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ORDINANCE NO. 211

AN ORDINANCE CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC; PROVIDING PENALTIES; AND REPEALING ORDINANCES NO. 27 AND 159.

The Town of Canyon City ordains as follows:

Section 1. Short Title. This ordinance may be cited as the "Canyon City Uniform Traffic Ordinance."

Section 2. Applicability of State Traffic Laws. Oregon Revised Statutes, chapters 153, 481, 482, 483, 484, 485, 486 and 487, and section 649.080, except for any provision classified as a felony under state law, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

Definitions

Section 3. Definitions.

(1) In addition to those definitions contained in the adopted provisions of the Oregon Vehicle Code, the following mean:

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

Holiday. Sundays, New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the council to be a holiday.

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 of specified days.

Motor vehicle. Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road-building equipment, street cleaning equipment, and any 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.

Person. A natural person, firm, partnership, association or corporation.

Street. Highway, road, street or alley, as defined in ORS 487.005(1) and (8).

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

Traffic lane. That area of the roadway used for the movement of a single line of traffic.

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 Council.

(1) Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated by it.

(2) The powers of the council shall include, but not be limited to regulating:

(a) The parking and standing of vehicles by:

(i) Classifying portions of streets and alleys upon which either parking or standing, or both, shall be prohibited, or prohibited during certain hours.

(ii) Establishing the time limit for legal parking in limited parking areas.

(iii) Designating on each side of a block where required not more than two (2) loading zones.

(iv) Establishing bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier vehicles.

(v) Designating the location of passenger loading zones for use in front of the entrance to any hotel, auditorium, theater, church, school, or public building.

(vi) Designating the angle of parking if other than parallel to the curb.

(vii) Designating city-owned or leased lots or property on which public parking will be permitted.

(viii) Designating lots or areas within which, or streets or portions of streets along which, parking meters will be installed and the denomination of coins to be used or deposited in parking meters.

(b) The operation of vehicles on through streets and one-way streets by:

(i) Designating where traffic-control signals shall be placed and the time of operation of such signals.

(ii) Designating and marking of intersections where drivers of vehicles shall not make right, left, or U turns and the times when such prohibitions shall apply.

(iii) Designating and marking of crosswalks at intersections where deemed necessary for pedestrian safety.

(iv) Designating and marking safety zones of such kind and character and at such places as deemed necessary for pedestrian safety.

(c) Truck routes.

(d) Streets where trucks, machinery, or any other large or heavy vehicles exceeding specified weights shall be prohibited. Such vehicles may, however, be operated on such streets for the purpose of delivering or picking up materials or merchandise, but then only by entering such streets at the intersection nearest the destination of the vehicle and proceeding no farther than the nearest intersection.

(e) Designating streets or portions thereof as one-way streets.

Section 5. Authority of Police and Fire Officers.

(1) It is the duty of police officers to enforce the provisions of this ordinance.

(2) In the event of a fire or other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

General Regulations

Section 6. Crossing Private Property. No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision does not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

Section 7. Unlawful Riding.

(1) No operator shall permit a passenger and no passenger shall ride on a vehicle on a street except on a portion of the vehicle designed or intended for the use of passengers. This provision does 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 on a street.

Section 8. Use of Roller Skates. No person on roller skates or riding in or by means of any coaster, toy vehicle, or similar device shall use any street except while crossing at a crosswalk or where the activity is authorized.

Section 9. Use of Skis, Sleds, etc. No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.

Section 10. Damaging Sidewalks and Curbs.

(1) The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway, unless otherwise authorized by the council.

(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 a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization from the city and posting bond if required. A person who causes damage shall be responsible for the cost of repair.

Section 11. Removing Glass and Debris. A party to a vehicle accident or a person causing broken glass or other debris to be on a street shall remove the glass or other debris from the street.

Section 12. 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 council, 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.

Section 13. Obstructing Streets. No person shall park or leave on a street, including an alley, parking strip, sidewalk, or curb, a vehicle part, trailer, box, ware, merchandise of any description, or any other thing that in any way impedes traffic or obstructs the view, except as is allowed by this or other ordinances of the city.

Section 14. Speed Limits in Public Parks. No person shall drive a vehicle on a street in a public park of this city at a speed exceeding 15 miles per hour unless signs erected indicate otherwise.

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 has priority to park in that space, and no other vehicle operator shall attempt to interfere.

(3) When the operator of a vehicle discovers that 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. No person shall park or stand:

(1) A vehicle in violation of state motor vehicle laws or in violation of a lawfully erected parking limitation sign.

(2) A vehicle in an alley except to load or unload persons or materials, not to exceed two hours.

(3) A motor truck as defined by ORS 483.014(2) on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation.

Section 17. Prohibited Parking. No operator shall park and no owner shall allow a vehicle to be parked on a

street 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. When the hours applicable to the loading zone are in effect, the stop for loading and unloading shall not exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 5 minutes for loading or unloading of passengers and personal baggage and 15 minutes for loading or unloading of materials.

Section 19. Unattended Vehicles. When a police officer finds 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. Standing or Parking of Buses and Taxicabs. The operator of a bus or taxicab shall not stand or park the vehicle on a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

Section 21. Restricted Use of Bus and Taxicab Stands. No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

Section 22. Lights on Parked Vehicle. No lights need be displayed upon a vehicle that is parked in accordance with this ordinance on 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 23. 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 24. Exemption. The provisions of this ordinance that regulate the parking or standing of vehicles do not apply to:

(1) A vehicle of the city, county, state, or a public utility while necessarily in use for construction or repair work.

