

**CITY OF FLORENCE
ORDINANCE NO. 8, SERIES 2023**

**AN ORDINANCE AMENDING FLORENCE CITY CODE CHAPTER 7-1 REGARDING
PARKING ON CITY STREETS AND IMPOUNDING VEHICLES PARKED IN
VIOLATION OF THE CODE**

RECITALS:

1. The City of Florence, like most other cities in Oregon, is experiencing an increase of unsanctioned camping on public rights-of-way. The entire state of Oregon, at all levels of government, is struggling to address issues related to the lack of affordable housing for all members of our community.
2. Public rights-of-way are not designed or intended for overnight use in the same way as a recreational camp site or other temporary shelter site. People sleeping in makeshift camps or vehicles in the rights-of-way often lack access to safe and sanitary restrooms and trash receptacles, resulting in unsanitary conditions from improper disposal of human waste and trash. Makeshift camps and sleeping in vehicles in the rights-of-way also create significant negative impacts on those that live near such sites.
3. The City's existing parking and right-of-way management regulations were not developed with these uses in mind. The City's regulations need to be updated to account for the various interests involved.
4. This ordinance is intended to address health and safety concerns of the travelling public, city residents, and individuals making use of their vehicles for temporary shelter within the City. This ordinance will promote a safe environment, limit unsanitary conditions, allocate public resources effectively, and meet legal and humanitarian standards for all people within the City.
5. This ordinance establishes objectively reasonable time, place, and manner regulations that balance the rights of people without shelter to use some public rights-of-way with the City's obligation to manage public rights-of-way to meet their intended uses and to maintain the public peace, health, and safety.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. Florence City Code Chapter 7-1 is hereby amended. As shown in Exhibit A, FCC 7-1-5-4 is a new Section added to FCC Chapter 7-1 and the following existing Sections are amended to read as shown: FCC 7-1-5-3, FCC 7-1-6, FCC 7-1-7-3, and FCC 7-1-7-4. Sections within Chapter 7-1 not listed are not amended hereby.

2. FCC 7-1-5-1 is hereby deleted in total.
3. In accordance with the Florence Charter, this ordinance will take effect 30 days after adoption.
4. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 11 day of September, 2023.

Second Reading on the ___ day of _____, 2023.

This Ordinance is passed and adopted on the ___ day of _____, 2023.

Councilors Wantz, Meyer, Carp, and Beaudreau and Mayor Ward.

AYES: —
NAYS: —
ABSTAIN —
ABSENT —

Rob Ward, Mayor

Attest:

Lindsey White, City Recorder

EXHIBIT A

TITLE 7
CHAPTER 1

7-1-5-3: IMPOUNDMENT:

- A. Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.
- B. The disposition of a vehicle towed and stored under authority of this Section shall be in accordance with the provisions of the ordinances of the City relating to impoundment and disposition of vehicles abandoned on the City streets.
- C. The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this Title.
- D. Whenever a police officer observes a vehicle parked in violation of a provision of this Title or State law, if the vehicle has four (4) or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as is provided in subsection B of this Section.
- E. When any motor vehicle is found parked or standing, whether attended or unattended, in any prohibited or restricted area or an area posted "No Vehicular Traffic", an officer may, in addition to issuing a citation, cause that vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in subsection B of this Section.
- F. A police officer may order a vehicle to be towed and impounded at the expense of the owner or person entitled to possession thereof when:
 - 1. The vehicle has been reported stolen; or
 - 2. The vehicle or its contents is to be used as evidence in a traffic or criminal prosecution; or

3. The vehicle is in the possession of a person taken into custody by a law enforcement agency; or
 4. The vehicle was used in committing a violation of ORS 811.175 and 811.182 (DWS); ORS 813.000 (DUII); ORS 807.010 (No operator's license); ORS 806.010 (Driving Uninsured).
- G. When ordering a vehicle to be towed under paragraph F hereof, the police officer shall provide the notices set forth ORS 819.180.
- H. The registered owner or driver of a vehicle impounded under paragraph F-2-3-4 hereof shall pay an administrative fee of not less than \$100.00 as established by the Chief of Police to recover the costs incurred by the police department for the impoundment.

7-1-5-4: IMPOUND HEARING:

- A. Upon written request of the legal owner, the registered owner, or any other person who reasonably appears to have an interest in the vehicle, delivered to the Municipal Court not more than five days from the mailing date of the impound notice, a hearing shall be held before the municipal judge. The written request shall state the grounds upon which the person requesting the hearing believes that the removal and custody of the vehicle is not justified. The five-day period in this subsection does not include holidays, Saturdays, or Sundays.
- B. The hearing shall be set and conducted within two regular Court days of receipt of the request, holidays, Saturdays, and Sundays not included. The hearing can be set for a later date if the owner or person entitled to possession so requests.
- C. The City shall have the burden of showing the validity of the taking of the vehicle.
- D. At any time prior to the requested hearing, the owner or the person entitled to possession of the vehicle may regain possession of the vehicle by posting with the City security in the form of cash or bond in an amount sufficient to cover costs of removing and storage, together with any fines owed, and a fee in an amount set by resolution of the Council.
- E. If the municipal judge finds, after the hearing, that:
1. The action of the City in taking the vehicle into custody was proper, the municipal judge 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 enforcement officer in taking the vehicle into custody was invalid, the judge shall:
 - (a) Order the immediate release of the vehicle to the owner;
 - (b) Find that the owner is not liable for any towing or storage charges occasioned by the taking;
 - (c) Order the City to satisfy the towing and storage lien; and
 - (d) Order the City to reimburse the owner for any towing and storage charges and City fees paid by the owner for the vehicle. New storage costs on the vehicle will not start to accrue until more than 24 hours after the time the vehicle is officially released to the owner under this subsection 2.

