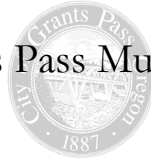


City of Grants Pass Municipal Code



Title 6

GRANTS PASS UNIFORM TRAFFIC CODE

VEHICLES AND TRAFFIC
STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapters:

I. VEHICLES AND TRAFFIC

- 6.01 Title and Definitions
- 6.02 Traffic Administration
- 6.03 Parking Regulations
- 6.04 Restricted Parking Spaces
- 6.05 Parking Signs
- 6.06 Parking Violations, Procedures, and Citations
- 6.07 Penalties
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II. STREETS, SIDEWALKS AND PUBLIC PLACES

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I. VEHICLES AND TRAFFIC

Chapter 6.01

TITLE AND DEFINITIONS

Sections:

- 6.01.010 Title, Grants Pass Uniform Traffic Code, GPUTC
- 6.01.020 Definitions

6.01.010 Title, Grants Pass Uniform Traffic Code, GPUTC

Chapters 6.01 through and including 6.26 shall be titled the Grants Pass Uniform Traffic Code and may be cited as the GPUTC.

6.01.020 Definitions

- A. As used in the GPUTC, the singular includes the plural; and the masculine includes the feminine.
- B. Any terms not defined herein shall have the meaning established in the Oregon Vehicle Code and those definitions are incorporated by reference. The following words and phrases, except where the context clearly indicates a different meaning, shall have the meaning set for the below:
 - 1. "Central Business Parking District" is G Street from 4th Street to 7th Street, H Street from 5th Street to 8th Street, and that section of Grants Pass bounded by C Street on the north, J Street on the South, 5th Street on the west, and 7th Street on the east, and not to include parking along C Street, D Street, 5th Street, and J Street. (Ord. 5515 4/17/10)
 - 2. "City Manager" means the City Manager of Grants Pass or a designated representative. (Ord.5515 4/17/10)
 - 3. "Community Development Director" means the Community Development Director of Grants Pass or a designated representative. (Ord. 5515 4/17/10)

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4. "Employee" means any City of Grants Pass employee while working in an official capacity. (Ord. 4969 §1, 1999) (Ord. 5515 4/17/10) (Ord. 20-5794)
5. "Fire Lane" has the definition as set out in Chapter 9.12.060(8)(b)(c) of the Grants Pass Municipal Code. (Ord. 5515 4/17/10)
6. "Holidays" where used in the GPUTC or on signs or other devices erected in accordance with the GPUTC, means legal holidays of the State of Oregon. (Ord.5515 4/17/10)
7. "Parking Space" means a space within a parking zone or parking district in which a single vehicle may be parked as provided in the GPUTC. (Ord. 5515 4/17/10)
8. "Parking Zone or Parking District" means a certain designated section of a public street or public parking lot within designated boundaries where a vehicle may be temporarily parked and allowed to remain pursuant to the terms of the GPUTC. (Ord. 5515 4/17/10)
9. "Person" means every person, business, partnership, association, or corporation. (Ord. 5515 4/17/10)
10. "Reserved Parking Zone" means an area adjacent to a curb reserved for the exclusive use of vehicles for commercial purposes essential for the business operation of the applicant, for the delivery and receipt of goods in a retail nature on an on-going, daily basis. Only trucks, pickups and cargo vans are allowed in a Reserved Parking Zone. Passenger vehicles are expressly prohibited. (Ord. 4969 §1, 1999) (Ord. 5515 4/17/10)
11. "Restricted Employee Parking District" is the section of Grants Pass bordered by C Street to the north, 8th Street to the east, thence going west on J Street to 5th Street, north to I Street (not including the parking spaces on 5th Street), west on I Street to 4th Street (not including the parking spaces in I Street), then north on 4th Street to C Street. (Ord. 4969 §1, 1999) (Ord. 5515 4/17/10) (Ord. 14-5623)

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12. "Traffic Lane" means that portion of the roadway used for the movement of a single line of vehicles. (Ord. 5515 4/17/10)
13. "Long-Term Parking Space" means a parking space located in a public Parking lot that is designated for use by vehicles displaying a current City Parking Permit. (Ord. 4792 §1, 4/20/94) (Ord. 5515 4/17/10)
14. "Parking Permit" is a card, sticker, decal or other device issued by the City to authorize a person to park a vehicle in a designated Long-Term Parking Space. (Ord. 4792 §1, 4/20/94) (Ord. 5515 4/17/10)
15. "Electric Vehicle Charging Space" means a parking space designated for the exclusive purpose of charging an electric or hybrid vehicle. (Ord. 22-5830)

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Chapter 6.02

TRAFFIC ADMINISTRATION

Sections:

- 6.02.010 Municipal Traffic Authority
- 6.02.020 Duties of City Manager
- 6.02.030 Authority of City Manager
- 6.02.040 Installation of Temporary Traffic Control Devices
- 6.02.050 Traffic Control Standards
- 6.02.060 Enforcement Authority

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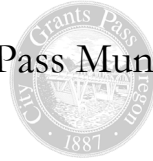


6.02.010 Municipal Traffic Authority

- A. Subject to State Laws, the City Council shall exercise all municipal traffic authority for the City except those powers specifically and expressly delegated in the GPUTC or by another ordinance.
- B. The power to modify the following subjects shall be reserved in the Council:
 1. Designation of through streets.
 2. Designation of one-way streets.
 3. Designation of truck routes.
 4. Designation of time limitations within the Central Business Parking District, for parking in public parking lots and on the streets, except for 15 minute and 30-minute parking. However, 30-minute parking spaces shall only be designated adjacent to businesses which dispense prescription medication.
 5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
 6. Authorization of greater maximum weights or lengths for vehicles using City streets than specified by State Law.
 7. Initiation of proceedings to change speed zones.
 8. The boundaries of the Central Business Parking District and Restricted Employee Parking District.
 9. The designation of public parking lots.
 10. The creation, removal, modification and control of any access control lines or other traffic restrictions relating to access upon streets, alleys or rights of way, which are under municipal control.
(Ord. 5446 §7, 2008)

Notwithstanding the foregoing, the City Manager may close or restrict vehicular access upon streets, alleys or rights of way for City-sponsored events.

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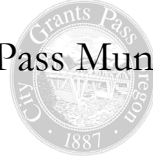
The City Manager may also close or restrict vehicular access upon streets, alleys and rights of way with the consent of 75% of property owners abutting any closure. (Ord. 18-5750)

6.02.020 Duties of City Manager

The City Manager shall exercise the following duties:

- A. Implement the ordinances, resolutions, and motions of the Council, and his own orders by installing, maintaining, removing, and altering traffic control devices. Such installation shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.
- B. Issue oversize or overweight vehicle permits.
- C. May exercise discretion to suspend enforcement of time limits on parking lots and spaces located within the Central Business Parking District during special events and/or the holiday season (December 1 through December 31) unless otherwise directed by City Council. (Ord. 5425 §5, 2007)
- D. Regulate all parking on City streets and in public parking lots, including curbing, signs, lines, and other suitable markings, subject to the following restrictions:
 1. Only the Council may designate the time limits on parking lots and spaces located within the Central Business Parking District, except for areas in public parking lots to be used for long-term or employee parking and 15-minute and 30-minute parking spaces which can be designated by the Manager. (Ord. 4766 §1, 1993)
 2. Implementation of a permitting system to regulate long-term or employee parking in public lots, if deemed necessary, shall be the responsibility of the Manager. (Ord. 4766 §1, 1993)
 3. Thirty-minute parking spaces shall only be designated adjacent to businesses which dispense prescription medication. (Ord. 4766 §1, 1993)
 4. When parking regulations effecting more than three contiguous vehicle spaces are established by the City Manager, the Manager shall notify the Council in writing of the regulation within 30 days and said notification shall be filed with the Community Development Department which shall maintain a "Parking Regulation" file. (Ord. 4766 §1, 1993)

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- E. Establish, remove, or alter the following classes of traffic controls:
 - 1. Crosswalks, safety zones, and traffic lanes;

- F. Restrict vehicular access as provided in the Grants Pass Municipal Code 6.02.010. (Ord. 18-5750)
 - 1. Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies.
 - 2. Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
 - 3. Speed limits in parks.

6.02.030 Authority of City Manager

When a person notifies the City Manager that the person is appealing or contesting a violation of the GPUTC, the City Manager or his/her appointee is authorized to consider the information provided by the person and to reduce the fine, delinquent charges, and collection fee, if in the opinion of the City Manager or his/her appointee the totality of circumstances justify a reduction. (Ord. 18-5736)

6.02.040 Installation of Temporary Traffic Control Devices

Under conditions constituting a danger to the public, the City Manager may install temporary traffic control devices deemed necessary by the Manager.

6.02.050 Traffic Control Standards

In regulating traffic, the City Manager may consider:

- A. Traffic engineering principles and traffic investigations.
- B. Standards, limitations and rules promulgated by the Oregon Transportation Commission.
- C. Other recognized traffic control standards.
- D. The traffic needs of the community.

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6.02.060 Enforcement Authority

(Ord. 19-5761, 21-5821)

- A. The designation of Community Service Officer (CSO), Cadet and Parking Enforcement Officer are hereby established. (Ord. 5821 10/20/21)
- B. It is the duty of Police Officers to enforce the provisions of the GPUTC. The City Manager shall designate Code Enforcement authority as the City Manager deems necessary. (Ord. 5515 4/17/10)
- C. A Police Officer, CSO, or Cadet are authorized to enforce the Grants Pass Municipal Code, Grants Pass Development Code, and resolutions and ordinances of the City Council. A Parking Enforcement Officer is authorized to enforce Grants Pass Uniform Traffic Code (GPUTC). In the event of a fire or other public emergency, Police Officer, CSO, Cadet or Parking Enforcement Officer may direct traffic as conditions require, notwithstanding the provisions of the GPUTC. (Ord. 5515 4/17/10) (Ord. 5821 10/20/21)
- D. When a Police Officer, CSO, Cadet or Parking Enforcement Officer believe the totality of circumstances regarding a potential citation and the interests of the City justify a warning instead of a violation penalty, the Officer is authorized to issue a Warning on the Notice of Violation citation form. (Ord. 5515 4/17/10) (Ord. 21-5821)

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Chapter 6.03

PARKING REGULATIONS

Sections:

- 6.03.010 Method of Parking
- 6.03.020 Restricted Parking or Standing
- 6.03.030 Prohibited Parking
- 6.03.035 Storage and Parking on Public Streets of Vehicles
- 6.03.036 Storage and Parking on Public Streets of Trailers and Other Personal Property
- 6.03.037 Impoundment of Vehicles that Create Imminent Risk
- 6.03.038 Impoundment Restrictions
- 6.03.040 Unattended Vehicles
- 6.03.050 Unlawful Marking of Street, Sidewalk, or Curb
- 6.03.060 Parking in Fire Lane Prohibited
- 6.03.070 Exemptions
- 6.03.080 Regulating Conduct Within Public Parking Lots
- 6.03.090 Public Parking Lots - Designated
- 6.03.500 Parking Oversize Vehicles and Trailers
- 6.03.900 Penalties

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6.03.010 Method of Parking

- A. The person who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.
- B. Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the Police Department has been summoned, the operator shall immediately remove the vehicle from the area if so, requested by the Police Department.

6.03.020 Restricted Parking or Standing

- A. No person shall park or leave standing a vehicle in violation of ORS 811.550 (with exemptions listed in 811.560). In addition, no person shall park or leave standing a vehicle adjacent to a curb which has been painted yellow pursuant to the GPUTC or in front of and 10 feet on either side of a delivery mailbox between 8 a.m. and 6 p.m., except Sundays and official postal holidays. A motor vehicle or trailer may not be parked in such a manner that portions of the motor vehicle or trailer extend into a lane which has been striped for bicycle traffic. (Ord 5515 4/17/10)
- B. No person shall use a parking lot owned by the City for purposes other than parking of a vehicle as defined in ORS 801.590, or unless otherwise permitted by the City. (Ord. 23-5859)
- C. No person shall store or deliver a non-operative vehicle to parking lot owned by the City, unless otherwise permitted by the City. (Ord. 23-5859)

6.03.030 Prohibited Parking

No person shall park, and no owner shall allow a vehicle to be parked upon a street or in any public parking lot for the principal purpose of:

- A. Displaying the vehicle for sale.
- B. Repairing or servicing the vehicle, except repairs necessitated by an emergency.
- C. Displaying advertising from the vehicle.
- D. Selling merchandise from the vehicle, except when specifically authorized by a permit issued by the City.

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6.03.035 Storage and Parking on Public Streets of Vehicles

- A. No person shall park or store, or permit to be parked or stored, a vehicle on a street or other public property for a period in excess of 72 hours consecutively. Movement of a vehicle on a street or other public property for a distance of less than 300 feet shall constitute continuous and uninterrupted parking or storage in the same location. (Ord. 4784, §1, 1994) (Ord. 5330, §7, 2005)
- B. Effective between 9:00 pm and 6:00 am, parking on East Park Street and Vista Drive north of East Park Street shall be restricted to residential parking only. The restricted parking shall apply to any on-street parking areas adjacent to Riverside Park and any residential properties located on East Park Street between 6th Street and Grants Pass Parkway (US Highway 199) and the north portion of Vista Drive. Signs shall be posted at conspicuous locations along East Park Street and the north portion of Vista Drive to notify the public of the restricted parking hours. (Ord. 23-5863)
- C. Failure to move a vehicle for 72 hours constitutes prima facie evidence of storage. In accordance with Section 1.36.010 D, after 72 hours, each 24-hour period thereafter constitutes a separate offense.
- C. Vehicles found to be in violation of 6.03.035 are subject to tow and impoundment and any fees resulting from this tow and impoundment are the responsibility of the owner, lessor, and/or driver of the vehicle. This section shall not apply to parking or storage specifically permitted by resolution of the Council. This remedy is not exclusive of any other provisions as allowed by law.

6.03.036 Storage and Parking on Public Streets of Trailer and Other Personal Property

- A. In addition to the restrictions listed in 6.03.500, and Subsection B of this Chapter, no person shall park, store, or permit to be parked or stored, trailers or other personal property on a street or other public property between the hours of 5:00 p.m. and 6:00 a.m. unless said property is attached to an operable vehicle. As used in this section, personal property does not include motor vehicles but does include such things as fifth wheels, boats, and cargo trailers. (Ord. 5330, §7, 2005; Ord. 5515 4/17/10; Ord. 5515 4/17/10)
- B. Effective between 9:00 pm and 6:00 am, parking of trailers and other personal property on East Park Street and Vista Drive north of East Park Street shall be restricted to residential parking of trailers and other personal property only. The restricted parking of trailers and other personal property shall apply to any on-street parking areas adjacent to

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Riverside Park and any residential properties located on East Park Street between 6th Street and Grants Pass Parkway (US Highway 199) and the north portion of Vista Drive. Signs shall be posted at conspicuous locations along East Park Street and the north portion of Vista Drive to notify the public of the restricted parking hours. (Ord. 23-5863)

- C. If said trailer or other personal property is attached to an operable vehicle, it shall not be parked, stored, or permitted to be parked or stored on a street or other public property for a period in excess of 72 hours consecutively. Movement of a trailer or other personal property on a street or other public property for a distance of less than 300 feet shall constitute continuous and uninterrupted parking or storage in the same location. This section shall not apply to parking or storage specifically permitted by motion or resolution of the Council. Trailers or other personal property attached to an operable vehicle and parked or stored on a public street or other public property must be equipped with red reflectors at the rear of the personal property (both sides). (Ord. 5330, §7, 2005; Ord. 5515 4/17/10)

6.03.037 Impoundment of Vehicles that Create Imminent Risk

Any vehicle or other property on a street, alleyway, or other public property that creates a risk of imminent harm to any person or property as determined by the Police Department may be towed and impounded immediately at the expense of the owner, lessor, driver, or person responsible for the vehicle or property. (Ord. 5515 4/17/10)

6.03.038 Impoundment Restrictions

All towing and impound conducted under Grants Pass Municipal Code shall be subject to Grants Pass Police Department policy and applicable state law.

