

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Introductory Provisions and Definitions
- 10.08 State Traffic Statutes Adopted
- 10.12 Administration and Enforcement
- 10.16 Traffic Regulations Generally
- 10.20 Parking
- 10.24 Bicycles
- 10.28 Vehicle Nuisance Code

Chapter 10.04

INTRODUCTORY PROVISIONS AND DEFINITIONS

Sections:

- 10.04.010 Short title.
- 10.04.020 Definitions.

10.04.010 Short title.

This title may be cited as the “Mill City uniform traffic ordinance.” (Ord. 192 § 1, 1985)

10.04.020 Definitions.

A. In addition to those definitions contained in the Oregon Vehicle Code, the following mean:  
“Bus stop” means a space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

“Holiday” means New Year’s Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Martin Luther King Day, Memorial Day, President’s Day, Veteran’s Day and any other day proclaimed by the council to be a holiday.

“Loading zone” means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

“Motor vehicle” means every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road-building equipment, street cleaning equipment, and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

“Taxicab stand” means a space on the edge of a roadway designated by sign for use by taxicabs.

“Traffic lane” means that area of the roadway used for the movement of a single line of traffic.

“Vehicle” as used in this title includes bicycles. (Ord. 309 § 1, 2002; Ord. 192 § 3, 1985)

## Chapter 10.08

### STATE TRAFFIC STATUTES

#### Sections:

10.08.010 Adoption of Oregon Vehicle Code.

10.08.010 Adoption of Oregon Vehicle Code.

The city adopts and incorporates by reference the Oregon Vehicle Code, Oregon Revised Statutes, Chapters 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816, 818, 819, 820, 821, 822, and 823, as they currently exist, except for any provision classified as a felony under state law. Violation of an adopted provision of those chapters is an offense against this city. (Ord. 310 § 1, 2002)

## Chapter 10.12

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

##### Article I. Administration

10.12.010 Powers of the council.

10.12.020 Implementation of regulations.

10.12.030 Public danger.

10.12.040 Standards.

10.12.050 Authority of police and fire officers.

##### Article II. Impoundment and Penalties

10.12.060 Impoundment of vehicles.

10.12.070 Violation--Penalty.

10.12.080 Existing control devices and markings.

##### Article I. Administration

10.12.010 Powers of the council.

A. Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance.

B. The powers of the council shall include, but not be limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking meter zones;

5. Designation of certain streets as bridle paths and prohibition of horses and animals on other streets;
6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
7. Initiation of proceedings to change speed zones;
8. Revision of speed limits in parks;
9. Temporary blocking or closing of streets;
10. Establishment of bicycle lanes and paths and traffic controls for such facilities;
11. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
12. Issuance of oversize or overweight vehicle permits;
13. Establishment, removal or alteration of the following classes of traffic controls:
  - a. Crosswalks, safety zones and traffic lanes;
  - b. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies;
  - c. Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal);
  - d. Loading zones and stops for vehicles;
  - e. Traffic control signals. (Ord. 192 § 4, 1985)

10.12.020 Implementation of regulations.

The street commissioner or his or her designee shall implement the ordinances, resolutions and motions of the council by installing, maintaining, removing and altering traffic control devices. Such installation shall be based on the standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways." (Ord. 192 § 5, 1985)

10.12.030 Public danger.

Under conditions constituting a danger to the public, the police commissioner or his or her designee may install temporary traffic control devices. (Ord. 192 § 6, 1985)

10.12.040 Standards.

The regulations of the city council or its designee shall be based on:

- A. Traffic engineering principles and traffic investigations.
- B. Standards, limitations and rules promulgated by the Oregon Transportation Commission.
- C. Other recognized traffic control standards. (Ord. 192 § 7, 1985)

10.12.050 Authority of police and fire officers.

- A. It is the duty of police officers to enforce the provisions of this title.
- B. In the event of a fire or other public emergency, officers of the law enforcement authority and fire departments may direct traffic as conditions require, notwithstanding the provisions of this title. (Ord. 192 § 8, 1985)