- F. If the person requesting the hearing does not appear at the scheduled hearing, the municipal judge may enter an order supporting the removal of the vehicle and the assessment of towing and storage costs and may apply any security posted against such costs. A person who fails to appear at a hearing under this section is not entitled to another hearing unless the person provides reasons satisfactory to the appropriate authority for the person's failure to appear.

- G. The municipal judge shall provide a written statement of the results of the hearing held under this section to the person requesting the hearing. The action of the municipal judge pursuant to this section is final.

7-1-6: OBSTRUCTING STREETS:

- A. Except as provided by this Title or any other ordinance of the City, no person shall place, park, store, deposit, or leave upon any street or other public way, sidewalk, parkway or curb any article, personal property, or material which in any way prevents, interrupts, or obstructs the free passage of pedestrian or vehicle traffic, or obstructs the driver's view of traffic control signs and signals.

- B. Nothing in this Section shall be so construed as to preclude the right of property owners, persons responsible for properties, or builders having a permit therefore to make use of so much of the roadway, not to exceed one-fourth (1/4) the width, as may be necessary for use, erection, or construction, and abutting on any such roadway.

- C. Any person who shall make or cause to be made any portion of the street to be dangerous shall erect a good and sufficient barrier which shall protect and warn the public for such time as the danger may continue.

- D. No unauthorized person shall deposit any earth, gravel, or debris upon any street, alley, or other public way, parking strip, sidewalk, or curb.

7-1-7-3: EXTENSION, PARKING LIMIT: Where maximum parking time limits are designated by sign, movement of a vehicle within a 600-foot radius shall not extend the time limits for parking.

7-1-7-4: PROHIBITED PARKING:

- A. No person shall stop, stand, store, or park a vehicle, recreational vehicle, trailer, or motorized conveyance:
 - 1. In an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of thirty (30) consecutive minutes.
 - 2. On any street or bike path which has a posted restriction to the parking, standing, or operation of motor vehicles.
 - 3. On any street in such a manner that vision at an intersection is obstructed.
 - 4. For more than two (2) hours on any street adjacent to a private driveway in such a manner that vision is obstructed for persons using the driveway.
 - 5. On any street for the purpose of repairing or servicing the vehicle, except repairs necessitated by an emergency.
- B. No person shall stop, stand, or park a motor truck on a street between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. of the following day in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation.
- C. No person shall stop, stand, or park a vehicle on any street for the principal purpose of:
 - 1. Displaying the vehicle for sale.
 - 2. Repairing or servicing the vehicle, except repairs necessitated by an emergency.
 - 3. Displaying advertising from the vehicle.
 - 4. Selling merchandise from the vehicle, except when authorized.

- D. Where parking is permitted upon a street, no person shall stop, stand, store, or park a vehicle, recreational vehicle, or trailer for a period in excess of seventy-two (72) hours, or such shorter period as provided by signage. A person stopping, standing, storing, or parking a vehicle, recreational vehicle, or trailer upon a street shall also comply with the following:
1. Unless a shorter period is provided by signage, stopping, standing, storing, and parking is limited to seventy-two (72) hours in one location. In order to avoid violation of this time limit, a vehicle, recreational vehicle, or trailer must be moved outside of a 600-foot radius from the original location, cannot be at the new location for a period in excess of seventy-two (72) hours, and cannot return to the original location for at least fourteen (14) full calendar days.
 2. A person may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in streets, on City property, or on any adjacent public or private property.
 3. A person shall not leave an animal unattended outside the vehicle, recreational vehicle, or trailer; animals must be crated or under control on a leash no longer than six feet.
 4. A person shall not create or maintain open flames, recreational fires, burning of garbage, or bonfires in, on, or around the vehicle, recreational vehicle, or trailer.
 5. A person shall not dump gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal.
 6. A person shall not store personal property outside the vehicle, recreational vehicle, or trailer other than what is incidental to the active loading or unloading of a vehicle, recreational vehicle, or trailer.
 7. The vehicle, recreational vehicle, or trailer must be operational and display valid registration.
 8. A person shall not build or erect any structure connected to or attached to the vehicle, recreational vehicle, or trailer.
- E. Issuance of a citation for a violation of this section is not an exclusive enforcement remedy. A law enforcement officer may impound a vehicle, recreational vehicle, or trailer for violation of this section. If the City proposes to impound any vehicle parked in violation of this section, the City shall provide notice in a manner set forth under ORS 819.170.