

ORDINANCE NO. 86-1078

AN ORDINANCE ESTABLISHING A DOWNTOWN PARKING DISTRICT,
PROHIBITING PARKING THEREOF OF PROPRIETORS, EMPLOYEES,
RESIDENTS OF, OR PROFESSIONAL PERSONS PURSUING THEIR
OCCUPATION IN SAID DISTRICT, PROVIDING EXCEPTIONS
AND PROVIDING FOR PENALTIES

The People of the City of The Dalles Ordain as follows:

Section 1. Downtown Parking District. There is hereby established a downtown parking district of the City of The Dalles which is defined by the bold, dashed lines outlined on the map marked Exhibit "A" and by this reference made a part hereof. Future revisions to the downtown parking district area may be adopted by the Council by resolution.[As amended by Ordinance No. 90-1116, passed October 15, 1990; Ordinance No. 03-1249, passed December 8, 2003 and Ordinance 04-1253, passed June 28, 2004.]

Section 2. Prohibited Parking.

- (a) No person shall park a motor vehicle upon the public streets in the downtown parking district described in Section 1 hereof while said person is at their place of employment, business profession, or residence, when said placement of employment, business profession, or residence is located within the Central Business Zone Boundary as shown on Exhibit A, between the hours of 9:00 a.m. and 6:00 p.m. except as provided in Section 3 hereof. [Section 2 (a) as amended by Ordinance No. 96-1201, passed by City Council and approved by the Mayor March 11, 1996; and Ordinance No. 03-1249, adopted by City Council and approved by the Mayor December 8, 2003.]

For purposes of this section, the term "employment" shall include being engaged for wages, credit or other remuneration or as a volunteer for a public or private enterprise.

- (b) Citation procedure and effect. An officer authorized to enforce this ordinance may issue a parking citation to the operator or owner of any motor vehicle, when the officer has observed the vehicle parked in violation of this ordinance. Whenever a vehicle has been observed to be parked within the downtown parking district in violation of the restrictions imposed in Section 2 (a), the officer shall note the date, place and nature of the violation, the time and place for the defendant's appearance in court, the name of the issuing officer, and the make and license number of the vehicle. The officer shall conspicuously affix a parking

citation to the vehicle which shall state a specific date and time for a court appearance to answer the charge in the citation. [Section 2 (b) as amended by Ordinance No. 92-1147, passed April 6, 1992.]

- (c) Owner responsibility for offense. The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.
- (d) Registered owner presumption. In a prosecution of a vehicle owner, charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he was then the owner in fact.

[Section 2 amended by Ordinance No. 89-1102, passed November 20, 1989; and Ordinance No. 90-1116, passed October 15, 1990.]

Section 3. Exceptions. Section 2 of this ordinance shall not apply:

- (a) On days when a majority of the businesses in the downtown parking district are not open for business; provided, however, that persons subject to Section 2 (a) of this ordinance shall not park in the parking space(s) directly in front of and abutting the store frontage of a business which is open for business during a time when the majority of the businesses in the downtown parking district are not open for business. [As amended by Ordinance No. 03-1249, adopted by City Council and approved by the Mayor December 8, 2003.]
- (b) To a motor vehicle displaying a parking permit, owned or operated by a person, firm, association, partnership or corporation who operates a business located within the downtown parking district as established in Section 1, which vehicle is regularly and customarily used to pickup and deliver goods or merchandise, or to provide maintenance, service, or other repair services for customers.
 - (i) A permit shall be issued upon application, without charge, only to the person, firm, association, partnership or corporation operating a business within the downtown parking district.
 - (ii) The City Manager or authorized designee shall establish criteria for issuance and revocation of the permits.

- (iii) The application for a permit shall contain the name of the owner of the motor vehicle, the business address, and the motor vehicle's make, model, and license number. The permit shall be renewed annually, upon such conditions as the City Manager or authorized designee shall specify. The permit shall contain the motor vehicle's license number and be displayed inside the front windshield area of the permitted vehicle.
- (iv) A person, firm, association, partnership or corporation who operates a business located within the downtown parking district, or an employee of such an entity, may park a motor vehicle displaying a permit issued under Section 3, on a public street located within the boundaries of the district, only within a parking space which is directly in front of and abutting the store frontage of the business.

[Section 3 (b) as amended by Ordinance No. 96-1201, passed by City Council and approved by the Mayor March 11, 1996.]

- (c) To vehicles of persons displaying a handicapped parking status issued by the appropriate issuing authority of any state or province;
- (d) To an employee, proprietor, professional person, or resident who is not working at his place of business, or at his residence, and is shopping in the downtown area during days off, hours off of work, and while the person is not engaged in or at the place of the person's occupation, business, profession, or residence; [As amended by Ordinance No. 96-1201, passed by City Council and approved by the Mayor March 11, 1996.]
- (e) To any person engaged in a business or trade performing maintenance work or service work on or in connection with real or personal property located in the downtown parking district, including but not limited to electricians, plumbers, carpet layers, cabinet makers, glass replacement firms, equipment servicemen, or other like businesses while actually performing work on real or personal property in the parking district; [As amended by Ordinance No. 90-1116, passed October 15, 1990.]
- (f) [Deleted by Ordinance No. 03-1249, adopted by City Council and approved by the Mayor December 8, 2003.]

Section 4. Violations. Violation of this ordinance shall be an infraction with no jail sentence imposed, except for failure to comply with paying fines or other conditions imposed by the Court, and no person charged with violation of this ordinance shall be entitled to a Court appointed attorney at public expense. Any person charged with a violation of this ordinance may plead Not Guilty and shall have a prompt trial in Municipal Court, which trial will be without a jury.

It shall be an affirmative defense to a charge of violating this ordinance that the person charged had no personal knowledge of the prohibitions of this ordinance, which defense shall be proved by the Defendant by a preponderance of the evidence.

Section 5. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than:

- (a) \$20.00 for the first conviction of this ordinance within the three years preceding the violation;
- (b) \$30.00 for the second conviction of a violation of this ordinance within the three years preceding the violation;
- (c) \$40.00 for the third conviction of a violation of this ordinance within the three years preceding the violation;
- (d) \$50.00 for the fourth conviction of a violation of this ordinance within the three years preceding the violation;
- (e) \$75.00 for the fifth and every subsequent conviction of a violation of this ordinance within the three years preceding the violation.

The maximum fine for a violation of any of the provisions of this ordinance shall be \$100.00. [Section 5 amended by Ordinance No. 89-1102 passed November 20, 1989.]

Section 6. Declaration of Emergency. Because this ordinance is being passed during the Christmas shopping season, an emergency is declared to exist to assist the citizens and downtown merchants to have the benefits of this ordinance during the remainder of the Christmas season of 1986 and thereafter, and this ordinance shall go into full force and effect immediately upon its passage and approval.

Passed by the Council this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.