6.03.040 Unattended Vehicles

No person shall leave the ignition key in the ignition of a vehicle when the vehicle is left unattended. Whenever a Police Officer, CSO or Cadet finds a vehicle parked or standing unattended with the key in the vehicle, they are authorized to remove the key from the vehicle and deliver the key to the Police Department. (Ord. 5515 4/17/10, Ord. 19-5761)

6.03.050 Unlawful Marking of Street, Sidewalk, or Curb

Except as provided by the GPUTC, no person shall letter, mark, or paint in any manner any letters, marks, or signs on any sidewalk, curb, or other portion of any street, or post anything designed or intended to prohibit or restrict parking on any street. The street address of a residence or lot may be painted on the curb immediately adjacent to the residence or lot, with black numbers or letters and a white background, so long as the numbers or letters singly or in combination are no more than six inches in total height

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and are no more than 24 inches in total length.

6.03.060 Parking in Fire Lane Prohibited

No person shall park a vehicle for any purpose or length of time in a place designated as a "Fire Lane Zone," as defined in Section 502 of the Oregon Fire Code and adopted as part of this Municipal Code in accordance with the Municipal Code Section 9.04.010 (E). Any vehicle found so parked may be towed immediately at the owner's expense. This remedy is not exclusive of any other provision as allowed by law. (Ord. 5457 §2, 2008)

6.03.070 Exemptions

The provisions of the GPUTC regulating the parking or standing of vehicles shall not apply to:

- A. City, County, and State Police and fire vehicles.
- B. A City, County, State, or public utility vehicle while necessarily in use for construction or repair work on a public utility or facility.
- C. A vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

6.03.080 Regulating Conduct Within Public Parking Lots, on Public Sidewalks, or Public Alleys

While in a public parking lot, on a public sidewalk, or on a public alley (unless specifically permitted herein), no person shall:

- A. Park any vehicle across any curb, sign, line, or mark designating the boundaries of a parking space, or to park any vehicle within any area other than in a space designated for parking, unless parking in an alley as set forth in 6.04.050.
- B. Operate any vehicle in a public parking lot, except for the purpose of parking or departing.
- C. Obliterate, smear, or hide any marking on any tire of any vehicle which marking has been affixed thereupon by a Police Officer, CSO or Cadet for the purpose of enforcing the GPUTC. (Ord. 19-5761)
- D. Deface, injure, tamper with, destroy, or impair the usefulness of any sign, curbing, line, or other marking.
- E. Consume alcoholic liquor within or without a vehicle.
- F. Operate any vehicle while under the influence of intoxicating liquor,

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dangerous drugs or narcotic drugs, as such dangerous drugs and narcotic drugs are defined pursuant to Oregon law.

- G. Operate any vehicle at night without lights as required by the laws of the State for operation of vehicles at night on public thoroughfares and highways.
- H. Operate any motor vehicle at a speed greater than 5 miles per hour.
- I. Operate any vehicle without exercising reasonable control of the vehicle as may be necessary to avoid colliding with any object.
- J. Throw, leave, or place any glass, debris, junk, refuse, metal, trash, or other material.
- K. Urinate, defecate, or fornicate.
- L. Operate or park any vehicle which is not equipped with rubber tires.
- M. Operate or park any vehicle which is equipped with cleats or other metallic devices which can damage the asphalt or concrete surface of the parking lot, sidewalk, or alley.
- N. Operate or park any vehicle which has an over-all length in excess of 20 feet, or over-all weight in excess of 32 tons.

6.03.090 Public Parking Lots - Designated

- A. The Council may by resolution designate or delete properties as public parking lots. When designated as a public parking lot, the properties shall then be subject to the GPUTC. All properties designated by the Council as public parking lots as of January 1, 1992 shall remain so designated until further resolution of the Council, these include but are not limited to original town site lots: 7, 8, 9, 10 and 12, in block 51; 9, 10, 11 and 12, in block 59; 3 and 4 in block 67; 4, 5, and 6, and the west 20 feet of lot 3, in block 60.
- B. The City-owned parking lot located on the south east corner of NW 4th Street and NW F Street (201 NW F Street and/or commonly referred to as the Grasshopper Lot) is designated as a free public parking lot.
 - 1. Parking in this parking lot is not to exceed 12 hours and vehicles found to be in violation will be subject to citation, as established by City Council, or tow.
 - 2. This public parking lot is exempt from the parking restrictions listed in 6.04.040 and 6.04.075. (Ord. 20-5794)

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- C. The City Manager is authorized to establish hours of use and regulate or prohibit uses as necessary to reduce conflicts and provide for the safe operation of City parking lots. These regulations shall be posted on signs. The City Manager shall post and/or maintain not less than one sign at each entrance to the lot.
- D. Within one week of establishing or changing any hours, regulations, or prohibitions, the City Manager shall post public notice at the City Administration Building. Said hours, regulations, or prohibitions shall be effective one week after the date of the Public Notice.

6.03.500 Parking Oversized Vehicles and Trailers (Ord. 5515 4/17/10)

- A. No person who owns or has custody or control of any "Oversize Vehicle" shall park or store such vehicle(s) on any public street, highway, or right of way within or adjacent to a residential or commercial zone or any public parking lot within the City limits of Grants Pass or other areas specifically posted to prohibit parking, unless otherwise authorized by subsections.
(Ord. 14-5624)
- B. "Oversize Vehicles" include, but are not limited to, all motorized and non-motorized vehicles, trailers, semi-trailers, vans, trucks, open bed or flat bed vehicles, mobile equipment, equipment trailers, machinery, motor homes, campers, camp trailers, or other vehicles which meet one or more of the following criteria:
 - 1. Vehicle or load height exceeds 9 feet, as measured from the roadway surface to highest portion of the vehicle, but not including antenna; or
 - 2. Vehicle or load width exceeds 7.5 feet, as measured from the widest portion of the vehicle or load, but not including mirrors; or
 - 3. Individual vehicle or load length exceeds 24 feet; or
 - 4. Vehicle and attached trailer (including load) have a combined length of more than 46 feet.
- C. Unless otherwise precluded by 6.03.037 (risk of imminent harm), this section shall not prohibit the parking of oversize vehicles if they are, at the time they are parked, engaged in any of the following activities:
 - 1. Loading or unloading of persons and/or property for a period not to exceed 15 minutes (residential moving vans are allowed eight hours); or

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2. Parked in connection with or in the aid of the immediate performance of a service to or on a property in the immediate proximity in which such vehicle is parked; or
 3. Parked or left standing as a result of a mechanical breakdown so as to allow for the performance of emergency repairs on the vehicle, or while waiting for a tow operator for a period not to exceed two hours; or
 4. Parked or left standing as allowed by a permit issued by the City of Grants Pass pursuant to established procedures.
- D. Parking of motor homes, trailer coaches, recreational trailers, truck campers, camping trailers, or boat trailers designed for personal use for less than 48 hours is allowed in a residential district only if said vehicle(s) are:
1. Parked immediately and completely adjacent to property which is owned or rented by the owner or operator of the vehicle(s); and
 2. The vehicle(s) are not closer than 30 feet from the driveway of an adjacent property; and
 3. The said vehicle(s) are not violating any other city ordinance.
- E. Prohibitions and restrictions noted in 6.03.500 do not apply to the parking of commercial use semi-trailers (and similar commercial use vehicles) in the below listed street sections located in the "Industrial" zones unless signed "no parking." Notwithstanding the foregoing, the 72-hour parking limitation contained in 6.03.035 shall still apply. (Ord. 14-5624, Ord. 14-5629, Ord. 20-5791)
- E Street between Booth and Dimmick streets;
 - F Street between Fry and Booth streets;
 - J Street between 11th Street and the east end of J Street;
 - Washington Boulevard (west side) between Hillcrest and Morgan Lane
 - Morgan Lane between Hawthorne Avenue and Washington Blvd.;
 - Industry Drive;
 - Mill Street between M Street and the railroad tracks; and
 - Spalding Avenue.
- F. Public Safety Exception: This shall not apply to emergency vehicles during the performance of public safety duties.

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6.03.900 Penalties

Any person violating any of the provisions of this Section or any rule or regulation established under the provisions of this Section is guilty of a violation and may be fined according to the Fee Schedule as adopted by resolution of the City Council. Each 24 hour period constitutes a separate offense, except for subsection 6.03.500 C(3) where each two-hour period constitutes a separate offense. (Ord. 5515 4/17/10)

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Chapter 6.04

RESTRICTED PARKING

Sections:

- 6.04.010 Parking in Fifteen Minute Parking Spaces
- 6.04.020 Parking in Thirty Minute Parking Spaces
- 6.04.040 Parking in Three Hour Parking Lots
- 6.04.050 Alley Parking - Time Limitations
- 6.04.060 Method of Parking
- 6.04.075 Prohibited Parking – City Employees
- 6.04.080 Reserved Parking Spaces
- 6.04.090 Parking in a Long-Term Parking Space
- 6.04.100 Parking in an Electric Vehicle Charging Space

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6.04.010 Parking in Fifteen Minute Parking Spaces

It shall be unlawful to park any vehicle, or to permit a vehicle to remain parked, in any Fifteen Minute Parking Space for a period longer than 15 minutes. Additional violations occur for each and every 15-minute period.

6.04.020 Parking in Thirty Minute Parking Spaces

It shall be unlawful to park any vehicle, or to permit a vehicle to remain parked, in any Thirty Minute Parking Space for a period longer than 30 minutes. Additional violations occur for each and every 30-minute period.

6.04.040 Parking in Three Hour Parking Lots and Designated on Street Parking Spaces

Between the hours of 8:00 a.m. and 5:00 p.m., and except on Sundays and holidays, it shall be unlawful to park any vehicle, or to permit a vehicle to remain continuously parked, on any public street or in any public parking lot located within the Restricted Employee Parking District for a period longer than three hours. Additional violations occur for each and every 3-hour period. (Ord. 5278 3/16/05 Ord. 5515 4/17/10)

6.04.050 Alley Parking - Time Limitations

- A. Between the hours of 8:00 a.m. and 6:00 p.m., it shall be unlawful to park any vehicle, or to permit a vehicle to remain parked, in any alley located in the Restricted Employee Parking District for a period longer than 15 minutes. Said parking shall be for the sole purpose of the expeditious loading or unloading of persons or materials. Additional violations occur for each and every 15-minute period.
- B. Between the hours of 6:00 p.m. and 8:00 a.m. in the Restricted Employee Parking District, and at all times in all other sections of the City, it shall be unlawful to park any vehicle, or to permit a vehicle to remain parked, in any alley for a period longer than 30 minutes. Said parking shall be for the sole purpose of the expeditious loading or unloading of persons or materials. Additional violations occur for each and every 30-minute period.

6.04.060 Method of Parking

Where parking space markings are placed on a street or public parking lot, no person shall park a vehicle other than in the indicated direction and within a single marked space, unless the vehicle is a recreation vehicle, and the size or shape of the vehicle makes compliance impossible.

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6.04.075 Prohibited Parking - City Employees

No employee of the City of Grants Pass, while working in official capacity for the City of Grants Pass, shall park a personal vehicle in any parking lot other than the city hall parking lot located at the northeast corner of 5th and A streets. In addition, no employee of the City of Grants Pass, while working in official capacity for the City of Grants Pass, shall park their personal vehicle in any parking space that is assigned to someone else or designated for official vehicles. This section will be in effect, Monday through Friday from 8:00 a.m. to 5:00 p.m., holidays excluded. (Ord. 5515 4/17/10)

6.04.080 Reserved Parking Zone Spaces

No person other than the applicant (noted in Chapter 6.30), or a person with the consent of the applicant, shall park a vehicle in a Reserved Parking Zone between the hours of 8:00 a.m. to 5:00 p.m. (Ord. 4969 §1, 1999) (Ord. 14-5623)

6.04.090 Parking in a Long-Term Parking Space

- A. Between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, it shall be unlawful for a vehicle to be parked in a designated Long-Term Parking Space without a current Long-Term Parking Permit displayed on the windshield or dashboard.
- B. The City Manager or designee shall offer Long-Term Parking Permits to employees and businesses in the Restricted Employee Parking District. The permits shall be as determined by the City Manager subject to the following restrictions:
 - 1. Permits may not exceed one year in length.
 - 2. The permit fee will be set by Council resolution. (Ord. 14-5623)

6.04.100 Parking in an Electric Vehicle Charging Space

No person shall park in an Electric Vehicle Charging Space for more than three hours unless connected to and actively charging the vehicle. Additional violations occur for each and every 3-hour period. The electric charging fee will be set by Council Resolution. (Ord. 22-5830)

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Chapter 6.05

PARKING SIGNS

Sections:

- 6.05.010 Signs for Fifteen Minute Parking Spaces
- 6.05.020 Signs for Thirty Minute Parking Spaces
- 6.05.030 Signs for Two Hour Parking Spaces
- 6.05.040 Signs for Three Hour Parking Lots
- 6.05.050 Signs for Alley Parking
- 6.05.060 Signs for Reserved Parking Spaces
- 6.05.070 Additional Signage
- 6.05.080 Signs for Free Public Parking Lot
- 6.05.090 Signs for Electric Vehicle Charging

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6.05.010 Signs for Fifteen Minute Parking Spaces

Fifteen Minute Parking Spaces shall be individually signed or bounded by signs stating in substance the following information:

15 MIN. PARKING
FINE FOR EVERY VIOLATION

6.05.020 Signs for Thirty Minute Parking Spaces

Thirty Minute Parking Spaces shall be individually signed or bounded by signs stating in substance the following information:

30 MIN. PARKING
FINE FOR EVERY VIOLATION

6.05.030 Signs for Three Hour Parking Spaces on Public Streets

(Ord. 5278, 2005; Ord. 5515 4/17/10; Ord. 14-5623)

In the Restricted Employee Parking District where general public parking is restricted to three hours on the street, the City Manager shall post or maintain not less than two signs on each side of the street of every block so restricted stating in substance the following information:

WELCOME TO DOWNTOWN GRANTS PASS
3 HR. PARKING IN THIS BLOCK
8 AM - 5 PM
NO EMPLOYEE PARKING
EMPLOYEES - \$50 FINE

6.05.040 Signs for Three Hour Parking Lots

(Ord. 14-5623, Ord. 20-5794)

Where general public parking is restricted to three hours in a public parking lot, the City Manager shall post or maintain not less than one sign at each entrance to the lot stating in substance the following information:

WELCOME TO DOWNTOWN GRANTS PASS
3 HR. PARKING IN THIS LOT
8 AM - 5 PM
(EXCEPT ON WEEKENDS IN PERMIT SPACES ONLY)

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6.05.050 Signs for Alley Parking

(Ord. 14-5623)

- A. In the alleys located in the Restricted Employee Parking District where parking is restricted to 15 minutes and 30 minutes, the City Manager shall post or maintain not less than two signs in alley, one in each direction stating in substance the following information:

15 MIN. ALLEY PARKING
DAYTIME - 8 AM - 6 PM

30 MIN. ALLEY PARKING
EVENINGS - 6 PM - 8 AM
FOR LOADING AND UNLOADING ONLY
\$50 FINE FOR EVERY VIOLATION

- B. Alleys located outside the Restricted Employee Parking District shall be subject to the requirements of the GPUTC regardless of whether the alley contains signs listing the restrictions.

