

ORDINANCE NO. 475

AN ORDINANCE CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC;
PROVIDING PENALTIES; AND REPEALING ORDINANCES.

The City of Stayton ordains as follows:

Section 1. Short Title. This ordinance may be cited as
The Stayton Uniform Traffic Ordinance.

Definitions

Section 2. 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 desig-
nated by sign for use by buses loading or unloading passengers.

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

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

(d) Motor vehicle. Every vehicle that is self-propelled,
including tractors, fork-lift trucks, motorcycles, road building
equipment, street cleaning equipment, and any other vehicle cap-
able 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, asso-
ciation or corporation.

(f) Street. Highway, road or street as defined in ORS
487.005(7).

(g) Taxicab stand. A space on the edge of a roadway des-
ignated 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 ord-
inance, includes bicycles.

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

Administration

Section 3. Powers of the Council.

(1) Subject to state laws, the city council shall exercise all
municipal traffic authority for the city except those powers specific-
ally and expressly delegated herein or by another ordinance.

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

- (a) Designation of through streets. (ORS 487.875)
- (b) Designation of one-way streets (ORS 487.885 (1) (a))
- (c) Designation of truck routes. (ORS 483.542)
- (d) Designation of parking meter zones.
- (e) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage. (ORS 483.532)
- (f) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law. (ORS 483.525)
- (g) Initiation of proceedings to change speed zones. (ORS 487.490(2))
- (h) Revision of speed limits in parks. (ORS 487.865)

Section 4. Duties of the Chief of Police. The city council may authorize the chief of police or his designate to exercise the following duties:

(1) Implement the ordinances, resolutions and motions of the council and his 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 Street and Highways.

(2) Establish, remove or alter the following classes of traffic controls:

- (a) Crosswalks (ORS 487.860), safety zones (ORS 487.885 (1)(b)) and traffic lanes (ORS 487.885(1)(a)).
- (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 487.885(1)(c)).
- (c) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal). (ORS 487.890)
- (d) Issue oversize or overweight vehicle permits. (ORS 483.502-483.536)

Section 5. Public Danger. Under conditions constituting a danger to the public, the chief of police or his designate may install temporary traffic control devices deemed by him to be necessary.

Section 6. Standards. The regulations of the chief of police or his 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 7. Authority of Police and Fire Officers

(1) It shall be the duty of police officers to enforce the provisions of the ordinance.

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

General Regulations

Section 8. 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 9. 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 10. Sleds on Streets. No person shall use the streets for traveling on skis, toboggans, sleds or similar devices, except where authorized.

Section 11. 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 12. 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.

Section 13. 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 48 hours. Failure to move a motor vehicle or other personal property for a period of 48 hours shall constitute prima facie evidence of storage of a motor vehicle.

Traffic Offenses on Other Property Open to Public Travel

Section 14. Applicability of the Oregon Vehicle Code to Traffic Offenses Upon Other Property Open to Public Travel.

(1) The provisions of the Oregon Vehicle Code, and covered in this ordinance, shall apply upon any other property open to public travel.

(2) As used in this ordinance, "other property open to public travel" includes any property whether publicly or privately owned and whether publicly or privately maintained, upon which the public

operates motor vehicles either by express or implied invitation other than streets as defined in Section 2, subsection (1) (f) of this ordinance, and excepting county property or other property under the jurisdiction of the State Board of Higher Education. "Other property open to public travel" shall include but not be limited to parking lots, service station lots, shopping center and supermarket parking lots, and other accessways and parking areas open to general vehicular traffic, whether or not periodically closed to public use.

Section 15. Careless Driving. No person shall operate a motor vehicle on other property open to public travel in a careless manner that endangers or would be likely to endanger any person or property.

Section 16. Speeding. No person shall drive a vehicle upon other property open to public travel at a speed greater than is reasonable and prudent, having due regard to the traffic surface and width of the driving area, the hazard at intersections and any other conditions then existing, any speed in excess of that validly designated and posted shall be prima facie evidence of violation of this section.

Section 17. Excessive Noise. No person shall drive a vehicle upon other property open to public travel so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.

Section 18. Duties at an Accident.

(1) The operator of a motor vehicle involved in an accident on other property open to public travel which results in injury or death to a person or causes damage to another occupied vehicle shall stop immediately at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until he has fulfilled the following requirements:

(a) Rendered to a person injured in the accident reasonable assistance, including the conveying or the making of arrangements for the conveying of the person to a physician when treatment is necessary, or if the injured person requests conveyance.

(b) Given to the occupant of the other vehicle his name and address and the names and addresses of any other occupants of the vehicle he is operating.

(2) The operator of a motor vehicle on other property open to public travel which collides with an unattended vehicle or damages other property, public or private, shall make a reasonable effort to locate and notify the owner of the damaged property. If, after reasonable effort, the operator cannot locate the owner, he shall leave in a conspicuous place a note containing his name and address and a brief description of the circumstances and promptly report the accident to the police.

(3) A witness to the accident shall furnish to the operators or occupants of the vehicles, or injured persons, his name and address.