## Article II. Impoundment and Penalties

### 10.12.060 Impoundment of vehicles.

A. When 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, even if the vehicle was parked by another or if 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 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. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

E. Whenever a police officer observes a vehicle parked in violation of a provision of this title or state law, if the vehicle has five or more unpaid violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. An impounded vehicle 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. (Ord. 192 § 43, 1985)

### 10.12.070 Violation--Penalty.

A. Violation of Sections 10.16.020 through 10.16.090 of this title is punishable by fine not to exceed one hundred dollars (\$100.00).

B. Violation of Sections 10.16.100 and 10.16.110 and Chapters 10.20, 10.24 and 12.08 of this code is punishable by fine not to exceed fifty dollars (\$50.00).

C. Violation of a provision identical to a state statute is punishable by fine not to exceed the penalty prescribed by the state statute. (Ord. 192 § 44, 1985)

### 10.12.080 Existing control devices and markings.

Parking and traffic control devices and markings installed prior to the adoption of the ordinance codified in this title are lawfully authorized. (Ord. 192 § 46, 1985)

## Chapter 10.16

### TRAFFIC REGULATIONS GENERALLY

#### Sections:

- 10.16.010 Certain brakes prohibited--Penalty.
- 10.16.020 Crossing private property.
- 10.16.030 Unlawful riding.
- 10.16.040 Rollerskates, skateboards, sleds, etc.
- 10.16.050 Damaging sidewalks and curbs.
- 10.16.060 Removing glass and debris.
- 10.16.070 Storage of motor vehicles on streets.
- 10.16.080 Obstructing streets.
- 10.16.090 Speed limits in public parks.
- 10.16.100 Funeral procession.
- 10.16.110 Pedestrians.

#### 10.16.010 Certain brakes prohibited--Penalty.

A. With the exception of use during an emergency situation, no person shall use exhaust brakes, jake brakes or similar noise-producing stopping devices within the city limits.

B. The penalty shall be a fine not to exceed two hundred fifty dollars (\$250.00) per offense. (Ord. 215 §§ 1, 2, 1986)

#### 10.16.020 Crossing private property.

No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision does not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services. (Ord. 192 § 9, 1985)

#### 10.16.030 Unlawful riding.

A. No operator shall permit a passenger and no passenger shall ride on a vehicle on a street except on a portion of the vehicle designed or intended for the use of passengers. This provision does not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

B. No person shall board or alight from a vehicle while the vehicle is in motion on a street. (Ord. 192 § 10, 1985)

#### 10.16.040 Rollerskates, skateboards, sleds, etc.

No person shall:

A. Use streets or sidewalks for traveling on skis, toboggans, sleds or similar devices except where authorized by the city or its designee.

B. Use rollerskates or skateboards or rollerblades on sidewalks or streets in the commercial zone of the city.

C. A violation of this section is a violation punishable by a fine not to exceed one hundred dollars (\$100.00). (Ord. 255 § 1, 1994; Ord. 192 § 11, 1985)

10.16.050 Damaging sidewalks and curbs.

A. The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

B. No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C. No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be responsible for the cost of repair. (Ord. 192 § 12, 1985)

10.16.060 Removing glass and debris.

A party to a vehicle accident or a person causing broken glass or other debris to be on a street shall remove the glass or other debris from the street. (Ord. 192 § 13, 1985)

10.16.070 Storage of motor vehicles on streets.

No person shall store or permit to be stored on a street or other public property, without permission of the council, a motor vehicle or personal property for a period in excess of twenty-four (24) hours. Failure to move a motor vehicle or other personal property for a period of twenty-four (24) hours shall constitute prima facie evidence of storage of a motor vehicle. (Ord. 192 § 14, 1985)

10.16.080 Obstructing streets.

No person shall park or leave on a street, including an alley, parking strip, sidewalk, or curb, a vehicle part, trailer, box, ware, merchandise of any description, or any other thing that in any way impedes traffic or obstructs the view, except as is allowed by this title or other ordinances of the city. (Ord. 192 § 15, 1985)