6.05.060 Signs for Reserved Parking Spaces

(Ord. 14-5623)

Reserved Parking Spaces, as provided in Chapter 6.30, shall be individually signed stating in substance the following information:

RESERVED PARKING
\$50 FINE

6.05.070 Additional Signage

The City Manager may install additional signs and may add any other information to any sign which is informative and convenient to the public concerning the provisions of the GPUTC.

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6.05.080 Signs for Free Public Parking Lot Stating in Substance the Following Information

FREE PUBLIC PARKING
CLOSED TO PUBLIC PARKING
SATURDAYS FROM 6:00 AM TO 2:00 PM
FROM MARCH THRU NOVEMBER

12 HOUR PARKING LIMIT
VEHICLES FOUND TO BE IN VIOLATION WILL BE SUBJECT
TO CITATION IN ACCORDANCE WITH CITY MUNICIPAL CODE.

NO LONG-TERM PARKING (MORE THAN 12 HOURS)
VEHICLES FOUND TO BE IN VIOLATION WILL BE SUBJECT TO
CITATION AND TOW, IN ACCORDANCE WITH CITY MUNICIPAL
CODE, AT THE OWNER'S EXPENSE.

6.05.090 Signs for Electric Vehicle Parking Spaces Stating in Substance the Following Information (Ord. 22-5830)

ELECTRIC VEHICLE CHARGING STATION
RESERVED FOR EV PARKING ONLY
VEHICLES WILL BE CITED PER
ORD 22-XXXX
\$25.00 FINE IF NOT ACTIVELY CHARGING

DO NOT USE OUTLETS WHICH ARE DAMAGED
NOTIFY GRANTS PASS FACILITIES FOR REPAIR
AT 541-450-6000

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Chapter 6.06

PARKING VIOLATIONS, PROCEDURES, AND CITATIONS

Sections:

- 6.06.010 Violations - Mechanical Defect Exemption
- 6.06.020 Persons Responsible for Violations - Liability
- 6.06.030 Violations - Procedures
- 6.06.040 Citation - Placement
- 6.06.050 Notice of Violation - Format

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6.06.010 Violations - Mechanical Defect Exemption

An unintentional violation of a provision of the GPUTC by reason of a mechanical failure of a vehicle is not an offense within the meaning of the GPUTC if the owner or operator immediately notifies the Police Department of the mechanical failure and if the vehicle is removed within 24 hours.

6.06.020 Persons Responsible for Violations - Liability

The following persons are jointly and severally responsible for a parking violation penalty provided in the GPUTC, including fines, delinquent fees, and collection fees:

- A. A person operating the vehicle at the time it was parked in violation of law.
- B. A person who was the registered owner of the vehicle at the time it was found parked in violation of law.
- C. A person who was the owner of the vehicle at the time it was found parked in violation of law but who had not registered the vehicle in his or her name prior to the time of the violation.

6.06.030 Violations - Procedures

- A. PLACE OF PAYMENT: Any person, accused by the aforesaid placement or delivery of a Notice of Violation for a violation of the GPUTC, may settle the claim with the City by enclosing an amount equal to the fine and applicable delinquent charges and collection fee in the Notice of Violation envelope and either depositing the envelope in the mail with the proper postage or delivering the envelope to the Finance Office at the City Municipal Building.
- B. COLLECTION AGENCIES: The obligation of a person to pay the fine, delinquent charge, and collection fee may be assigned by the City, acting by and through the City Manager, or the Manager's designate, to a commercial collection agency or agencies as designated by the City Manager. The collection agency shall be responsible for collecting the obligation and in doing so may bring any civil action against the person. Payment to the City of any amount of the obligation collected shall be pursuant to contractual arrangement of the City Manager on behalf of the City and the collection agency.
- C. FILING OF CIVIL ACTION: Upon the request of the City Manager, the City Attorney is authorized to file a civil complaint and to pursue a civil action against a person for a violation of the GPUTC, or for failure or refusal to pay a fine, delinquent charges, or collection fees as set forth in the GPUTC.

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6.06.040 Citation - Placement

Whenever a vehicle is found parked in violation of a restriction imposed by the GPUTC, the Public Officer, CSO, Cadet or Parking Enforcement Officer finding the vehicle shall conspicuously affix to the vehicle or deliver to the owner of the vehicle a Citation in the form of a Notice of Violation. (Ord. 19-5761, Ord. 21-5821)

6.06.050 Notice of Violation - Format

(Ord. 14-5623, Ord. 18-5736, Ord. 20-5794)

The Notice of Violation shall substantially conform in content to the following format:

NOTICE OF VIOLATION

VEHICLE LICENSE NUMBER (or other identifying information):

DATE OF VIOLATION:

LOCATION OF VIOLATION IN GRANTS PASS, OREGON:

OFFICER ISSUING THIS CITATION:

VIOLATION:

<input type="checkbox"/> 3 HOUR STREET PARKING, OVERTIME	\$ 25 FINE
<input type="checkbox"/> 3 HOUR LOT PARKING, OVERTIME	\$ 25 FINE
<input type="checkbox"/> PROHIBITED PARKING – CITY EMPLOYEES	\$ 25 FINE
<input type="checkbox"/> ALL TIMED PARKING FINES DOUBLED WITHIN PREVIOUS 30 DAYS	\$ 50 FINE
<input type="checkbox"/> NO PARKING ZONE	\$ 50 FINE
<input type="checkbox"/> BIKE LANE	\$ 50 FINE
<input type="checkbox"/> 72 HOUR ORDINANCE	\$ XX FINE
<input type="checkbox"/> SKATEBOARD/BICYCLE ON SIDEWALK	\$ XX FINE
<input type="checkbox"/> HELMET VIOLATION	\$ XX FINE
<input type="checkbox"/> TRAILER VIOLATION	\$ XX FINE
<input type="checkbox"/> OTHER	\$ XX FINE

You may settle this claim with the City by enclosing an amount equal to the fine and applicable delinquent charges and collection fee in the Notice of Violation envelope and either depositing the envelope in the mail with the proper postage or delivering the

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envelope to the Finance Office at the City Municipal Building.

You may appeal this violation of the Grants Pass Uniform Traffic Code and contest the information listed on this notice by contacting the Grants Pass Police Department in person at 726 NE 7th Street, Grants Pass, Oregon, 97526, within 14 days of issuance of the citation. Delinquent charges and the collection fee will not accrue while the appeal is pending but will accrue after a decision is final.

FAILURE TO PAY THE FINE WITHIN 5 BUSINESS DAYS WILL RESULT IN ADDITIONAL DELINQUENT CHARGES OF \$2 PER DAY FOR UP TO 10 DAYS AND AN ADDITIONAL COLLECTION FEE OF \$20. PAYMENT MUST INCLUDE THE FINE AND APPLICABLE DELINQUENT CHARGES AND COLLECTION FEE.

FAILURE TO PAY THE FINE AND APPLICABLE DELINQUENT CHARGES AND COLLECTION FEE FOR A VIOLATION WHICH IS NOT CURRENTLY ON APPEAL AND UNDER REVIEW OR SET FOR A HEARING, MAY RESULT IN A WHEEL LOCKING DEVICE BEING PLACED ON YOUR VEHICLE WHICH WILL DISABLE THE VEHICLE.

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Chapter 6.07

PENALTIES

Sections:

- 6.07.010 Civil Penalty
- 6.07.060 Delinquent Charges
- 6.07.070 Collection Fee
- 6.07.080 Non-Payment of Penalties - Wheel Locking Device

6.07.010 Civil Penalty

Any fine, delinquent charge or collection fee due the City pursuant to this Chapter is a civil penalty, and except as noted in the wheel lock device provisions of 6.07.060 and potential impoundment allowed under State Statute or the Municipal Code, payment of the same shall be the only penalty imposed pursuant to this ordinance for a violation of the GPUTC. No imprisonment shall result from any failure to pay the fine, delinquent charges, or collection fees, or any part thereof, however, this does not limit the power of a court to impose a penalty as provided by law for contempt of court.

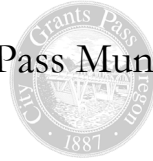
A violation of Section 6.04.010, Parking in Fifteen Minute Parking Spaces, Section 6.04.020, Parking in Thirty Minute Parking Spaces, Section 6.04.040, Parking in Three Hour Parking Lots, and Designated On Street Parking Spaces, Section 6.04.060, Method of Parking, or 6.04.100 Parking in Electric Vehicle Parking Space shall result in a fine according to the Fee Schedule adopted by resolution of the City Council, which shall be paid within three days of the date the Notice of Violation is issued. (Ord 5515 4/17/10; Ord. 22-5830)

A violation of the GPUTC for which a specific penalty is not provided shall result in a fine as established by resolution, which shall be paid within three days of the date the Notice of Violation is issued. (Ord 5515 4/17/10)

6.07.060 Delinquent Charges

After the initial three-day period following the issuance of a Notice of Violation, a delinquent charge, as established by resolution, shall be added to the initial fine, for each day which passes prior to payment, with a maximum delinquent charge as is set by resolution.

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6.07.070 Collection Fee

If the fine and delinquent charges are not paid within 13 days of the date the Notice of Violation is issued, there shall be added thereto a collection fee, set by resolution, due and owing the City as a further penalty. The total maximum amount of delinquent charges and collection fees per violation will be set by resolution.

6.07.080 Non-Payment of Penalties - Wheel Locking Device

When the total of all unpaid fines, delinquent charges, and collection fees amounts to \$100 or more, which fines, delinquent charges, and collection fees are attributable to the parking violations of a single vehicle, Police Officers or Community Service Officers or Cadets are authorized to place on said vehicle (when it is discovered parked inside the City), a wheel locking device to disable the vehicle. Damage to any wheel locking device is unlawful and shall be punishable as Criminal Mischief in the Second Degree under the laws of the State of Oregon. A wheel locking device shall not be placed on a vehicle unless a notice is mailed to the address of the registered owner of the vehicle advising the owner of the unpaid fines and delinquent charges, together with a copy of Chapter 6.07 of the GPUTC, no less than seven days prior to the placement of the wheel locking device. Receipt of the notice is not required. (Ord. 5515 4/17/10, Ord. 19-5761)

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Chapter 6.18

FUNERAL PROCESSIONS

Sections:

- 6.18.010 Funeral procession
- 6.18.020 Parades---Permit requirement

6.18.010 Funeral procession

- A. A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
- B. The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
- C. All motor vehicles in the procession shall be operated with their lights turned on.
- D. No person shall unreasonably interfere with a funeral of the procession between the vehicles of a funeral procession. (Ord. 4350 46, 1980)

6.18.020 Parades---Permit requirement

- A. No procession or parade, except a funeral procession, the forces of the United States armed forces and the military forces of this state, shall occupy, march or proceed along any street except in accordance with a permit issued by the City Manager or his designee.
- B. The City may regulate the time, place and manner of all parades. The permit may be granted where it is found that the parade is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace, cause damage, or unreasonably interfere with the public use of the streets, or the peace and quiet of the inhabitants of this City.
- C. A parade permit fee shall be set by resolution and that full amount shall be imposed (Ord. 5412 8/15/07).
- D. There shall be two types of permits: full street permits and half-street permits. An application for a permit shall be made at least four days prior to the parade. An appeal may be taken to the Council where a permit has been denied, or a condition imposed, or not imposed. The parade permit fee is not subject to appeal. (Ord. 5412 8/15/07)

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Chapter 6.20

BICYCLE OPERATION

Sections:

- 6.20.010 Effect of Provisions.
- 6.20.020 Parental Responsibility for Minors
- 6.20.030 Bicycle Operating Rules
- 6.20.040 Riding on Sidewalks
- 6.20.045 Permits
- 6.20.050 Equipment Requirements for Rental Agencies
- 6.20.060 Riding on Bicycles
- 6.20.070 Riding on Streets and Bicycle Paths
- 6.20.080 Speed
- 6.20.090 Carrying Articles
- 6.20.100 Impounding of Bicycles
- 6.20.200 Three-Foot Zone of Protection for Pedestrians from Bicyclists
- 6.20.210 Three-Foot Zone of Protection for Pedestrians from Motor Vehicles
- 6.20.220 Three-Foot Zone of Protection for Bicyclists from Motor Vehicles

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6.20.010 Effect of Provisions

Except when a bicycle is being operated by a member of the Police Department in furtherance of their official duties or as otherwise provided in this chapter, every person riding or operating a bicycle upon any street or other public place shall be subject to all the provisions of this chapter and the laws of the state applicable to the drivers of vehicles, except those provisions which by their very nature can have no application. (Ord. 4350 §2, 1980; Ord. 4651 §1, 1989)

6.20.020 Parental Responsibility for Minors

No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this chapter. (Ord. 4350 §1, 1980)

6.20.030 Bicycle Operating Rules

In addition to observing all other applicable provisions of this article and state law pertaining to bicycles, a person shall not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the provisions of this article relating to the parking of motor vehicles. (Ord. 4350 §4, 1980)

6.20.040 Riding on Sidewalks

- A. No person shall ride or operate a bicycle, skateboard, roller-skates or rollerblades push/kick scooter, or similar vehicle upon a sidewalk adjacent to 6th Street and 7th Street, bounded on the north by A Street, and bounded on the south by M Street. (Ord. 4773 §1, 1993)
- B. No person shall ride or operate a bicycle, skateboard, roller-skates or rollerblades push/kick scooter, or similar vehicle upon a sidewalk adjacent to G Street, bounded on the west by 4th Street, and bounded on the east by 7th Street. (Ord. 4773 §1, 1993)
- C. No person shall ride or operate a bicycle, skateboard, roller-skates, rollerblades, push/kick scooter, or similar vehicle upon a sidewalk adjacent to H Street, I Street and J Street bounded by 5th Street on the west and on the east by 7th Street nor upon 5th Street bounded by G Street to the north and J Street to the south.

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- D. Any person riding a bicycle, skateboard, roller-skates, rollerblades, push/kick scooter, or similar vehicle upon any other sidewalk shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. (Ord. 4350 §4, 1980; Ord. 4581 §1, 1986; Ord. 4773 §1, 1993; Ord. 5515 4/17/10)

6.20.045 Permits

A permit may be issued by the City Manager that allows a bicyclist to operate on the sidewalk area as set out in 6.20.040. Permits shall only be issued to such businesses that require bicycles to operate on sidewalks and such operation of a bicyclist is a necessary part of the business operation. A business must be that as defined by Chapter 4.04.020(A).

A permit is hereby authorized and the fees for the cost of such permit may be set by resolution. (Ord. 4581 §2, 1986)

6.20.050 Equipment Requirements for Rental Agencies

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is equipped with all equipment required by the Motor Vehicle Laws of Oregon and this chapter. (Ord. 4350 §5, 1980)

6.20.060 Riding on Bicycles

- A. A person propelling a bicycle shall not ride other than with his feet on the pedals and facing the front of the bicycle.
- B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Ord. 4350 §5, 1980)

6.20.070 Riding on Streets and Bicycle Paths

- A. Every person operating a bicycle upon a street or other public place shall ride as near to the right-hand side of the street as practicable, exercising due care when passing a pedestrian or a standing vehicle or one proceeding in the same direction.
- B. Persons riding bicycles upon a street or other public place shall not ride more than two abreast. (Ord. 4350 §5, 1980)

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6.20.080 Speed

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Ord. 4350 §5, 1980)

6.20.090 Carrying Articles

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars and in full control of such bicycle. (Ord. 4350 §5, 1980)

6.20.100 Impounding of Bicycles

- A. No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.
- B. A bicycle left on public property for a period in excess of 24 hours may be impounded by the Police Department. (Ord. 4651 §2, 1989)
- C. In addition to any citation issued, a bicycle parked in violation of this Chapter may be immediately impounded by the Police Department. (Ord. 4651 §2, 1989)
- D. If a bicycle impounded under this chapter is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.
- E. A bicycle impounded under this chapter which remains unclaimed shall be disposed of in accordance with the City's procedures for disposal of abandoned or lost personal property.
- F. Except as provided in Subsection D of this section, a fee of \$2 shall be charged to the owner of a bicycle impounded under this section.
- G. Bicycles which require to be licensed, pursuant to this chapter, shall not be released from impoundment until such license is first obtained by the owner of the bicycle or his representative. (Ord. 4350 §5, 1980)

6.20.200 Three Foot Zone of Protection for Pedestrians from Bicyclists

- A. Except as provided in Subsection B, a person operating a bicycle, skateboard, or scooter on a public road or sidewalk shall maintain a zone of protection for a distance of not less than three feet between the bicycle, skateboard, or scooter and a pedestrian.



