

6-1.
Sect 24A added
+ Sect 39 amended
by Ord. 454

ORDINANCE NO. 428

AN ORDINANCE CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC; PROVIDING PENALTIES; REPEALING ORDINANCES; AND DECLARING AN EMERGENCY.

The city of Willamina, Oregon, ordains as follows:

Section 1. Short Title. This ordinance may be cited as "Willamina Uniform Traffic Ordinance."

Definitions

Section 2. Definitions.

(1) In addition to those definitions contained in the Oregon Vehicle Code, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

(a) Bus stop. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

(b) Holiday. New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the council to be a holiday.

(c) Loading zone. A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

(d) Motor vehicle. Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

(e) Person. A natural person, firm, partnership, association or corporation.

(f) Street. Highway, road or street as defined in ORS 487.055(7).

(g) Taxicab stand. A space on the edge of a roadway designated by sign for use by taxicabs.

(h) Traffic lane. That area of the roadway used for the movement of a single line of traffic.

(i) Vehicle. As used in subsequent sections of this ordinance, includes bicycles.

Sect 13 repealed by Ord. 552
Sect 15(2) amended by Ord. 553
Sect 35 amended by Ord. 551
Section 9 added by Ord. 428

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(2) As used in this ordinance, the singular includes the plural; and the masculine includes the feminine.

Administration

Section 3. Powers of the Council.

(1) Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance.

(2) The powers of the council shall include, but not be limited to:

- (a) Designation of through streets. (ORS 487.875).
- (b) Designation of one-way streets. (ORS 487.855)
- (1) (a)).
- (c) Designation of truck routes. (ORS 483.542).
- (d) Designation of parking meter zones.
- (e) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage. (ORS 487.905).
- (f) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law. (ORS 483.525).
- (g) Initiation of proceedings to change speed zones. (ORS 487.490(2)).
- (h) Revision of speed limits in parks. (ORS 487.865).

Section 4. Duties of the Chief of Police. The chief of police or his designate shall exercise the following duties:

(1) 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.

(2) Establish, remove or alter the following classes of traffic controls:

- (a) Crosswalks (ORS 487.860), safety zones (ORS 487.885(1)(b), and traffic lanes (487.885(1)(a)).
- (b) Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies (ORS 487.885(1)(c)).
- (c) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal). (ORS 487.890).

(3) Issue oversize or overweight vehicle permits (ORS 482.502-483.536).

Section 5. Public Danger. Under conditions constituting a danger to the public, the chief of police or his designate may install temporary traffic control devices deemed by him to be necessary.

Section 6. Standards. The regulations of the chief of police or his designate shall be based upon:

(1) Traffic engineering principles and traffic investigations.

(2) Standards, limitations and rules promulgated by the Oregon Transportation Commission.

(3) Other recognized traffic control standards.

Section 7. Authority of Police and Fire Officers.

(1) It shall be the duty of police officers to enforce the provisions of this ordinance.

(2) In the event of a fire or other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

General Regulations

Section 8. Crossing Private Property. No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

Section 9. Unlawful Riding.

(1) No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employe engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

(2) No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

Section 10. Sleds on Streets. No person shall use the streets for traveling on skis, toboggans, sleds or similar devices, except where authorized.

Section 10A added by 562

Section 11. Damaging Sidewalks and Curbs.

(1) The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

(2) No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

(3) No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.

Section 12. Removing Glass and Debris. A party to a vehicle accident, or a person causing broken glass or other debris to be upon a street, shall remove the glass and other debris from the street.

Section 13. Storage of Motor Vehicles on Streets. No person shall store or permit to be stored on a street or other public property, without permission of the council, a motor vehicle or personal property for a period in excess of 48 hours. Failure to move a motor vehicle or other personal property for a period of 48 hours shall constitute prima facie evidence of storage of a motor vehicle.

*Set 13
Repealed by
Ord #552*

Parking Regulations

Section 14. Method of Parking.

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

(2) The operator 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.

(3) Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

Section 15. Prohibited Parking or Standing. In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

(1) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.

(2) A motor truck as defined by ORS 483.014(2) on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation.

*amended
by Ord. 563*

Section 16. Prohibited Parking. No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

- (1) Displaying the vehicle for sale.
- (2) Repairing or servicing the vehicle, except repairs necessitated by an emergency.
- (3) Displaying advertising from the vehicle.
- (4) Selling merchandise from the vehicle, except when authorized.

Section 17. Use of Loading Zone. No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case, when the hours applicable to the loading zone are in effect, shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

Section 18. Unattended Vehicles. Whenever a police officer shall find a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

Section 19. Standing or Parking of Buses or Taxicabs. The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively; except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

Section 20. Restricted Use of Bus and Taxicab Stands. No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except

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that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

Section 21. Lights on Parked Vehicle. No lights need be displayed upon a vehicle that is parked in accordance with this ordinance upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

Section 22. Extension of Parking Time. Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

Section 23. Exemption. The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state, or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

Bicycles

Section 24. Bicycle Operating Rules. In addition to observing all other applicable provisions of this ordinance and state law pertaining to bicycles, a person shall:

(1) 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 relating to the parking of motor vehicles.

(2) Not ride a bicycle upon a sidewalk within the corporate city limits.

Section 24A. Licensing of Bicycles.

(1) No person who owns or controls a bicycle shall keep, possess or use that bicycle within the city unless that bicycle bears a valid, current bicycle license issued by the city for that bicycle. It shall be a defense to any complaint charging a violation of this subsection that the defendant was a nonresident of the city and was keeping, possessing or using the bicycle at the time

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charged only for the purpose of travel to and from points outside the city.