10.16.090 Speed limits in public parks.

No person shall drive a vehicle on a street in a public park of this city at a speed exceeding fifteen (15) miles per hour unless signs erected indicate otherwise. (Ord. 192 § 16, 1985)

10.16.100 Funeral procession.

A. No permit is required for a funeral procession.

B. A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.

C. The procession shall be accompanied by adequate escort vehicles for traffic control.

D. All motor vehicles in the funeral procession shall be operated with their lights on.

E. No person shall unreasonably interfere with a funeral procession.

F. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

G. Each driver in the procession shall drive as near to the right edge of the street as practical and shall follow the vehicle ahead as closely as is practical and safe. (Ord. 192 § 37, 1985)

10.16.110 Pedestrians.

A. Pedestrians Must Use Crosswalks. No person shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within one hundred fifty (150) feet of a marked crosswalk.

B. Right Angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk. (Ord. 192 §§ 31, 32, 1985)

## Chapter 10.20

### PARKING

#### Sections:

#### Article I. Parking Regulations

- 10.20.010 Method of parking.
- 10.20.020 Prohibited parking or standing.
- 10.20.030 Sale or repair of vehicle--Prohibited parking.
- 10.20.040 Use of loading zone.
- 10.20.050 Unattended vehicles.
- 10.20.060 Standing or parking of buses and taxicabs.
- 10.20.070 Restricted use of bus and taxicab stands.
- 10.20.080 Lights on parked vehicle.
- 10.20.090 Extension of parking time.
- 10.20.100 Exemption.

#### Article II. Parking Citations and Owner Responsibility

- 10.20.110 Citation on illegally parked vehicle.
- 10.20.120 Failure to comply with parking citation attached to parked vehicle.
- 10.20.130 Cancellation of parking citation.
- 10.20.140 Owner responsibility.
- 10.20.150 Registered owner presumption.

#### Article I. Parking Regulations

##### 10.20.010 Method of parking.

A. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

B. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street has priority to park in that space, and no other vehicle operator shall attempt to interfere. (Ord. 192 § 17, 1985)

##### 10.20.020 Prohibited parking or standing.

No person shall park or stand:

A. A vehicle in violation of state motor vehicle laws or in violation of a lawfully erected parking limitation sign;

B. A vehicle 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 twenty (20) consecutive minutes;

C. A vehicle adjacent to a curb which has been painted yellow or red;

D. A vehicle within the landscape strip on any curbed street;

- E. A vehicle on any sidewalk, trail or bicycle path;
- F. A vehicle on private property in a front yard or street side yard in violation of MCMC 17.44.020(C), "Parking or Storage of Vehicles in Yards";
- G. An abandoned or inoperable motor vehicle in violation of MCMC 8.04.145, "Inoperable Motor Vehicle";
- H. A vehicle on a public street for a period in excess of twenty-four (24) hours in violation of MCMC 10.16.070. (Ord. 333 § 1, 2005: Ord. 192 § 18, 1985)

10.20.030 Sale or repair of vehicle--Prohibited parking.

No operator shall park and no owner shall allow a vehicle to be parked on a street for the principal purpose of:

- A. Displaying the vehicle for sale.
- B. Repairing or servicing the vehicle, except repairs necessitated by an emergency. (Ord. 192 § 19, 1985)

10.20.040 Use of loading zone.

No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. When the hours applicable to the loading zone are in effect, the stop for loading and unloading shall not exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed five minutes for loading or unloading of passengers and personal baggage and fifteen (15) minutes for loading or unloading of materials. (Ord. 192 § 20, 1985)

10.20.050 Unattended vehicles.

When a police officer finds a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station. (Ord. 192 § 21, 1985)

10.20.060 Standing or parking of buses and taxicabs.

The operator of a bus or taxicab shall not stand or park the vehicle on a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers. (Ord. 192 § 22, 1985)

