

TITLE 6

PUBLIC PROPERTY — ACQUISITION, DISPOSITION, AND MAINTENANCE

CHAPTER 650

LINN COUNTY PUBLIC PARKING CODE

TABLE OF CONTENTS

Section Title

I. General Provisions

- 650.001 Title
- 650.005 Statement of Purpose
- 650.010 Definitions
- 650.100 [repealed]

II. LINN COUNTY PARKING RULES

- 650.110 Authority to designate and prohibit parking
- 650.150 Notice of regulations
- 650.160 Parking violations within County Parking Lots and Designated Parking Spaces
- 650.170 Parking violations on County Property

III. REMOVAL OF UNLAWFULLY PARKED VEHICLES

- 650.210 Unlawfully parked vehicle parked or left standing on a County Parking Lot or Designated Parking Space
- 650.220 Unlawfully parked vehicle parked or left standing on County Property
- 650.230 Immediate removal of unlawfully parked vehicle permitted in certain cases
- 650.300 [repealed]
- 650.410 [repealed]
- 650.500 [repealed]
- 650.599 [repealed]
- 650.620 [repealed]
- 650.630 [repealed]
- 650.650 [repealed]
- 650.900 [repealed]

Statutory References and Authorities

Legislative History of Chapter 650

Appendix A

I. GENERAL PROVISIONS

650.001 Title

This Chapter, LCC 650, shall be known and may be cited as the Linn County Public Parking Code” or simply as the “Parking Code.”
[Adopted 2020-011 eff 5/4/20]

650.005 Statement of Purpose

It is the intent of Linn County, by enacting this Chapter, to provide for the removal of unlawfully parked vehicles from both County Parking Lots and County Property. Nothing in this Chapter shall be construed to limit or prohibit the application of LCC 510 for removing abandoned vehicles from County Property or public right-of-ways.
[Adopted 2020-011 eff 5/4/20]

650.010 Definitions

(A) "**Board**" means the Linn County Board of Commissioners.

(B) "**County**" means Linn County.

(C) "**County employee**" means any person regularly employed by Linn County.

(D) "**County parking authority**" means the Board of County Commissioners, or a County employee with delegated authority to manage a County Parking Lot.

(E) "**County Parking Lot**" means an area of County-owned property consisting of one or more parking spaces grouped and so distinguished by appropriate signs or other visible markers, and which has been designated by a County parking authority for use by County employees, or delegates thereof.

(F) "**County Property**" means any real property owned or under the control of Linn County that isn't a County Parking Lot, including, but not limited to, any Linn County public park, recreation area, forest, tax-foreclosed real property, or fairground facility, but not including public road rights-of-way.

(G) "**Designated Parking Space**" means a parking space that has been designated by a County parking authority for use by a particular County employee, or a delegate thereof.

(H) "**Fairground facility**" means any real property located within, or under the management of, the Linn County Fair and Expo Center.

(I) "**Forest**" means any of the areas listed in LCC 610.570.

(J) "**LCC**" means the Linn County Code.

(K) (1) "**Operator**" means and includes every individual who shall operate a vehicle as the owner thereof, or as the agent, employee, permittee of the owner or is in actual physical control of the vehicle.

(2) Any person in whose name a vehicle is registered as the owner by the Motor Vehicles Division of the Department of Transportation, shall be presumed to be the operator of such vehicle unless such owner shows as a matter of affirmative defense, that some other person is or was at the appropriate time, the operator of such vehicle.

(L) "**Park**" or "**parking**" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in, loading or unloading passengers, or cargo, obeying traffic signals or direction, or involuntary stopping by reason of causes beyond the control of the operator.

(M) "**Parking space**" means the area delineated by markings upon the surface of the pavement and closed at one end by a barricade or other barricading structure.

(N) "**Person**" means and includes an individual, firm, copartnership, association, or corporation.

(O) "**Vehicle**" or "**motor vehicle**"

means any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. "Vehicles" includes vehicles that are inoperative, disabled, wrecked, partially dismantled, or junked.

(P) "**Public park**" means any of the areas listed in LCC 610.550. The term includes any campgrounds or recreation sites therein.

(Q) "**Recreation area**" means any of the areas listed in LCC 610.560. This terms also includes any areas not otherwise defined under LCC 610, but for which Linn County is responsible to maintain and/or administer for recreational use by the public.

(R) "**Tax-foreclosed real property**" means any real property that has been deeded to the County as a result of a tax foreclosure proceeding pursuant to ORS 312.

(S) "**Tower**" means a person issued a towing business certificate under ORS 822.205.

