

ORDINANCE NO. 389

AN ORDINANCE TO REGULATE TRAFFIC; ADOPTING BY REFERENCE CERTAIN SECTIONS OF THE OREGON REVISED STATUTES; PROVIDING FOR LOCAL TRAFFIC REGULATIONS, THE REGULATION OF PARKING, DRUNKEN AND RECKLESS DRIVING, AND THE PLACING AND MAINTENANCE OF TRAFFIC SIGNS AND MARKERS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

SECTION ONE: ADOPTION OF CERTAIN SECTIONS OF OREGON REVISED STATUTES.

The following enumerated sections of the Oregon Revised Statutes, together with all amendments which may hereafter be enacted are hereby adopted by reference and expressly made a part of this ordinance:

164.650, 164.660, 166.630, 483.002, 483.004, 483.006, 483.008, 483.010, 483.012, 483.014, 483.016, 483.018, 483.020, 483.022, 483.024, 483.026, 483.028, 483.030, 483.032, 483.034, 483.036, 483.038, 483.040, 483.042, 483.044, 483.046, 483.048, 483.050, 483.054, 483.102, 483.104, 483.106, 483.108, 483.110, 483.112, 483.114, 483.116, 483.118, 483.120, 483.122, 483.124, 483.126, 483.128, 483.130, 483.132, 483.134, 483.136, 483.138, 483.140, 483.202, 483.204, 483.206, 483.208, 483.210, 483.212, 483.214, 483.216, 483.218, 483.220, 483.222, 483.224, 483.226, 483.228, 483.230, 483.232, 483.234, 483.302, 483.304, 483.306, 483.308, 483.310, 483.312, 483.314, 483.316, 483.318, 483.320, 483.322, 483.324, 483.326, 483.328, 483.330, 483.332, 483.334, 483.336, 483.338, 483.346, 483.348, 483.350, 483.402, 483.404, 483.406, 483.408, 483.410, 483.412, 483.414, 483.416, 483.418, 483.420, 483.422, 483.424, 483.426, 483.428, 483.430, 483.432, 483.434, 483.436, 483.438, 483.440, 483.442, 483.444, 483.446, 483.448, 483.450, 483.452, 483.454, 483.456, 483.458, 483.460, 483.462, 483.464, 483.466, 483.468, 483.470, 483.502, 483.504, 483.506, 483.508, 483.510, 483.512, 483.514, 483.516, 483.518, 483.520, 483.522, 483.524, 483.526, 483.528, 483.530, 483.532, 483.536, 483.538, 483.540, 483.542, 483.544, 483.602, 483.604, 483.606, 483.608, 483.610, 483.612, 483.614, 483.616, 483.618, 483.620, 483.624, 483.626, 483.628, 483.630, 649.080.

All acts which are made unlawful by the above mentioned sections of the State Laws for the State of Oregon shall be considered as offenses against the City of Canby when committed within its boundaries and shall be punished upon conviction by the penalties hereinafter provided which shall for the purposes of this ordinance supersede all other penalties.

SECTION 2: DEFINITIONS

In addition to the definitions contained in the sections of Oregon Revised Statutes adopted by reference in the foregoing SECTION 1, the following words and phrases when used in this ordinance shall have the following meanings except where the context clearly indicates a different meaning:

(a) Loading Zone: That space adjacent to the curbs reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(b) Parking: To stop and stand with or without a driver or to leave a motor vehicle upon any street, alley or public place in the city.

(c) Highway: The term "Highway" as used in this ordinance and in the sections of the State Laws adopted by reference in this ordinance shall be deemed to include all streets and alleys in the City of Canby.

SECTION 3: U.TURNS

It shall be unlawful for any person to reverse the direction of any motor vehicle by making a "U" turn upon any street in the city except at street intersections; provided however, that no reverse turns shall be made by the driver of any vehicle at any street intersection where any type of sign or marker is erected prohibiting any such reverse turn.

SECTION 4: VEHICLES IN MOTION TO HAVE RIGHT OF WAY

The driver of any vehicle approaching from the rear of a stopped or parked vehicle shall have the right of way over any such stopped or parked vehicle and the driver or owner of any such stopped or parked vehicle shall be liable and responsible for any damage caused by a collision by reason of such stopped or parked vehicle moving out of position before the way is clear and before any vehicle having the right of way has passed; provided however that if the approaching vehicle is being operated or driven in any manner constituting a violation of any part of this ordinance the driver or owner of any such approaching vehicle shall forfeit all claim to the right of way and shall be held responsible for any accident arising from such violation.

SECTION 5: ROLLER SKATING

It shall be unlawful for any person to be upon any street, sidewalk or alley wearing roller skates or for any person to skate on roller skates upon any street or sidewalk.

SECTION 6: SLEDS BEHIND CARS

It shall be unlawful for any person to attach or tie to any motor vehicle which is operated on the streets of the City of Canby, any sled, toboggan or similar contrivance or thing and it shall be unlawful for the operator of any motor vehicle to permit any sled or toboggan or similar contrivance or thing to be attached or tied to any motor vehicle being driven by such operator; provided that the provisions of this section shall not apply to trailers or pole or pipe dollies or to cars being towed when the same are attached or are being towed in accordance with this ordinance.

SECTION 7: DRIVING ON SIDEWALKS

It shall be unlawful for any person to drive, wheel, draw or otherwise propel or move any hand cart, hand truck, wagon, or wheelbarrow exceeding 24 inches in width upon or along any sidewalk. It shall be unlawful for any person to drive, propel or otherwise move any horse, cattle or other livestock, or any

bicycle, motorcycle, wagon, woodsaw, truck, automobile or other motor vehicle of any description upon, over or across any sidewalk except where proper incline or crossing is provided for that purpose.

SECTION 8: REMOVING GLASS AND DEBRIS AFTER ACCIDENT

Any party to a collision or other motor vehicle accident upon any street, alley or public place in this city shall immediately remove or cause to be removed from said street, alley or public place, all glass and foreign substance resulting from such collision or accident as well as the motor vehicle which said party was driving at the time of such collision or accident.

SECTION 9: LOGS AND POLES

(a) No logs or piling shall be moved over or upon the streets of this city unless written permission has been first obtained from at least one of the street commissioners then in office at the time such permission is requested.

(b) No logs, poles, piling or other things shall be dragged upon or over the surface of any street.

SECTION 10: CLEATS AND SPIKES ON WHEELS

No tire on a motor vehicle or any other vehicle unless such vehicle be actually engaged at the time in construction or repair work on public streets of this city, shall have on the periphery of its wheels any block, stud, cleat, bead, or any other protuberance of metal which projects beyond the tread or traction surface of the tire.

SECTION 11: DAMAGING CURBS

(a) 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 with the intention of using the same as a driveway.

(b) It shall be unlawful for any person to remove or damage in any way any portion of any street curb without first obtaining written permission from at least one member of the street commission then in office at the time such request is made.

(c) Any person wishing to move any heavy thing such as a building, excavating machine, or well-drilling equipment over or upon a street curb shall first obtain a written permit from the street commissioner and shall be held responsible for any and all damage to the same.

SECTION 12: PARADES AND PROCESSIONS

During parades the police may clear the streets and prohibit vehicles and pedestrians from crossing the streets. No pedestrian or vehicle shall break through the line of a funeral procession.

SECTION 13: OBSTRUCTING STREETS

Except as otherwise provided in this ordinance, it shall be unlawful for any person, firm, or corporation, unless he first obtain written permission from the City Recorder, 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 the traffic, or obstructs the view, upon any street, alley, parking strip, sidewalk, or curb of the city.

SECTION 14: PARKING

(a) The city street commission shall have authority except as otherwise

provided herein and on approval of the City Council to regulate parking of all motor vehicles within the city limits and for that purpose may cause to be constructed, installed, painted or otherwise erected such signs and markers as may be necessary. For the purpose of regulating parking said commission may designate in a manner they deem appropriate the method of parking, prohibited parking areas, parking time limits and loading zones.

(b) When the street commission has designated a method of parking by appropriate signs or painted markers on the curb or street, motor vehicles shall be parked as such signs may direct or otherwise within such painted stripes or other markings. On those streets where diagonal parking is indicated by appropriate signs or markings the right front wheel of all vehicles parked in such area shall be within 12 inches of the curb; where parallel parking is indicated by painted stripes or other markings or appropriate signs all vehicles parked in any such marked area shall be parked parallel with the street curb and with the tires or wheels on the right hand side of such vehicle within 12 inches of the curb.

SECTION 15: PARKING TIME LIMITS

(a) The lawful time allowed for parking vehicles other than motor trucks engaged in the actual loading or unloading of freight or merchandise, shall, in any section of any street, be indicated by lettering upon the face of painted signs placed on the top of standard placed along the curb line of any section of any street. Such time limits and the indication thereof may be changed from time to time by the city street commission and pursuant to their authority conferred by Sub-section (a) of the foregoing Section 14. Such time limits shall mean the aggregate of time of all parking of any one vehicle within any one block and shall not exceed the time limit posted.

(b) Such time limit shall not apply on Sundays or legal holidays or between the hours of 6:00 p. m., and 8:00 a. m.

SECTION 16: DOUBLE PARKING

No person shall "double park" any vehicle or park on the road side of any vehicle parked at the edge or curb of any street.