10.20.070 Restricted use of bus and taxicab stands.

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space. (Ord. 192 § 23, 1985)

10.20.080 Lights on parked vehicle.

No lights need be displayed upon a vehicle that is parked in accordance with this chapter on a street where there is sufficient light to reveal a person or object at a distance of at least five hundred (500) feet from the vehicle. (Ord. 192 § 24, 1985)

10.20.090 Extension of parking time.

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking. (Ord. 192 § 25, 1985)

10.20.100 Exemption.

The provisions of this title that regulate the parking or standing of vehicles do not apply to:

A. A vehicle of the city, county, state or a public utility while necessarily in use for construction or repair work on a street.

B. A vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

C. A vehicle of a disabled person who complies with the provisions of ORS 811.550 to ORS 811.637. (Ord. 309 § 2, 2002; Ord. 192 § 26, 1985)

## Article II. Parking Citations and Owner Responsibility

10.20.110 Citation on illegally parked vehicle.

When a vehicle without an operator is found parked in violation of a restriction imposed by this title or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle that may identify its owner, and shall conspicuously affix to the vehicle a parking citation instructing the operator to answer to the charge or pay the penalty imposed within five days during specific hours and at a specific place. (Ord. 192 § 38, 1985)

10.20.120 Failure to comply with parking citation attached to parked vehicle.

If the operator does not respond to a parking citation affixed to a vehicle within five working days, the recorder shall send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of five days:

A. The fine will be doubled; and

B. If the vehicle has five or more outstanding citations, it may be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. (Ord. 192 § 39, 1985)

10.20.130 Cancellation of parking citation.

No person shall cancel or solicit the cancellation of a parking citation in any manner, except when approved by the municipal judge. (Ord. 192 § 40, 1985)

10.20.140 Owner responsibility.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent. (Ord. 192 § 41, 1985)

10.20.150 Registered owner presumption.

In a proceeding against a vehicle owner charging a violation of a restriction on parking, proof that the vehicle was registered to the defendant at the time of the violation shall constitute a presumption that the defendant was the owner. (Ord. 192 § 42, 1985)

## Chapter 10.24

### BICYCLES

#### Sections:

- 10.24.010 Effect of chapter.
- 10.24.020 Operating rules.
- 10.24.030 Bicycle dealers.
- 10.24.040 Impounding of bicycles.

#### 10.24.010 Effect of chapter.

A. No parent or guardian of a minor child shall authorize or knowingly permit the child to violate this chapter.

B. This chapter applies to a bicycle operated on a sidewalk, on a street or on a public path set aside for the exclusive use of bicycles, subject to the exceptions stated. (Ord. 192 § 27, 1985)

#### 10.24.020 Operating rules.

In addition to observing all other applicable provisions of this chapter and state law pertaining to bicycles, a person shall:

A. Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of motor vehicle parking provisions.

B. Not ride a bicycle on a sidewalk in a business district. (Ord. 192 § 28, 1985)

#### 10.24.030 Bicycle dealers.

Persons engaged in the business of buying secondhand bicycles shall maintain a record of every bicycle purchased, giving the name and address of the person from whom purchased, a description of the bicycle by name or make, the frame number, and the registration number, if any. (Ord. 192 § 29, 1985)

#### 10.24.040 Impounding of bicycles.

A. No person shall leave a bicycle on private property without the consent of the person in charge or the owner of the property. Consent is implied on private business property unless bicycle parking is expressly prohibited.

B. A bicycle left on public property for a period in excess of twenty-four (24) hours may be impounded by the city.

C. In addition to any citation issued, a bicycle parked in violation of this chapter may be immediately impounded by the city.