(T) "**Unlawfully parked vehicle**" means a vehicle parked or left standing in violation of this Chapter.

(U) "**Visitor Parking Lot**" or "**Visitor Parking Space**" means a County Parking Lot, or a parking space located within a County Parking Lot, which has been designated by a county parking authority for use by operators other than Linn county employees while attending to business at a Linn county facility.

[Adopted 79-185 §1.1 eff 1/17/79; amd 92-067 §6 eff 4/15/92; amd 20-011 eff 5/4/20]

650.100 [repealed]

[Adopted 92-067 §2 eff 4/15/92; repealed 2020-011 eff 5/4/20]

II. LINN COUNTY PARKING RULES

650.110 Authority to designate and prohibit parking

(A) A County parking authority may designate areas owned by or under the control of Linn County as a County Parking Lot or a Designated Parking Space subject to this Chapter.

(B) A County parking authority may

restrict or prohibit parking on any County Property subject to this Chapter.

(C) The Board may adopt additional rules and regulations related to the operation or parking of motor vehicles on any County Property or County Parking Lot in accordance ORS 203.

[Adopted 79-185 §1.2 eff 1/17/79; amd 92-067 §7 eff 4/15/92; amd 2020-011 eff 5/4/20]

650.150 Notice of regulations

Notice of this Chapter, and notice of the use authorized for any County Parking Lot or Designated Parking Space, shall be given by appropriate signs or visible markers posted on the County Parking Lot, particularly at or near the entrances to or boundaries of such County Parking Lot or spaces.

[Adopted 79-185 §1.2 eff 1/17/79; amd 2020-011 eff 5/4/20]

650.160 Parking violations within County Parking Lots and Designated Parking Spaces

(A) No operator shall park any vehicle otherwise than within the delineated parking space, and so that the front end of such vehicle is forward to the barricades end of such space.

(B) No operator shall park any vehicle in a Designated Parking Space at any time unless such vehicle or the operator thereof is assigned as provided herein, to such parking space.

(C) (1) No operator shall park any vehicle in a Visitor Parking Lot or in a Visitor Parking Space except while such operator is attending to business at a Linn County facility, between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday, or unless otherwise permitted by LCC 650.160(C)(2).

(2) Any person may park in a Visitor Lot or Visitor parking space between the hours of 5:30 p.m. and 8:30 a.m., Monday through Friday, or at any hour on any Saturday, Sunday or holiday unless otherwise directed by special signs or visible markers, as particularly ordered by the County parking authority.

(D) No Linn County employee shall park any vehicle in a Visitor Lot, or Visitor parking space except as permitted to any person as

provided by 650.160(C)(2).

(E) No Linn County owned vehicle shall be parked by any operator in any space in a visitor parking lot or Visitor parking space except in Designated Parking Space provided for such vehicle.

(F) All operators shall obey the order of the Linn County Sheriff or his deputies for the purpose of controlling an emergency or directing traffic on, or at the entrances to, parking lots.

(G) At all times those persons not having a legitimate right to be in the parking lot areas shall be forbidden to interfere with the use of the parking lots.

[Adopted 79-185 §§ 2.0 - 2.7 eff 1/17/79; amd 92-067 §8 eff 4/15/92; amd 2020-011 eff 5/4/20]

650.170 Parking violations on County Property

No operator shall park or leave standing any vehicle upon County Property without the express consent of the County.

[Adopted 2020-011 eff 5/4/20]

III. REMOVAL OF UNLAWFULLY PARKED VEHICLES

650.210 Unlawfully parked vehicle parked or left standing on a County Parking Lot or Designated Parking Space

(A) A County parking authority, or a County employee delegated authority therefrom, may have a tower tow and lawfully store an unlawfully parked vehicle from a County Parking Lot or Designated Parking Space if the County employee affixes a notice to the vehicle at least 72 hours before the vehicle is removed.

(B) The notice required under this subsection shall be signed by the County employee and shall include the following information:

- (1) A statement that the vehicle will be towed if it is not removed within 72 hours;
- (2) A description of the vehicle to be towed;
- (3) The location of the property

from which the vehicle will be towed;

(4) Contact information for the County department that is responsible for managing the County Parking Lot from which the vehicle will be towed;

(5) A statement confirming that, if the vehicle is towed, the tower will have the right to retain possession of the vehicle and its contents until the just and reasonable charges for the towage, care, and storage have been paid; and

(6) A statement that the County employee has complied with the requirements of ORS 98.830.

(C) An unlawfully parked vehicle towed under this Section is subject to the provisions of ORS 98.830.