- B. This section does not apply when the encroachment into the 3-foot zone is caused by the sudden movement of the pedestrian.
- C. This section does not exempt bicycles, skateboards, and scooters from the requirements noted in Section 6.20.040, Subsections A, B, and C. (Ord. 5356 §5/17/06).

6.20.210 Three Foot Zone of Protection for Pedestrians from Motor Vehicles

- A. Except as provided in Subsections B and C, a person operating a motor vehicle on a public or private road shall maintain a zone of protection for a distance of not less than three feet between the motor vehicle and a pedestrian.
- B. This section does not apply when the encroachment into the 3-foot zone is caused by the sudden movement of the pedestrian, and
- C. This section does not apply when there is a sidewalk adjacent to the lane of travel of the motor vehicle. (Ord. 5356 §5/17/06).

6.20.220 Three Foot Zone of Protections for Bicyclists from Motor Vehicles

- A. Except as provided in Subsections B,C, and D, a person operating a motor vehicle on a public or private road shall maintain a zone of protection for a distance of not less than three feet between the motor vehicle and a bicycle, skateboard, or scooter.
- B. This section does not apply when the encroachment into the 3-foot zone is caused by the sudden movement of the bicycle, skateboard, or scooter, or
- C. This section does not apply when the bicycle, skateboard, or scooter is traveling against the flow of motor vehicle traffic or
- D. This section does not apply when there is a striped bicycle lane adjacent to the lane of travel of the motor vehicle. (Ord. 5356 §5/17/06).

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Chapter 6.22

MISCELLANEOUS PROVISIONS

Sections:

6.22.10 Unlawful Transfer on a Highway, Road, or Street

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6.22.010 Unlawful Transfer on a Highway, Road, or Street

A person commits the offense of unlawful transfer on a highway, road, or street if the person:

- A. While a driver or passenger in a vehicle on a highway, road or street within the boundaries of the City of Grants Pass, gives or relinquishes possession or control of, or allows another in the vehicle to give or relinquish possession or control of any item of property or money to a pedestrian; or
- B. While a pedestrian, accepts, receives or retains possession or control of any item of property or money from a person (driver or passenger) in a vehicle on a highway, road or street within the boundaries of the City of Grants Pass.

This Section 6.22.010 does not apply if the vehicle is legally parked outside of the traffic lane. This Section also does not apply to persons participating in a "Pedestrian Activity," as defined in OAR 734 Division 58, for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of such permit are being met.

Any person found violating this subsection shall be guilty of committing a Grants Pass Uniform Traffic Code violation punishable by a fine provided in Grants Pass Municipal Code Chapter 1.36.010(J). (Ord. 20-5791)

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II. STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 6.30

RESERVED PARKING ZONES

Sections:

- 6.30.010 Reserved Parking Zone--Defined
- 6.30.020 Reserved Parking Zone--Permit Requirement
- 6.30.025 Reserved Parking Zone B Criteria for Approval
- 6.30.030 Reserved Parking Zone--Designated--Fee
- 6.30.040 Reserved Parking Zone--Fee--Exemptions
- 6.30.050 Reserved Parking Zone--Permit Revocation
- 6.30.060 Violation--Penalty

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6.30.010 Reserved Parking Zone--Defined

The term "reserved parking zone" as used in this chapter means a zone designated and established for commercial purposes as defined in 6.04.080, which states, "No person other than the applicant (noted in Chapter 6.30), or a person with the consent of the applicant, shall park a vehicle in a Reserved Parking Zone between the hours of 8:00 a.m. to 5:00 p.m." (Ord. 3715 §2, 1970; Ord. 4614 §2, 1988; Ord. 4969 §1, 1999)

6.30.020 Reserved Parking Zone--Permit Requirement

Any person, firm or corporation desiring the designation of a reserved parking zone for motor vehicles shall apply to the City Manager on a specified application form for a permit for such zone. The City Manager may delegate authorizing the processing of permit applications. The City Manager shall either approve, conditionally approve, or deny the application. The applicant shall demonstrate a need for such space by: (Ord. 4969 §1, 1999)

- A. Consideration of applicant's need for such space in relation to other businesses in the immediate vicinity.
- B. Demonstration of a need for a Reserved Parking Zone for the exclusive use of vehicles for commercial purposes which are essential for the business operation of the applicant, for the delivery and receipt of products in a retail nature on an ongoing, daily basis.
- C. Consideration for the number of spaces in the immediate vicinity already committed to special use.

6.30.025 Reserved Parking Zone--Criteria for Approval

(Ord. 4969 §1, 1999)

At the discretion of the City Manager, the manager may approve, conditionally approve or deny the request based on the following criteria:

(Ord. 4969 §1, 1999)

- A. Request must comply with Chapter 6.30. (Ord. 4969 §1, 1999)
- B. Applicant must demonstrate: (Ord. 4969 §1, 1999)
 - 1. Receipt and delivery of multiple or bulky items on an ongoing, daily basis; (Ord. 4969 §1, 1999)
 - 2. Commercial vehicles, delivery vehicles, or other designated vehicles that will utilize the area; (Ord. 4969 §1, 1999)

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3. Applicant business has no other reasonable access on street, through a parking lot, alley, etc. to conduct receipt/delivery. (Ord. 4969 §1, 1999)
4. Proposed zone would have no adverse impacts on neighboring businesses, pedestrian or vehicular traffic or public safety. (Ord. 4969 §1, 1999)

The City Manager may also take into consideration the public convenience and necessity in the decision to approve or deny any application. A permit is not transferable. (Ord. 4969 §1, 1999)

If a request is approved, the location of the zone is at the sole direction of the City Manager. (Ord. 4969 §1, 1999)

No zone will be created on 6th Street between D and J streets. No more than one reserved parking zone will be created per side of block without review by the Council. No zone will be created on G Street between 4th and 7th streets. No zone will be created on 4th Street between C and J streets. (Ord. 3715 §1, 1970; Ord. 4969 §1, 1999)

Uses which are deemed non-conforming to the provisions noted herein will not be allowed after June 30, 1999. (Ord. 4969 §1, 1999)

6.30.030 Reserved Parking Zone--Designated--Fee

When the City Manager shall approve an area for a reserved parking zone, street curbing adjacent to the zone shall be painted a traffic yellow color to designate the space. Each applicant shall pay a fee to be set by resolution for a reserved parking space not exceeding twenty-two lineal feet and under, and an additional fee to be set by resolution for each additional twenty-two lineal feet of such zone space, or portion thereof. This fee shall be paid annually from a period beginning July 1 of each year. When the zone is first designated, a pro-rated fee shall be paid. (Ord. 3715 §3, 1970; Ord. 4473 §2, 1983)

6.30.040 Reserved Parking Zone--Fee--Exemptions

The fees provided in Section 6.30.030 are not required of government agencies or churches. (Ord. 3715 §4, 1970)

6.30.050 Reserved Parking Zone--Permit Revocation

The permission for the creation and establishment of a reserved parking zone and the right to use and occupy it shall be subject to the absolute right of the City Manager to revoke the permit for such zone when in his judgment the public convenience

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necessitates revocation or when said permit is no longer essential for the business operation of the permit holder. Not less than five days' notice shall be given of the termination of the zone. (Ord. 3715 §5, 1970)

6.30.060 Violation--Penalty

Any person, firm or corporation violating any of the terms and provisions of this chapter, upon conviction thereof, shall be punished by a fine not to exceed \$25. (Ord. 3715 §6, 1970)

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Chapter 6.34

SIDEWALKS

Sections:

- 6.34.010 Definitions
- 6.34.020 Permit--Requirement
- 6.34.030 Permit--Application
- 6.34.040 Permit--Issuance
- 6.34.050 Permit--Contents
- 6.34.060 Supervision
- 6.34.070 Standards and Specifications
- 6.34.080 Required Sidewalk or Driveway Repairs--Notice to Property Owner.
- 6.34.090 City May Make Repairs
- 6.34.100 Cost of Repair--A Lien--Foreclosure
- 6.34.110 Prohibited Projections in Public Way
- 6.34.120 Sidewalk Cafe

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6.34.010 Definitions

For the purposes of this chapter, unless the context requires otherwise, the following words shall have the meanings set forth below:

- A. "City Manager" means the City Manager or person authorized by the City Manager.
- B. "Driveway" means that part of the street right of way between curb lines or the lateral lines of a roadway and the adjacent property lines that provides for controlled access of vehicles to property abutting the public right of way. The movement of vehicles over this controlled access is at approximate right angle to the public right of way boundary.
- C. "Person" means a natural person, firm, corporation, or other legal entity.
- D. "Sidewalk" means the part of the street right of way between the curb lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians. (Ord. 3713 §1, 1970)
- E. "Sidewalk Café" means the placement of tables and chairs within the public right of way adjacent to an eating and drinking establishment in order to serve food and beverages, which may include alcohol, if a valid license is obtained, to patrons of the establishment. Sidewalk cafes are only allowed in the Central Business District.

6.34.020 Permit--Requirement

- A. No person may construct, repair, or alter a sidewalk or driveway without first applying for a permit with the City Manager.
- B. Construction, repair, or alteration of a sidewalk or driveway shall conform to the provisions and requirements of this chapter and to the general standards and specifications established by resolution of the common council as provided by Section 6.32.070. (Ord. 3713 §2, 1970)
- C. Application for a permit to operate a sidewalk café shall be in accordance with Chapter 6.47 of the Municipal Code. (Ord. 5410 §1, 2007).

6.34.030 Permit--Application

A person shall file his application for a permit to construct, repair, or alter a sidewalk or driveway with the City Manager on forms provided by the City. (Ord. 3713 §3(1), 1970)

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6.34.040 Permit--Issuance

If the proposed sidewalk or driveway improvement conforms to the applicable standards and specifications, the City Manager shall issue a permit to the applicant. (Ord. 3713 §3(2), 1970)

6.34.050 Permit--Contents

The permit shall prescribe the type of repair permitted, the materials, and the specifications to be used. If the City is requiring the repair of the sidewalk or driveway, the permit shall state the date within which the repair shall be completed. (Ord. 3713 §3(3), 1970)

6.34.060 Supervision

The City Manager may inspect any materials and construction details as in his judgment may be required to ensure compliance with the permit and with applicable standards and specifications. (Ord. 3713 §4, 1970)

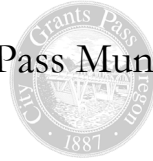
6.34.070 Standards and Specifications

The Council, by resolution or otherwise, shall adopt standards and specifications for constructing, repairing, or altering a sidewalk or driveway, and such standards and specifications shall be filed in the offices of the City Engineer and the City Auditor for the use of the public. (Ord. 3713 §5, 1970)

6.34.080 Required Sidewalk or Driveway Repairs--Notice to Property Owner

- A. When the City Manager determines that a sidewalk or driveway needs repair, the City Manager shall issue a notice and prepare a certified copy of the notice. The notice shall require the owner of the property adjacent to the sidewalk or driveway needing repair to obtain a permit and to start complete repair of the defective sidewalk or driveway within 30 days from the date of the service of notice, and to complete the repair within 60 days from the date of service of the notice. Such 30- and 60-day requirement may be extended in writing by the City Manager. The notice shall also state that in the event the repairs or alterations are not made by the owner within the time limit stated, the City may repair or alter the sidewalk or driveway, and the cost and expenses of the repair or alteration will become a lien on the lot and premises of the owner.
- B. The City Manager shall cause a certified copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk or driveway, or the notice may be served by registered or certified mail, return receipt requested and returned. If, after diligent

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search, the owner cannot be identified or located, or if the aforementioned notice sent by registered or certified mail is refused, then in that case the City Manager shall cause a certified copy of the notice to be posted in a conspicuous place on the property and such posting of notice shall have the same effect as service of notice as indicated above.

- C. Immediately after making service of the notice to repair, the person making such service shall make a written return or certificate of service, noting time, place and manner of service of notice. The original notice and the return or certificate of service shall be kept on file as a permanent record of the City. (Ord. 3713 §6, 1970; Ord. 4429 §1, 1981)

6.34.090 City May Make Repairs

- A. If repair or alteration of the sidewalk or driveway is not completed within 60 days after the date of service of the notice to repair or alter, or within a permitted extension thereof, the City Manager may have the sidewalk or driveway repaired or altered or the work completed at a reasonable cost.
- B. The City's reasonable cost shall include a sum of not to exceed 15% for engineering and administration in connection with the alteration of repairs.
- C. When the statement of cost of the repair or alteration has been prepared, a copy of the statement with a request for payment shall be mailed to the owner. The mailing of such statement is not a condition to liability of the owner of the placing or a lien upon the property by the City. (Ord. 3713 §7, 1970; Ord. 4429 §2, 1981)

6.34.100 Cost of Repair--A Lien--Foreclosure

After entry in the Lien Docket, the City has a lien which is due and payable. The lien shall be for the full amount of the costs and expenses incurred by the City in making the repair, plus 15% for engineering and administration, together with interest at 12% per annum on the amount due from the date of entry of the lien in the Lien Docket. The City may proceed to foreclose the lien in the manner provided by ORS 223.505 through 223.590, or by ORS 223.605 through 223.650. (Ord. 3713 §8, 1970; Ord. 4429 §3, 1981)

6.34.110 Prohibited Projections in Public Way

No person may construct, maintain, or permit a water service pipe, gas pipe, fuel pipe, conduit or similar device which interferes with the use of the sidewalk or driveway by projecting into public property above the surface of the parking strip or sidewalk or driveway, or by projecting out of the wall of a building or structure in such a way as to interfere with the use of the public property. (Ord. 3713 §9, 1970)

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Chapter 6.36

ENCROACHMENT ORDINANCE

Sections:

6.36.010	General Definitions
6.36.020	Permit Required
6.36.030	Permit Application
6.36.040	Blanket Permits
6.36.050	Issuance Fee Exemption
6.36.060	Plans and Specifications
6.36.070	Notice of Construction
6.36.080	Non-complying Work
6.36.090	Completion of Construction
6.36.100	Safety Devices, Lights, Barricades
6.36.110	Denial of Permits
6.36.120	Cancellation of Permits
6.36.130	Restoration of Right of Way
6.36.140	Permittee Awareness and Liability
6.36.150	Permittee to Pay for All Costs
6.36.160	Special Provisions for Construction and Encroachment Permits
6.36.170	Deposit Required
6.36.180	Insurance
6.36.190	Planting in Right of Way
6.36.200	Sight Distance
6.36.210	Violations
6.36.220	Appeal
6.36.230	Occupational License

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6.36.010 General Definitions

- A. "Encroachment" means the work of construction, placing, or installation of any improvement, plant, or other matter within, over, or under the right of way, public utility easements, City utility easements, and all other public ways or areas.
- B. "Right of way" means any land or interest therein which by deed, conveyance, agreement, dedication, usage or other process of law has been reserved or dedicated to the City for use of the general public and which includes, but is not limited to, the space in, upon, above, along, across, over or under the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks or parkland. This definition applies only to the extent of the City's right, title, interest and authority to grant a license to occupy and use such areas for utility facilities.
- C. "Permittee" means any person who proposes to encroach upon a right of way and has been issued a permit.
- D. "Director" means Director of the Community Development Department or designee.
- E. "Fee" means the issuance and encroachment fees established by City Council that are required prior to issuance of a permit.

