

ORDINANCE NO. 430

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

The City of Stayton do ordain as follows:

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

State Traffic Laws

Section 2. Applicability of State Traffic Laws. Violation of Oregon Revised Statutes, Chapters 481, 482, 483, 484, and 485 as now or hereafter constituted shall be an offense against this city, and the procedures provided therein shall, insofar as possible, apply to the city except as hereinafter modified.

Section 3. Definitions.

(1) In addition to those definitions contained in the above ORS chapters, 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 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 designated 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 capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

(e) Park or parking. The condition of:

(i) A motor vehicle that is stopped while occupied by its operator with the engine turned off.

(ii) A motor vehicle that is stopped while unoccupied by its operator whether or not the engine is turned off.

(f) Pedestrian. A person on the public right-of-way except:

(i) The operator or passenger of a motor vehicle or bicycle.

(ii) A person leading, driving, or riding an animal or animal-drawn conveyance.

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

(h) Stand or standing. The stopping of a motor vehicle while occupied by its operator with the engine running except stopping in obedience to the instructions of a traffic officer or traffic control device or for other traffic.

(i) Stop. Complete cessation of movement.

(j) Street and other property open to public travel.

(i) Street. The terms "highways," "road," and "street," when used in this ordinance or in the ORS chapters incorporated herein, shall be considered synonymous, unless the context precludes such construction. "Street," as defined in this ordinance and the ORS chapters incorporated by reference herein, includes alleys, sidewalks, and parking areas and accessways owned or maintained by the city.

(ii) Other property open to public travel. 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 subsection (a) of this section and excepting county property or 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.

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

(l) Traffic control device. A device to direct vehicular or pedestrian traffic, including but not limited to a sign, signaling mechanism, barricade, button, or street or curb marking installed by the city or other authority.

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

(n) 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 herein or by another ordinance.

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

(a) Designation of through streets.

(b) Designation of one-way streets.

- (c) Designation of truck routes.
- (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.
- (f) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law.
- (g) Designation of speed zones on municipal streets and other property open to public travel and initiation of proceedings to change speed zones.
- (h) Revision of speed limits in parks.

Section 5. 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 traffic control devices. Such installations shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.

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

(a) Crosswalks, safety zones, and traffic lanes.

(b) Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies.

(c) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).

(3) Issue oversize or overweight vehicle permits.

Section 6. 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 7. 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 State Highway 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 other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

Section 9. 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 10. Evidence. The existence of a traffic control device shall be prima facie evidence that the device was lawfully authorized and installed.

Section 11. Existing Control Devices. Traffic control devices installed prior to the adoption of this ordinance are lawfully authorized.

General Regulations

Section 20. Rules of Road. In addition to state law, the following shall apply to the operation of vehicles upon the streets of the city:

(1) The operator of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic, and shall yield the right-of-way to moving traffic and pedestrians.

(2) The operator of a vehicle in the traffic lane shall have the right-of-way over an operator of a vehicle departing from a parking space.

(3) No operator of a vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal

when other traffic may be affected.

(4) Where a stop sign is erected at or near the entrance to an intersection, the operator of a vehicle approaching shall bring the vehicle to a stop before crossing a stop line or crosswalk; or, if none, then before entering the intersection. Stopping at a point which does not yield an unobstructed view of traffic on the intersecting street shall not constitute compliance with the requirements of this section.

(5) Notwithstanding an indication by a traffic control device to proceed:

(a) No operator of a vehicle shall enter an intersection unless there is sufficient space on the opposite side of the intersection to accommodate his vehicle without obstructing the passage of other vehicles.

(b) No operator of a vehicle shall enter a marked crosswalk, whether or not at an intersection, unless there is sufficient space on the opposite side of the crosswalk to accommodate his vehicle without obstructing the passage of pedestrians.

Section 21. 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 22. Emerging from Vehicle. No person shall open the door of a motor vehicle into a traffic lane without first ascertaining that it can be done in safety.

Section 23. 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 employee 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 24. Clinging to Vehicle. No person riding upon a bicycle, motorcycle, coaster, roller skates, sled, or other device shall attach the device or himself to a moving vehicle upon a street. Nor shall the operator of a vehicle upon a street knowingly allow a person riding on any of the above vehicles or devices to attach himself, the vehicle, or the device to his vehicle.

Section 25. Sleds on Streets. No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.

Section 26. Damaging Sidewalks and Curbs.

(1) The operator of a 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 27. Obstructing Streets.

(1) No unauthorized person shall obstruct the free movement of vehicles or pedestrians using the streets.

(2) No person shall park or stand a vehicle in such a manner or location that it constitutes a hazard to public safety or an obstruction on the street.

Section 28. 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 29. Trains Not to Block Streets. No person shall direct or operate a train or permit railroad cars to block the use of any street for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

Parking Regulations

Section 40. Method of Parking.

(1) No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

(2) 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.

(3) The operator who first begins maneuvering his 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 deprive him of his priority or block his access.

(4) Whenever the operator of a vehicle discovers that his vehicle is parked close to a building to which the fire department has been summoned, he shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

Section 41. Prohibited Parking and Standing. In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

(1) A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel unless authorized.

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

(3) A motor truck as defined by ORS 483.014 (3) on a street

(4) A vehicle upon a parkway or freeway, except as authorized.

Section 42. Prohibited Parking.

(1) No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

(a) