

TITLE 3

POLICE REGULATIONS

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CHAPTER 1

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ABANDONED VEHICLES

SECTION:

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- 3-1-3: Taking Abandoned Vehicles Into Custody
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3-1-1 **DEFINITIONS:** As used in this Chapter unless the context requires otherwise:

CHIEF OF POLICE: Includes any authorized law enforcement officer of the City.

CITY ADMINISTRATOR: Includes the City Administrator or like agent of the City of Echo or person appointed by the City Council to administer this or all City ordinance.

DISCARDED: Shall mean any vehicle, which does not have lawfully affixed thereto an unexpired license plate and or is in one or more of the following conditions: inoperative, wrecked dismantl-ed, partially dismantled, abandoned or junked. Discarded vehicles may be deemed to include major parts thereof including but not limited to bodies, engines, rear ends and transmissions.

PERMIT: A permit granted by the City of Echo allowing temporary

storage of a discarded vehicle.

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PERSON IN CHARGE
OF PROPERTY:

Shall mean any agent, occupant, lessee, contract purchaser, owner or person having possession, control or title of property where a vehicle is located.

VEHICLE OWNER:

Shall mean any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest legal, secured or equitable, in a vehicle.

VEHICLE:
any

Shall mean every motorized device in, upon or by which person or property is or may be transported or drawn upon a public highway or used exclusively upon stationary rails or tracks and parts or dismantled portions of any such device.

3-1-2: STORAGE RESTRICTED, NUISANCE DECLARED

A. **Storage declared a nuisance.** The open accumulation and storage of a discarded Vehicle is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be

injurious to the health, safety and general welfare of the citizens of the City. Therefore, the presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance, which may be abated in accordance with the provisions of this Chapter unless a permit has been obtained as provided in subsection B and C of this section.

B. **Storage in building permitted.** Discarded or unlicensed vehicles and parts thereof may be stored on private property within the City if the vehicle and/or parts are completely enclosed within a building. This provision does not allow the storage or operation of a junkyard or vehicle repair business in violation of City zoning codes. This section does not prohibit storage of vehicles or parts thereof by a business enterprise dealing in junked vehicles lawfully conducted within the City.

C. **Storage with permit.** The owner of a discarded vehicle may apply for a permit to

allow temporary storage of such vehicle. The application must be on a form supplied by the City and shall include the following information:

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1. Circumstances for storage and intent; length of proposed storage (not to exceed 12 months); complete description of the vehicle, including the VIN number; signatures of property owners within 200 feet of the tax

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lot where the vehicle will be stored indicating they have no opposition to the application;

fee

2. Fees. The application must be accompanied by a \$25 application fee. The application fee will not be refunded if the permit is denied. A

of \$5 per month per vehicle shall be charged with the first three months paid in advance if the permit is approved.

to

3. Terms.

- a. Permits shall be issued for storage on private property only. No storage of discarded vehicles will be allowed on public property;
- b. Permits shall be granted for a maximum of one year and shall not be renewed for the described vehicle;
- c. Upon expiration of the permit, the vehicle will be subject

towing following 72 hour posting and citation for violation of this code, if it remains in a discarded condition.

- d. The permittee shall immediately notify the City when the vehicle is licensed and operable;
- e. The vehicle must remain in moveable condition, i.e. with fully inflated tires, wheels to remain on the vehicle at all times;
- f. Windows are to remain closed and doors locked, so as to reduce animal nesting and access by children;
- g. The vehicle owner must have a valid permit for each vehicle. The council will determine how many discarded vehicles shall be allowed at each tax lot or residence with a maximum of four permitted.
- h. The area around and under vehicle(s) shall be kept clear of weeds and debris. No vehicle parts may be stored in the open under this permit;
- i. Failure to pay monthly storage fee in advance will result in

termination of the permit;

- j. Violation of any term or condition of this section shall result

in immediate termination of the permit and upon 72 hour notice of permit termination, vehicle(s) may be towed and owner cited as provided in this ordinance.

- A. Approval of permit. Approval of a permit under subsection C is at the council's discretion and they may place additional conditions upon the permit at their discretion. Applications for a permit shall be reviewed at the next council meeting following receipt of a completed application with accompanying fees.

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3-1-3: **TAKING VEHICLES INTO CUSTODY**

- A. No vehicle which the Chief of Police has reason to believe is discarded shall be parked or left standing on public property within the City for a period in excess of 24 hours, and the same shall be declared a nuisance. Any vehicle so parked or left

standing may be taken into custody by the police department and held at the expense of the vehicle owner.

- B. No vehicle which the Chief of Police has reason to believe is discarded shall be left parked or standing on private property within the City for a period in excess of 72 hours unless the vehicle owner has applied for a permit under this chapter, and the same shall be declared a nuisance. Any vehicle so parked or left standing may be taken into custody by the police department and held at the expense of the vehicle owner.

- C. Any vehicle parked or left standing upon private property in excess of 72 hours without the consent of the person in charge of the property may, upon their request, be removed by the Chief of Police and held at the expense of the vehicle owner.

3-1-4: **REMOVAL OF VEHICLE**

It shall be the duty of the Chief of Police, whenever a discarded vehicle is parked or left standing as described in Section 3-1-3 above, to:

- A. Make a routine investigation to discover the owner and request the removal of the vehicle; and
- B. Affix notice to the discarded vehicle at least 72 hours before taking the vehicle into custody. The 72 hour period includes holidays, Sundays and Saturdays. The

notice should be placed upon the windshield, or some other part of the vehicle easily seen by the passing public.

C. The Chief of Police is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is discarded condition. However, before entering upon private property, the Chief shall obtain the consent of the occupant thereof or a warrant of the Municipal court authorizing his entry for the purpose of inspection, except when an emergency exists. No search warrant shall be issued under the terms of this Chapter until an affidavit has been filed with the Municipal Court, showing probable

cause

for such inspection, citing this Chapter as the basis for the inspection, whether it is an inspection instituted by complaint or other specific or general information concerning the vehicle in question or the property on which it is situated. It is unlaw-

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ful for any person to interfere with or attempt to prevent the Chief of Police from entering upon private premises and inspecting a vehicle when an emergency exists

or the Chief of Police exhibit's a warrant authorizing entry.

D. The notice affixed to the discarded vehicle shall state the following:

1. The vehicle will be subject to be taken into custody and removed by the City if the vehicle is not removed in 72 hours or good cause shown to the Chief of Police why the vehicle should not be removed and impounded;
2. The ordinance or code section under which the vehicle is being removed;
3. The place where the vehicle is held in custody or the phone number where Information can be obtained regarding where the vehicle is held in custody;
4. The vehicle, if taken into custody, will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents;
5. The vehicle will be sold to satisfy the charges of towing and storage if the charges are not paid;
6. The vehicle owner is entitled to a hearing before the vehicle is impounded to contest the proposed custody and removal if the hearing is timely requested;
7. The owner may also challenge the reasonableness of any towing and Storage charges at the hearing; and

8. Time within which a hearing must be requested and the method of the hearing.
- E. Upon completion of the investigation and the affixing of the notice and after the appropriate notice period has passed, the Chief of Police may cause the removal of any vehicle which will constitute a nuisance under the provisions of this code section and cause such vehicle to be stored upon a lot properly licensed under the Oregon State laws for storage of motor vehicles pending investigation into the ownership of such vehicle.
- F. The discarded vehicle may be removed to a private lot provided:
1. Such lot has been properly certified and licensed under the laws of the State of Oregon;
 1. 3-1-5
 2. Such lot as a written contract with the City, which will include the following Provision:
 - a. General summary of the minimum security provided by the lot;
 - b. The City shall be held harmless for any damage or theft of the vehicle, parts of the vehicle and contents of the vehicle;
 - c. The lot shall have insurance coverage which will be sufficient to cover any theft or damage to any vehicle, parts of any vehicle and the contents of any vehicle;
 - d. The lot shall have general liability insurance in an amount sufficient to satisfy the City;
 - e. Copies of the insurance policy as required in subparagraph c and d above, naming the City as additional insured, shall be provided to the City; and
 - f. Such other information as may be required by the City.

3-1-5: **NOTICE AFTER REMOVAL**

- A. Within 48 hours of the removal of the discarded vehicle, the Chief of Police shall provide, by certified mail, written notice with and explanation of the procedures available for obtaining a hearing to the vehicle owner, any lessors, security or equity interest holders as shown in the records of the Department of Transportation. The notice shall state that the vehicle has been taken into custody and shall describe the location of the vehicle, the procedures for release of the vehicle and for obtaining a hearing. The 48 hour period under this section does not include holidays, Saturdays or Sundays.

- B. The notice given under this section after a discarded vehicle was taken into custody and removed shall state all of the following:
1. That the vehicle has been taken into custody and removed by the City of Echo and the code section under which the vehicle has been taken into custody and removed;
 2. The location of the vehicle or telephone number and address where information can be obtained regarding where the vehicle is held in custody;
 3. The vehicle is subject to towing and storage charges, the amount of the charges that have accrued to the date of the notice and the daily storage charges;
 4. The vehicle and its contents are subject to a lien for payment of the towing and storage charges and the vehicle and its contents will be sole to cover
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the charges if the charges are not paid by the date specified by the appropriate authority;
 5. The vehicle owner is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested;
 6. The time within which a hearing must be requested and the method for requesting a hearing;
 7. The vehicle and its contents may be immediately reclaimed by presentation to the City, if the City retains possession of the vehicle, or to the private lot where the vehicle is removed, of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or deposit of a cash security or bond equal to the charges with either the City or the private lot.

3-1-6: **PROCEDURE FOR DISCARDED VEHICLES THAT HAVE NO IDENTIFICATION MARKINGS**

If there is no vehicle identification number on the discarded vehicle and there are no registration plates and other markings through which the Department of Transportation can identify the owner of the vehicle, the City is not required to provide the notices described above and the vehicle may be removed and disposed of as though notice and opportunity for hearing had been given.

3-1-7: **HEARING TO CONTEST VALIDITY OF REMOVAL**

- A. A person provided with the notice under Sections 3-1-4 and 3-1-5 above, or any other person who reasonably appears to have an interest in the vehicle, may request a hearing under this section to contest the validity of the removal and custody. The request for a hearing must be submitted to the Echo City Hall, 20 South Bonanza, P O Box 9, Echo Oregon 97826, within 5 days or the latter of the fixing of the notice or the mailing date of the notice after removal. The 5 day period does not include holidays, Saturdays or Sundays.
- B. The hearing shall be conducted in accordance with the provisions of ORS 819.190 and any future changes or amendments thereto.

3-1-8: **EXEMPTION FROM NOTICE AND HEARING REQUIREMENTS FOR A VEHICLE HELD IN CRIMINAL INVESTIGATIONS**

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- A. A vehicle that is being held as part of any criminal investigation is not subject to the requirements of this section unless the criminal investigation relates to theft of the vehicle.

3-1-9: **DISPOSAL OF DISCARDED VEHICLES**

- A. The disposal of the vehicle taken into custody shall be conducted in accordance with ORS 819.210 through 819.260 and any future changes or amendments thereto.
- B. The rights and liabilities of a vehicle owner taken into custody as provided in this code section shall be as set forth in ORS 819.150 and any future changes or amendments thereto.
- C. There shall be a lien for towing on the discarded vehicle and its contents as is provided by ORS 819.160 and any future changes or amendments thereto.

3-1-10: **PENALTIES**

Violation of the Sections of Title 3, Chapter 1 is punishable by a civil penalty of not to exceed two hundred and fifty dollars.

3-1-11: **EMERGENCY**

- A. In as much as enforcement of this ordinance is necessary for the health, safety and welfare of the City of Echo, an emergency is declared to exist, this ordinance

shall

be in full force and effect immediately upon passage by the council and approval by the mayor.

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Chapter 2

DOG CONTROL REGULATIONS

Section:

- 3-2- 1: Definitions
- 3-2- 2: Dogs Considered Personal Property
- 3-2- 3: Dog Licenses, Tags and Fees
- 3-2- 4: Inoculation Required
- 3-2- 5: Exemption From Fees
- 3-2- 6: Dogs Running at Large
- 3-2- 7: Nuisance Dogs
- 3-2- 8: Impoundment and Disposition of Dogs
- 3-2- 9: Killing Certain Dogs
- 3-2-10: Penalties
- 3-2-11: Application to Prior and Subsequent Action
- 3-2-12: Amendment of Fees

3-2-1: **DEFINITIONS:**

- A. As used herein, the singular shall include the plural and the plural the singular. The masculine and neuter shall each include the masculine, feminine and neuter, as the context requires.
- B. All captions used herein are intended solely for a convenience of reference and shall in no way limit any of the provisions of this Chapter.

As used in this Chapter:

ALLOW	To neglect to restrain, or permit
ATTEMPTS OT BITE	The overt actions of a dog which constitute a substantial Step towards the actual biting of one or more persons.
CITY	The City of Echo, Oregon, a municipal corporation.
COURT	A court of law having jurisdiction of charter and ordinance violations of the City of Echo. (Ord. 244-80, 12-17-80)
KEEP OR KEEPING	Caring for or acting as custodian for a dog, or knowingly
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	Permitting a dog to remain on or about premises occupied by that person.
KEEPER	Any person who harbors a dog or who has it in his/her care, or acts as its custodian, or who knowingly permits a dog to remain on or about the premises occupied by that person
KENNEL	Any lot or premises on which four (4) or more adult dogs are kept, whether by owners of the animals or by persons providing facilities and care, whether or not for compensation. An adult dog is one, which has reached the age of six (6) months. (1986 Code)
PERSON	A human being and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or governmental instrumentality.
RUNNING AT LARGE	Any dog shall be considered running at large when it is off or outside of the premises belonging to the owner or keeper of such dog, or not under the control of its owner or keeper by means of a leash, or contained in or on any vehicle.
UNLICENSED	Any dog not wearing a current dog license as provided for in this Chapter.

3-2-2: **KEEPING DOGS:** This ordinance and the fees associated with the ordinance are not assessed as a tax on keeping dogs, but is a means of maintaining the health and safety of residents and controlling the hazards posed by dogs which are not

inoculated for rabies and allowed to run-at-large and destroy the property of Echo residents. Anyone keeping a dog will be held accountable for the actions of the animals in their custody.

3-2-3: LICENSING DOGS AND FEES: A. Every person keeping any dog in the City which has a set of permanent canine teeth or is six (6) months old, whichever comes first, shall, not later than January 10 of each year or within ten (10) days after he brings or keeps such dog within the City, procure from the City a license for the dog by paying to the City Recorder the following license fee::

1. Four dollars (\$4.00) for each spayed female or neutered male dog for which a veterinarian certificate for the spaying or neutering of the dog is presented to the City Recorder.

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2. Twelve dollars (\$12.00) for each non-neutered male or non-spayed female dog.

3. Six dollars (\$6.00) for each dog kept in kennels, which are no longer taxed as inventory under Oregon Revised Statutes 310.608. The licensee shall provide proof satisfactory to the City that the dog or dogs are maintained in a kennel, as defined in Section 3-2-1 of this Chapter.

At the time of licensing, the applicant shall furnish information for such dog to include the breed, coloring, sex and name. A dog license shall entitle such person to keep the licensed dog within the corporate limits of the City until March 1 next succeeding the date of said license.

B. The City shall, at time of issuing a license, supply the licensee, at no additional charge, with a suitable identification tag which shall be fastened by the licensee to a collar and worn about the neck of the dog at all times. The tag will be of a durable substance, upon which appears the name of the City, the year for which the license is valid and the number of such license.

C. Any keeper of a dog failing to comply with a provision of this Section shall be guilty of a violation. (383-91)

3-2-4: INOCULATION REQUIRED: At the time of licensing, the keeper shall provide proof of a current rabies inoculation. A copy of such proof shall be kept on file with the City until the expiration thereof.(383-91)

3-2-5: EXEMPTION FROM FEES: Any dog used primarily as a guide for a blind or deaf person shall be licensed at no cost to the owner.

3-2-6: DOGS RUNNING AT LARGE: Every person keeping a dog shall

ensure that such dog does not run at large in the City. Any person keeping a dog running at large in the City shall be guilty of a violation of this Section. (383-91)

3-2-7: NUISANCE DOGS:

A. Nuisance Declared:

1. A dog is a public nuisance if it:
 - a. Bites or attempts to bite one or more persons;
 - b. Chases a vehicle or person;
 - c. Damages or destroys property of a person other than the keeper of the dog;
 - d. Scatters garbage;

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- e. Trespasses on private property of person(s) other than the keeper of the dog;
 - f. Disturbs any person by frequent or prolonged noises; or
 - g. Is a female in heat and running at large. (383-91)
2. The keeper of a dog shall be guilty of a violation if his dog is a public nuisance under paragraph 1 of this subsection.

B. Defenses to a Dog as a Public Nuisance: In a prosecution under subsection A, it is

An affirmative defense that:

1. The dog's keeper did not allow the dog to be a public nuisance;
2. The dog bites or attempts to bite a person wrongfully provoking or assaulting the dog's keeper; or
3. The dog bites a person or attempts to bite a person trespassing upon premises occupied by the dog's keeper.

Affirmative defense means that the defendant has the burden of proving the defense by a preponderance of the evidence.(383-91)

3-2-8: IMPOUNDMENT AND DISPOSITON OF DOGS:

- A.** When any dog is running at large, is unlicensed, or is a public nuisance as described by subsection 3-2-7A of this Chapter, the dog may be impounded or the owner may be cited to court or both.

- B. Unless claimed by the keeper, a dog shall be impounded for at least three (3) days if the dog is without a license or identification tag and for at least five (5) days if it has a license or identification tag. A reasonable effort shall be made to notify the keeper of a dog before the dog is removed from impoundment. If the keeper redeems the dog, he shall pay a sum of not less than fifteen dollars (\$15.00) for the first impoundment and not less than thirty dollars (\$30) for each subsequent impoundment, and also pay the expense of keeping the dog during the time impounded. If the dog is unlicensed, the keeper shall also purchase a license. If the keeper does not redeem the dog within the allotted time, it may be disposed of in a humane manner prescribed by the impounding facility for the City. Any impounded dog may be released to a responsible person upon assurance that the person will properly care for the dog and not allow it to be a nuisance, and upon payment of the fees and costs provided in this Section, and upon agreeing to

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- provide a suitable home. The person thereafter shall be liable as keeper of the dog provided by ordinance; provided, however, a dog impounded for being a public nuisance under subsection 3-2-7A1 shall not be released to its keeper or other person except by order of the court. (383-91)
- C. Notwithstanding the provisions of subsection B of this Section, any dog impounded for biting a person shall be held for not less than ten (10) days before its redemption or its destruction to determine if the dog is rabid.
- D. The City Council may provide by resolution for lesser fees or fines under this Section for senior citizens.

3-2-9: **KILLING CERTAIN DOGS:** A dog which is displaying obvious or classic symptoms of being rabid or so vicious that it cannot be impounded without risk to human safety and/or life, or that is so seriously injured that its suffering warrants its destruction, may be summarily killed by any police officer of the City.

3-2-10: **REMOVAL OF ANIMAL WASTES:** Any person in physical possession and control of a dog shall remove excrement or other solid waste deposited by the dog in any area not designed to receive such wastes, including, but not limited to public areas, such as streets, sidewalks, parking strips, public parks and any private property owned by a person or persons other than the person in physical possession and control of the dog, within the corporate limits of the city. (ord. 335-03)

3-2-11: PENALTIES:

- A. Violation of subsection 3-2-7A, When a Dog is a Public Nuisance, is punishable by a fine of not more than two hundred fifty dollars (\$250.00), but not less than twenty five dollars (\$25.00) for the first violation, and not less than fifty dollars (\$50.00) for each additional violations occurring within six (6) months of a violation of subsection 3-2-7A. In addition to any fines, if a dog has been found to be a public nuisance under subsection 3-2-7A of this Chapter, the court may order such disposition of the dog as the court considers necessary for the safety or health of the public.
- B. Violation of subsection 3-2-3, Dog Licenses, Tags and Fees, is punishable by a Fine of not more than two hundred fifty dollars (\$250.00). (Ord. 244-80, 12-17-80)
- C. Violation of Section 3-2-6, Dogs Running at Large, is punishable by a fine of not more than two hundred fifty dollars (\$250.00), but not less than twenty five dollars (\$25.00) for the first violation, and not less than fifty dollars (\$50.00) for
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each additional violation occurring within six (6) months of a violation of Section 3-2-6, up to two hundred fifty dollars (\$250.00). (Ord. 266-87, 1-87)

- D. Minors, Parental Responsibility: It shall be no defense of any violation of this Chapter when the keeper of a dog is of such minor age as to prohibit his appearance to answer such charge(s) in court, and upon such occurrence, the parent or guardian of such minor shall be required to appear in his stead and assume the full responsibility for the actions of the minor owner. (283-910)

3-2-12: APPLICATION TO PRIOR AND SUBSEQUENT ACTION:

- A. This Chapter shall govern the construction of and punishment for any dog control offense defined in this Chapter and committed thirty (30) days after it is signed by the Mayor, and the construction and application of any defense to a prosecution for an offense authorized or affected by this Chapter.
- B. This Chapter shall not apply to or govern the construction of or punishment for any dog control offense committed before this Chapter goes into effect, or the construction and application of any defense to a prosecution for such an offense. (Ord. 244-80, 12-17-80)

- 3-2-13: AMENDMENT OF FEES:** The fees set out in subsection 3-2-3A and Subsection 3-2-8B of this Chapter may be amended by resolution of the City Council from time to time. (1986 Code)

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CHAPTER 3

CURFEW REGULATIONS

SECTION:

- 3-3-1: Definitions
- 3-3-2: Hours and Places of Curfew; Exceptions
- 3-3-3: Apprehension, Disposition of Violations

3-3-1: **DEFINITIONS:**

HIGHWAY Shall include any road, lane or other terminal or continuance of any roadway, open to the public.

HOURS OF TIME Shall refer to the time standard prevailing in the County of Umatilla from period to period, whether it be what is commonly accepted as Pacific Standard Time or Pacific Daylight Time

MASCULINE GENDER Shall include the feminine gender, and the singular shall include the plural.

PARENT OR GUARDIAN Shall mean the actual parent or guardian that has the care, custody or control of such minor.

PUBLIC PLACE Shall include, but is not limited to, places of amusement and entertainment, public buildings, parks, playgrounds, dance halls, vacant lots and other unsupervised places.

STREET Shall mean any alley, thoroughfare, pathway, sidewalk, or other place of travel open to the public.

3-3-2: **HOURS AND PLACES OF CURFEW; EXCEPTIONS:** It shall be unlawful for persons under the age of eighteen (18) to be upon any street, highway, or other public place, between eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. on Friday and Saturday nights, and between ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. on any other night, except when accomplished by his legal

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guardian, or in proceeding directly to or from his work in the regular course of employment, where such employment has been approved by competent authorities under the procedure outlined by statute. If questioned by law enforcement officer, the burden of proving the right to be upon any street, highway, or other public place, during the times above specified, shall be upon the minor. (Ord. 197, 11-7-73)

3-3-3: **APPREHENSION, DISPOSITON OF VIOLATORS:** Violators of this

Chapter, when apprehended, may be referred to the Umatilla County Juvenile Department. (Ord. 197, 11-7-73; 1986 Code)

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CHAPTER 4

MOTOR VEHICLES AND TRAFFIC

SECTION:

3-4-1: PARKING WITHIN CITY LIMITS:

A. Regulations and Requirements: The Common Council of the City has declared that the following areas within the City limits shall be restricted as to vehicle parking. Further violation of this clause shall be considered a violation and punishable by fines as established by resolution.

1. **Gerone Street:** It shall be illegal henceforth for any vehicle to park during the following hours on the north side of Gerone Street from the intersection with Thielson Street to Neely Lane. Parking is restricted during school hours on school days.
2. **Gerone Street:** It shall be illegal henceforth for any vehicle to park during the following hours on the south side of Gerone Street from the intersection with Thielson Street to the intersection with Hiestand St. Parking is restricted during school hours on school days. A loading/unloading zone parking space shall be allowed on the south side of the cafeteria with parking limited to fifteen (15) minutes.
3. **Fire Hydrants:** It shall be illegal henceforth for any vehicle to

park anywhere within the City limits in a manner such as to block access to any fire hydrant at any time whatsoever.

4. **Thielsen Street:** It shall be illegal henceforth for any vehicle to park on the shoulder/bike path from the north Echo City limits south to the intersection with Jane Street on the pavement so as to restrict pedestrian or bicycle use of the shoulder/bike path. Signage restricting parking shall be installed and maintained by ODOT, Umatilla County or the City of Echo whichever is appropriate.

B. **Enforcement:** Enforcement of the provisions of this Section shall be carried out by the duly appointed law enforcement officials of the City of Echo, Umatilla County or State of Oregon or any law enforcement agency under contract with the city of Echo.

C. **Penalties:** Violation of a provision of this Section is punishable by a
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fine schedule as adopted by resolution. Each day's violation constitutes a separate offense.. (Ord. 259-86, 3-19-86) ORDINANCE #344-05

Golf Carts

3-4-2

A. **DEFINITIONS:** When used in this Section, the following words and terms shall have the meanings herein ascribed to them:

GOLF CART: A motor vehicle that has not less than three (3) wheels in contact with the ground, has an unloaded weight less than one thousand three hundred (1,300) pounds, is designed to be and is operated at not more than fifteen (15) miles per hour and is designed to carry golf equipment and not more than two (2) persons including the driver.

CLUB ADDITION: The area platted surrounding the golf course platted as the the Club Addition and including the Mackay replatt, including Golf Course Road and Smith Drive as filed with Umatilla County.

B. **PERMITTED USE:** Golf carts are permitted to use Golf Course Road and Smith Drive in the area known as Club Addition as described in section 3-4-2A of this Chapter. No permission is intended or implied for any public way other

than those within the boundaries described.

C. **USE PROHIBITED:** The operation of golf carts shall not be allowed on any portion of the public highway known as State Highway 320.

D. **REGULATION FOR USE:**

1. Hours of Operation: The operation of golf carts is hereby permitted during daylight hours on Golf Course Road and Smith Drive, provided the provisions of this Section are complied with and appropriate signs giving notice thereof are posted at the entry to Club Addition.

2. Traffic Law Compliance: Every person operating a golf cart upon Smith Drive or Golf Course Road must be at least sixteen (16) years of age and have a current operators license and shall be subject to all of the duties applicable to the driver of a vehicle by the traffic laws of this State or by the traffic laws of this City applicable to the driver of a vehicle; including driving under the influence of intoxicants; except those provisions of the law with respect to the vehicle licensing, registration, equipment or condition.

A. . Speed: No person shall operate a golf cart at a greater speed than fifteen (15) miles per hour and as is reasonable and prudent under the conditions then existing.

4. Driving on Right Side of Road: Every person operating a golf cart on Golf Course Road or Smith Drive shall drive as near to the right-hand side of the street as practicable and shall obey all pertinent traffic regulations.

E. **REGISTRATION AND LICENSING EXEMPTION:** Golf carts operated under this Section are exempt from registration and licensing as provided in ORS 810.070 and 820.210.

F. **PENALTIES:** Violation of any section of this Chapter may be punished by a fine not to exceed a maximum of two hundred fifty dollars (\$250). (306-960).

REGULATION OF THROUGH TRUCK TRAFFIC ON DUPONT STREET:

3-4-3:

A. Definitions:

Truck: A truck shall be defined as any vehicle with a gross vehicle weight of 20,001 lbs.

B. Regulations and Requirements: The Common Council of the City has declared that Dupont Street from Main Street (Highway 320) North to Thielsen Street shall be closed to through Truck Traffic and further no trucks shall use the Dupont & Thielsen Street Railroad Crossing. Through Trucks shall be required to use Highway 320 (Main and Thielsen Streets). Further violation of this clause shall be considered a violation and punishable by fines provided in 3-4-3 D.

C. Enforcement: Enforcement of the provisions of this Section shall be carried out by the duly appointed law enforcement officials of the City of Echo, Umatilla County or State of Oregon or any law enforcement agency under contract with the city of Echo.

D. Penalties: Violation of a provision of this Section is punishable by a fine not to exceed \$250. Each day's violation constitutes a separate offense.

CHAPTER 5

FIREWORKS

SECTION:

- 3-5-1: Prohibited Use
- 3-5-2: Displays Permitted
- 3-5-3: Sale Prohibited
- 3-5-4: Confiscation by Officials
- 3-5-5: Penalty

- 3-5-1: **PROHIBITED USE:** The discharge, firing, use or possession of firecrackers, rockets, torpedoes, roman candles or other fireworks or substances designed and intended for pyrotechnic display, and of pistols, guns, canes, cannons, or other appliances, using blank cartridges or caps containing any explosive substance or mixture, is hereby prohibited
- 3-5-2: **DISPLAYS PERMITTED:** The Mayor or the Common Council may order the public display of fireworks by properly qualified individuals. Provided that such display shall be of such a character and so located, discharged or fired as, in the opinion of the Chief of the Echo Rural Fire Protection District Fire Department, it shall not be hazardous to surrounding property or endanger any person or persons.
- 3-5-3: **SALE PROHIBITED:** The sale of fireworks either at retail or between individuals is prohibited.
- 3-5-4: **CONFISCATION BY OFFICIALS:** The Chief of the Echo Rural Fire Protection District Fire Department and members of the Echo Police Department shall confiscate all quantities of fireworks or other combustibles, the possession of which is a violation of this Chapter, for any persons found in possession of the same. All such confiscated fireworks shall be summarily destroyed by the Department which confiscated them. (Ord. 177, 12-6-71)
- 3-5-5: **PENALTY:** A person violating any section of this Chapter may, upon conviction, be fined a maximum of two hundred fifty dollars (\$250.00). (Ord. 177, 12-6-71; 1986 Code)

3-6-1

3-6-3

CHAPTER 6

BIRD SANCTUARY

- 3-6-1: **BIRD SANCTUARY DECLARED:** The entire area embraced within the Corporate Limits of the city of Echo, be, and the same is hereby designated as a Bird Sanctuary
- 3-6-2: **PROHIBITED ACTIONS:** It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests. Provided, however, if Starlings, Pigeons or other similar birds not protected by Federal statutes, are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the City of Echo, then in such event, these birds shall be humanely destroyed under supervision of the Chief of Police or similar authority of the City of Echo.
- 3-6-3: **PENALTY:** Anyone violating the provision of this ordinance shall be punished by a fine of not more than two hundred fifty dollars (\$250.00).(287-92)

CHAPTER 7

LIBRARY

3-7-1: **LIBRARY MATERIAL CHECKOUT PERIOD:** The following time periods shall be established as the period for library materials may be kept.

- A. Echo Public Library Books--three (3) weeks.
- B. Interlibrary Loan materials--time designated by originating library.
- C. Video Tapes, Periodicals, Records, Tape recordings/puppets and other audio visual materials--one (1) week.

3-7-2 **WILLFUL DETENTION OF LIBRARY PROPERTY:** It shall unlawful for any person willfully or maliciously to detain any library materials belonging to a publically supported library for thirty (30) days after notice in writing from the librarian of such library, given after the expiration of time which by regulation of such library materials may be kept. The notice shall bear upon its face a copy of this section and of section 3-7-3.

3-7-3 **THEFT OR DESTRUCTION OF MATERIALS**

- A. All library materials must be properly checked out to an eligible borrower before they can be removed from the library. It is considered library theft if a person:
 - a) Willfully conceals or removes any library materials from the premises of a library facility without authority ; or
 - b) Intentionally or recklessly writes upon, injures, defaces, tears, cuts, mutilates, destroys, or otherwise damages library materials; or
 - c. Fails to pay the replacement value of the materials within thirty (30) days after being notified, if the materials are lost or destroyed

3-7-3: **PENALTY:** Anyone violating the provision of this ordinance shall be punished by a fine of not more than two hundred fifty dollars (\$250.00). Such conviction and payment of fine shall be not be construed to constitute payment for library materials nor shall a person convicted under this section be relieved of any obligation to return such material to the library.(Ordinance #295 adopted April 1994)

CHAPTER 8 PUBLIC FACILITIES

- 3-8-1: **PARK CLOSURE:** Except for the Fort Henrietta Recreational Vehicle Park and Echo Skatepark, it shall be unlawful for persons to be in any city park, including the Fort Henrietta Park, George Park, and Gazebo or Arboretum, during night time hours beginning at sunset and continuing until 6 a.m. without a permit.
 The Echo Skatepark hours shall open at 9 am and close at 8 pm except for sanctioned events sponsored by the city or for which a permit has been issued.
- 3-8-2: **PERMITS:** Upon application to the city, a permit may be issued which will allow special events or activities to be held in the park at night or to allow the use of alcohol for specific functions.
- 3-8-3 **THEFT OF SERVICES:** Anyone who does not pay for services at the Echo Hills Golf Course and or Fort Henrietta Recreation Vehicle Park or any other recreational establishment operated by the City o f Echo shall be considered to be in violation of this code. The ordinary fee shall be considered to be double the regular fee upon failure to pay and the party shall also be subject to any penalty listed in section 3-8-5.
- 3-8-4 **VANDALISM OF CITY FACILITIES:** Anyone who damages any

property of the City of Echo at any city facilities including but not limited to city hall, city parks, golf course, arboretum, streets or utilities shall be considered to be in violation of this title and subject to paying the city restitution for any damages-that result as well as subject to penalty under section 3-8-6 and may be banned from use or entry to city facilities.

3-8-5 **ALCOHOL.** Use of alcohol within the confines of the Skatepark, George Park, Fort Henrietta Park, Arboretum and City Hall shall be prohibited unless a permit is granted by the city council for a specific function.

3-8-6: **SKATEPARK.**

1. Name. The Skatepark shall be henceforth known as the **Community Skatepark**. Such name being established by a council sponsored contest to name the park.

2. Rules. The following shall be the rules of the **Community Skatepark** and violators shall be subject to penalties outlined in section 3-8-7 below. Anyone violating these rules can be banned from use of the facility.

- a. Open: Daily-9 am to 8 pm
- b. Skate at your own risk. The city does not assume responsibility for injuries. This facility is not supervised Your sport, your skull, your choice. Serious injury may result from being hit by a board, falling, or colliding.
- c. Skateboards, BMX Bikes & Inline skates only.
- d. This is YOUR skate park, please take care of it. Do not tag it. Or you may be introduced to the Police Department on a formal basis.
- e. The use of protective equipment, including HELMETS, KNEE and ELBOW PADS, and WRIST GUARDS is STRONGLY recommended Good Shepherd Hospital is already too busy!
- f. Alcohol, tobacco products, drugs, and glass containers are NOT allowed.
- g. NO Vandalism, Graffiti, Littering or Stickers will be tolerated
- h. NO Bullying or intimidating.
- i. NO Glass Containers.
- j. Skate respectfully. The skater's code of ethics is something you can be proud of.
- k. Use the broom provided to keep the park clear of debris.
Clean surface = smooth ride. Run off with our broom and we may run off with your park. Hit a rock and you might face plant!
- l. Remember this is YOUR park!! If you want it to stay open, you must take care of it and police it. Do not Tag it. Respect it and the effort everyone in the community and surrounding area made to give it to YOU.
- m. Do not use when surface is wet. The surface gets too slippery to be safe
- n. No Homemade or Additional obstacles or other materials, like ramps and jumps, may not be used at the skate park. The park was designed this way for a reason.
- o. Be respectful of other park users. Moderate your language, keep music volume down. If music is loud enough to be heard in the neighboring RV Park RVs it is too loud and you will be subject to a citation for violating this ordinance. Give respect and it comes back to you.
- p. Use trash containers provided. True skaters trash their wheels and boards, NOT their skate park.

3-8-7: **PENALTY:** Anyone violating provisions of this chapter shall be punished by a fine of not more than two hundred fifty dollars (\$250.00). If anyone who is banned from use of city facilities violates said ban, they shall be charged with trespass or in the event of a minor the parent shall be cited under the city's parental responsibility code 3-10.

3-9-1

3-9-2

CHAPTER 9

IMPOUNDING VEHICLES

3-9-1: DEFINITIONS:

3-9-2: IMPOUNDMENT OF VEHICLES.

A. Grounds: Without prior notice to the owner of a motor vehicle a police officer may order a vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by the municipal judge:

1. When the police officer reasonably believes that a person is driving an uninsured vehicle in violation of ORS 806.010;

2. When the police officer reasonably believes the driver's license of the person driving the vehicle is suspended or revoked under the terms of the Oregon Motor Vehicle Code.

3. When the police officer has arrested the driver for driving under the influence of intoxicants, unless a person who is entitled to lawful possession of the motor vehicle requests in writing that the motor vehicle be placed in the custody of a competent person present at the scene of the arrest.
4. When the vehicle is illegally parked on a public or private street in a conspicuously restricted space, zone or traffic lane where parking is limited or prohibited to designated classes of vehicles or periods of time, or at any time when the vehicle interferes with the intended use of such space, zone or traffic lane.
5. When the vehicle obstructs the entrance of any post office or postal station, or is within 10 feet (10') of a private mailbox during the hours of delivery.
6. When the municipal judge orders the impoundment of a vehicle used in committing a traffic or parking violation for which an unserved warrant or citation is on file with the municipal court.
7. When the police officer reasonably believes the vehicle operator is driving without driving privileges in violation of the Oregon Vehicle Code, except where the operator's driver's license is invalid for the sole reason of being expired for less than one year.

When the police officer reasonably believes that a firearm has been discharged from the vehicle within the last 48 hours.

B. INVENTORY SEARCHES.

- (1) The contents of all vehicles impounded by a police officer shall be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:
 - (a) If there is reasonable suspicion to believe that the safety of either the police officer or any other person is at risk, a required inventory will be done as soon as safely practical; or
 - (b) If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.
- (2) The purpose for the inventory of an impounded vehicle shall be to:
 - (a) Promptly identify property to establish accountability and avoid spurious claims to property;

- (b) Assist in the prevention of theft of property;
- (c) Locate toxic, dangerous, flammable or explosive substances; or
- (d) Reduce the danger to persons and property.

(3) Inventories of impounded vehicles shall be conducted according to the following procedure:

(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats;

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers shall also be conducted in the following locations;

(i) any other type of unlocked compartments that are a part of the vehicle including but not limited to, unlocked vehicle trunks and unlocked car-top containers; and

(ii) any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(c) A closed container left either within the vehicle or any of the vehicle's compartments will have its contents inventoried only when:

(i) the closed container is to be placed in the immediate possession of a person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure law enforcement holding room;

(ii) a person requests that the closed container be with him/her in the secure portion of a police vehicle or a secure law enforcement holding room; or

(iii) the closed container is designed for carrying money and/or valuables, including but not limited to, closed briefcases, closed

purses, closed coin purses, closed wallets and closed fanny packs.