6.36.020 Permit Required

Every person except as otherwise provided in this ordinance shall obtain a permit from the Community Development Department before:

- A. Making or causing to be made any excavation or encroachment in any road, street, or City right of way;
- B. Placing, constructing, or repairing any curb, gutter, sidewalk, driveway, pavement, base course, retaining wall, storm drain, culvert, pipe, conduit, cable, or other work of similar nature in, over, along, across, or through any street;
- C. Placing or leaving any impediment to travel upon any street, including trash or debris. This does not include the placement of approved trash or recycling containers curbside on a regularly scheduled collection day;

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- D. Erecting or maintaining any post, pole, fence, guardrail, wall, loading platform, or any other structure on, over, under, or within a right-of-way;
- E. Planting or removing any tree, shrub, or growing thing within a right of way. For purposes of this Subsection E, the provisions of Sections 6.36.170 and 6.36.180 shall not apply;
- F. Placing tables and chairs within the right of way. Any permit issued shall be in the form of a sidewalk café permit as set forth in Title 6, Chapter 6.47 of the Municipal Code. (Ord. 5410 §1, 2007).

6.36.030 Permit Application

- A. Application for a permit shall be made in writing to the City on the forms provided by the Community Development Department. By accepting this permit, the permittee agrees to be bound by all the terms and conditions set forth in the permit and in this ordinance.
- B. All permit applications shall be accompanied by the verification of a registered professional engineer or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with the applicable technical codes, rules and regulations.
- C. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the Community Development Director or designee.

6.36.040 Blanket Permits

Blanket permit authorizations may be issued to any utility right of way licensee or franchisee as described in Chapter 4.18 of this code, or public utility, subject to the compliance with all applicable provisions of this ordinance. The issuance of a blanket permit authorization does not relieve the permittee from making such reports of activity as may be required and for paying for repairs and other costs incurred by the City due to the permittee's activity. Blanket permit authorizations shall be limited to utility service installations including bore pits not exceeding three feet in width and length, installed at a right angle to the centerline of the road, or an excavation not exceeding thirty square feet in area outside the existing street surface, curbs, gutters and sidewalks, or repairs to poles, work on overhead lines or work in existing manholes, and emergency repairs. Two-way traffic shall be maintained at all times. (Ord. 5085 §1, 2001)

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6.36.050 Issuance Fee Exemption

The following shall be exempt from paying the issuance fee: The United States, this State, this County, all departments of this City, any school district, public utility franchisees or public utilities holding utility right of way licenses with the City under Chapter 4.18 of the Municipal Code and any special district organized under state laws. The Director may grant a permit without issuance fee if the work to be done has been requested by the City in connection with proposed public works. (Ord. 5513 §3, 2010)

6.36.060 Plans and Specifications

All work shall be performed in accordance with the latest edition of the standard specifications for public works construction, including revisions or in accordance with the plans and specifications referred to in the permit, in addition to any special requirements and/or specifications which are made a part of the permit. In case of conflict between two specifications the higher specifications shall apply. No changes may be made in the location, dimensions, character, or duration of the encroachment, or use as granted by the permit except on authorization by the Director or designee.

6.36.070 Notice of Construction

Except in the case of an emergency, the permittee shall notify the City Engineer not less than two working days in advance of any excavation or construction in the public rights of way.

6.36.080 Non-complying Work

Subject to the notice requirements in Section 4.18.270, all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this ordinance, shall be removed at the sole expense of the permittee. The City is authorized to issue a stop work order to assure compliance with the provision of this ordinance.

6.36.090 Completion of Construction

The permittee shall promptly complete all construction activities so as to minimize disruption of the City rights of way and other public and private property. All construction work within City rights of way, including restoration, must be completed within 90 days of the date of issuance of the encroachment permit unless an extension or an alternate schedule has been approved by the Community Development Director or designee.

6.36.100 Safety Devices, Lights, Barricades

In the conduct of the encroachment work, supplies and excavated material shall be properly placed, and the permittee shall provide and maintain such safety devices,

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including but not limited to lights, barricades, signs, and flaggers as are necessary to protect the public in accordance with the Manual for Uniform Traffic Control Devices (“MUTCD”) or as ordered by the Director or designee. If the Director finds that suitable safeguards are not being provided, or that the permittee is creating a nuisance, the Director may provide, maintain, and relocate such safety devices or take such action as is deemed necessary, charging the permittee in accordance with the schedule of charges as adopted by the City.

6.36.110 Denial of Permits

The Director may refuse to issue a permit under the following conditions:

- A. When he finds that it is not in the best interest of the general public to issue the permit;
- B. When he finds that it will be detrimental to the public health, safety, or welfare;
- C. When the applicant has outstanding payments due and owing to the City under this Chapter;
- D. When the applicant is in violation of terms and conditions set forth under another permit issued under this Chapter;
- E. For any utility service, failure to register or have a license in accordance with Chapter 4.18 of the Municipal Code or obtain any required business license in accordance with Chapter 4.04 of this Municipal Code.

6.36.120 Cancellation of Permits

The Director may cancel a permit for any of the following reasons:

- A. When permitted work is not started within the time specified and/or is started, but not diligently prosecuted to completion;
- B. By failure on the part of the permittee to provide for the public's safety;
- C. By failure on the part of the permittee to comply with all requirements of the permit;
- D. By creating a nuisance;
- E. For cause.

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6.36.130 Restoration of Right-of-Way

- A. Upon completion of the encroachment work authorized, the permittee shall restore the right of way including all structures thereof by replacing or rebuilding it in accordance with the specifications or any special requirements, but not less than to its original condition before the encroachment work was commenced. Where excavation occurs within areas already paved, a temporary paving shall be installed the same day the excavation is backfilled, or the excavation shall be temporarily steel plated with the prior consent of the Director. When replacing permanent pavement, the thickness shall be one inch greater than that of the surrounding pavement or surface. The base course removed shall be replaced to a minimum of 12-inch thickness. When the street surface has been treated with a seal and/or slurry, the surface shall be replaced with 3-inch minimum of asphalt concrete.
- B. If weather or other conditions do not permit the complete restoration required by this Section, the permittee shall temporarily restore the affected rights of way or property. Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the City.
- C. If the permittee fails to restore rights of way or property to good order and condition, the City shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding 30 days to restore the rights of way or property. If, after said notice, the permittee fails to restore the rights of way or property to as good a condition as existed before the work was undertaken, the City shall cause such restoration to be made at the expense of the permittee.
- D. Permittee shall be responsible for all work performed on its behalf by subcontractors or agents.

6.36.140 Permittee Awareness and Liability

The permittee shall investigate and be aware of all existing facilities and shall not interfere with any existing public or private facility without the consent of its owner. If it becomes necessary to relocate an existing facility, this shall be done by its owner or to the satisfaction of its owner. The cost of moving publicly and privately owned facilities shall be borne by the permittee. The permittee shall support and protect all wires, cables, pipes, conduits, poles and other apparatus both aerial and underground, by a method satisfactory to the owner.

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6.36.150 Permittee to Pay for All Costs

The permittee is liable for and shall pay for all engineering costs related to the permit, including but not restricted to the following:

- A. The permit issuance fee;
- B. Engineering, which includes design, inspection, survey, and tests;
- C. Cost of any inspection, transportation, or for tests made;
- D. The cost of repairing or restoring the streets and all appurtenant facilities to the same or equal condition that they were in before cut or damaged as a result of the permittee's activities;
- E. The cost of furnishing and/or maintaining any lights, barricades, or warning devices;
- F. The cost of removing or remedying any hazardous condition;
- G. Any other cost to the City caused by the permittee's activity.

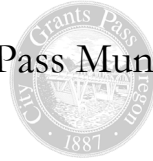
6.36.160 Special Provisions for Construction and Encroachment Permits

The following applies to permits for the laying, construction, reconstruction, or repairing of curbs, sidewalks, gutters, driveways, street surfaces, and pipes. Driveways, approaches, sidewalks, curbs, and gutters shall be constructed of 217# cement (52 sacks) 2500# concrete.

- A. Driveways and Sidewalks. Driveways and sidewalks shall be constructed in accordance with City standards and specifications and in accordance with the Grants Pass Development Code.
- B. Plans. If in the opinion of the Community Development Director the work proposed to be done requires the making of plans or the setting of stakes, or both, he may require the application be accompanied by the necessary plans, which plans shall be prepared by a competent engineer.
- C. Equipment. No track laying equipment of any kind shall be permitted on any paved area unless equipped with street pads. Any damage to curbs, sidewalks, driveways, etc., shall be the responsibility of the permittee and shall be repaired to the satisfaction of the Director.
- D. Open Trench. No open trench shall be opened in excess of one day's work except as allowed under Section 6.36.100.

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- E. Drainage. The permittee shall provide for proper drainage when encroachment work interferes with established drainage.
- F. Services. Laterals, services, and other small diameter pipes shall be jacked, bored, or driven beneath a paved surface unless other methods are approved by the Director.
- G. Minimum Cover. The minimum cover over any pipe or conduit installed under any public street shall be 30 inches measured vertically from the existing or proposed flow line of the nearest gutter.
- H. Backfilling and Compacting. Backfilling and compacting of an excavation shall be in accordance with standards established by the Community Development Department.
- I. Cleanup. Immediately after completion of the work the permittee shall clean up and remove all materials, earth, and debris of any kind.
- J. Cutting Pavement. All concrete and pavement removed within the right of way shall be saw cut, jack hammered, or other method approved in advance by the Director to provide a uniform, smooth joint.

6.36.170 Deposit Required

- A. Performance Deposit. All encroachment permit applications for right of way improvements under this Chapter exceeding in valuation the sum of \$50,000 shall file with the City a certified check, cash, or bond in the amount of 50% of the estimated cost of restoration as determined by the Community Development Director or a sum to be fixed by the Director as sufficient to reimburse the City for restoring the right of way to its original condition, or for correcting any condition arising out of any failure of the permittee to comply with any or all conditions of the permit.
- B. Where the nature of any project requiring an encroachment permit application warrants, the Director may require a performance deposit (in the form of a certified check, cash, or bond) in an amount up to the estimated valuation of the right of way improvements, but no less than \$500, to indemnify and reimburse the City for work done by or for the City in correcting traffic hazards, unsafe conditions, or unacceptable nuisances.

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- C. The performance deposit requirement of this section shall not be applicable to utility right of way licensees. Such licensees shall be governed by the requirements of Chapter 4.18.
- D. **Warranty.** By this ordinance, permittees warrant that all materials and equipment furnished shall be of good quality and new unless otherwise required or permitted by the Director, that the work performed will be free from defects, and that the work will conform to the requirements of the plans and specifications, City standards, and applicable federal, state and local laws and regulations. The warranty shall be in effect for a period of two years following the date of final inspection. The Community Development Director shall provide written notice to the applicant of the need to provide warranty work unless the Director determines that an emergency exists, that delay would cause serious additional loss or damage, or if any delay in performing the work might cause injury to any member of the public. In cases of emergency or if the applicant, after written notice, fails within fourteen days to perform the work required, the City may perform the warranty work and recover the costs of the warranty work, including any additional damages suffered by the City, from the permittee. The Director may require an additional two-year warranty for any repairs done pursuant to the warranty obligation described above.

6.36.180 Insurance

- A. The applicant shall deposit with the Community Development Department a certificate of comprehensive public liability insurance covering the work to be done. Liability insurance requirements shall be set forth by resolution. This policy shall protect and save harmless the City, its officers, and employees against any and all claims, demands, or judgments. The policy shall further provide that the applicant and applicant's insurance company shall defend and pay all costs of defending the City, its officers and employees, and any suit or action or other proceeding which may be filed against them, as a result of the applicant's work and activities. (Ord. 5517/Res.5682 §02, 2010)
- B. The liability insurance policies required by this Section shall be maintained by the grantee throughout the term of the encroachment permit, and such other period of time during which the grantee is operating without a permit hereunder. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 45 days after receipt by the City, by registered mail, of a written notice addressed to the Community

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Development Department of such intent to cancel or not to renew."

- C. The insurance requirements set forth in this section shall not be applicable to utility right of way licensees or franchisees. Such licensees shall be governed by the insurance and performance requirement set forth in Chapter 4.18.

6.36.190 Planting in Right of Way

It is permissible to plant and maintain a lawn or similar ground cover not prohibited by law within a public right of way without a permit. However, the lawn or similar ground cover shall not extend into the traveled way of the public highway or sidewalk nor into the drainage ditches, gutters, or other improved facilities. Low height ground cover or lawns may be allowed by the Community Development Director or designee into drainage ditches for the prevention of erosion and so long as the ground cover or lawn is in conformance with storm drainage best management practices.

6.36.200 Sight Distance

No hedge, shrub, tree, or other planting and no fence or other structure shall be planted, erected, or maintained in a right of way without a permit, upon any sidewalk or shoulder, or in such a manner which impedes, obstructs, denies, or impairs the sight distance for safe pedestrian or vehicular traffic in accordance with the Grants Pass Development Code.

6.36.210 Violations

Every person, firm, corporation, or other entity who performs any work regulated by this ordinance, either without first obtaining a permit or having a permit, fails or refuses to comply with any applicable provisions of this ordinance or with any condition of the permit, shall be deemed in violation of this ordinance. Any person who starts or performs any work regulated by this ordinance without first obtaining a permit shall be charged double the established fees. (Ord. 4832 §3, 1995)

6.36.220 Appeal

Any person aggrieved by the refusal or revocation of a permit may appeal to the City Council within 30 days after the date of such action. The appeal shall be in the form of a written notice filed with the City Manager and signed by the applicant.

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Chapter 6.38

BARRICADES

Sections:

- 6.38.010 City Authority to Erect Barricades
- 6.38.020 Interference with Barricades Prohibited

6.38.010 City Authority to Erect Barricades

The employees of the City Water Department, the City Streets Department, and other employees of the City who shall be engaged in work in the City streets, whether laying, installing, maintaining, or repairing City water lines, sewer lines, curb, gutter, sidewalk, paving, grading, or other work of any kind or nature in the City streets are authorized and empowered to barricade all or a portion of the street in which any City work shall be carried on during the period of such work in order to protect the traveling public and also to prevent injury or damage to the work done or being done by the City forces in the City streets. The street, or a portion thereof, closed to travel by the public shall be marked and designated by some form of entire or partial barricade carrying notice that the street, or portion thereof, is closed to travel and movement thereon. (Ord. 2384 §1, 1955)

6.38.020 Interference with Barricades Prohibited

No person shall remove, alter, tamper, or interfere with such signs or barricades when the same shall have been placed in position closing all or a portion of any City street to travel. No person shall travel upon that portion of any City street which shall have been closed to travel and movement thereon by the placing and installation of barricades and signs closing the same to travel or movement thereon. (Ord. 2384 §2, 1955)

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Ord. 23-5876

Chapter 6.40

ADDRESS STANDARDS

Sections:

- 6.40.010 Duties of Address Determination
- 6.40.020 Assignment of Street Names
- 6.40.030 Address Assignment

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6.40.010 Duties of Address Determination

A. City Responsibility

The City shall have the duty and authority to:

1. determine address assignments within the City,
2. produce and maintain a database of assigned addresses and a map of their locations within the City,
3. prescribe the location and appearance of address identification on structures and private access right-of-way,
4. order the installation, change, substitution or removal of address identification to fulfill the provisions of this Chapter,
5. establish fees to assign or change address numbers or street names, and
6. exercise such other powers as are necessary to carry out the provisions of this Chapter.

