

ORDINANCE NO. 200

AN ORDINANCE REGULATING TRAFFIC, PARKING,
AND THE OPERATION OF VEHICLES ON THE STREETS
AND PUBLIC WAYS OF THE CITY OF SHERWOOD, OREGON;
PROVIDING FOR TRAFFIC SIGNS AND MARKERS; PRO-
VIDING FOR PENALTIES FOR THE VIOLATION HEREOF;
REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES
IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Definition of Terms.

The following words and phrases, when used in this ordinance, shall for the purpose of this ordinance have the meaning respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

- (a) "Vehicle". Every device in, upon, or by which property is or may be transported or drawn upon a public street, except a device moved by human power or used exclusively upon stationary rails or tracks.
- (b) "Motor Vehicle." Every vehicle as herein defined which is self-propelling.
- (c) "Person". Every natural person, firm, co-partnership, association, or corporation.
- (d) "Street". Every way or place of whatever nature open as a matter of right to the use of the public for purposes of vehicular traffic. The term "street" shall not be deemed to include a roadway or driveway upon grounds owned by private persons.
- (e) "Intersection". The area embraced within the prolongation or connection of the lateral curb lines whether or not one street crosses the other.
- (f) "Right-of-way". The privilege of the immediate use of the proper portion of a street or intersection.
- (g) "Authorized Emergency Vehicle". Vehicles of the fire department, fire patrol, police vehicles and such ambulances and emergency vehicles as are designated or authorized to be used by the City Council.
- (h) "Official Traffic Signs and Signals". All signs, signals, markings, and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.
- (i) "Trailer". Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

- (j) "Parking". To stop and stand with or without driver or to leave a motor vehicle upon any street, alley, or public place in this city shall for the purpose of this ordinance be deemed as the parking of such motor vehicle.
- (k) "Pedestrian Lane" shall mean the elongation of any sidewalk or walkway at the intersection of two or more streets, which has been marked by appropriate markings on the pavement for the use of pedestrians in crossing the street.

Section 2. Obedience to Traffic Regulations.

It shall be unlawful and, unless otherwise declared herein with respect to particular offenses, it shall constitute a violation of this ordinance for any person to fail or neglect to comply with any rule or regulation declared in this ordinance.

Section 3. Obedience to Traffic Signs and Signals.

It shall be unlawful for the driver of any vehicle to disobey the instructions of any official traffic sign or signal placed in accordance with this ordinance, unless otherwise directed by a police officer.

Section 4. Obedience to Traffic and Police Officers.

(a) It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of any traffic or police officer displaying his star or badge and invested by law with authority to direct, control, or regulate traffic.

(b) It shall be the duty of every officer seeking to enforce the laws or this ordinance to be in uniform or to have conspicuously displayed upon his person a conspicuous badge indicating his official authority.

Section 5. Persons Riding Bicycles or Animals to Obey Traffic Regulations. Every person riding a bicycle or an animal upon a street and every person driving or leading any animal shall be subject to the provisions of this ordinance applicable to the driver of a vehicle, except those provisions of this ordinance which by their very nature can have no application.

Section 6. Interference with Signs or Signals Prohibited.

Any person who shall deface, injure, knock down, or remove any official street or traffic sign or signal placed or erected as provided in

this ordinance shall be guilty of a violation of this ordinance.

Section 7. Restrictions as to Speeding.

(a) No person shall drive a vehicle upon a street at a speed greater than is reasonable and prudent having due regard to the traffic, surface, width of the street, and the hazard at intersections, and any other conditions then existing.

Nor shall any person drive at a speed which is greater than will permit the driver to exercise proper control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle or other conveyance upon entering the street in compliance with legal requirements and with the duty of drivers and other persons using the street to exercise due care; provided, that this provision shall not be construed to change the rules of pleading and evidence relating to negligence and contributory negligence.

(b) Application of Indicated Speeds. Any person who drives a vehicle upon a street at a speed in excess of that indicated as follows for the particular district or location, and who, while so driving, violates the basic rule set forth in subdivision (a), shall upon conviction be punished as in this ordinance provided. Said indicated speeds are as follows:

1. ²⁰~~Fifteen~~ miles per hour: *State Laws.*

a. When passing a school building or the ground thereof during school recess or while children are going to or leaving school during opening or closing hours; provided, however, that when a crosswalk or pedestrian lane is being used by a pedestrian, vehicles shall come to a complete stop and yield the right of way to such pedestrian in such crosswalk.

b. When driving past a school bus which is loading or unloading passengers.

2. Twenty miles per hour:

a. In any business district.

b. Upon approaching within 50 feet and in traversing an intersection of streets where the driver's view in either direction along any intersecting street is obstructed,

except that when traveling upon a through street or at traffic controlled intersections the district speed shall apply.

3. Twenty-five miles per hour:

a. In any residence district.