(2) Bicycle licenses shall be issued by the chief of police for periods of two years, the initial period to have commenced January 1, 1974.

(3) The license fee for a two-year period shall be \$1.00 on each licensed bicycle. This fee shall be prorated at the rate of \$0.50 per each elapsed year in any one two-year period, a fraction of a year shall be considered a full year in determining the amount of license fee to be charged.

(4) In the event of the loss, theft or mutilation of a bicycle license, the city shall issue a duplicate or replacement bicycle license for a fee of \$0.25. [Section 24A added by Ordinance 454, §1, passed August 31, 1978.]

Section 25. Impounding of Bicycles.

(1) No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

(2) A bicycle left on public property for a period in excess of 24 hours may be impounded by the police department.

(3) In addition to any citation issued, a bicycle parked in violation of this ordinance may be immediately impounded by the police department.

(4) If a bicycle impounded under this ordinance 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.

(5) A bicycle impounded under this ordinance which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

(6) Except as provided in Subsection (4), a fee of \$2.00 shall be charged to the owner of a bicycle impounded under this section.

Pedestrians

Section 26. Pedestrians Must Use Crosswalks. No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within 150 feet of a marked crosswalk.

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Section 27. Right Angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

Parades and Processions

Section 28. Prohibited Activity. No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people utilizing the public right-of-way and consisting of 15 or more persons or five or more vehicles

Section 29. Parade Permit.

(1) Application for parade permits shall be made to the chief of police at least 15 days prior to the intended date of the parade, unless the time is waived by him.

(2) Applications shall include the following information:

(a) The name and address of the person responsible for the proposed parade.

(b) The date of the proposed parade.

(c) The desired route, including assembling points.

(d) The number of persons, vehicles and animals which will be participating in the parade.

(e) The proposed starting and ending time.

(f) The application shall be signed by the person designated as chairman.

(3) If the chief of police, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he shall approve the route and issue the permit.

(4) If the chief of police determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he may:

(a) Propose an alternate route.

(b) Propose an alternate date.

(c) Refuse to issue a parade permit.

(5) The chief of police shall notify the applicant of his decision within five days of receipt of the application.

(6) If the chief of police proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the city council.

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Section 30. Appeal to Council.

(1) An applicant may appeal the decision of the chief of police by filing a written request of appeal with the city recorder within five days after the chief of police has proposed alternatives or refused to issue a permit.

(2) The council shall schedule a hearing date which shall not be later than the second regular session following the filing of the written appeal with the city recorder and shall notify the applicant of the date and time that he may appear either in person or by a representative.

Section 31. Offenses Against Parade.

(1) No person shall unreasonably interfere with a parade or parade participant.

(2) No person shall operate a vehicle that is not a part of a parade between the vehicles or persons comprising a parade.

Section 32. Permit Revocable. The chief of police may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

Section 33. Funeral Procession.

(1) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(2) The procession shall be accompanied by adequate escort vehicles for traffic control purposes.

(3) All motor vehicles in the procession shall be operated with their lights turned on.

(4) No person shall unreasonably interfere with a funeral procession.

(5) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

Parking Citations and Owner Responsibility

Section 34. Citation on Illegally Parked Vehicle. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation

instructing the operator to answer to the charge against him or pay the penalty imposed within five days during the hours and at a place specified in the citation.

Section 35. Failure to Comply with Traffic Citation Attached to Parked Vehicle. If the operator does not respond to a traffic citation affixed to a vehicle within a period of five days, the city recorder may send to the owner of the vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning him that in the event that the letter is disregarded for a period of five days, a warrant for the arrest of the owner will be issued.

*Amended
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Section 36. Owner Responsibility. The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent.

Section 37. Registered Owner Presumption. In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

Impoundment and Penalties

Section 38. Impoundment of Vehicles.

(1) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

(2) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of the ordinance of the city relating to impoundment and disposition of vehicles abandoned on the city streets.

(3) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this ordinance.

(4) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(5) Whenever a police officer observes a vehicle parked in violation of a provision of this ordinance or state law, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as is provided in Subsection (2) of this section.

Section 39. Penalties.

(1) Violation of Sections 8 through 13 is punishable by a fine not to exceed \$100.00.

(2) Violation of Sections 14 through 24, and 25 through 33, is punishable by a fine not to exceed \$50.00.

(3) Violation of Section 24A is punishable by a fine not to exceed \$25.00.

[Section 39 as amended by Ordinance No. 454, §2, passed August 31, 1978.]

General

Section 40. Severability Clause. If a portion of this ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this ordinance.

Section 41. Repeal. Ordinance No. 348, passed by the council and approved by the mayor July 14, 1969, relating to traffic control; and Ordinance No. 365, passed by the council and approved by the mayor February 11, 1971, relating to the operation of motor vehicles on other property open to public travel, are repealed.

Section 42. Saving Clause. The repeal of any ordinance by Section 41 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Section 43. Emergency Clause. Inasmuch as it is necessary for the immediate preservation of the public health, peace and safety of the city of Willamina that

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the city's traffic ordinance be revised to delete those provisions which are obsolete or adequately prosecuted under state law, to add new provisions to meet existing and emergent problems, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect from and after its passage by the council and approval by the mayor.

Passed by the council and approved by the mayor
August 12, 1976.

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