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ORDINANCE NO. 160A

INTRODUCED BY COMMISSIONER

W. I. Prouty

AN ORDINANCE PROVIDING FOR THE REGULATION OF STREET TRAFFIC IN THE CITY OF WARRENTON: PROVIDING RULES AND REGULATIONS IN REGARD TO TRAFFIC: PROHIBITING THE HAULING OF LOGS OR PILING OR ANY SLED OR OTHER DEVICE NOT MOVING ON WHEELS, AND THE HAULING BY MOTOR VEHICLE OF LOGS OR PILING OVER THE STREETS OF THE CITY OF WARRENTON WITHOUT WRITTEN PERMISSION, AND PROVIDING TERMS AND CONDITIONS UNDER WHICH SUCH PERMISSION SHALL BE OBTAINED FROM THE CITY COMMISSIONERS; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE AND THE DISPOSITION OF FINES AND FORFEITURES COLLECTED HEREUNDER AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND REPEALING ORDINANCE NO. 136A AND ALL OTHER ORDINANCE OR PARTS OF ORDINANCES THAT CONFLICT HEREWITH.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS--Whenever the following words, names, or phrases are used in this ordinance, they shall be construed in the sense herein affixed to them, unless otherwise specifically indicated by the contents.

(a) "Street" means any avenue, boulevard, highway, road or roadway, lane, alley, strip, pass, bridge, square or places used by or laid out for the use of persons and vehicles.

(b) "Curb" means the outer edge of the sidewalk or parking strip and defines the space in the street devoted to vehicular traffic.

(c) "Vehicle" means every description of carriage or other artificial contrivance used or capable of being used as an instrument of conveyance, transportation or communication on land, excepting only such as move exclusively or stationary rail tracks.

(d) "Emergency Vehicle" means fire and police vehicles while on emergency calls.

(e) "Fast Going Vehicles" include emergency vehicles, light delivery automobiles, motorcycles and all other motor vehicles, excepting motor trucks of two thousand (2000) pounds or more capacity.

(f) "Slow Going Vehicles" include freight motor trucks of two thousand (2000) pounds or more capacity, horse drawn vehicles, bicycles, and push carts.

(g) "Driver" includes the rider, driver or leader of a horse, a person who pushes, propels or draws a vehicles, or operator of any motor or power vehicles.

Section 2. OBEDIENCE TO POLICE OFFICER--Where an authorized police officer or traffic officer of the city in discharging his duty of regulating and directing traffic shall signal any vehicle or pedestrian to take any direction or to stop or otherwise proceed for the safety of the public, it shall be the duty of such pedestrian or the driver of such vehicle to obey said direction and to comply with the orders of said officer.

Section 3. RULES OF THE ROAD--The rules of the road in Warrenton shall be:

(a) Moving vehicles shall keep within the right half of the street, except when overtaking or passing another vehicle as provided in this ordinance.

(b) Vehicles proceeding in opposite directions shall pass on the right, giving half of the road to each.

(c) A vehicle overtaking another travelling in the same direction shall pass said vehicle to the left.

(d) No vehicle shall overtake and pass or run abreast of another vehicle travelling in the same direction at any street intersection.

(e) Emergency vehicles shall have the right of way t all places over all other vehicles. Fire vehicles, while responding to an alarm or returning therefrom, shall have the right of way over all other vehicles.

(f) A vehicle, on the approach of fire apparatus, shall immediately draw near the curb and stop, and remain stopped until all fire department vehicles have passed.

(g) A vehicle intending to be turned at an intersection shall do so as follows:

(1) Approach for a right turn shall be made in the lane for traffic nearest to the right-hand side of the highway and the right turn shall be made as closely as practicable to the right-hand curb or edge of the highway.

(2) Approach for a left turn shall be made in the lane for traffic to the right of and nearest to the center line of the highway and the left turn shall be made by passing to the right of such center line where it enters the intersection, and upon leaving the intersection by passing to the right of the center line of the highway then entered.

(h) The driver of any vehicle about to turn either from a standstill or while in motion, or about to stop, shall give timely signal visible to other drivers who may be affected by this movement, of his intention to turn or stop or change his course. Such signal shall be given by the use of the hand and arm or by an approved mechanical or electric device. When signals required by this section are given by use of the hand or arm, they shall be given as follows:

(1) A driver intending to turn his vehicle to the left shall extend his hand and arm horizontally from the beyond the left side of his vehicle.

(2) A driver intending to turn his vehicle to the right shall extend his hand and arm upward and beyond the left side of the vehicle.

(3) A driver intending to stop his vehicle or suddenly decrease speed shall extend his hand and arm downward from and beyond the left side of the vehicle.

When such signal is given by means of a device it shall only be given by an adequate device which has been approved by the secretary of state or such other authorities in the State of Oregon who have power so to do.