(c) Complaints and Notices to Appear. In every charge of violation of this section the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed indicated in this section for the district or location, and in the event charge shall also be made of violation of any other provision of this ordinance, the complaint and the summons or notice to appear shall also specify such other offense alleged to have been committed.

Section 8. Drive on Right Side of Street.

(a) Upon all streets of sufficient width, other than one-way streets, the driver of a vehicle shall drive the same upon the right half of the street except when the right half is out of repair and for such reason impassable or where overtaking and passing another vehicle.

(b) In driving upon the right half of a street the driver shall drive as closely as practicable to the right-hand edge or curb of the street except when overtaking or passing another vehicle, or when placing a vehicle in position to make a left turn.

Section 9. Right-of-way Between Vehicles.

(a) Vehicles approaching an intersection. Drivers, when approaching street intersections, shall look out for and give right of way to vehicles on the right, simultaneously approaching a given point, whether such vehicle first enter and reach the intersection or not; provided, that the foregoing provision shall not apply at any intersection where and when traffic is controlled by traffic control signals or police officers. Any driver entering an intersection at an unlawful speed shall forfeit any right of way which he would otherwise have under this subdivision.

(b) Vehicles Entering a Through Street. The driver of any vehicle who has stopped as required by law at the entrance to a through street shall

yield to the other vehicles within the intersection or approaching so closely on the through street as to constitute an immediate hazard, but said driver having so yielded may proceed, and other vehicles approaching the intersection on the through street shall yield to the vehicle so proceeding into or across the through street.

(c) Vehicles Turning Left at an Intersection. The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver having so yielded and having given a signal when and as required by law may make such left turn, and other vehicles approaching the intersection from said opposite direction shall yield to the driver making the left turn.

Section 10. 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 any 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 11. Exceptions to Right-of-Way.

(a) The driver of a vehicle entering a public street from a private road, alley, or drive shall stop and yield the right-of-way to all vehicles approaching on such public street.

(b) The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated

in emergencies and the drivers thereof sound audible signal by bell or siren. This provision shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right-of-way.

Section 12. Operation of Vehicles on Approach of Authorized Emergency Vehicles. Upon the approach of any authorized emergency vehicle giving audible signal by bell or siren, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street, clear of any intersection of streets, and shall stop and remain in such position, unless otherwise directed by a police officer, until the authorized emergency vehicle shall have passed.

Section 13. Stop Before Emerging from Alley or Private Driveway.

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway.

Section 14. Stopping or Parking Prohibited in Specified Places.

It shall be unlawful for the driver of a vehicle to stop, stand, or park such vehicle whether attended or unattended, except when in compliance with the directions of a police officer, in any of the following places.

1. Within an intersection.
2. On a crosswalk or pedestrian lane.
3. Within 15 feet of the driveway entrance to any fire station.
4. Within 15 feet of a fire hydrant.
5. In front of a private driveway.
6. On a sidewalk.
7. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking, would obstruct traffic.

8. Within the following designated areas:

*Here fill in the appropriate
street you want to be
parking.*

Section 15. Following Fire Apparatus Prohibited.

(a) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than 400 feet or to drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, or within two blocks of a point where a fire is in progress.

(b) It shall be unlawful for any person to intrude himself or herself upon any street or premises, where a fire is in progress, in such manner as to interfere with any member or members of the fire department in their efforts to extinguish such fire, and it shall be unlawful for any person or persons to congregate in the vicinity of any fire in such manner as to hinder or interfere with said fire department in its efforts to extinguish the fire.

Section 16. Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, alley, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department in command. And the violation of this section shall subject the offenders

to a minimum fine of \$5.00.

Section 17. Horns and Warning Devices.

(a) Every motor vehicle when operated upon a street shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with, or for any person to use upon a vehicle, any bell, siren, or exhaust whistle.

(b) It shall be unlawful for any person at any time to use a horn or warning device otherwise than as a reasonable warning in the operation of said motor vehicle, or to make any unnecessary or unreasonable loud or harsh sound by means of a horn or other warning device.

(c) The use of a horn for the purpose of attracting the attention of others on the streets, sidewalks, or in buildings is prohibited.

(d) It shall be unlawful for the operator of any vehicle to make any other unnecessary noise in the operation of said motor vehicle upon the streets of Sherwood.

Section 18. Painting or Lettering Street Curbs or Pavement.

(a) It shall be unlawful for any person, firm, corporation, or association to letter, mark, or paint in any manner any letter, marks, or signs on any sidewalk, curb, street, or alley, or to post on a parking strip anything designed or intended to prohibit or restrict parking in front of any sidewalk, dwelling house, business house, or in any alley, except in compliance with the provisions of this ordinance.

(b) Any person desiring to letter, mark, or paint a street or to otherwise prohibit or restrict parking shall first apply to the City Recorder for permission so to do, and permission shall not be granted permanently without approval by the City Council, nor temporarily without the approval by the Street Committee of the City Council.