The City Manager may designate members of staff to exercise such authority in fulfillment of the described addressing duties.

1. Assignment Criteria

Locations that meet the following criteria require an address assignment:

- a. Individual tax lot parcels shall have at least one unique address.
- b. Buildings, or areas within buildings, shall have unique addresses when they are:
 - i. a separate residence,
 - ii. a place of business that serves customers, or
 - iii. receiving mail, package deliveries or utility services.
- c. Developments with multiple buildings shall assign each building a unique identifier.

B. Owner Responsibility

Upon partition or subdivision of lots, and whenever any new building is erected, modified, or occupied in a manner requiring an address assignment, the owner or owner's agent (as specified through power of attorney) shall obtain an approved address number or numbers from the City and pay any required fees. The owner or agent shall display address identification as prescribed prior to occupancy of a new address, or within 30 days of a change of address.

1. Address Identification

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- a. Owners shall display signage for all addresses as prescribed by Oregon adopted structural and fire codes.
- b. Owners shall not knowingly allow a building number to be displayed which is different than that assigned by the City.
- c. The Fire Marshall has the authority to approve address identification signage and may require changes to its appearance and location, either directly or through a designee.

6.40.020 Assignment of Street Names

A. Naming of New Streets

Developers may submit names for new streets, subject to the approval of the City Manager, the 911 Manager, and the Fire Marshall, acting directly or through their respective designees. The spelling of the street name as recorded in the final plat constitutes the official name of the street.

New street names shall meet the following criteria:

- a. The name shall consist of alphanumeric characters, and shall not contain punctuation, special characters, accents or diacritics.
- b. The name shall not contain offensive or derogatory terms.
- c. The name shall not be the same as any other street within the registry of official street names for 911 Emergency Response.
 - i. The City may deny proposed street names based upon similarity to existing names within the street names registry.
 - ii. The City may deny proposed street names that are homonyms of existing names within the street names registry.
 - iii. The City may deny proposed street names based on difficulty of pronunciation or spelling.
 - iv. The City may deny proposed street names similar to or matching existing subdivision names.
- d. The name shall not contain abbreviations, acronyms or initials.
- e. The name shall not contain Cardinal directions (north, south, east, west, northeast, northwest, southeast or southwest).
 - i. The City may deny proposed street names containing a Cardinal direction as a component (such as Northstar).
- f. The name shall not include a numeric name in combination with an alphabetic name (such as 400th Waterfront St).
- g. The name shall be short enough, including spaces, to fit on street signage in accordance with Federal lettering size requirements for street signs in the Manual on Uniform Traffic Control Devices (MUTCD).

The following restrictions also apply to street names:

1. A street shall have one name only throughout its entire length, except:
 - i. A street that makes a directional change of 45 degrees or more

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may receive a new name along the segment following the new alignment.

2. New streets shall assume the name of the street on which it aligns, unless the street does not and cannot in the future connect to the existent street segment along the alignment.
3. Street names shall continue across intersections and roundabouts.
4. A cul-de-sac located at the end of a street shall take the name of that street.
5. The street name for commercial developments served by more than one public street shall correspond to the public street carrying the higher traffic volume.
6. The street name for addresses within a manufactured or mobile home park shall correspond to the public street it fronts, with each home having a space number.

B. Directional Designation

The City shall assign a directional designation to new streets. The main line of the Southern Pacific Railroad serves as the divider between North and South designations, and the center line of 6th Street and Williams Highway serves as the divider between west and east designations:

- a. Streets, or portions of streets, lying northerly of the main line of the Southern Pacific Railroad and easterly of the center line of 6th Street and Williams Highway shall bear the directional prefix "NE".
- b. Streets, or portions of streets, lying northerly of the main line of the Southern Pacific Railroad and westerly of the center line of 6th Street and Williams Highway shall bear the directional prefix "NW".
- c. Streets, or portions of streets, lying southerly of the main line of the Southern Pacific Railroad and easterly of the center line of 6th Street shall bear the directional prefix "SE".
- d. Streets, or portions of streets, lying southerly of the main line of the Southern Pacific Railroad and westerly of the center line of 6th Street shall bear the directional prefix "SW".

C. Street Type Designation

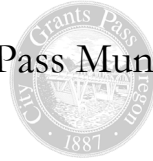
Each street name shall include a suffix type from the list of recognized street suffix names in Appendix C1 of the United States Postal Service (USPS) Publication 28 – Postal Addressing Standards.

D. Change of Street Name

The City may change the directional designation of a street. The City shall provide written notice of the proposed change to owners of property fronting the

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street 30 days prior to any change, and upon enactment of the change.

The City may change a street name or type designation according to the process described in ORS 227.120. In addition to the provisions of the statute, the City shall provide written notice of the proposed change to owners of property fronting the street 30 days prior to any change, and upon enactment of the change.

6.40.030 Address Assignment

A. Address Standard

Address assignments shall adhere to the National Emergency Number Association (NENA) standard. Record-keeping practices of address assignments in the address database shall adhere to the Federal Geographic Data Committee (FGDC) standard.

B. Directional Designation

The complete street address shall include any directional prefix assigned to the street name.

C. Block Numbering

Address numbering shall increase by one hundred every city block. Numbers shall increase in increment heading away from the city center, as set by the divider streets or tracks that define the directional designation.

- a. For locations west of 6th Street or Williams Highway, street numbers shall increase as they proceed west of 6th Street or Williams Highway.
- b. For locations east of 6th Street or Williams Highway, street numbers shall increase as they proceed east of 6th Street or Williams Highway.
- c. For locations north of the main line of the Southern Pacific Railroad, street numbers shall increase as they proceed north of the main line.
- d. For locations south of the main line of the Southern Pacific Railroad, street numbers shall increase as they proceed south of the main line.

Along a street, numbering may increase to the next hundred block at intervals sufficient to accommodate a city block, even if no intersection is yet present, consistent with the development of the City street grid network.

Numbering of locations shall increase in order of the primary access way to each location.

- a. If primary access is through a private drive, the street name of the address shall match the street name connecting to the private drive.
- b. For locations sharing access through a private drive, the numbering shall

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increase in order of access from nearest to farthest along the drive to the connecting named street.

D. Numbering Parity (Odd and Even Numbering)

On linear streets:

- a. Locations on the north or west side of the street shall receive even numbering.
- b. Locations in the south or east side of the street shall receive odd numbering.

Diagonal streets shall be numbered as a linear street running north-south or east-west based upon the predominant alignment.

On curvilinear streets:

- a. Numbering shall follow that of a linear street matching the preponderance of alignment along the street.
- b. If the street changes alignment, numbering parity may follow that of a linear street matching the new alignment.

Where a named street terminates in a cul-de-sac, numbering along the cul-de-sac shall follow that of a linear street bisecting the cul-de-sac along a projection of the existing alignment.

On circular streets (such as a Loop), the use of odd or even numbering may persist along the length of the street.

E. Subaddresses (Unit Identifiers)

When locations, buildings, or areas within a building share a parent address, the City shall assign subaddress or unit identifiers to distinguish between locations.

- a. Subaddress identifiers shall consist of alphanumeric characters, and shall not contain punctuation, special characters, accents or diacritics.
- b. Each subaddress shall include a type designation from the list of secondary unit designators in Appendix C2 of the United States Postal Service (USPS) Publication 28 – Postal Addressing Standards.

F. Address Restrictions

Addresses shall be unique and unambiguous:

- a. If an address includes a subaddress identifier (unit number or letter), other buildings or portions of a building sharing the parent address shall also

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bear a unique identifier (100 E Park St A & B, not 100 E Park St and 100 E Park St A).

- i. A single tax lot parcel containing these buildings may use the parent address as a situs address without including a subaddress identifier.

- b. Different locations shall not bear the same address (no duplicate addresses).

Address numbers may not include an address number suffix (such as ½).

- a. The use of subaddress identifiers (unit numbers or letters) are permissible where the existing number sequencing of a block does not permit the addition of a new address number within the prescribed ordering system.

G. Change of Address

The owner of a location, directly or through their agent, may request a change of address if the current address assignment is not consistent with the provisions of this Chapter.

- a. Address change requests are subject to the approval of the City Manager, the 911 Manager and the Fire Chief, acting directly or through their respective designees.
- b. The City may collect a fee for address change requests.

The City may issue a change of address if the current assignment is not consistent with the provisions of this Chapter, including:

- a. When the primary access to a location has changed due to the creation or extension of a public right-of-way, or the subdivision of land.
- b. When the address numbering is out of sequence, contains an address number suffix, or does not follow the numbering parity of the current block.
- c. When the address is a duplicate of an existing address.

Prior to changing an address where the owner or their agent has not requested the change, the City shall:

- a. Make a good faith effort to contact and obtain the informed consent of the owner.
- b. Provide written notice of the intent to change address at the mailing address of the owner, 30 days before the change occurs, including:

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- i. The motivating reason (or reasons) for seeking the change.
 - ii. The proposed new address to take effect.
 - iii. The date at which the change will take effect.
- c. Provide written notice at the mailing address of the owner verifying the change when the new address goes into effect.

When a change of address occurs, the owner shall update address identification at the property within 30 days of the change at their own expense.

H. Address Exceptions

The City may grant an exception to the address standards set forth in this Chapter when the layout of existing addresses prevents valid assignment of a new address, such as:

- a. Lack of available address numbers within the current sequencing.
- b. Lack of available address numbers within the 100-block designation.
- c. Preexisting (historic) violations of sequencing or parity.

I. Enforcement

For the purposes of following the provisions in this Chapter, the City reserves the right to institute fees for providing addressing services and to impose fines on the property owner in response to addressing violations to induce compliance.

The City shall provide written notice to the owner of any location or building in violation of the provisions of this Chapter. The notice shall state the existing violations and specify 30 days for the owner to obtain compliance. In the event the owner fails or neglects to comply with the violation notice in the prescribed time, the City may gain compliance by instituting code enforcement action, appropriate action in a court of competent jurisdiction, or other action as the City Manager or designated staff deem appropriate.

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Chapter 6.44

STREET AND ALLEY VACATIONS

Sections:

- 6.44.010 Definitions
- 6.44.020 Petition by Owner
- 6.44.030 Filing of Petition
- 6.44.040 Notice of Hearing
- 6.44.050 Publication of Hearing Notice--Cost Assessment
- 6.44.060 Hearing and Determination
- 6.44.070 Vacation on Council's Own Motion
- 6.44.080 Joinder
- 6.44.090 Title to Vacated Areas
- 6.44.100 Filing of Vacation Records and Costs
- 6.44.110 Computation of Fraction
- 6.44.120 Multiple Owners of a Single Parcel

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6.44.010 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings set out below:

- A. "Adjoining or abutting" means real property which touches, is contiguous to or in contact with a street or alley.
- B. "Owner" is a contract purchaser of real property or the owner of record thereof and shall include all said owners if there is more than one owner of any parcel of real property. (Ord. 4149 §1, 1977)

6.44.020 Petition by Owner

- A. Any owner of real property adjoining or abutting upon a street or alley, desiring to vacate all or part of such street or alley, may file a petition therefore setting forth the description of the ground proposed to be vacated, and the reason for such vacation.
- B. There shall be appended to such petition and as a part thereof and as a basis for granting the same, the consent of the owners of not less than three-quarters of the property adjoining or abutting the portion of such street or alley, which is proposed to be vacated. The consent of the owners shall include all owners as defined in Section 6.44.010 and the signature of said owners shall be in writing and duly acknowledged before an officer authorized to take acknowledgments of deeds. (Ord. 4149 §2, 1977)

6.44.030 Filing of Petition

The petition shall be presented to the City Manager, or such other city employee if so, delegated by the City Manager, who shall ascertain if the petition is sufficient pursuant to the terms of this chapter. If the petition is sufficient, the City Manager shall place the matter on the agenda of the Council for hearing not later than 45 days after the filing of the petition. (Ord. 4149 §3, 1977)

6.44.040 Notice of Hearing

Notice of the petition and Council hearing shall be given by publishing notice thereof once in a newspaper of general circulation in the City, such publication to be not more than 25 nor less than 10 days prior to the hearing date. A copy of the notice shall be mailed to the owner of each parcel adjoining or abutting the street or alley, or part thereof, to be vacated and a single mailing is sufficient for a property if addressed to all owners of any such parcel of real property, and the notice shall be mailed not more than 25 nor less than 10 days prior to the date of hearing by the Council. Not more than 25

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days and not less than 10 days before the hearing two notices shall be posted at the proposed vacation site and if possible, the notices shall be posted one at each end of the proposed vacation. The notices shall describe the portion of the street or alley affected by the petition, give the date it was filed, the name of all the petitioners, and the date and time when the petition will be heard and considered by the Council, and information that objections may be filed with the Finance Director in writing until 5:00 p.m. of the day of the Council hearing and that oral or written objections may be submitted to the Council at the time of its hearing upon the petition.

(Ord. 4149 §4, 1977)

6.44.050 Publication of Hearing Notice--Cost Assessment

Prior to mailing, publication, or posting of the notice, the Finance Director shall obtain from the petitioners a sum sufficient to cover the cost of publication, posting, and other anticipated expenses, which sum shall be in the amount of \$75.00. (Ord. 4149 §5, 1977)

6.44.060 Hearing and Determination

At the time fixed for hearing upon the petition, or at any postponement or continuance of such matter, the Council shall hear the petition and objections and determine whether the consent of not less than three-quarters of all owners of the property adjoining or abutting upon any contiguous street or alley between publicly maintained city streets proposed to be vacated has been obtained and whether the public interest will be served by the vacation. Failure of an owner to object to the vacation shall constitute consent of the owner to the vacation. If such matters are determined in favor of the petition, the Council shall, by ordinance, make such determination a matter of record and vacate the portion of the street or alley proposed to be vacated, or all thereof if such is proposed; and otherwise, the Council shall deny the petition. Alleyways may only be vacated in segments not less than that which lie between publicly maintained city streets. The Council may upon hearing grant the petition in part and deny it in part and make such reservations, or either, as appear to be for the public interest. Such reservations, if any, include but are not limited to those for preservation or utility easements and the like. (Ord. 4149 §6, 1977) (Ord. 5384 §1, 2006)

6.44.070 Vacation on Council's Own Motion

The Council may initiate vacation proceedings upon its own motion provided that the Council shall set a time and place for hearing thereupon, shall have notice given pursuant to Section 6.44.040, and no such vacation all or in part shall be granted if one-quarter of the owners of the property adjoining or abutting said street or alley or portion thereof to be vacated object thereto, in writing or in person at the hearing. Failure of an owner to object to the vacation shall constitute consent of the owner to the vacation. The hearing and determination on such petition shall be as set forth in Section 6.44.060. (Ord. 4149 §7, 1977)

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6.44.080 Joinder

Two or more streets or alleys or parts thereof may be joined in one petition or in one Council hearing provided such streets or alleys intersect each other (Ord. 4149 §8, 1977)

6.44.090 Title to Vacated Areas

The title to the street or alley vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been initially dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street or alley area which lies on each side of such boundary line shall attach to the abutting property on such side. (Ord. 4149 §9, 1977)

6.44.100 Filing of Vacation Records and Costs

A certified copy of the ordinance vacating any street or alley or part thereof shall be filed for record with the county clerk and the cost thereof shall be one of the costs paid for by the petitioners from the fee required pursuant to Section 6.44.050. A certified copy of any such ordinance shall also be filed with the county assessor and county surveyor. (Ord. 4149 §10, 1977)

6.44.110 Computation of Fraction

The computation of any three-quarters or one-quarter fraction to be made for the purposes of this chapter and pertaining to property owners shall be computed on a lineal foot basis. (Ord. 4149 §11, 1977)