Section 19. Enforcement.

(1) The violation of a provision of this ordinance relating

to the operation of a motor vehicle on other property open to public travel shall be a municipal offense and shall subject the violator to arrest by a police officer or a private citizen if the violation takes place in the presence of the officer or citizen or by a police officer acting under authority of a municipal court warrant.

(2) A misdemeanor citation may be used in lieu of custody. The Oregon Uniform Traffic Citation may be used as a misdemeanor citation in such cases but it shall not be reported to the Department of Motor Vehicles.

Parking Regulations

Section 20. 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 21. 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.

(2) 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 22. Prohibited Parking. No operator shall park and no owner shall allow a vehicle to be parked upon 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 23. 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 24. 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 25. Standing or Parking of Buses and Taxicabs. The operator of a bus or taxicab shall not stand or park the vehicle upon 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 26. 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 for the purpose of and 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 27. 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 28. 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 29. Exemption. 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.

Bicycles

Section 30. 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 or operate a bicycle upon a sidewalk in a business district. A person riding a bicycle upon a sidewalk in any public place other than a business district shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Section 31. Licensing. (Reserved for future consideration)

Section 32. Renting of Bicycles. (Reserved for future consideration)

Section 33. 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.

(6) Except as provided in subsection (4), a fee of \$2.00 shall be charged to the owner of a bicycle impounded under this section.

Pedestrians

Section 34. Pedestrians Must Use Crosswalks. 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.

Section 35. Right Angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

Funeral Processions

Section 36. 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 turned 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 37. 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 seven days during the hours and at a place specified in the citation.

Section 38. 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 seven days, the chief of police 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 seven days, a warrant for the arrest of the owner will be issued.

Section 39. 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 40. 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 41. Impoundment of Vehicles.

(1) Whenever a vehicle is placed in a manner or location that

constitutes an obstruction to traffic or hazard to public safety, a police officer shall order the owner 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 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, 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 the section.

Parades

Section 42. Prohibited Activity. No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people utilizing the public right of way and consisting of ten or more persons or five or more vehicles, except that this provision shall not apply to funeral processions as defined in Section 36 of this ordinance.

Section 43. Parade Permit.

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

(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 which will be participating in the parade.

(e) The proposed starting and ending time.

(f) The application shall be signed by the person designated as chairman.

(3) If the chief of police, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he shall approve the route and issue the permit.

(4) If the chief of police determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he may:

- (a) Propose an alternate route.
- (b) Propose an alternate date.
- (c) Refuse to issue a parade permit.

(5) The chief of police shall notify the applicant of his decision within fourteen days of receipt of the application.

(6) If the chief of police proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the city council.

Section 44. Appeal to Council.

(1) An applicant may appeal the decision of the chief of police by filing a written request of appeal with the city recorder within seven days after the chief of police has proposed alternatives or refused to issue a permit.

(2) The council shall schedule a hearing date which shall not be later than the second regular session following the filing of the written appeal with the city recorder and shall notify the applicant of the date and time that he may appear either in person or by a representative.

Section 45. 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 46. Permit Revocable. The chief of police may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

Section 47. Penalties.

(1) Violation of Section 8 through 19, and Sections 42 through 46 is punishable by fine not to exceed \$100.00.

(2) Violation of Sections 20 through 36 is punishable by fine not to exceed \$50.00.

General

Section 48. Hearing; Burden of Proof; Pretrial Discovery.

(1) The hearing of any traffic infraction shall be by the court without a jury. The hearing of any traffic infraction shall not commence until the expiration of seven (7) days from the date of arrest or citation for the traffic infraction unless the defendant waives the seven (7) day period.

(2) The City of Stayton shall have the burden of proving the alleged traffic infraction by a preponderance of the evidence.

(3) The pretrial discovery rules in ORS 135.805 to 135.873 apply to traffic infraction cases.

(4) The defendant may not be required to be a witness in the hearing of any traffic infraction.

Section 49. Counsel for City and Defendant.

(1) At any hearing involving a traffic infraction only, defense counsel shall not be provided at public expense.

(2) At any hearing involving a traffic infraction only, the city attorney shall not appear unless counsel for the defendant appears. The court shall ensure that the city attorney is given timely notice if defense counsel is to appear at a hearing.

Section 50. 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 51. Repeal. Ordinance No. 430, enacted February 19, 1973, relating to AN ORDINANCE CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC and Ordinance No. 435, enacted June 18, 1973, relating to AN ORDINANCE PROVIDING FOR THE OPERATION OF BICYCLES WITHIN THE CITY OF STAYTON, OREGON are repealed.

Section 52. Saving Clause. The repeal of any ordinance by Section 49 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Section 53. Emergency Clause. The council finding that an emergency exists and the adoption of this ordinance is necessary for the immediate preservation of the public safety, this ordinance shall be in full force and effect from and after its date of passage.

PASSED by the Council this 20th day of December, 1976.

APPROVED by the Mayor this 21 day of Dec, 1976.


MAYOR

ATTEST:


CITY RECORDER