SECTION 17: PROHIBITED PARKING AREAS

In addition to the areas where parking is prohibited by the state motor vehicle laws, parking is prohibited in the following areas and places and otherwise as may hereafter be provided by the city street commission and pursuant to their authority as herein provided:

(a) Within any area marked off by traffic markers or by painted stripes upon the street curb and pavement or upon the street curb only, indicating a loading zone, safety zone, crosswalk or pedestrian lane, fire hydrant, theater entrance or exit, police station, fire station, or when "no parking" signs are posted for any other purpose designated by such official markings.

SECTION 18: STORING VEHICLES ON STREETS

No person, firm, or corporation shall store on any street or alley any automobile, truck, farm implement, machinery, or other vehicle or any nature or kind; provided, however, that mechanics may repair such machinery or vehicles while temporarily on the streets for that purpose if traffic is not thereby obstructed. This section shall not apply to machinery or vehicles owned by or in the employ of the city and used in working on the streets.

SECTION 19: 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 this city.

(b) Every person who is convicted of a violation of this section shall be punished by imprisonment in the county jail for not less than thirty days nor more than one hundred days, or by a fine of not less than \$100.00 nor more than \$300.00, or both.

(c) The Police Department, shall, pending the final hearing before the city recorder of any charge against a person arrested for violation of this section, seize and hold the vehicle which the arrested person was driving at the time of the arrest.

(d) Whenever any motor vehicle is held in the custody of the Police Department pursuant to the provisions of this section, the vehicle may be placed in storage in any privately owned garage, and when the motor vehicle in storage is delivered to the owner or to the person entitled to the possession thereof, all accrued storage and towing charges shall be paid by the owner of the motor vehicle or by the person entitled to the possession thereof.

SECTION 20: RECKLESS DRIVING

Any person who drives any vehicle upon a street carelessly and heedlessly in willful or wanton disregard of the rights of 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 guilty of reckless driving and upon conviction shall be punished by imprisonment for a period of not more than one hundred days, or by a fine of not more than \$300.00, or by both such fine and imprisonment.

SECTION 21: STREET COMMISSION

Subject to the approval of the City Council by resolution, or motion, the street commission may:

- (a) Designate stop streets.
- (b) Designate one-way streets.
- (c) Designate crosswalks, safety zones and traffic lanes.
- (d) Designate areas in which no parking shall be permitted and areas in which the time of parking is to be limited.
- (e) Direct the placing and maintenance of such traffic signs, markers, and signals as may be reasonably necessary to carry the above powers into effect and for the regulation and safety of traffic.
- (f) Exercise a general supervision over the administration and enforcement of all traffic ordinances.
- (g) Require the pruning or trimming of trees and shrubs along streets and highways so that they will not obstruct the view for traffic, and order the removal or alteration of any signs, fences, or other objects along streets and highways that are an obstruction of the view for traffic.

SECTION 22: ONE-WAY STREETS

It shall be unlawful for the operator of any vehicle to drive or operate the same on any street designated and marked as a one-way street except in the direction provided in such designation or on such markers.

SECTION 23: EXISTING SIGNS

All official traffic signs, signals, and markers existing at the time of the adoption of this ordinance shall be considered official under the provisions of this ordinance; provided, however, that the common council may by resolution at any time have such official traffic signs, signals, or markers removed or changed; or the same may be done at the direction of the street commission and pursuant to their authority as conferred by Sub-Section (a) of the foregoing Section 14; and provided further that any additional official traffic signs, signals, or markers erected, installed, or painted shall first be authorized by resolution of the city council.

SECTION 24: PENALTIES

(a) It shall be unlawful for any person to violate any of the provisions of this ordinance.

(b) 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 \$200.00, or by imprisonment in the county jail for not more than thirty days, or both. For a second or subsequent conviction within one year thereafter such person shall be punished by a fine of not more than \$300.00 or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

SECTION 25: REVOKING CLAUSE

Ordinance No. 308 and all other ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 26: EMERGENCY CLAUSE

Whereas, an emergency exists, and it is deemed necessary by the city council for the preservation of the peace, health and safety and general welfare of the citizens of Canby, Clackamas County, Oregon, that this ordinance take effect immediately, it shall take effect immediately by its passage by the council and approval by the mayor.

Passed on its first reading at the recessed regular meeting of the Council held on the 11th day of May, 1955. Ordered posted as provided by City Charter and to come up for final action at the regular meeting of the council to be held June 6th, 1955.

R B Eversole
Mayor

Attest:

A B Evans
City Recorder

Passed on Final Reading this 6th day of June, 1955, by the following vote:

Yeas 4

Nays 0

APPROVED:

R B Eversole
Mayor

Attest:

A B Evans
City Recorder