6.44.120 Multiple Owners of a Single Parcel

If there is more than one owner of a single parcel of property adjoining or abutting a proposed vacation, the objection of a majority of the owners to the proposed vacation shall constitute full and ample objection for the property whether or not any other owner of the property consents to the vacation. (Ord. 4149 §12, 1977)

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CHAPTER 6.45

SMOKING PROHIBITIONS

Sections:

- 6.45.100 Definitions
- 6.45.200 Posting of "No Smoking" Sign
- 6.45.300 Non-Retaliation
- 6.45.310 Non-Retaliation - Private
- 6.45.325 Removal from Premises.
- 6.45.350 Citizen Complaint
- 6.45.400 Severability
- 6.45.450 Interpretation
- 6.45.500 Smoking Prohibited in Enclosed Places
- 6.45.600 Smoking Prohibited on Public Property

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6.45.100 Definitions

- A. Employee: Any person who is employed for direct or indirect compensation, and any person who volunteers their services to a profit or nonprofit entity.
- B. Employer: Any person or entity with two or more employees.
- C. Enclosed Place: All space between a floor and a ceiling where the public or employees are permitted, including buildings, rooms, halls, pavilions, grandstands and band shells. Private residences not open to the public, owner designated rooms in motels and hotels, and private vehicles not used by the public are not considered enclosed places for purposes of this Chapter.
- D. Inhalant Delivery System: A device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device. (Ord. 19-5768)
- E. Public Property includes: (Ord. 5381 § 18, 2006)
 - 1. Any location, whether enclosed or not enclosed, owned or controlled by a government entity except the Josephine County Fairgrounds. Public property includes but is not limited to parks, trails, parking lots, buildings, and open space; and
 - 2. Only the following rights of way (which are inclusive of the street, sidewalks on both sides, and any adjacent open spaces):
 - a. Areas that have been temporarily closed to vehicular traffic for City sanctioned events (e.g., Growers Market, Artisan and Crafters Market);
 - b. Rights of way in public parks and trails; and
 - c. All rights of way adjacent to any school district property.
- E. Smoking: Any use of an Inhalant Delivery System or inhaling, exhaling or burning of any lighted tobacco product or other plant material. (Ord. 19-5768)

6.45.200 Posting of "No Smoking" Signs

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- A. Where smoking is prohibited, owners and employers of the enclosed place shall post "No Smoking" signs in conspicuous locations inside and at the entrances and exits of an enclosed place.
- B. It shall be unlawful for the owners and employers of an enclosed place to fail to post "No Smoking" signs as required by this Chapter.

6.45.300 Non-Retaliation

It shall be unlawful for any person to in any way retaliate against any person because such person reports or seeks enforcement of the provisions of this Chapter.

6.45.310 Non-Retaliation - Private

It shall be unlawful for any person to discharge, refuse to hire, or in any way retaliate against any employer, employee, applicant for employment, or customer, because such employer, employee, applicant, or customer reports or seeks enforcement of the provisions of this Chapter.

6.45.325 Removal from Premises

- A. In addition to any other penalties accruing from violations of this Chapter, any person who fails to extinguish their smoking materials when in smoking prohibited areas shall be subject to immediate removal from those areas.
- B. It shall be unlawful for persons who are in control of premises where smoking is prohibited (including, but not limited to owners, managers, employees, renters, lessees, and persons reserving space) to fail to remove (or alternatively, to contact the Police Department to request assistance to remove) from the premises, any person who refuses to comply with the no smoking provisions of this Chapter.

6.45.350 Citizen Complaint

Any person may file a complaint against an individual or entity for failure or refusal to comply with or enforce the provisions of this Chapter.

6.45.400 Severability

If any provisions, clause, sentence, or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be

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severable.

6.45.450 Interpretation

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

6.45.500 Smoking Prohibited in Enclosed Places

Smoking is prohibited in Enclosed Places within the City limits of Grants Pass, except in the following areas:

- A. Entirely Age Restricted - Adult Establishments. Enclosed places which are entirely restricted to persons who are 21 years of age and older (e.g., bingo parlors, bars, gambling establishments).
- B. Partially Age Restricted - Adult Establishments. Where the public access areas of an enclosed place are partially restricted to persons who are 18 years of age and older, the restricted portion will be considered "entirely" restricted for that portion if the restroom facilities can be accessed through the premises without entering the smoking section, and the non-restricted portions of the premises are physically separated by a floor to ceiling wall from other portions of the enclosed place and have separate heating-ventilation-air conditioning (HVAC) systems for the age restricted and general public portions of the premises. The entire premises must be subject to semi-annual random inspections of the HVAC system by the City Building Official to confirm the operation and separation. If an adult establishment installs an HVAC system pursuant to this section and the City adopts restrictions within four years from the date of adoption of this Chapter which further restrict smoking at the establishment, the City shall reimburse the then current owner the prorated cost (25% for each year remaining) of that part of the HVAC system which was purchased within said four-year period for the smoking portion of the premises. (Reimbursement shall not be available for enforcement or application of State or federal laws which are more restrictive.) Areas of an establishment which are used primarily for employees, as opposed to general public customers, are not covered by this exemption. Employee smoking areas are covered under 6.45.500 D. (NOTE: See also the Adult Business restrictions of the Grants Pass Development Code at Article 30 and Article 14.600-14.650) (Ord. 5057 §1, 2001)
- C. Businesses with No On-Site Sales and a Limited Number of Employees. Businesses which do not have on site sales to the public and all employees are owners of the business and businesses which do not have on site sales to the public and have no more than one employee.

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- D. Employee Break Rooms with a Separate HVAC System. Businesses which have separate, designated “smoking break” rooms for employees (in addition to a non-smoking break room) which are physically separated by a floor to ceiling wall from other portions of the Enclosed Place, and have separate HVAC systems for the smoking break room and all other portions of the premises. The entire premises must be subject to semi-annual random inspections of the HVAC system by the City Building Official to confirm the operation and separation. If a business installs an HVAC system pursuant to this section and the City adopts restrictions within four years from the date of adoption of this Chapter which further restrict smoking at the establishment, the City shall reimburse the then current owner the prorated cost (25% for each year remaining) of that part of the HVAC system which was purchased within said four-year period for the “smoking break” room. (Reimbursement shall not be available for enforcement or application of State or federal laws which are more restrictive.)

6.45.600 Smoking Regulations on Public Property

(Ord. 5381 § 18, 2006)

Smoking is not permitted:

- A. At the Josephine County Fairgrounds: in any enclosed place, in and under any bleachers, in and under the grandstand area, and in any areas where carnival activities are conducted.
- B. On public property except for any specifically signed, designated and limited outdoor “smoking permitted” areas set aside for no other purpose which are situated away from common areas used by public employees or the general public (i.e., not located near entrances, exits, walkways, lobbies, picnic sites, recreational fields, shelters, gazebos, restrooms, activity areas, and similar amenities or uses).

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Chapter 6.46

PARKS

Sections:

6.46.010	Extension of City Police Powers
6.46.020	Parks Described
6.46.030	Park Regulations and Prohibited Conduct
6.46.040	Utilization of Open City Park Space
6.46.041	Portable Structures; Buffers from Park Amenities
6.46.045	Alcohol Prohibited in City Parks
6.46.050	Park Use Regulations--Obedience Requirement
6.46.070	Park Traffic Regulations
6.46.080	Restriction on Vehicular Access to Riverside Park
6.46.090	Camping in Parks
6.46.100	Livestock and Animals in Parks
6.46.110	Commercial Activity in Parks
6.46.200	Smoking in City Parks is Restricted
6.46.300	Park Regulations
6.46.400	Skate Park Regulations

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6.46.010 Extension of City Police Powers

- A. The City owns various lands and properties, which are commonly designated as City parks; and some of the lands were acquired under the provisions of state law, which gives the City so acquiring land the right to extend its police powers over land so acquired.
- B. The City extends its police powers into all such lands, and any regular or special police officer appointed by the City shall have full jurisdiction within such park, as if the same were contained within the present corporate boundaries and limits of the City. (Ord. 3869 §1, 1972)

6.46.020 Parks Described

For purposes of this Chapter, all parks, landscaped areas surrounding or upon City developments, such as city halls, community centers, police and fire stations, parking lots, traffic islands and dividers, or urban beautification areas owned or maintained by the City shall be considered City parks, hereinafter referred to as parks. (Ord. 3869 §2, 1972)

6.46.030 Park Regulations and Prohibited Conduct

(Ord. 23-5859)

In addition to the regulations in this Section, prohibited conduct in all City parks are governed by GPMC Chapter 5.57 and made part of this Chapter by reference.

6.46.040 Utilization of Open City Park Space

(Ord. 23-5859)

- A. All individuals utilizing open City park space shall be limited to a spatial footprint of eight feet by eight feet, or 64 square feet. All materials and personal effects must be contained within at 64 square foot footprint.
- B. There shall be a buffer of at least six feet between each spatial footprint described in Subsection A.
- C. Subsections A and B shall not apply to individuals utilizing covered gazebos for group gatherings on a drop-in or reservation basis, or to individuals utilizing open City park space for active recreation.

6.46.041 Portable Structures; Buffers from Park Amenities

(Ord. 23-5859)

- A. "Portable Structure" means any temporary structure including enclosures that are covered with fabric or another type of membrane, which are of flexible or of rigid construction, and/or serve as a shelter or barricade and

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includes canopies and air-supported, air-inflated, tensioned membrane structures or similar structures of rigid construction, temporary fencing and barricades, as well as conventional tents, sheds, shelters, trailers, lean-tos, shacks, tarps, or yurts.

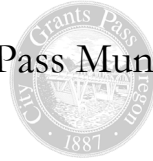
- B. No person may erect a portable structure at any City park within the following buffers:
1. 20 feet from the outermost exterior of:
 - a. A baseball or softball field;
 - b. A soccer field;
 - c. A basketball court, whether fenced or not;
 - d. A tennis or pickleball court, whether fenced or not;
 - e. A covered shelter or gazebo;
 - f. A restroom or porta potty;
 - g. A building or dwelling on City park property;
 - h. The outermost property line of a residential property directly adjacent to any City park; and
 - i. The outermost exterior of all paved or unpaved walking paths and/or trails in any City park.
 2. 50 feet from the outermost exterior of:
 - a. A stream, river, creek, lake, pond, or any other waterway;
 - b. A spray park or splash pad;
 - c. A playground or play structure.
- C. No portable structures may be erected at Riverside Park east of 6th Street, or in the any area under the Caveman Bridge at any time.

6.46.045 Alcohol Prohibited in City Parks

(Ord. 4781 §1, 1993, Ord. 5381 §18, 2006, Ord. 5516 §5, 2010 (Ord. 5533 §19, 2011))

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- A. With written permission of the City Manager or City Manager's designee, alcohol permits may be allowed for Riverside Park and Reinhart Volunteer Park at the River Vista, River House and Harry and David Shelter with the following restrictions:
1. No alcohol sales, consumption, possession or use shall occur within 150 feet of an established playground, or play area likely to attract youth attendance or participation;
 2. Boatnik alcoholic sales, consumption, possession, and use are exempt from the 150-foot restriction noted above and shall be exempt from any other portions of this ordinance that conflict with any contract between Boatnik and the City.
- B. Permits for alcohol sales, consumption, possession or use shall not be issued in any other City parks.
- C. Applicants shall request permission for the sales, consumption, possession or use of alcohol on a form provided by the Director of Community Development.
- D. Applicants shall submit general information, and shall address the following:
1. Identify the public benefit to be gained by allowing alcohol and identifying how the proceeds of the event, if any, will be used;
 2. Identify the proposed confined alcohol serving and consumption area and methods of boundary control;
 3. Define event security to be provided to avoid consumption outside defined boundaries, consumption by intoxicated guests, and consumption by minors.
- E. The City Manager shall approve or deny the application based on the criteria in Paragraph D.
- F. If the application is approved, the applicant shall:
1. Agree to use licensed servers and comply with any applicable OLCC regulations;
 2. Not use glass beverage containers for personal consumption (not to be construed to prohibit bottles of wine);

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3. Discontinue all alcohol service no later than 10:00 p.m.
4. Provide the prescribed damage deposit in advance to cover cleanup and possible damage;
5. Arrange for and pay for removal of trash generated by the event;
6. Obtain event insurance and provide evidence five business days in advance of the event of coverage in the amount of \$1,000,000 per claim and \$2,000,000 in the aggregate, naming the City as an additional insured;
7. Pay the permit fee a minimum of two weeks in advance. If the event is larger than proposed, additional fees will apply;
8. Sign a liability waiver, indemnity, defense, and hold harmless agreement on a form prescribed by the Director of Community Development;
9. Provide alternative non-alcoholic beverages;
10. Provide food items;
11. Comply with any other conditions the City deems prudent.

6.46.046 Alcohol Permit Fees

- A. Fees will be charged as set by resolution of the City Council.
- B. In the absence of permitted sale, use, possession or consumption according to this ordinance, a person authorized to enforce the provisions of the Municipal Code who observes an individual selling, using, possessing, or consuming an alcoholic beverage in a City park is authorized to seize and destroy all alcoholic beverages (where the seal has been broken) in said individual's immediate or constructive possession.
- C. The alcohol permit fee revenue is legally restricted for use by the parks program.

6.46.047 Appeal and Hearing

If the individual who is denied a permit files a written objection with the City Manager within two business days, the matter shall be placed on the City Council's agenda not earlier than two days after receiving the objection. The objection may be heard by the

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Council at its discretion at a regular meeting, at a Council workshop, or at a special meeting. The denial shall remain in effect pending the hearing and decision of the Council. At the hearing, the staff shall provide the Council with information regarding the denial and the individual shall be allowed to present relevant evidence.

6.46.050 Park Use Regulations--Obedience Requirement

It is unlawful for any person to disobey any regulation related to a park. In addition to the Ordinances and Resolutions of the Council, regulations regarding parks shall be designated by the City Manager. After designating any regulations, the City Manager shall inform the Council in writing of the regulations and shall file copies of the regulations with the Police Department, the Finance Director, and the Community Development Director. (Ord. 3869 §5, 1972; Ord. 4337 §2, 1980; Ord. 4841 §1, 1985)

6.46.070 Park Traffic Regulations

It is unlawful for any person to drive any automobile or other vehicle as defined in the Oregon Motor Vehicle Code within such parks contrary to the rules and regulations set forth in any ordinance of the City for the operation of vehicles operating within the City limits, or within any rules regarding the use of such parks created as set forth in Section 6.46.050. It is unlawful for any person to disobey any of the signs erected for the direction of traffic within such parks pursuant to this chapter or any rules made pursuant to this Chapter. (Ord. 3869 §7, 1972)

6.46.080 Restriction on Vehicular Access to Riverside Park

The City, by and through its City Manager, and at such time or times as the City Manager may determine, may prohibit vehicular access to Riverside Park during the hours of 10:00 p.m. to the following 7:00 a.m., of any day. Prohibition of such access may be implemented by means of signs, barricades, barriers, and the like, or any combination thereof, as determined by the City Manager. A vehicle for the purposes of this rule includes any automobile or other vehicle as defined in ORS 481.070, as now written or hereafter amended, and also includes any motorcycle or snowmobile. (Ord. 4157 §1, 1980)

6.46.090 Camping in Parks

- A. It is unlawful for any person to camp, as defined in GPMC Title 5 within the boundaries of the City parks. (Ord. 19-5752)
- B. Overnight parking of vehicles shall be unlawful. For the purposes of this section, anyone who parks or leaves a vehicle parked for two consecutive hours or who remains within one of the parks as herein defined for purposes of camping as defined in this section for two consecutive hours, without permission from the City Council, between the hours of midnight

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and 6:00 a.m. shall be considered in violation of this Chapter. (Ord. 3869 §11, 1972)

6.46.100 Livestock and Animals in Parks

It is unlawful for any person to permit livestock or animals of any kind or character to run at large or trespass upon land located within the boundaries of such parks. Such animals when found not on a chain or leash or otherwise not confined shall, if not otherwise dealt with by the City, be reported to the county dog control officer for application of current or future animal control laws which pertain to the City. Horseback riding shall be confined solely to vehicle roadways and designated bridle paths within such City parks. (Ord. 3869 §8, 1972)

6.46.110 Commercial Activity in Parks

(Ord. 3869 §9, 1972; Ord. 4337 §3, 1980; Ord. 16-5681)

- A. It is unlawful for any person, firm, or corporation to solicit, advertise, or peddle for commercial purposes within the boundaries of such City parks, either by word of mouth, printed matter, or other forms of commercial soliciting, advertising, or peddling; unless otherwise provided for by written agreement with the City Manager and/or their designee. (Ord. 3869 §9, 1972; Ord. 4337 §3, 1980; Ord. 23-5855)
- B. Commercial activities expected to have a large community impact, including, but not limited to:
 - 1. Extended use of park resources;
 - 2. Activity that requires or is reasonably likely to require city services additional to those already provided to the public as a matter of course in the park;
 - 3. Activity that is intended to, reasonably likely to, or actually involves, as participants and/or spectators, at any one time, 150 or more persons; or
 - 4. Activity that person or organizations engaged in the commercial activity seek to exclude, or have the right to exclude, any member of the public from the activity or from any park or from any area of the park, may require authorization from the City Council. (Ord. 23-2855)
- C. Private instruction for individuals or groups is allowed within City parks provided an application has been approved by the Community Development Department. Approval of the permit will be based upon the successful completion of a background check and proof of liability insurance.

