

REGULAR WEEKLY MEETING OF THE COUNCIL OF THE CITY OF BROOKINGS

NOVEMBER 6, 1951

The meeting was called to order at 8 P.M. by Mayor Robert O. Dimmick. Council members present were Warren Smith, Pete J. Lesmeister, Fred Fox, Council members absent: Charles Young. Minutes of Council Meeting of October 30 read and approved. Communications read and discussed.

Councilman Lesmeister was instructed to write to the General Service Administration, 630 Sansome Street, San Francisco 11, for information in regard to surplus property for the use of city buildings.

City Engineer Charles Echols appeared before the council seeking approval of the Wade subdivision. A motion was made by Councilman Lesmeister, seconded by Councilman Fox, that this subdivision be approved and duly recorded. Ayes: Fox - Smith - Lesmeister. Absent: Charles Young.

City Attorney Hall spoke on the petition to be presented to the County Court about the city streets within the incorporated limites of the City of Brookings. After considerable discussion City Attorney Hall was directed to petition for all streets with the exception of the Azalea State Park road from Highway 101 into the Azalea State Park.

Mr. Don Gravley, who is building the new restaurant north of Arnold Lane, appeared before the City Council with reference to his application which had the approval of the county court and had been submitted to the Oregon State Liquor Control Commission. He stated the reason for his appearance at the present time was due to a cloud on the title of the property and the commission would not grant approval until this title was clear. Mr. Gravley stated that the title was now clear. In the meantime the city having been incorporated, he was advised by his attorney that he would need the approval of the city council on his application. There will be a hearing next week on his application and Mr. Gravley will then appear again before the city council.

*for Restaurant Set-up License*

Mayor Dimmick stated that he had received the renewal application on Ken's Tavern which must be approved by the city council. This tavern is owned and operated by Kenneth Taylor and Clarence Stoller. A motion was made by Councilman Fox, seconded by Councilman Lesmeister, that the application be approved.

Councilman Smith spoke about the condition of Easy Street and suggested that the city council inspect the road and that some action be taken in the near future. Councilman Lesmeister stated that he would have City Engineer Echols and Mr. Ross Putnam make an inspection.

City Attorney Hall read for the second time Ordinance No. 9, an ordinance creating the office of city engineer, providing for the appointment of the city engineer, providing for the duties thereof, prescribing the qualifications therefor, prescribing the compensation therefor and declaring an emergency.

City Attorney Hall read for the first time Ordinance No. 10, an ordinance for the regulation of traffic, adopting by reference certain sections of Oregon compiled laws annotated relating to traffic, for the regulation of parking, drunken and reckless driving, providing authority of the Chief of Police and Police officers, providing for traffic signs and markers, providing certain definitions, providing penalties for the violation thereof and declaring an emergency.

The City of Brookings does ordain as follows:

Section 1. ADOPTION OF STATE TRAFFIC LAWS. The following enumerated sections of the State "Uniform Traffic Act" Title 115, Chapter 3, Oregon Compiled Laws Annotated, as amended by Chapters 58, 69, 428 and 458 Oregon Laws 1941, Chapter 291 Oregon Laws 1943, Chapters 16, 297 and 407 Oregon Laws 1947, Chapters 198 and 301 Oregon Laws 1949, Chapters 344, 400 and 426 Oregon Laws 1951, together with all amendments thereto which are now or may hereafter be effective, are hereby adopted by reference and made a part of this ordinance the same as though said sections and amendments were set forth verbatim herein.

115-301, 115-302, 115-303, 115-304, 115-305, 115-306,  
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115-3,101

Chapter 405 Oregon Laws 1951 is hereby adopted by reference and made a part of this ordinance the same as though it were set forth verbatim herein.

All acts which are made unlawful by the above enumerated sections of the Oregon Compiled Laws Annotated, as amended, are hereby declared to be offenses against the City of Brookings when committed within its limits, and any person guilty thereof shall be punished by the penalties hereinafter provided, which penalties shall, for the purpose of this ordinance, supersede all other penalties.

Section 2, DEFINITIONS. In addition to the definitions contained in Section 115-301 Oregon Compiled Laws Annotated, as amended, adopted by reference in Section 1 hereof, the following words and phrases when used in this ordinance shall have the following meanings except where the context thoroughly indicates a different meaning.

(a) Loading zone. The term "loading zone" shall mean that space on a street adjacent to the curb thereof which has been reserved, by official action of the Council taken at one of its regular meetings and entered in the journal, for the exclusive use of vehicles loading or unloading merchandise, materials or supplies.

(b) Taxi zone. The term "taxi zone" shall mean that space upon a street adjacent to the curb which has been reserved, by official action of the Council taken at one of its regular meetings and entered in the journal, for the exclusive use of taxicabs.

(c) Street. The term "street" as used in this ordinance shall be deemed to mean and include all highways, avenues, alleys, and streets in the City of Brookings, Oregon.

(d) Parking. The term "parking" shall mean the act of leaving a motor vehicle stopped upon any street, as in this ordinance defined, or upon any other public place in the City of Brookings, whether such motor vehicle is attended or unattended by a person.

(e) Double parking. The term "double parking" shall mean the parking of a motor vehicle upon any street, as herein defined, in the City of Brookings, when there is another motor vehicle parked between it and the right hand curb of said street.

(f) Operator. The term "operator" as used in this ordinance shall mean any person, including a chauffeur, who is in actual physical control of a motor vehicle upon the streets, as herein defined, in the City of Brookings. This definition shall supersede the definition of an operator given in Section 115-301 Oregon Compiled Laws Annotated as amended.

SECTION 3. U-TURN. It shall be unlawful for any operator to reverse the direction of any motor vehicle upon any street in the City of Brookings, except at street intersections; provided, however, that no operator shall reverse the direction of any motor vehicle at any street intersection in the City specifying that such a reverse turn (u-turn) is not permitted.

SECTION 4. RIGHT OF WAY UPON MOVING MOTOR VEHICLES FROM PARKED POSITION. The operator of any motor vehicle, upon moving it from a parked position upon any street in the City of Brookings, shall yield the right-of-way to any other motor vehicle then traveling upon said street when the proximity of such other motor vehicle is such that movement of such parked motor vehicle would constitute a traffic hazard.

SECTION 5. ROLLER SKATING. It shall be unlawful for any person to roller skate upon the streets of the City of Brookings.

SECTION 6. SLEDS, TOBOGGANS BEHIND CARS. It shall be unlawful for any person to attach or tie to any motor vehicle which is operated upon the streets of the City of Brookings any sled, toboggan or similar contrivance or thing, and it shall be unlawful for any operator of any motor vehicle to permit any sled, toboggan or similar contrivance or thing to be attached or tied to any motor vehicle being driven by such operator; provided, however, that the provisions of this section shall not apply to trailers, bus trailers, pole or pipe dollies, nor to cars being towed when the same are not attached or towed contrary to any state law or ordinance of the City of Brookings.

SECTION 7. DRIVING OVER CURBS AND UPON SIDEWALKS. It shall be unlawful for any person to operate, drive or propel any wagon, tractor, automobile, truck, or other motor vehicle, or similar type of equipment of any description over any street and sidewalk curb, or over or upon any sidewalk in the City of Brookings, except where any such curb has been lawfully cut and prepared as a means of ingress and egress to and from abutting real property; provided, however, that upon a proper showing of the need therefor made to the Chief of Police of the City of Brookings, the Chief of Police may, in the exercise of sound discretion, permit any such vehicle or piece of equipment to be driven or propelled over any such curb and across, but not along any such sidewalk on the condition that the applicant for such permit take all precautionary measures to avoid causing damage to any such curb or sidewalk and on the further condition that any such applicant agree to pay for the repair of any damage done to any such curb or sidewalk by reason of the movement of any such vehicle or piece of equipment over any such curb or across any such sidewalk.

SECTION 8. BREAKING GLASS ON STREETS OR SIDEWALKS - REMOVING GLASS AND DEBRIS AFTER ACCIDENTS. It shall be unlawful for any person to willfully ~~be~~ break any glass bottle or other glass thing upon any street or sidewalk in the City of Brookings; and it shall be unlawful for any operator of any motor vehicle involved in a collision upon any street in the City of Brookings not to clean up and remove to a safe place any glass or other debris lying or being upon such street as a result of such collision; and

it shall be unlawful for any person who shall otherwise accidentally break any glass bottle or other glass thing upon any street or sidewalk in the City of Brookings not to clean up the broken pieces of glass resulting therefrom and remove them from such street or sidewalk to a safe place; provided, however, that this section shall not apply to any person or operator who, as a result of any such collision or accident, is physically or mentally in no condition to so clean up and remove such glass or debris.

**SECTION 9. CLEATS AND SPIKES ON WHEELS.** No time on any motor vehicle or any other vehicle, unless such vehicle be actually engaged at the time in construction or repair work on public streets of the City of Brookings, shall have on the periphery of its wheels any block, cleat, bead or any other protuberance of metal which projects beyond the tread of traction surface of any such tire.

**SECTION 10. INGRESS AND EGRESS DRIVEWAYS AFFECTING CURBS.** It shall be unlawful for any person to place any dirt, wood or other material in the gutter or space next to the curb of any street in the City of Brookings with the intention of using the same as a driveway or to remove or damage in any way any portion of any street curb without having first obtained a written permit therefor from the City Council or its duly authorized representative, the authority of which representative must be shown by official action taken by the Council and entered in the journal.

**SECTION 11. PARADES.** During any parade sanctioned by the Commissioner of Police and having a defined route over the streets of the City of Brookings, the Chief of Police and his subordinate police officers may clear the streets over which such parade is routed and prohibit vehicles and pedestrians from crossing said street or streets during the process of such parade, and it shall be unlawful for any person to disobey the direct order of the Chief of Police or any such police officer given with respect to clearing or crossing any such street.

**SECTION 12 - FUNERAL PROCESSIONS.** It shall be unlawful for any pedestrian or operator of any vehicle of any kind to break through the line of any funeral procession.

**SECTION 13. OBSTRUCTING STREETS.** Except as otherwise provided in this ordinance, it shall be unlawful for any person, firm or corporation, unless written permission has been first obtained from the Commissioner of Police, to park, place or leave any motor vehicle or any part thereof, or any trailer, box, ware or merchandise of any description, or any other thing that in any way impedes traffic, or obstructs the view upon any street, alley, parking strip, sidewalk or curb in the City of Brookings.

**SECTION 14. METHOD OF PARKING.**

(a) Chetco Avenue. Parking on the South side of Chetco Avenue between the Pine Cone Theatre and Oak Street shall be diagonal to the curb. It shall be unlawful for any person to park a motor vehicle upon Chetco Avenue contrary to this sub-section.

(b) Parking on other streets. Parking on streets in the City of Brookings, other than Chetco Avenue, shall be as specified by a resolution duly adopted by the Council at one of its regular meetings

and entered in the journal; and when the Council has specified the method of parking on any particular street by resolution, as herein provided, it shall be the duty of the Commissioner of Police to cause each street affected by said resolution to be posted, at reasonable intervals, with a sign, conspicuously displayed, indicating the method of parking required upon said street by said resolution. It shall be unlawful for any person to park any motor vehicle or other vehicle upon any street so posted contrary to said resolution.

(c) Parking near fire. Whenever any building or other structure is on fire in the City of Brookings, it shall be unlawful for any person to park any motor vehicle or other vehicle in such proximity to said building or structure as to hinder or interfere with those who are attempting to suppress and extinguish said fire.

(d) Parking near fire hydrant. It shall be unlawful for any person to park a motor vehicle or any other vehicle within ten (10) feet of any fire hydrant.

Section 15. LEAVING CHILDREN IN PARKED VEHICLE PROHIBITED. It shall be unlawful in the City of Brookings for any person or persons to leave any child or children under the age of twelve (12) years in a parked vehicle for more than thirty (30) minutes unless such child or children are uninterruptedly attended by a competent person over the age of eighteen (18) years.

Section 16. PARKING TIME LIMITS. The lawful time allowed for parking any vehicle upon any street or section thereof in the City of Brookings, other than motor trucks and trailers engaged in the actual loading or unloading of freight, merchandise or supplies, shall be determined by a resolution of the Council, duly adopted at one of the Council's regular meetings and entered in the journal. When the Council has determined the lawful time allowed for parking vehicles upon any street or section thereof in the City of Brookings by a resolution as provided for herein, the Commissioner of Police shall cause such street or section thereof to have signs specifying the period of time allowed by such resolution for parking on said street or section thereof, and such sign shall be conspicuously displayed and placed at reasonable intervals next to the curb of said street or section thereof. Such periods of time and the signs specifying the same may be changed from time to time by resolution of the Council, duly adopted at one of its regular meetings and entered in the journal. It shall be unlawful for any person to allow his vehicle to be parked upon any street in the City of Brookings for a greater length of time than that allowed by such resolution of the Council when such street or section thereof has a sign placed thereon, specifying the lawful period of time for parking, as provided for herein. Provided, however, that no time limit specified by resolution of the Council, as herein provided, shall apply or be effective on Sundays or the following legal holidays: New Year's Day, Memorial Day, Independence Day, Armistice Day, Thanksgiving Day, Christmas Day and Labor Day.

Section 17. PARKING IN TRAVELED LANE OR STREET PROHIBITED. It shall be unlawful for any person to park any vehicle upon the traveled lane of any street in the City of Brookings, except in the case of a breakdown of such vehicle or an emergency; provided, however, that the operator of any vehicle ~~broken down~~ parked upon the traveled lane of any such street because of a breakdown or an emergency shall move such vehicle off such traveled lane at the earliest time practicable considering all the circumstances, and if such operator fails to so remove such vehicle, he shall be deemed guilty of a violation of this section.

Section 18. PROHIBITED PARKING AREAS. In addition to the areas where parking is prohibited by the above referred to sections of Oregon Compiled Laws Annotated, parking shall be prohibited in such areas and at such places as the Council shall, by resolution duly adopted at one of its regular meetings and entered in the journal, specify; and when the Council has prohibited parking in any area or at any place by resolution as herein provided for, it shall be the duty of the Commissioner of Police to indicate in such areas and at such places by appropriate signs or markings that parking therein and thereat is prohibited. It shall be unlawful for any person to park any vehicle in any area or at any place where the Council has, by such resolution, prohibited parking.

Section 19. STORING VEHICLES ON STREETS. It shall be unlawful for any person, firm or corporation to store any motor vehicle or any other kind of vehicle upon any street in the City of Brookings without first having obtained a written permit therefor from the Commissioner of Police; provided however, that mechanics may repair any such vehicle which has broken down or become disabled upon any street if the same is temporarily upon such street for that purpose and is not obstructing traffic.

Section 20. DRUNKEN DRIVING.

(a) It shall be unlawful for any habitual user of narcotic drugs or any person under the influence of intoxicating liquor or narcotic drugs to drive any vehicle upon any street within the City of Brookings.

(b) Every person who is convicted of a violation of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the City jail for a period not longer than six months or by both such fine and imprisonment.

(c) The Chief of Police and any other police officer of the Bureau of Police, upon arresting any person for drunken driving, shall seize and impound the vehicle which the arrested person was driving at the time of such arrest, and the Chief of Police shall keep such vehicle impounded until the same has been ordered released by order of the Municipal Judge; and if the arrested person be found guilty of drunken driving, he shall, in addition to any other punishment administered by the Municipal Court pursuant to this section, pay all costs of towing and storage of said vehicle; provided, however, that the Chief of Police shall not cause said vehicle to be stored outside the limits of the City of Brookings.

(d) Whenever any vehicle is seized and impounded by the Chief of Police or any other police officer of the Bureau of Police pursuant to the provisions of this section, such vehicle may be placed in storage in any privately owned garage.

(e) Any person arrested for drunken driving under the provisions of this section, if he be not the owner of the vehicle driven by him at the time of arrest, shall, if the owner of such vehicle or his duly authorized agent voluntarily gave or acquiesced in the accused taking possession of said vehicle, be conclusively presumed to be the agent of the owner of said vehicle; and said vehicle shall not be released to the owner of such vehicle or any other person until all accrued storage and towing charges shall have been paid to the Municipal Court for the City of Brookings.

Section 21. RECKLESS DRIVING. Any person who drives any vehicle upon any street carelessly, recklessly or heedlessly in willful or wanton disregard of the rights or safety of others or without due caution and circumspection, and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be punished by a fine of not less than twenty-five dollars (\$25.00) or more than Five Hundred Dollars (\$500.00) or by imprisonment in the City jail for a period of not more than six months or by both such fine and imprisonment.

Section 22. GENERAL TRAFFIC REGULATIONS BY RESOLUTION OF COUNCIL. Except as in this ordinance otherwise provided, the Council may, by resolution:

(a) Designate as through streets or main arterial ways such streets in the City of Brookings as it deems necessary.