(i) Vehicles approaching intersecting streets shall be under control so as to permit the vehicle on the right of the vehicle approaching to first cross the intersecting street, and the driver when approaching street intersection shall look out for and give right of way to vehicles on their right simultaneously approaching the given point; provided that emergency vehicles shall have the right of way at all times at such intersections when on emergency calls.

(j) All vehicles must be operated so as to allow a safe distance between the front of such vehicle and the rear end of the preceding vehicle.

Section 4. PARKING--(a) It shall be unlawful at any time to stop or park any vehicle so as to obstruct any crossing for pedestrians or so as to prevent any common carrier from turning from one street into another street.

(b) It shall be unlawful at any time to stop or park any vehicle for a period longer than actually required to take on or discharge passengers within ten feet of a fire hydrant.

(c) It shall be unlawful at any time and under any circumstances to park the vehicle with its left side to the curb.

Section 5. MANNER OF PARKING--In parking a vehicle on any street it shall be placed with the right hand side parallel to the right hand curb and not more than one foot therefrom.

Section 6. SPEED OF VEHICLES AND MOTOR TRUCKS--(a) All motor vehicles and other vehicles and motor trucks, including emergency vehicles, shall be driven with great caution and their speed shall be reasonable, having regard for the traffic, the safety of the public and the use of the street.

(b) No motor vehicle or other vehicle or motor truck or bus or stage shall be operated or moved over or upon the public highways, roads or streets of the City of Warrenton at a rate of speed greater than twenty-five (25) miles per hour.

(c) No motor vehicle or other vehicle or motor truck shall be driven at a speed in excess of fifteen (15) miles an hour when passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours. Provided, however, that when a cross walk is marked upon the pavement and is being used by a pedestrian, the motor vehicle shall come to a complete stop and yield the right of way to such pedestrian in such cross walk.

Section 7. RECKLESS DRIVING--It shall be unlawful for any person whether or not said person is driving at a lawful rate of speed to drive or operate any motor vehicle or other vehicle, bus, stage, or motor truck in a reckless, careless or negligent manner.

Section 8. DRIVING WHILE DRUNK--It shall be unlawful for any person while intoxicated or under the influence of intoxicating liquor to drive, operate or run upon or over any street or other thoroughfare within the City of Warrenton, any automobile, truck, motorcycle, or any other motor vehicle.

Section 9. BRAKES--Every vehicle, including motorcycles, operating or being driven upon the streets of the City of Warrenton shall be provided with such brakes as are now required in the State of Oregon, or which may hereafter be required.

Section 10. TRESPASSING--No person shall ride or trespass upon any vehicle without the consent of the driver, nor shall any person riding upon any vehicle, sled, or other conveyance, hitch or hold onto any other vehicle without the consent of the driver thereof. No person without proper

authority from the City of Warrenton so to do shall remove, deface, mutilate, disturb or destroy any public traffic sign, placard, signboard, guide-post, or milestone, or other similar direction or traffic sign within the City limits.

Section 11. EXHAUST AND MUFFLER--It shall be unlawful for any person to operate on any street in the City of Warrenton any motor vehicle, the motor thereof having an internal combustion engine which has not a suitable exhaust muffler in a proper and efficient working condition. It shall be unlawful for any person in charge or in control of any vehicle to make with such vehicle or any device connected therewith any excessive or unnecessary noise or to open the exhaust muffler on any vehicle while the engine thereof is running, or to permit such vehicle, or any device thereon, to emit excessive smoke or steam in any street of the City of Warrenton.

Section 12. CROSSING FIRE HOSE--OBSTRUCTING FIRE APPARATUS--It shall be unlawful for any person to drive any vehicle across any fire hose without the permission of the Fire Chief or those in charge of said fire hose, or to drive or leave any vehicle on any street in such a manner so as to interfere with or obstruct the passage or the operation of any fire apparatus.

Section 13. RESTRICTION AS TO VEHICLES--(a) A vehicle shall not be used which is so constructed, enclosed, equipped, or loaded so as to be dangerous, retard traffic or prevent the driver from having a view sufficient for safety.

(b) A motor vehicle shall be equipped with tires so constructed and in such condition as to prevent any unnecessary injury to the pavement.

(c) It shall be unlawful for any one riding a bicycle or motorcycle to hold onto a moving motor vehicle.

(d) It shall be unlawful to load or operate a motor vehicle so as to spill the load.

(e) It shall be unlawful for any person to drive a motor vehicle along a sidewalk.

(f) No motor vehicle shall be moved, run, or operated on any of the streets of the City of Warrenton by any person who is not duly licensed to operate a motor vehicle under the laws of the State of Oregon as now provided or as may hereafter be provided.

(g) It shall be unlawful for any owner or person in charge of or in possession of any motor vehicle to permit any person not duly licensed under the laws of the State of Oregon to drive or operate such motor vehicle on any of the streets of the City of Warrenton.

Section 14. OVERCROWDING DRIVER'S SEAT--It shall be unlawful for any person to operate any motor vehicle within the City of Warrenton with more than three persons over the age of sixteen (16) years in the front seat, provided, however, that this section shall not apply to any motor bus.