1. Liability and Insurance: A signed statement that the permittee shall

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hold harmless the City, its officers, and employees, and shall indemnify the City, its officers, and employees for any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit.

Permittee shall furnish and maintain such public liability and property damage insurance as will protect permittee and City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit in connection therewith. Such insurance shall provide coverage of not less than the amount of municipal tort liability under the Oregon Tort Claims Act. The permittee shall name the City of Grants Pass as an additional insured by attaching an endorsement to the certificate of insurance. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to expiration of the permit without 30 days written notice to the City.

2. The Community Development Department is responsible for managing and coordinating park facilities to provide opportunities for all citizens to participate in recreation. Therefore, private instructors are required to reserve park facilities for their instruction times and pay the appropriate rental fee.

6.46.200 Smoking in City Parks is Restricted

- A. Persons are prohibited from smoking in City parks at all times in the following areas: Children's playground areas; athletic fields and courts; bleachers; grandstands; benches and spectator areas located adjacent to playgrounds, athletic fields and courts; covered picnic areas (including the Pavilion in Riverside Park); restrooms; and concession areas. (Ord. 4999 §1, 2000)
- B. Persons are prohibited from smoking in City parks in all areas, except paved parking lots, when a festival, concert, or similar public event is scheduled for that park. A limited smoking area may also be designated by the sponsoring agency if said area is clearly identified by signs and borders and is located in a restricted area at the outside edge of said festival, concert, or event. (Ord. 4999 §1, 2000)
- C. The use of any tobacco products in any portion of the skate park and surrounding grounds is prohibited. (Ord. 4999, §1, 2000; Ord. Ord. 5025 §1, 2000)

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6.46.300 Park Regulations

- A. The City Manager is authorized to establish hours of use and regulate or prohibit uses as necessary to reduce conflicts and provide for the safe operation of City parks. Within one week of establishing or changing any hours, regulations, or prohibitions, the City Manager shall notify the City Administration Building. Said hours, regulations, or prohibitions shall be effective one week after the date of the Public Notice. (Ord. 5025 §1, 2000)

6.46.350 Temporary Exclusion from City Park Properties

(Ord. 5381 § 18, 2006, Ord. 20-5790)

An individual may be issued a written exclusion order by a police officer of the Police Department barring said individual from a City park for a period of 30 days, if within a one-year period the individual:

- A. Is issued two or more citations in the same City park for violating regulations related to City park properties, or
- B. Is issued one or more citations for violating any state law(s) while on City park property.

The foregoing exclusion order shall only apply to the particular City park in which the offending conduct under 6.46.350(A) or 6.46.350(B) occurred. (Ord. 5381 § 18, 2006)

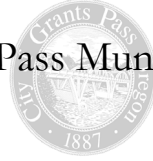
6.46.355 Appeal and Hearing

If the individual who is issued a written exclusion order files a written objection to the exclusion with the City Manager within two business days, the exclusion order shall be stayed during the pendency of the appeal and the matter shall be placed on the City Council's agenda not earlier than two days after receiving the objection. The objection may be heard by the Council at its discretion at a regular meeting, at a Council workshop, or at a special meeting. At the hearing the staff shall provide the Council with information regarding the exclusion order and the individual shall be allowed to present relevant evidence. The staff shall have the burden of proof by a preponderance of evidence. The decision of the Council is final. Notwithstanding the foregoing, Council may appoint a hearings officer as its designee for the purpose of conducting the aforementioned appeal. In such case, the decision of the hearings officer shall be final. (Ord. 5381 § 18, 2006, Ord. 20-5790)

6.46.400 Skate Park Regulations

- A. Helmets are required to be worn at all times when using the concrete skate surfaces of the park and adjacent sidewalks. (Ord. 5025 §1, 2000)

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- B. The skate surface and adjacent sidewalks are limited to non-motorized foot powered conveyance. (Ord. 5025 §1, 2000)
- C. Food, beverages, glass and obstacles are prohibited from being carried, consumed or placed on the concrete skate surface. (Ord. 5025 §1, 2000)

6.46.405 Baker Park Boat Launch Parking Restriction

(Ord. 23-5855)

- A. Striped oversize boat parking spaces provided at Baker Park are for vehicles with an attached boat trailer and unattached boat trailer parking only. Non-boating trailers or other motor vehicles without attached boat trailers are prohibited from parking in designated boat parking spaces.
- B. No vehicle with an attached boat trailer or unattached boat trailer may be parked in any standard parking space not designated for boat parking.
- C. No vehicle with an attached boat trailer or unattached boat trailer may be parked in the designated boat parking spaces one hour after sunset or one hour before sunrise.

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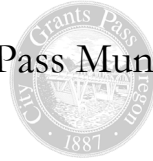
Chapter 6.47

SIDEWALK CAFES

Sections:

- 6.47.010 Purpose
- 6.47.020 Permit Required
- 6.47.030 Applicability
- 6.47.040 Definitions
- 6.47.050 Permit Process
- 6.47.060 Permit Application
- 6.47.070 Location Rules and Review Criteria
- 6.47.080 Liability and Insurance
- 6.47.090 Forms and Conditions of Permit
- 6.47.100 Denial, Revocation or Suspension of Permit

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6.47.010 Purpose

The purpose of this chapter is to encourage the use of outdoor eating and drinking areas located within the public right of way adjacent to restaurants, eateries, cafes, and other similar businesses in the Central Business District and other designated areas and to provide standards and permitting criteria for sidewalk cafes. In addition, the City finds that sidewalk cafes are desirable and that the use promotes a pedestrian-oriented environment in the City of Grants Pass while enhancing the streetscape and providing vitality and life on the streets between the buildings as well as supporting tourism and commerce. (Ord. 5544 §3, 2011)

6.47.020 Permit Required

Private use of public sidewalks for operating a sidewalk café is allowed in designated areas within the City where appropriate uses and adequate sidewalk facilities exist. A permit is required in order to operate a sidewalk café within the City's right of way, including sidewalks, and can be obtained from the Community Development Department. (Ord. 5544 §3, 2011)

6.47.030 Applicability

The placement of tables and chairs for use as sidewalk cafes on sidewalks located within the public right of way is subject to the provisions of this chapter. The placement of tables and chairs for the same purpose on private property is exempt from these regulations. (Ord. 5544 §3, 2011)

6.47.040 Definitions

(Ord. 5544 §3, 2011)

- A. Alcoholic Beverage, Sale of – The retail sale of beer, wine, or other alcoholic beverages for consumption.
- B. Adjacent Sidewalk Area – That portion of the public sidewalk between the front curb line and the property line delineated by extending the side building lines of the building until they intersect the curb line.
- C. Barrier – A physical object placed around the tables and chairs to demarcate the sidewalk café from the rest of the right of way. Barriers may include, but are not limited to, movable planter boxes, pots or stands connected by rope or chains and approved permanent barriers. All barriers must comply with access standards of sidewalks and rights of way.
- D. Pathway – A four-foot-wide horizontal area maintained between the sidewalk café and the remaining portion of right of way.

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- E. Permittee – The duly authorized person, or entity, requesting the right to operate a sidewalk café.
- F. Sidewalk Café – A portion of an eating or drinking establishment located on a public sidewalk which functions as an extension of the use of the adjacent private property by an eating or drinking establishment. A sidewalk café is open to the sky except that it may have awnings or umbrellas. No portion of the sidewalk café shall be used for any purpose other than dining, drinking, and the associated circulation therein.
- G. Sidewalk Café, operation of – Serving food and/or beverages from a restaurant, eatery, café, or other similar business to patrons seated at tables located within the adjacent sidewalk area of the business.
(Ord. 5557 §20, 2012)
- H. Vision Clearance Area – as defined in Article 30 of the Development Code.

6.47.050 Permit Process

(Ord. 5544 §3, 2011)

- A. Permit fee.
 - 1. Sidewalk café permit requests that do not include reconstruction, alteration – other than approved barriers, tables, chairs and accoutrements – or any other destruction or modification of the public right of way, including the sidewalk, are free of charge.
 - 2. Sidewalk café permit requests that include modification of the right of way shall follow the criteria for site plan and right of way encroachment permitting as outlined in Title 9 of the Municipal Code.

6.47.060 Permit Application

- A. Application for a permit to operate a sidewalk café shall be made by the Community Development Department on a form provided by the department. The request for permit shall contain at a minimum the following:
- B. A conceptual site plan showing:
 - 1. The area being proposed for use with current conditions and proposed conditions, including proposed barriers, tables, chairs and accoutrements and clear pedestrian pathway as well as existing newsstands, utility poles, bike racks, art, fire hydrants, signs, etc.

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2. The surrounding sidewalk 10 feet in each direction with current conditions.
- C. Pictures of:
1. The proposed sidewalk café area and adjacent building.
 2. The surrounding sidewalk area and building.
- D. Illustrations of:
1. Proposed barriers, tables, chairs and accoutrements, including art, landscaping, lighting, heating elements, misters, etc. intended to lie within the public right of way.
- E. A completed application.
- F. A certificate of insurance.
- G. Other information shall be provided as required by the Director or designee.

6.47.070 Location Rules and Review Criteria

(Ord. 5544 §3, 2011)

- A. The Community Development Department shall review the application for its compliance with the following criteria:
1. The operation of a sidewalk café in the public right of way is limited to businesses in the Central Business District and any other designated areas according to Title 9 of the Municipal Code.
 2. The proposed sidewalk café shall be restricted to the adjacent sidewalk area of the business requesting the permit.
 3. Notwithstanding the itinerant merchant ordinance, no business shall be permitted to erect or operate a sidewalk café in the adjacent sidewalk area of another business.
 4. The sidewalk café shall be located so that there is four feet of clear and unobstructed passageway maintained between the sidewalk café and any other fixtures or obstructions in the right of way at all times. The Director may require more than four feet when it is necessary to protect the public safety and free movement of pedestrians.

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5. The sidewalk café shall not be located within the vision clearance area at street, alley or driveway intersections.
6. When sale of alcoholic beverages is requested, the Director shall forward the application for review by the Police Department. The Police Chief will have the opportunity to make comments and/or recommendations prior to the approval of the application. (Ord. 5557 §20, 2012)
7. The operation of a sidewalk café shall require a valid food service license and business license from the appropriate health department and the City.
8. Sidewalk café permits shall expire upon either: the abandonment of the use for one year, or the invalidation, by any means, of the associated business or food service license.

6.47.080 Liability and Insurance

A signed statement that the permittee shall hold harmless the City, its officers, and employees, and shall indemnify the City, its officers, and employees for any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damages insurance as will protect permittee and City from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit in connection therewith. Such insurance shall provide coverage of not less than the amount of municipal tort liability under the Oregon Tort Claims Act. The permittee shall name the City of Grants Pass as an additional insured by attaching an endorsement to the certificate of insurance. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to expiration of the permit without 30 days written notice to the City.

6.47.090 Forms and Conditions of Permit

(Ord. 5544 §3, 2011)

- A. Requirements for all sidewalk cafes:
 1. The permit issued shall be specific to the permittee and is not transferable in any manner.
 2. The permit may be suspended temporarily by the Director if the public interest requires the use of the right of way for a public event, construction, repair, or any other purpose.

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3. The permit is specifically limited to the area approved or as modified by the Director or designee and will include a site plan showing the area approved for the sidewalk café and the location of the tables, chairs, and barrier (if applicable) permitted in the right of way.
4. No items shall be permanently affixed or attached to the public right of way without prior approval of the Director, after receiving recommendations on the appropriateness of the permanent barrier from the City Engineer. (Ord. 5557 §20, 2012)
5. A four-foot passageway shall be maintained at all times outside of the sidewalk café but within the sidewalk area.
6. All items shall be removed from the right of way after each season of operation.
7. Sidewalk café areas and the adjacent pedestrian area are required to be cleaned daily, or as required, by the permittee.
8. Tables, chairs and other structures associated with the sidewalk café shall be kept free of litter and other debris at all times when not in use.
9. Permittee shall be responsible for supervision of the sidewalk café and compliance with permit conditions and applicable law.
10. Tables, chairs and the barriers shall be made of durable materials and maintained in good condition at all times. Vinyl and/or plastic seating and tables are not permitted.
11. Umbrellas over tables shall not extend beyond the sidewalk café area into the clear pedestrian area.
12. Permittee shall name the City as an additional insured on the insurance policy and shall not terminate or cancel the policy without 30 days written notice to the City.
13. Permittee agrees to waive any and all claims of action versus the City should the permit be suspended or revoked for any purpose.
14. Signs may not be placed in any manner which would be in violation of Section 9.21.047 E or any other provision of this Code. (Ord. 5456 §2, 2008)
15. Amplified live music is not permitted within a sidewalk café.

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- B. Establishments which intend to serve alcoholic beverages at the sidewalk café shall meet the following additional requirements: (Ord. 5557 §20, 2012)
1. The business shall hold a valid Oregon Liquor Control Commission liquor license for indoor and outdoor consumption.
 2. Storage of containers commonly used for dispensing alcoholic beverages to customers including but not limited to bottles, pitchers, and carafes must be kept inside the business. No taps, kegs, coolers, or other alcoholic beverage storage devices are allowed outside on the sidewalk.
 3. All alcoholic beverage service providers must also provide food service to the licensed area.

6.47.100 Denial, Revocation or Suspension of Permit

(Ord. 5544 §3, 2011)

The Director may deny, revoke, or suspend the permit upon finding that the provisions of this chapter, condition(s) of approval, or other applicable permits or laws have been violated.

The permit is revocable at any time upon 24-hour notice by the Director for failure to comply with any permit conditions or applicable law, failure to comply with or maintain all other permits or licenses required to lawfully operate the business, or for an issue related to the public's health, safety, or welfare.

Upon denial, revocation, or suspension the Director shall give notice to the applicant or permittee in writing stating the reason. The action shall be effective immediately, but the applicant or permittee may request in writing review of said denial, revocation or suspension by the City Council. Request must be received at the Community Development office within 15 calendar days after notice is mailed or notice is personally delivered to permittee. The City Council shall hear the request for review within 30 days of receipt of the request.