D. If a bicycle impounded under this chapter is registered, or other means of determining its ownership exist, the city shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

E. A bicycle impounded under this chapter that remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

F. Except as provided in subsection D of this section, a fee of five dollars shall be charged to the owner of a bicycle impounded under this section. (Ord. 192 § 30, 1985)

## Chapter 10.28

### VEHICLE NUISANCE CODE

#### Sections:

- 10.28.010 Definitions.
- 10.28.020 Certain vehicles as nuisances.
- 10.28.030 Impoundment.
- 10.28.040 Notification to owner.
- 10.28.050 Hearing.
- 10.28.060 Redemption and release of impounded vehicle.
- 10.28.070 Towing and storage liens.
- 10.28.080 Criminal investigations.

#### 10.28.010 Definitions.

The following definitions apply to this chapter:

“Sheriff” means, in addition to Linn County Sheriff, the authorized representatives and deputies of the Sheriff of Linn County.

“Police” means law enforcement officers or police officers for the city, including the Linn County Sheriff and the authorized representatives and deputies of the Sheriff of Linn County. (Ord. 311 § 1, 2002)

#### 10.28.020 Certain vehicles as nuisances.

The following motor vehicles are hereby declared to be nuisances.

A. A motor vehicle operated by a person whose operator's license is criminally suspended or revoked in violation of ORS 811.175 or in violation of ORS 811.182; or

B. A motor vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010; or

C. A motor vehicle operated by a person who has habitual offender status under ORS 809.640 or its statutory counterpart in any jurisdiction; or

D. A motor vehicle that is being operated without liability insurance as required by the financial responsibility laws of the state of Oregon (ORS 806.010); or

E. A motor vehicle that is being operated without a driver's license, driver permit, endorsement or statutory grant of driving privileges as required by ORS 807.010. (Ord. 311 § 2, 2002)

#### 10.28.030 Impoundment.

A. Any vehicle declared a nuisance by this ordinance may be impounded, and towed by a towing company approved by the Oregon State Police, at the time of arrest or citation of the driver for:

1. Criminal driving while suspended or revoked or in violation of a hardship or probationary permit in violation of ORS 811.182; or
2. Driving under the influence of intoxicants in violation of ORS 813.010; or
3. Operating a vehicle without liability insurance as required by the financial responsibility laws of the state of Oregon (ORS 806.010).

B. A vehicle impounded pursuant to this section may be so impounded without prior notice and may be towed to a public garage or other suitable place of storage and stored at the owner's expense. (Ord. 311 § 3, 2002)

#### 10.28.040 Notification to owner.

A. At the time the vehicle is impounded, a copy of the impoundment notice shall be given to the driver.

B. Notice shall also be served or mailed to the registered owner and any other person who reasonably appears to have an interest in the vehicle. Notice shall be served or mailed within forty-eight (48) hours after the tow of the vehicle, Saturdays, Sundays and holidays excluded.

C. Notice shall state:

1. That the vehicle has been towed;
2. The location of the vehicle and that it may be reclaimed only upon evidence that the claimant is the owner of the vehicle or is entitled to possession of the vehicle;
3. That the vehicle will not be released until all provisions of the ordinance codified in this chapter have been met;
4. That a copy of the ordinance codified in this chapter may be obtained at city hall;
5. The address and telephone number of the person or facility that may be contacted for information on the charges that must be paid before the vehicle will be released and the procedures for obtaining the release of the vehicle;
6. The vehicle and its contents are subject to a lien for the towing and storage charges and will be subject to sale by the towing and storage company where the vehicle is located;
7. A hearing may be requested to contest the validity of the tow;
8. The time in which a hearing must be requested and the method of requesting a hearing; and
9. That an application for a hearing must be filed with and received by the municipal judge not later than five business days after the vehicle was towed. (Ord. 311 § 4, 2002)

#### 10.28.050 Hearing.

Any hearing contesting the validity of the impoundment, and the reasonableness of any towing or storage charges, shall be conducted pursuant to this chapter.

A. Application for a hearing to contest the validity of any tow, impoundment or storage of a vehicle pursuant to this chapter must be in writing and be received by the city municipal court not later than five business days after the vehicle was towed. The application for a hearing shall state the grounds upon which the person requesting the hearing believes the towing, impounding and/or sto-

rage of the vehicle was not justified. The application for hearing will also contain such other information, relating to the purpose of this chapter, as the municipal judge may require.