[Adopted 2020-011 eff 5/4/20]

650.220 Unlawfully parked vehicle parked or left standing on County Property

(A) A County parking authority, or a County employee delegated authority therefrom, may have a tower tow and lawfully store an unlawfully parked vehicle from County Property if the County employee provides written notice as follows:

(1) By affixing notice to the vehicle for at least five (5) business days; and

(2) By sending a certified letter addressed to the registered owner of the vehicle with return receipt requested and postage prepaid thereon.

(B) Both the notice and the certified letter required under this Section shall be signed by the County employee and shall include the following information:

(1) A statement that the vehicle is parked unlawfully on County-owned property;

(2) That the vehicle will be towed if it is not removed within five (5) business days from the date of the notice;

(3) A description of the vehicle to be towed;

(4) The location of the property from which the vehicle will be towed;

(5) Contact information for the

County department that is responsible for managing the County Property from which the vehicle will be towed;

(6) A statement confirming that, if the vehicle is towed, the tower will have the right to retain possession of the vehicle and its contents until the just and reasonable charges for the towage, care, and storage have been paid; and

(7) A statement that the County employee has complied with the requirements of ORS 98.830.

(C) An unlawfully parked vehicle towed under this Section is subject to the provisions of ORS 98.830.

[Adopted 2020-011 eff 5/4/20]

650.230 Immediate removal of unlawfully parked vehicle permitted in certain cases

(A) A County employee with legal authority to manage either County Property or a County Parking Lot may have a tower immediately tow and lawfully store an unlawfully parked vehicle in the following circumstances:

(1) The vehicle is parked in a manner that may be deemed hazardous to health or safety;

(2) The vehicle is in possession of a person taken into custody by a law enforcement agency;

(3) The vehicle is parked in a recreation area or public park without a lawful permit;

(4) The vehicle is blocking necessary access to, or exit from, a County Parking Lot or Designated Parking Space;

(5) The vehicle is blocking a County vehicle; or

(6) The vehicle is otherwise shown to be impeding the County's ability to provide services to the public.

(B) An unlawfully parked vehicle towed under this Section is subject to the provisions of ORS 98.812.

[Adopted 2020-011 eff 5/4/20]

650.240 Documentation required

A County employee that tows a vehicle under this Chapter must keep written documentation of the following information:

- (A) The location from which the unlawfully parked vehicle was towed;
- (B) The circumstances of the tow;
- (C) A description of the vehicle;
- (D) A copy of all notices;
- (E) The name and contact information of the tower used to tow the vehicle; and
- (F) The location where the vehicle is being lawfully stored.

[Adopted 2020-011 eff 5/4/20]

650.300 [repealed]

[Adopted 85-013 §4 eff 2/6/85; part of the original section is found in LCC 210.900; renumbered from 210.120; see LCC 650.900; repealed 2020-011 eff 5/4/20]

650.410 [repealed]

[Adopted 79-185 §5.1 eff 1/17/79; repealed 2020-013 eff 5/4/20]

650.500 [repealed] [Adopted 92-067 §§3 and 4 eff 4/15/92; repealed 2020-013 eff 5/4/20]

650.599 [repealed] [Adopted 92-067 §§3 and 5 eff 4/15/92; repealed 2020-013 eff 5/4/20]

650.620 [repealed] [Adopted 78-195 eff 10/17/78; repealed 2020-011 eff 5/4/20]

650.630 [repealed] [Adopted 78-195 eff 10/17/78; repealed 2020-011 eff 5/4/20]

650.650 [repealed]

[Adopted 78-195 eff 10/17/78; repealed 2020-013 eff 5/4/20]

650.900 [repealed]

[Adopted 79-185 §3.0 - 3.6 eff 1/17/79; amd 88-536 §2 eff 10/12/88; amd 92-067 §9 eff 4/15/92; subsection (F) adopted 85-013 §4 eff 2/6/85 is renumbered from 210.900, it was originally part of LCC 210.120; see LCC 650.300; repealed 2020-011 eff 5/4/20]

Adopted 78-195 eff 10/17/78

Amendments to [71-038] 78-195 and

LCC 5.30:

#1 78-195 eff 10/17/78

#2 88-536 §2 eff 10/12/88

#3 92-067 eff 4/15/92

#4 95-177 eff 5/10/95
(renumbering)

#5 20-011 eff 5/4/20

Statutory References and Authorities:

ORS 98.805 to 98.840; 203; 819.100 to 819.230

Legislative History of Chapter 650:

[Adopted 71-038 eff 3/17/71]

[This page is intentionally blank]

APPENDIX A – EMPLOYEE FLOWCHART

