

**CITY OF WESTFIR
ORDINANCE NO. 141**

AN ORDINANCE ESTABLISHING LITTERING, PARKING, AND CAMPING REGULATIONS WITHIN CITY LIMITS;
PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; ESTABLISHING PENALTIES;
AND REPEALING WESTFIR ORDINANCE NOS. 105 AND 118

The City of Westfir, Oregon ordains as follows:

Section 1. Definitions

- 1) Camp – The erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of occupying a space for more than 24 hours.
- 2) Public Property – public lands, premises, and buildings, including but not limited to any building used in connection with the transaction of public business or any lands, premises or buildings owned or leased by the City or any political subdivision of the City.
- 3) Officer – A member of the police of a city, municipal or quasi-municipal corporation; Oregon State Police; A sheriff or deputy sheriff; or an employee of the City of Westfir.

Section 2. Littering – It shall be unlawful for any person to mark with permanent color, throw, scatter, or deposit any litter in or upon any public property. Locate services are exempt from the color-marking restriction.

Section 3. Parking

- 1) No vehicle shall park inside or on the perimeter surrounding city parks at any time unless using park facilities.
- 2) No person shall park a vehicle in excess of 24 hours on City of Westfir property where parking is permitted, unless authorized by the Council.
- 3) No person shall stand or park a motor vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the street side wheels of the vehicle at least 12 feet from the center line of the street, except where the street is marked or signed for angle parking.
- 4) No operator shall park, and no owner shall allow, a vehicle to be parked on a street for the purpose of:
 - a. repairing or servicing the vehicle, except repairs necessitated by an emergency; or
 - b. selling merchandise from the vehicle, except when authorized by the Council.
- 5) No person shall park a motor vehicle upon any street for more than 48 hours if the vehicle is without a current registration, is inoperable, or is substantially dismantled.

6) Exemptions:

- a. emergency response vehicles; city, county, and state vehicles; US postal service vehicles; school buses; and service/delivery vehicles are exempt from parking prohibitions in Ordinance 141.
- b. vehicles, if legally parked and lawfully registered, may be parked within or partially within the public right-of-way directly adjacent to residential property owned or occupied by the vehicle owner as long as such parking is in accordance with the provisions of this ordinance.

Section 4. Removal of Vehicles by the City

- 1) When a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance, 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 notice instructing the operator to remove the vehicle within 48 hours.
- 2) If after 48 hours has elapsed since notice was posted on the vehicle, and no person has appeared at, or contacted, Westfir City Hall, at 47441 Westoak Road, to show good cause why such vehicles should not be moved, the City shall have the vehicle towed in accordance with ORS 819.110.

Section 5. Notice Prior to Taking Vehicles into Custody and Towing

- 1) Notice shall be given by affixing a notice to the vehicle with the required information. The notice shall be affixed to the vehicle at least 48 hours before taking the vehicle into custody. The 48-hour period includes holidays, Saturdays and Sundays.
 - 2) Notice shall state all of the following:
 - a. That the vehicle will be subject to being taken into custody and towed by the appropriate authority if the vehicle is not removed before the time set by the appropriate authority.
 - b. The statute, ordinance or rule violated by the vehicle and under which the vehicle will be towed.
 - c. The place where the vehicle will be held in custody or the telephone number and address of the appropriate authority that will provide the information.
 - d. That the vehicle, if taken into custody and towed by the appropriate authority, will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents.
 - e. That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid.
 - f. That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and towing if a hearing is timely requested.
 - g. That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing.
 - h. The time within which a hearing must be requested and the method for requesting a hearing.
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Section 6. Notice After Taking Vehicles into Custody and Towing

- 1) The City will send written notice by certified mail to the owner within two business days of taking the vehicle into custody. The notice will state the items in Section 5(2)(a-h).
- 2) If there are no tags or license on the vehicle to provide a DMV identity of the owner, the vehicle will be towed after the 48-hour period without mailed notice.

Section 7. Camping – No person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, park, or any other public property or under any bridge or viaduct except by declaration of the City Council in emergency circumstances.

Section 8. Removal by the City of Personal Property Other Than Vehicles

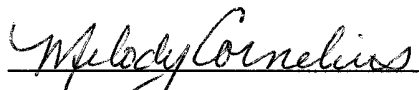
- 1) When personal property used in connection with a violation of Section 7 is left unattended on any public property, except vehicles which are covered under Section 4 of the ordinance, the officer finding the property shall conspicuously affix a notice instructing the owner to remove the property within 72 hours.
- 2) If 72 hours has elapsed since notice was posted, and no person has removed it, an officer shall remove and store the property for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal from public property. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.
- 3) The City Council will adopt procedures by Council Resolution to specify how personal property will be stored and the notice provided when property is removed.


Section 9. Penalties – In addition to the remedies stated in Sections 4 and 8, the City may assess a fine not to exceed \$200.00 against any person responsible for violating any provisions of this ordinance.

Section 10. Repealing Clause – Ordinances No.105 and No. 118 are hereby repealed in their entirety.

Passed by the Council and approved by the Mayor on this 1st day of November, 2021.

AYE: 5 NAY: 0 ABSENT: 0


Melody Cornelius, Mayor

ATTEST: 
Nicole Tritten, City Recorder

DATE: 11-3-2021