operator cannot be readily located. If contested, a citation alleging a beginning and ending date and time shall be construed as alleging the maximum number of separate offenses possible for person or subject vehicle for the parking space or area identified.

**Section 6: Citizen Complaints, their Service, and Citizen Witness Required**

A parking violation citation may also be served by an officer upon a person alleged to be in violation of this ordinance following receipt of a sworn parking complaint from a citizen. A citizen swearing out a parking complaint agrees to appear as a witness for the prosecution in Municipal Court. If a citizen is unwilling to appear as a witness, then such citation shall not be served.

**Section 7: Limited Exception from Ordinance Application**

Any person, group of business may apply to the City for a limited exception from restrictions imposed by this ordinance, within the Downtown Parking District. All other laws and ordinance(s) shall remain in full force and effect. Application(s) for exception shall be obtained from City Hall during business hours. Completed applications, once received by the City, shall be set for review by the Street Committee at the next scheduled Street Committee Meeting. The Street Committee, upon review of the application, shall then make a recommendation to the City Council to approve, deny or send back for further information, the application presented. The City Manager, or his designee, may, under special circumstances, grant the exception. Special circumstances could included, but not be limited to, emergency construction, special event or activity or other circumstance where time does not allow for the extended period for proper review. In these cases, if exception is approved, the City Manager or designee shall give a brief report to the next Street Committee, of the exception allowed. The application shall include name, address and contact number(s) for applicant as well as dates and time periods the exception is requested for, a description of the reason or activity and the applicant shall sign and date the request.

**Section 8: Separate Violation(s)**

Each day or distinct time period of an offense described by this ordinance shall be considered a separate violation subject to a separate penalty as described by this ordinance.

**Section 9: Penalties**

9.1) Sections 3 A person found in violation of section 3 shall, for the first violation, be issued a written warning. For all subsequent violations, the violation is punishable by a fine not less than \$50.00 and not to exceed \$100.00.

9.2) Section 4 Penalty Each violation of Section 4 shall be punishable by a fine of \$5.00.

**Section 10: Severability**

The sections and subsections of this ordinance are severable. The invalidity of a section or subsection shall not affect the validity of the remaining sections and subsections.

**Section 11: Language**

The headings of the contract paragraphs are intended for information only and shall not be used to interpret paragraph contents. All masculine, feminine and neuter genders are interchangeable. All singular and plural nouns are interchangeable, unless the context requires otherwise.

**Section 12: Repeal**

Ordinance(s) 1086, 1087 and 1188 are repealed.

**Section 13: Saving Clause**

The repeal of an ordinance by Section 8 shall not preclude action against a person who violated the ordinance before the effective date of this repeal.

**PASSED** 1<sup>st</sup> reading, read by title only, by the Tillamook City Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**PASSED** 2<sup>nd</sup> reading, read by title only, by the Tillamook City Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**APPROVED** by the Tillamook City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder