

ORDINANCE NO. 19- 04

AN ORDINANCE REVISING ORDINANCE 6.390 RELATING TO UNLAWFUL  
TRANSFER ON VEHICULAR PORTION OF THE RIGHT-OF-WAY AND REVISING  
ORDINANCE 1.010 RELATING TO PENALTIES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

**Section 1. Addition of Astoria City Code 6.390** Astoria City Code section 6.390 is added to read as follows:

**6.390 Unlawful Transfer on vehicular portion of the right-of-way.**

- (1) A person commits the offense of unlawful transfer under this section if the person:
  - (a) While a driver or passenger in a vehicle on the vehicular portion of a highway, road or street within the boundaries of the City of Astoria, gives or relinquishes possession of, or control of, or allows another person in the vehicle to give or relinquish possession or control of any item of property to a pedestrian; or
  - (b) While a pedestrian, accepts, receives or retains possession or control of any item of property from a driver or passenger in a vehicle on the vehicular portion of a highway, road or street within the boundaries of the City of Astoria.
- (2) For purposes of Astoria City Code 6.390, the phrase "on the vehicular portion of a highway, road or street" means located in the vehicular travel or turning lane or any associated shoulder, driveway or traffic divider area within the right-of-way where vehicles are reasonably expected to be encountered. The prohibitions of the section do not apply if the vehicle is parked in a legal parking space located on or off the right-of-way or during a law enforcement stop or action.
- (3) The prohibitions of Astoria City Code 6.390 do not apply to persons participating in a "Pedestrian Activity" as defined on Oregon Administrative Rules, Chapter 734, Division 58, for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of the permit have been met.

**Section 2. Amend Astoria City Code 1.010** Astoria City Code section 1.010 (4) is amended to read as follows:

**1.010 Penalties.**

(4) Violations of the Astoria Traffic Code are as follows:

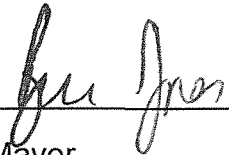
(e) Violation of Section 6.390 constitutes a traffic violation and is punishable by a fine not to exceed \$75.00.

(f) When a warrant of arrest issued by the Municipal Court is served, the amount of bail shall be increased \$100.


**Section 3. Effective Date.** This ordinance shall become effective 30 days after its adoption.

ADOPTED BY THE CITY COUNCIL THIS 1st DAY OF APRIL 2019

APPROVED BY THE MAYOR THIS 1st DAY OF APRIL 2019

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Manager

ROLL CALL ON ADOPTION  
Councilor

YEA NAY ABSENT

Brownson  
Herman  
Rocka  
West  
Mayor Jones

X  
X  
X  
X  
X