Section 15. REGULATING LOG HAULING, ETC.--(a) No motor vehicle or combination motor vehicles having a gross weight in excess of those permitted under and pursuant to the laws of the State of Oregon which are now in existence or which may hereafter be enacted shall be driven on any of the streets of the City of Warrenton other than streets designated as state highways or as county roads unless the owner shall have first secured a permit from the City Commissioners of the City of Warrenton.

(b) No logs or piling shall be moved on or upon any of the streets in the City of Warrenton other than such streets designated as state highways or county roads without written permission. Such permission shall be obtained as in this section provided.

(c) No logs, poles, or piling or other thing having a total weight, including load, in excess of 500 pounds shall be dragged upon or over the surface of any street in the City of Warrenton other than those designated as state highway or county roads, without written permission of the City Commissioners as in this section provided.

(d) The provisions of this section shall not apply to any vehicle, article, machine or other equipment used by the federal government, the State of Oregon, or any county, in the construction, maintenance or repair of public highways, nor to the transportation of federal, state or county equipment or supplies.

(e) Any person, firm, or corporation desiring to move over any of the streets of the City of Warrenton as hereinabove set out any of the hereinabove mentioned objects or load in excess of the weight permitted by law shall first make an application to the City Commissioners of the City of Warrenton for permission so to do, and the City Commissioners shall investigate the representations made in such application, and if in the judgment of said City Commissioners the interest of the public will be served by the proposed movement the commissioners may grant written permission for such movement, which shall include such terms, rules, stipulations and conditions, including reasonable charges for wear and tear upon the city streets of the City of Warrenton, as the said commissioners may deem to be necessary and desirable for the protection of said streets and the repayment of anticipated damages by way of wear and tear. Provided, however, that in every such case the City Commissioners shall require the applicant for such permission to furnish a good and sufficient bond or indemnity of any damages to the highways other than wear and tear that may be caused by such movement, said bond to be in such amount as the City Commissioners may deem necessary for the full protection of public interest and shall be filed with the Auditor and Police Judge. No movement

of such vehicle, device or thing shall begin until said permission has been granted and the required bond shall be filed and accepted by the City Commissioners. The City Commissioners in their discretion may appoint one of their members as an agent to be present at the movement, but the presence or any interference or suggestions offered or made by such agent shall not be deemed to be supervision of the movement or in any manner to relieve the party to whom such permit has been granted or the sureties on said bond from sole responsibility for every damage that may be done by such movement. Provided, however, that if in the opinion of said officer or agent the terms, rules, stipulations and conditions of the permit granted for such movement are not being complied with, such agent may be and he hereby is authorized to order such movement to be forthwith stopped, and thereupon said permit shall automatically be cancelled.

Section 16. RESPONSIBILITY--The driver or person in charge of a vehicle when any offense under this ordinance is committed shall be deemed the responsible person and liable to the penalties hereunder, unless otherwise specifically provided to the contrary.

Section 17. OREGON MOTOR VEHICLE LAW--The statutes of the State of Oregon as now provided or may hereafter provide for regulating the use, conduct, and operation of motor vehicles and bicycles, in so far as they may apply to the use, conduct, and operation of vehicles and bicycles within any incorporated city or town of the State of Oregon, are made a part of this ordinance.

Section 18. PENALTIES--Any person violating any of the provisions of this ordinance, except that of driving while intoxicated or under the influence of intoxicating liquor, as provided by Section 8, shall upon conviction thereof be punished by a fine not exceeding \$200, or by imprisonment in the city

jail for a period of not exceeding ninety days, or by both such fine and imprisonment.

Any person driving, operating, or running any automobile, truck, motorcycle, or any other motor vehicle upon or over any street of the City of Warrenton while intoxicated or under the influence of intoxicating liquor, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred (\$100) Dollars, nor more than Three Hundred (\$300) Dollars, and shall be confined in the City Jail not less than sixty (60) days, nor more than one hundred (100) days. Such fine and imprisonment shall be assessed against any person so convicted, regardless of whether or not his act or acts or omissions have resulted in any damage to the person or property of any person, firm, or corporation, and upon such conviction the Chief of Police or City Auditor and Police Judge shall make written request to the Secretary of State to revoke such driver's license to operate any motor vehicle for one year from the date of the conviction. All forfeitures and fines collected shall be paid to the general fund.

Section 19. If any provision of this ordinance is held unconstitutional or otherwise invalid, the remaining provisions of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 20. REPEAL--This ordinance repeals the following ordinance: Ordinance No. 136A, which became a law on the 1st day of October, 1929, and all other ordinances or parts of ordinances in conflict therewith.

Passed by the Commissioners of Warrenton this 14th day of Nov., 1933.
Approved by the Mayor of Warrenton this 14th day of Nov., 1933.

Mayor

Attest:

Auditor and Police Judge

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