

ORDINANCE NO. 1269

AN ORDINANCE REGULATING THE OPERATION AND PARKING OF MOTOR VEHICLES DURING SNOW EMERGENCY; ESTABLISHING SNOW EMERGENCY ROUTES; AND DECLARING AN EMERGENCY.

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1: This ordinance shall be known and may be cited as the "SNOW EMERGENCY ORDINANCE OF THE CITY OF HOOD RIVER".

Section 2: The following definitions shall apply in the interpretation and enforcement of this ordinance:

- a. The "mayor" as used in this ordinance refers to the mayor of the City of Hood River and in his absence his duly designated and acting representative according to the chain of command established by the City Council.
- b. "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- c. "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- d. "Snow Emergency Routes" are those streets marked as such in accordance with the provisions of this ordinance.
- e. "Secondary streets" are any streets which are not marked "Snow Emergency Routes."
- f. "Snow Tires" are any tires mounted on drive wheels of motor vehicles which are especially designed to give effective traction on snow, mud, or ice covered streets by means of extra heavy duty treads with special high-traction patterns, except that no tire so defined shall be construed to be a snow tire if it is damaged or worn to the extent that its performance would be substantially impaired.
- g. "Tire Chains" are any metal chains mounted on drive wheel tires of motor vehicles which cross the tread of

each such tire laterally in at least three different places.

Section 3: Parking on Snow Emergency Routes.

a. Whenever the mayor finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the United States Weather Bureau of snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the mayor shall put into effect a parking prohibition on parts of or all Snow Emergency Routes as necessary by declaring it in a manner prescribed by this ordinance.

b. Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the mayor in accordance with this ordinance, except that any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded therefrom for so long as such clear condition continues. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a Snow Emergency Route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

Section 4. Parking on Secondary Streets.

a. Whenever the mayor finds, on the basis of falling snow, sleet, freezing rain, or on the basis of a forecast by the United States Weather Bureau of snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the mayor shall put into effect a parking prohibition on parts of or all secondary streets as necessary by declaring it in a manner prescribed by this ordinance. The prohibition shall remain in effect until terminated by announcement of the mayor in accordance with this ordinance, except that any street area which has become

substantially clear of snow and ice from curb to median line for the length of the entire block shall be automatically excluded therefrom.

b. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle, except as permitted below:

(1) Vehicles may be parked on the uneven house numbers side of the street on uneven numbered days of the month.

(2) Vehicles may be parked on the even house numbers side of the street on even numbered days of the month.

c. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

Section 5: Condition of Motor Vehicles Operated on Snow Emergency Routes.

a. No person operating a motor vehicle on a Snow Emergency Route on which there is a covering of snow, sleet, or ice shall allow such vehicle to become stalled wholly or partly because the drive wheels thereof are not equipped with effective tire chains or snow tires.

b. No person operating a motor vehicle on a part of a Snow Emergency Route on which there is a covering of snow, sleet, or ice or on which there is a parking prohibition in effect shall allow such vehicle to become stalled because the motor fuel is exhausted or the battery has become inoperative.

Section 6: Stalled Vehicle on Snow Emergency Route.

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this ordinance, on any part of a Snow Emergency Route on which there is a covering of snow, sleet, or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such Snow Emergency Route. No person shall abandon or leave his vehicle in the roadway of a Snow Emergency Route (regardless of whether he

indicates, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay.

Section 7: Declaration of Snow Emergency.

a. The Mayor shall cause each declaration made by him pursuant to this ordinance to be publicly announced by means of broadcasts or telecasts from the radio station with a normal operating range covering the city, and he may cause such declaration to be further announced in a newspaper of general circulation within the City when feasible. Each announcement shall describe the action taken by the mayor, including the time it became or will become effective, and shall specify the streets or areas affected.

b. Whenever the mayor shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this ordinance no longer exist, he may declare the prohibition terminated, in whole or in part, in a manner prescribed by this ordinance, effective immediately upon announcement.

c. The mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section and this includes notice of termination, both in whole or in part.

Section 8: Provisions Temporarily Effective to Take Precedence.

Any provision of this ordinance which becomes effective by declaration of the mayor, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic

directions by a police officer.

Section 9: Signs to Mark Snow Emergency Routes.

On each street designated by this ordinance as a Snow Emergency Route, there shall be posted special signs at intervals not exceeding 300 feet with the wording: "No Parking During Snow Emergency. Two Away Zone". These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

Section 10: Removal, Impounding, and Return of Vehicles.

a. Members of the police department are hereby authorized to remove or have removed a vehicle from a street to the nearest garage or other place of safety (including another place on a street) or to a garage designated or maintained by the police department, or otherwise maintained by this city, when:

(1) The vehicle is parked on a part of a Snow Emergency Route on which a parking prohibition is in effect.

(2) The vehicle is stalled on a part of a Snow Emergency Route on which there is a covering of snow, sleet, or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this ordinance.

(3) The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.

b. Whenever an officer removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

c. Whenever an officer removes or has removed a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored.

d. No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the police department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal, not to exceed Twelve (\$12.00) Dollars, and shall pay any cost of storage accrued, not to exceed Two (\$2.00) Dollars for the first day or portion thereof, and One (\$1.00) Dollar for each additional day or portion thereof thereafter. Until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien in accordance with the provisions of the laws of the State of Oregon.

e. It shall be the duty of the police department to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from its location, the name and address of its owner

and last operator, if known, its final disposition, and the parking violation involved.

f. This section shall be supplemental to any other provisions of law granting members of the police department authority to remove vehicles.

Section 11: Citation on Vehicle Parked or Left in Violation of Ordinance.

Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this ordinance, and is not removed and impounded as provided for in this ordinance, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the City Recorder, for the driver to answer to the charge against him within ten (10) days during the hours and at a place specified in the citation.

Section 12: Failure to Comply with Traffic Citation Attached to Vehicle. If a violator of this ordinance does not appear in response to a traffic citation affixed to such motor vehicle in accordance with this ordinance within a period of five days the City Recorder shall send the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of ten days a warrant of arrest will be issued.

Section 13: Evidence with Respect to Vehicles Parked or Left in Violation of Ordinance. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this ordinance, together with proof that the defendant named in the complaint was at the time the

registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this ordinance.

Section 14: Snow Emergency Routes Designated. The following streets or portions of streets within the City are hereby designed as Snow Emergency Routes: Oak Street from First Street west to its merger with Cascade Street; 13th Street from Oak Street south to May Street; May Street from 13th to 12th Street; 12th Street from May Street south to Belmont Street; and Sherman Avenue from 13th Street to 17th Street.

Section 15: Penalties. Every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than One Hundred Dollars or less than Five Dollars or by imprisonment for not more than ten days or by both such fine and imprisonment.

Section 16: Separability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 17: Declaring an Emergency. Whereas the passage of this act is made in the interest of safeguarding the peace, health and safety of the citizens of Hood River and in view of the approaching winter season, the Council by its vote declares an emergency to exist and this ordinance shall go into full force and effect upon and after its passage by the Council and approval by the Mayor.

Read for the first time: December 8, 1969

Read for the second time: December 8th, 1969

8th PASSED by the Council of the City of Hood River
this day of December, 1969.

[Signature]
City Recorder
[Signature]
Mayor

8th APPROVED by the Mayor of the City of Hood River, this
day of December, 1969.