Section 19. Repairing Motor Vehicles in the Streets, Alleys, Etc.

It shall be unlawful for any person to repair or attempt to repair any part of any motor vehicle or to race the engine of any motor

vehicle or to blow the horn of any motor vehicle, except as provided in Section 17 of this ordinance, upon any street or in any alley or public place in this city between the hours of 7:00 p.m. and 7:00 a.m. if such repair or attempt to repair or blowing of such horn makes any noise which may be objectionable to occupants of stores, offices, hotels, apartments, or residences.

Section 20. Mufflers on Motor Vehicles.

Every motor vehicle operated in this city shall be equipped with a muffler of such size, design and construction as to effectively muffle, absorb and eliminate all motor exhaust noises. Such muffler shall be kept in service continually while any such vehicle is operating its engine upon the streets, alleys or other public places in this city, and it shall be unlawful to operate any motor vehicle upon the streets, alleys or other public places in this city with its muffler cut-out open or partially open so as to permit its engine explosions to pass by to the open air without passing through the muffler. It shall be unlawful to equip any muffler with tube or pipe which will permit exhaust gases to pass directly through the muffler, or any tube, pipe, or cut-out to permit the engine explosions to pass by to the open air around the muffler. The use of butterfly valves at any point in the motor exhaust pipe shall be unlawful. It shall be unlawful to partially close or flatten the motor exhaust or tail pipe at its extremity. No vehicle shall be operated with an excessive smoky exhaust upon any street, alley or public place. Mufflers on new vehicles, classed as factory equipment, especially on motorcycles and trucks, shall not necessarily meet the requirements of this ordinance.

Section 21. "Stop" Streets.

The following streets and intersections are hereby designated as "stop" streets and all traffic entering said streets at the point of intersection designated shall come to a complete stop before proceeding into said street, to-wit:

a. Railroad Street at the intersection of Washington Street.

b. Railroad Street at the intersection of Main Street.

all vehicles entering said Railroad Street from either Washington or Main Street shall stop prior to proceeding into said Railroad Street.

Section 22. Persons Under the Influence of Intoxicating Liquor.

(a) It shall be unlawful and punishable as provided in subdivision (b) of this section for any person who is under the influence of intoxicating liquor 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 municipal jail for not less than 30 days nor more than 100 days, and by fine of not less than \$100.00 or more than \$500.00. On a second or subsequent conviction he shall be punished by imprisonment for not less than 60 days nor more than 100 days, and, in the discretion of the court, a fine of not more than \$500.00.

Section 23. Reckless Driving.

(a) Any person who drives any vehicle upon a street carelessly and heedlessly in wilful or wanton disregard of the rights or 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 as provided in subdivision (b) of this section.

(b) Every person convicted of reckless driving under this section shall be punished by imprisonment in the municipal jail for a period of not less than five days nor more than 90 days, or by fine of not less than \$1.00 nor more than \$500.00, or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than 10 days nor more than 100 days, or by a fine of not less than \$25.00 or more than \$500.00 or by both such fine and imprisonment.

Section 24. Existing Traffic Signs; Changing and Additions.

That all traffic signs and signals existing at the time of the

adoption of this ordinance such as "Stop" signs, "caution" signs, "slow" signs, lines painted or marked on the street or curb, and all other traffic signs or signals erected, installed, or painted for the purpose of directing, controlling, and regulating traffic shall be considered official under the provisions of this ordinance; provided, however, that the city council may at any time by resolution have any such official traffic signs or signals removed or changed; and provided, further, that additional official traffic signs or signals erected, installed, or painted, or marked shall first be authorized by resolution of the city council.

Section 25. Penalties for Violation:

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

(b) Every person convicted for violation of any of the provisions of this ordinance for which another penalty is not provided shall, upon conviction thereof, be punished by a fine of not less than \$1.00 or more than \$100.00, or by imprisonment in the city jail for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not less than \$1.00 or more than \$200.00, or by imprisonment in the city jail for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not less than \$1.00 and not exceeding \$200.00, or by imprisonment in the city jail for not more than 30 days, or by both such fine and imprisonment.

Section 26. That all ordinances or parts of ordinances in conflict herewith be and they hereby are repealed.

Section 27. Inasmuch as the provisions of this ordinance are necessary for the proper regulation of traffic within the City of Sherwood and as such are necessary for the immediate preservation of the health, peace and safety of the citizens of the City of Sherwood, an emergency is hereby declared to exist and this ordinance shall become effective upon

its passage by the Council and approval by the Mayor.

Passed by the Council this 8 day of September, 1945.

Approved by the Mayor this 8 day of September, 1945.

G. H. Sanders
Mayor

ATTEST: Floyd C. Shoop
Recorder

O.R.S.
483-478

Jess Off...