

ORDINANCE NO. 464

AN ORDINANCE TO REGULATE TRAFFIC; ADOPTING BY REFERENCE CERTAIN SECTIONS OF THE OREGON REVISED STATUTES; PROVIDING FOR LOCAL TRAFFIC REGULATIONS INCLUDING THE REGULATION OF PARKING, DRUNKEN AND RECKLESS DRIVING, AND THE PLACING AND MAINTENANCE OF TRAFFIC SIGNS AND MARKERS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCES NO. 434 AND 389; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

SECTION 1: 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	483.036	483.208	483.352	483.448	483.530
164.660	483.038	483.210	483.354	483.450	483.532
166.630	483.040	483.212	483.362	483.452	483.534
481.230	483.042	483.214	483.364	483.454	483.536
481.255	483.043	483.216	483.366	483.456	483.538
482.040	483.044	483.218	483.402	483.458	483.540
482.170	483.045	483.220	483.403	483.460	483.542
482.300	483.046	483.222	483.404	483.462	483.544
482.610	483.048	483.224	483.406	483.464	483.602
482.620	483.049	483.226	483.408	483.466	483.604
482.630	483.050	483.228	483.410	483.468	483.606
482.640	483.102	483.230	483.412	483.470	483.608
482.650	483.104	483.302	483.414	483.472	483.610
483.002	483.112	483.304	483.416	483.474	483.612
483.004	483.114	483.306	483.418	483.482	483.614
483.006	483.116	483.308	483.420	483.484	483.620
483.008	483.118	483.310	483.422	483.502	483.628
483.010	483.120	483.312	483.423	483.504	483.630
483.012	483.122	483.314	483.424	483.506	485.010
483.014	483.126	483.316	483.426	483.508	485.020
483.016	483.128	483.318	483.428	483.510	485.030
483.018	483.130	483.326	483.430	483.512	485.320
483.020	483.132	483.330	483.432	483.514	221.340
483.022	483.134	483.332	483.434	483.516	223.810
483.024	483.136	483.334	483.436	483.518	223.835
483.026	483.138	483.336	483.438	483.520	332.205
483.028	483.140	483.346	483.440	483.522	649.080
483.030	483.202	483.347	483.442	483.524	
483.032	483.204	483.348	483.444	483.526	
483.034	483.206	483.350	483.446	483.528	

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 content 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 of 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 person while being under the influence of intoxicating liquor, barbiturates 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 for not less than 30 days nor more than 100 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 Municipal Court 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; and possession of such motor vehicle may be retained by the Police Department until all of such charges are paid, and if not paid the charges shall constitute a lien on the motor vehicle which may then be sold in accordance with the provisions of Oregon Revised Statutes 87.080.

SECTION 20: RECKLESS DRIVING

Any person who drives any vehicle upon a street carelessly and heedlessly in a wilful or wanton disregard of the rights or safety of others shall be guilty of reckless driving and upon conviction, shall be punished by imprisonment for a period of not more than 100 days, or by a fine of not more than \$300.00, or by both such fine and imprisonment.

SECTION 21: NEGLIGENCE DRIVING

Any person who drives any vehicle upon any public street or thoroughfare in the City of Canby, Oregon, in a careless or negligent manner without due regard for the rights or safety of others is guilty of a misdemeanor, and upon the conviction thereof, shall be punished by a fine not exceeding \$100.00, or by imprisonment for a period not exceeding 30 days, or by both such fine and imprisonment.

SECTION 22: 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 23: 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 24: 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 25: 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.

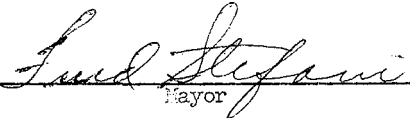
SECTION 26: REVOKING CLAUSE

Ordinances No. 389 and 434 are hereby repealed; and all other ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 27: EMERGENCY CLAUSE

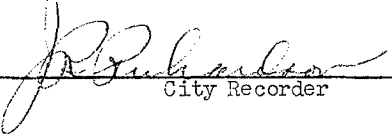
Whereas, an emergency exists, and it is deemed necessary by the City Council for the preservation of the peace, health, and safety and general welfare of the citizens of Canby, Clackamas County, Oregon, that this ordinance take effect immediately, it shall take effect immediately by its passage by the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

Passed on first reading at a regular meeting of the Canby City Council held on the 18th day of May, 1964; ordered posted as provided by the Canby City Charter and to come up for final reading and action before the Canby City Council at a regular meeting thereof to be held on the 15th day of June, 1964, at the hour of 8:00 p.m. at the Canby City Hall.



Mayor


ATTEST:



City Recorder

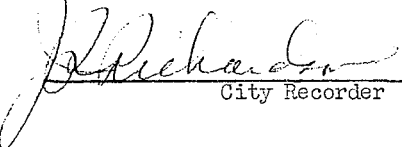
Passed on final reading this 15th day of June, 1964, by the following vote: Yeas 6. Nays 0.

Submitted to the Mayor this 15th day of June, 1964, and approved by the Mayor this 15th day of June, 1964.



Mayor

ATTEST:



City Recorder