

ORDINANCE NO. 842-A

Introduced by Commissioner all City Commissioners

AN ORDINANCE CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC; ADOPTING STATE TRAFFIC LAWS AS OFFENSE AGAINST THE CITY; PROVIDING PENALTIES; AND REPEALING ORDINANCE 684-A

THE CITY OF WARRENTON ORDAINS AS FOLLOWS:

Section 1. **SHORT TITLE**

This ordinance may be cited as Warrenton Uniform Traffic Ordinance.

Section 2. **APPLICABILITY OF STATE TRAFFIC LAWS**

Violation of provisions in Oregon Revised Statutes, chapter 153, 743 and 801 through 823, inclusive, as now constituted, is an offense against the City.

Section 3. **DEFINITIONS**

(1) In addition to those definitions contained in the Oregon Vehicle Code, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

(a) **Bus stop.** A space on the edge of a roadway designated by sign for use by buses for loading and unloading of passengers.

(b) **Holiday.** New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other proclaimed by the commission to be a holiday.

(c) **Loading zone.** A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours or specified days.

(d) **Motor Vehicles.** Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycle, road building equipment, street cleaning equipment, and other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

(e) **Person.** A natural person, firm partnership, association or corporation.

(f) **Street.** Highway, road or street as defined in ORS 801.110, 801.305, 801.450 and 801.535, including the entire width of the right of way.

(g) **Taxicab stand.** A space on the edge of a roadway designated by sign for use by taxicabs.

(h) **Traffic lane.** That area of the roadway used for the movement of a single line of traffic.

(i) **Vehicle.** As used in subsequent sections of this ordinance, includes bicycles.

(2) As used in this ordinance, the singular includes the plural; and the masculine includes the feminine.

ADMINISTRATION

Section 4. POWERS OF THE COMMISSION

- (1) Subject to state laws, the city commission shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance.
- (2) The powers of the commission shall include, but not be limited to:
 - (a) Designation of through streets. (ORS 810.110)
 - (b) Designation of one-way streets. (ORS 810.130)
 - (c) Designation of truck routes. (ORS 810.040)
 - (d) Designation of parking meter zones. (ORS 810.160)
 - (e) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage. (ORS 810.030)
 - (f) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law. (ORS 810.060)
 - (g) Initiation of proceedings to change speed zones. (ORS 810.180 (3), (4))
 - (h) Revision of speed limits in parks. (ORS 810.180 (5))
 - (i) Temporary closure or blocking of streets.

Section 5. DUTIES OF THE CITY MANAGER

The City Manager or the City Managers' designate shall exercise the following duties:

- (1) Implement ordinances, resolutions and motions of the commission and City Manager's own orders by installing, maintaining, removing and altering traffic control devices. Such installation shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways and the Oregon supplements.
- (2) Establish, remove or alter the following classes of traffic controls:
 - (a) Crosswalks, safety zones and traffic lanes. (ORS 810.080, 810.130(2), 810.130(1) and 810.140)
 - (b) Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies. (ORS 810.130 (3))
 - (c) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal). (ORS 810.160)
- (3) Issue oversize or overweight vehicle permits (ORS 818.200 to 818.270)
- (4) Temporarily close or block streets.

Section 6. PUBLIC DANGER

- (1) Under conditions constituting a danger to the public, the City Manager or City Manager's designate may install temporary traffic control devices.
- (2) Nonfunctioning traffic control devices shall be treated as an all-way stop by vehicle operators on all affected streets.

Section 7. **STANDARDS.**

The regulations of the City Manager or the City Manager's designate shall be based upon:

- (1) Traffic engineering principles and traffic investigations.
- (2) Standards, limitations and rules promulgated by the Oregon Transportation Commission.
- (3) Other recognized traffic control standards.

Section 8. **AUTHORITY OF POLICE AND FIRE OFFICERS**

- (1) It shall be the duty of police officers to enforce the provisions of this ordinance.
- (2) In the event of a fire or public emergency, officers of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

GENERAL REGULATIONS

Section 9. **CROSSING PRIVATE PROPERTY**

No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

Section 10. **UNLAWFUL RIDING.**

- (1) No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employe engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.
- (2) No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

Section 11. **SLEDS ON STREETS**

No person shall use the streets for traveling on skis, toboggans, sleds or similar devices, except where authorized.

Section 12. **DAMAGING SIDEWALKS AND CURBS**

- (1) The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.
- (2) No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.
- (3) No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.

Section 13. REMOVING GLASS AND DEBRIS

A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street, except when commercial tow/wrecker is involved.

Section 14. STORAGE OF MOTOR VEHICLES ON STREETS

No person shall store or permit to be stored on a street or other public property, without permission of the commission, a motor vehicle or personal property for a period in excess of 24 hours. Failure to move a motor vehicle or other personal property for a period of 24 hours shall constitute prima facie evidence of storage of a motor vehicle.

PARKING REGULATIONS

Section 15. METHOD OF PARKING

- (1) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- (2) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.
- (3) Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

Section 16. PROHIBITED PARKING OR STANDING

In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand;

- (1) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.