(d) Upon completion of the inventory, the police officer will complete a report.

(e) Any valuables located during the inventory process shall be listed in a property receipt. A copy of the property receipt shall either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. The valuables will be dealt with in such manner as directed by Sheriff's Department or City of Echo Police Policy. (ord. 334-03)

C. 1. Notice: Written notice that the vehicle has been impounded along with an explanation of procedures for the vehicle's release shall be delivered to the operator, if present at the impound scene, and by certified mail within 48 hours of the removal, to the owners of the vehicle and any lessors or security interest holders as shown in the records of the Department of Transportation. The notice shall state that the vehicle has been taken into custody and shall give the location of the vehicle and describe procedures for release of the vehicle and for obtaining a hearing for its release. The 48-hour period under this subsection does not include holidays, Saturdays or Sundays.

2. Form of notice: Any notice given under this section after a vehicle is taken into custody and removed shall state all of the following:

a. That the vehicle has been taken into custody and removed, that the vehicle has been impounded by the city police or Umatilla County Sheriff and the ordinance under which the vehicle has been impounded.

b. The location of the vehicle or the telephone number and address of the appropriate party that will provide that information.

c. That the vehicle is subject to towing and storage charges, including the amount for towing and the daily storage charges.

d. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date of time period specified in the notice.

e. That the owner, lawful possessor or person having a legal interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it and to contest the reasonableness of the charges for towing and storage if a hearing is requested.

f. The time within which a hearing must be requested and the method for requesting a hearing.

g. That the vehicle and its contents may be immediately reclaimed by presentation to the City of Echo or the UCSO of satisfactory proof of ownership or right to possession and proof of liability insurance or other proof of compliance with financial responsibility requirements of the Oregon Vehicle Code, and payment of the towing and storage charges to the appropriate towing business or by depositing cash security or a bond equal to the charges with the City of Echo or the UCSO.

D. Immediate release: A vehicle impounded under 3-9-2 A. shall be released to a person entitled to lawful possession upon proof of compliance with financial responsibility requirements for the vehicle, payment of the City impound fee and payment of any towing and storage charges. Proof shall be presented to the police department, which shall authorize the person storing the vehicle to release it upon payment of the charges.

E. Request for hearing: A person entitled to lawful possession of or having a legal interest in a vehicle or its contents impounded under subsection A of section 10 may request a hearing in writing to contest the validity of the impoundment. A written request must be made within five (5) business days of when notice of impoundment was mailed or delivered. The request shall be made to the Echo Municipal Court Clerk.

F. Hearing scheduled: When a timely request for a hearing is made, a hearing shall be held before the municipal judge. The hearing shall be set for four calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing. If the person requesting the hearing does not appear at the scheduled hearing, the municipal judge may enter an order supporting the impound and assessment of the impound fee and the towing and storage cost.

G. Proof at hearing: The Chief of Police/UCSO shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds for impounding the vehicle in violation of 3-9-2 A. With the written permission of the person requesting a hearing, the police officer who ordered the vehicle impounded may submit an affidavit to the municipal judge in lieu of making a personal appearance at the hearing.

H. Court approves impound: If the municipal judge finds that the impoundment of the vehicle was proper, the municipal judge shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the vehicle is liable for usual and customary towing and storage costs plus the impoundment fee. The municipal judge may also find the owner or person entitled to possession of the vehicle liable for the costs of the hearing.

I. Court disapproves impound: If the municipal judge finds that impoundment of the vehicle was improper, the municipal judge shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the vehicle is not liable for any impound fee, towing or storage costs resulting from the impoundment. If there is a lien on the vehicle for towing and storage charges, the municipal judge shall order it paid by the City.

J. Setting fees: The amount of the impound fee referred to in 3-9-2 C. and the amount of the hearing fee referred to in 3-9-2 G. shall be set by resolution of the council.

K. Lien: A person who, at the request of a police officer, takes a vehicle into custody under subsection A of section 2 or the City if it retains custody of the vehicle, shall have a lien on the vehicle and its contents for its towing and storage charges as provided in subsection I of section 2, may retain possession of the vehicle and its contents until the charges are paid, and may sell the vehicle and its contents at public auction to satisfy the lien. The lien that attaches to the vehicle and its contents shall be foreclosed as authorized by Oregon lien law.

L. Cumulative remedies: Impounding a vehicle does not preclude issuance or enforcement of a citation for violation of a provision of Title 3 of the City Code. (ord. 334-03 6-10-2003)

Chapter 10

3-10-1 Failure to Supervise a Minor

A. A person commits the offense of failing to supervise a minor if the person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 18 years of age and the child violates any provision of this City Code, a state law or regulation, or a federal law or rule.

B. Nothing in this section applies to a child caring agency as defined in ORS 418.205 or to foster parents.

C. In a prosecution of a person for failing to supervise a child under division (A) of this section, it is an affirmative defense that the person:

- (1) Is the victim of the act that violated a provision of this Code;
- (2) Reported the act to the appropriate authorities; or

(3) Took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

D. In addition to any fine or penalty imposed pursuant to this chapter, the court may order the person to pay any restitution to a victim of the minor's conduct. The amount of restitution ordered pursuant to this section shall not exceed \$5,000. The municipal court shall credit the person ordered to pay restitution the actual dollars paid by the minor pursuant to any juvenile court order or juvenile code agreement.

F. PENALTIES: Violation of any section of this Chapter may be punished by a fine not to exceed a maximum of two hundred fifty dollars (\$250). (306-96). (Ordinance 356-09 Sept. 17, 2009)