(b) Designate as stop streets such streets in the City of Brookings as it deems necessary.

(c) Designate in the City of Brookings areas and places in which no parking shall be permitted and areas and places in the City of Brookings in which the time of parking shall be limited as it deems necessary.

(d) Direct the Commissioner of Police to place and maintain such traffic signs, markers and signals as it deems necessary to carry the above powers into effect and for the regulation and safety of traffic.

(e) Require the owner of any property abutting upon a street to prune or trim any trees or shrubs which are situated along or near any street in such a manner and to such an extent that such trees or shrubs will not obstruct the view for traffic using said street, and it may order the removal or alteration of any sign or fence or other object situated along any street and which constitutes an obstruction of the view of traffic using any such street. If the owner of such property, after being notified by a letter from the City Recorder, refuses to so prune or trim any such trees or shrubs, or refuses to remove or alter any such sign, fence or other object within fifteen days from the date said letter was deposited in the United States Post Office at Brookings, Oregon, the Commissioner of Police may hire any person to so prune or trim such trees or shrubs or remove or alter any such sign, fence or other object, and such property owner shall pay the cost thereof within fifteen days from the date such work has been completed; and if he fails to do so, he shall be deemed guilty of a violation of this ordinance and be punished as hereinafter provided.

Section 23. PENALTIES. It shall be unlawful for any person to violate any of the provisions of this ordinance, and except as otherwise provided herein, every person convicted of violating any of the provisions of this ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the City jail for not more than thirty days or by both such fine and imprisonment; provided, however, that for a second or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than Two Hundred Dollars or by imprisonment in the City jail for not more than sixty days or by both such fine and imprisonment.

Section 24. EMERGENCY CLAUSE. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Brookings, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

Read by title and in full this 6th day of November, 1951.

Councilman Fox made a motion, seconded by Councilman Smith, that we read Ordinance #10, second time. Ayes: Councilmen Fox, Lesmeister and Smith. Absent, Councilman Young.

Ordinance No. 10 read a second time by title this 6th day of November, 1951.

Ordinance No. 10 read a third time by title in full and passed by the Council this sixth day of November, 1951. Ayes: Councilmen Fox, Lesmeister, Smith. Absent: Councilman Young.

Ordinance No. 9\*read a third time by title and passed by the Council this 6th day of November, 1951. Ayes: Councilmen Fox, Lesmeister, Smith. Absent: Councilman Young. \*An ordinance creating the office of city engineer providing for the appointment of the city engineer, providing for the duties thereof, prescribing the qualifications therefor, prescribing the compensation therefor and declaring an emergency.

Under general discussion with reference to pinball machines, punchboards and other games of chance, roulette or similar devices (clocks) Attorney Hall was directed to draft a new ordinance setting license fees on pinball machines at \$60.00 per year per machine; punch boards 2% gross face value of each board; roulett, etc., \$60.00 per machine; Coin operated music boxes, licensed by the distributor, \$40.00 per machine per year.

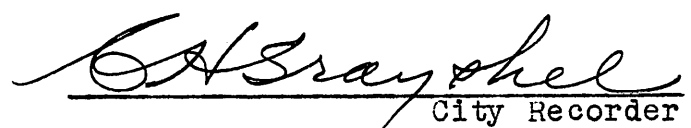
City Attorney Hall was instructed to create an ordinance prohibiting the shooting of B&B-Guns and small bore fire-arms within the incorporated city limits.

City Attorney Hall was instructed to draft an ordinance creating a curfew law for children under eighteen years of age after 10:30 p.m.

Councilman Smith made a motion, seconded by Councilman Lesmeister, that the city pay the census enumerators a sum of 75¢ for gasoline and 5¢ per name. Motion carried. Voting ayes: Councilmen Fox, Lesmeister and Smith. Absent: Councilman Young.

Councilman Lesmeister made a motion, seconded by Councilman Smith, that city funds be deposited in the Curry County Bank at Gold Beach until banking facilities are available in Brookings. Motion carried. Voting ayes: Councilmen Fox, Lesmeister and Smith. Absent: Councilman Young.

No further business council meeting adjourned at 1:00 P.M. until next regular meeting November 13, 1951.

  
City Recorder