Section 17. PROHIBITED PRACTICES

No operator shall park and no owner shall allow a vehicle to be parked upon a street or other public property for the principal purpose of:

- (1) Displaying the vehicle for sale.
- (2) Repairing or servicing the vehicle, except repairs necessitated by an emergency.
- (3) Displaying advertising from the vehicle.
- (4) Selling merchandise from the vehicle, except when authorized.

Section 18. USE OF LOADING ZONE

No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case, when the hours applicable to the loading zone are in effect, shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

Section 19. **UNATTENDED VEHICLES.**

Whenever a police officer shall find a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

Section 20. **LIGHTS ON PARKED VEHICLE**

No lights need be displayed upon a vehicle that is parked in accordance with this ordinance upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

Section 21. **EXTENSION OF PARKING TIME**

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

Section 22. **EXEMPTION**

(1) The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

(2) A vehicle of a disabled person who complies with the provisions of ORS 801.235 and ORS 811.600 to 811.640.

BICYCLES

Section 23. **BICYCLE OPERATING RULES**

In addition to observing all other applicable provisions of this ordinance and state law pertaining to bicycles, a person shall:

(1) Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the provisions relating to the parking of motor vehicles.

(2) Not ride a bicycle upon a sidewalk between SW First and SW Second Streets.

Section 24. **IMPOUNDING OF BICYCLES**

(1) No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

(2) A bicycle left on public property for a period in excess of 24 hours may be impounded by the police department.

(3) In addition to any citation issued, a bicycle parked in violation of this ordinance may be immediately impounded by the police department.

(4) If a bicycle impounded under this ordinance is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

(5) A bicycle impounded under this ordinance which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property, if unclaimed for 60 days.

(6) Except as provided in subsection (4), a fee of \$5.00 shall be charged to the owner of a bicycle impounded under this section.

PEDESTRIANS

Section 25. PEDESTRIANS MUST USE CROSSWALKS

- (1) No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within 150 feet of a marked crosswalk.
- (2) A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

FUNERAL PROCESSIONS

Section 26. FUNERAL PROCESSION

- (1) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
- (2) The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
- (3) All motor vehicles in the procession shall be operated with their lights on.
- (4) No person shall unreasonably interfere with a funeral procession.
- (5) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

PARKING CITATIONS AND OWNER RESPONSIBILITY

Section 27. CITATION ON ILLEGALLY PARKED VEHICLE

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge against him or pay the penalty imposed within ten days during the hours and at a place specified in the citation.

Section 28. FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE

If the operator does not respond to a traffic citation affixed to a vehicle within a period of ten days, the City Manager may send to the owner of the vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning him that in the event that the letter is disregarded for a period of thirty days:

- (1) The fine will be double.
- (2) If the vehicle has (4) four or more outstanding citations or \$100.00 or more in more unpaid fines, it may be impounded. Impounded vehicles shall not be released until all outstanding fines and charges are paid.

Section 29. OWNER RESPONSIBILITY

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent.

Section 30. REGISTERED OWNER PRESUMPTION

In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

IMPOUNDMENT AND PENALTIES

Section 31. IMPOUNDMENT OF VEHICLES

- (1) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.
- (2) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of the ordinance of the city relating to impoundment and disposition of vehicles abandoned on the city streets.
- (3) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this ordinance.
- (4) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- (5) Whenever a police officer observes a vehicle parked in violation of a provision of this ordinance or state law, if the vehicle has four or more unpaid parking violations outstanding against it, or \$100.00 or more unpaid fines, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as is provided in subsection (2) of this section.

Section 32. OBEDIENCE TO AND ALTERATION OF CONTROL DEVICES

- (1) No person shall disobey the instruction of a traffic officer or a traffic control device.
- (2) No unauthorized person shall install, move, remove, obstruct, alter the position of, deface or tamper with a traffic control device.

Section 33. EVIDENCE

The existence of a traffic control device shall be prima facie evidence that the device was lawfully authorized and installed.

Section 34. EXISTING CONTROL DEVICES

Traffic control devices installed prior to the adoption of this ordinance be and the same are hereby lawfully authorized as are more specifically set forth in Schedules A through D-2 attached hereto and by this reference incorporated herein as if set forth in full.

Section 35. PENALTIES

- (1) Violation of Sections 8 through 13 is punishable by fine not to exceed \$100.00.
- (2) Violation of Sections 14 through 28 is punishable by fine not to exceed \$50.00.
- (3) Violation of a provision identical to a state statute is punishable by a fine not to exceed the penalty prescribed by the state statute.

GENERAL

Section 36. SEVERABILITY CLAUSE

If a portion of this ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this ordinance.

Section 37. REPEAL

Ordinance No. 684-A enacted Jan 2, 1980 and all conflicting ordinances are repealed.

Section 38. SAVING CLAUSE

The repeal of any ordinance by Section 37 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

First reading : 4/19/89

Second reading: 5/3/89

PASSED by the City Commission of the City of Warrenton this 3rd day of April, 1989.

APPROVED by the Mayor of the City of Warrenton this 3rd day of May, 1989.



 Mayor

ATTEST:



 City Manager/Auditor