(2) A vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

(3) A vehicle of a disabled person who complies with the provisions of ORS 487.915 to 487.925.

Bicycles

Section 25. Effect of Regulations.

(1) No parent or guardian of a minor child shall authorize or knowingly permit the child to violate this ordinance.

(2) This ordinance applies to a bicycle operated on a sidewalk, on a street or on a public path set aside for the exclusive use of bicycles, subject to the exceptions stated.

Section 26. 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 motor vehicle parking provisions.

(2) Not ride a bicycle on a sidewalk in a business district.

Section 27. Bicycle Dealers. Persons engaged in the business of buying secondhand bicycles shall maintain a record of every bicycle purchased, giving the name and address of the person from whom purchased, a description of the bicycle by name or make, the frame number, and the license number, if any.

Section 28. Renting of Bicycles. No person shall rent to another a bicycle not registered and equipped as required by this ordinance and state law.

Section 29. Impounding of Bicycles.

(1) No person shall leave a bicycle on private property without the consent of the person in charge or the owner of the property. Consent is implied on private business property unless bicycle parking is expressly prohibited.

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

(5) A fee of \$5.00 shall be charged to the owner of a bicycle impounded under this section, except that no impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

Pedestrians

Section 30. Pedestrians Must Use Crosswalks. No person shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within 150 feet of a marked crosswalk.

Section 31. Right Angles. A pedestrian shall cross a street at a right angle, or by the shortest route to the opposite curb, unless crossing within a crosswalk.

Parades and Processions

Section 32. Prohibited Activity. No person shall organize or participate in a parade that may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people using the public right of way and consisting of 20 or more persons or 10 or more vehicles. No permit is required of a funeral procession or military parade.

Section 33. Funeral Procession.

(1) A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.

(2) The procession shall be accompanied by adequate escort vehicles for traffic control.

(3) All motor vehicles in the funeral 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.

(6) Each driver in the procession shall drive as near to the right edge of the street as practical and shall follow the vehicle ahead as closely as is practical and safe.

Section 34. Parade Permit.

(1) Application for parade permits shall be made to the council at least 30 days prior to the intended date of the parade, unless the time is waived by the council.

(2) Applications shall include the following information:

(a) The name and address of the person responsible for the proposed parade.

(b) The date of the proposed parade.

(c) The desired route, including assembling points.

(d) The number of persons, vehicles and animals that will be participating in the parade.

(e) The proposed starting and ending time.

(3) The application shall be signed by the person designated as chairperson.

(4) The council shall issue a parade permit conditioned on the applicant's written agreement to comply with the terms of the permit unless it finds that:

(a) The time, route and size of the parade will disrupt the movement of other traffic to an unreasonable extent.

(b) The parade is of a size or nature that requires the diversion of so great a number of police officers to properly police the line of movement and contiguous areas that allowing the parade would deny reasonable police protection to the city.

(c) The parade will interfere with another parade for which a permit has already been issued.

- (d) Information contained in the application is found to be false or a material detail is omitted.
- (e) The applicant refuses to agree to abide by or comply with all conditions of the permit.
- (5) If one or more of the conditions listed in subsection (4), other than subpart (e), exists, the council may impose reasonable conditions in the permit, including but not limited to:
 - (a) Requiring an alternate date.
 - (b) Requiring an alternate route.
 - (c) Restricting the size of the parade.
- (6) The recorder shall notify the applicant of the decision within five days after receipt of the application.

Section 35. Offenses Against Parade.

- (1) No person shall unreasonably interfere with a parade or parade participant.
- (2) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

Section 36. Permit Revocable. The council may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

Parking Citations and Owner Responsibility

Section 37. Citation on Illegally Parked Vehicle. When 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 that may identify its owner, and shall conspicuously affix to the vehicle a parking citation instructing the operator to answer to the charge or pay the penalty imposed within five days during specific hours and at a specific place.

Section 38. Failure to Comply With Parking Citation Attached to Parked Vehicle. If the operator does not respond to a parking citation affixed to a vehicle within five working days, the municipal judge shall send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of 10 days:

- (1) The fine will be doubled; and
- (2) If the vehicle has five or more outstanding citations, it may be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid.

Section 39. Cancellation of Parking Citation. No person shall cancel or solicit the cancellation of a parking citation in any manner, except when approved by the municipal judge.

Section 40. 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 41. Registered Owner Presumption. In a proceeding against a vehicle owner charging a violation of a restriction on parking, proof that the vehicle was registered to the defendant at the time of the violation shall constitute a presumption that the defendant was the owner.

Impoundment and Penalties

Section 42. Impoundment of Vehicles.

(1) When 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, even if the vehicle was parked by another or if 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 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 five or more unpaid violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. An impounded vehicle 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 provided in subsection (2) of this section.

Section 43. Penalties.

(1) Violation of sections 6 to 14 is punishable by fine not to exceed \$100.

(2) Violation of sections 15 to 35 is punishable by fine not to exceed \$50.

(3) Violation of a provision identical to a state statute is punishable by fine not to exceed the penalty prescribed by the state statute.

Section 44. Existing Control Devices and Markings.

Parking and traffic control devices and markings installed prior to the adoption of this ordinance are lawfully authorized.

Section 45. Repeal. Ordinances No. 27, enacted June 6, 1899; and No. 159, enacted February 6, 1974, are repealed.

Passed by the council and approved by the mayor
June 19, 1985.