B. The hearing shall be held as soon as possible, but in no event later than the next regularly scheduled city municipal court date.

C. At the hearing the person requesting the hearing may contest:

1. The validity of the action in taking the vehicle into custody;
2. The reasonableness of the charge set for towing and storage of the vehicle. The normal rates for towing and storage of vehicles that are charged by private towing companies are presumed to be reasonable for purposes of this section.

D. The city shall have the burden of showing the validity of the towing, impounding and/or storage of the vehicle.

E. If the municipal judge finds that:

1. The action of the city police or the Linn County Sheriff in towing, impounding and/or storing the vehicle was valid pursuant to the terms of this chapter the judge shall enter an order supporting said tow, impoundment and/or storage and may assess the cost of the hearing against the person requesting the hearing.

2. The action of the city police or the Linn County Sheriff in towing, impounding and/or storing the vehicle was invalid the judge shall order the vehicle released to the owner of the vehicle and further order the city to satisfy any towing and storage lien that may have attached to the vehicle for the benefit of the private towing company.

F. The law enforcement officer who ordered the towing, impounding and/or storage of the vehicle may submit an affidavit to the municipal judge in lieu of making a personal appearance at the hearing.

G. The decision of the municipal judge is a quasi-judicial decision and is final, is not appealable to the city council, and is only appealable to circuit court by writ of review. Any person who has a hearing scheduled and fails to appear at such hearing without good cause shown, as determined by the municipal judge, shall not be entitled to have such hearing re-scheduled. (Ord. 311 § 5, 2002)

#### 10.28.060 Redemption and release of impounded vehicle.

A. The owner of the impounded vehicle, or the owner's authorized agent, may redeem the vehicle after providing satisfactory proof of:

1. Payment of the towing and storage expenses incurred;
2. Payment of an administrative fee of the city, as adopted by separate resolution, whether or not the motor vehicle is returned to the person who was operating it at the time of impoundment;
3. Ownership or right of possession;
4. Current insurance on the vehicle; and
5. A valid driver's license for either the owner or driver designated by the owner to operate the vehicle upon its release.

B. Only the city or the Linn County Sheriff has authority to release a vehicle impounded pursuant to this ordinance.

C. The city or the Linn County Sheriff will not authorize release until full payment of the administrative fee has been made.

D. No commercial towing company or similar business storing a vehicle impounded pursuant to this chapter may release such vehicle unless that business or company is presented a signed release for that vehicle on a form provided and signed by the city administrator, his or her designated agent, or the Linn County Sheriff. (Ord. 311 § 6, 2002)

10.28.070 Towing and storage liens.

A. A person or business who, at the request of the city or the Linn County Sheriff takes a vehicle into custody under the provisions of this chapter:

1. Shall have a lien on the vehicle and its contents for reasonable towing and storage charges;
2. May retain possession of the vehicle until the charges are paid; and
3. May have the vehicle sold at public auction to satisfy the lien.

B. The lien that attaches to the vehicle and its contents shall be a possessory chattel lien in accordance with ORS 87.152 and may be foreclosed in a manner provided in ORS 87.152 to ORS 87.212.

C. If the appraised value of the vehicle is one thousand dollars (\$1,000) or less, the vehicle may be disposed of in the manner provided in ORS 819.220. If the vehicle is taken into custody under the provisions of this chapter and held by the city rather than by a private garage or towing company, the vehicle and its contents shall be disposed of in the manner provided in ORS 819.210 to 819.260.

D. The city shall not be liable for services rendered by any person or private towing company including but not limited to the towing and storage of any vehicles impounded pursuant to this chapter. (Ord. 311 § 7, 2002)

10.28.080 Criminal investigations.

The provisions of this chapter shall not apply to a vehicle that is being held as part of a criminal investigation. (Ord. 311 § 8, 2002)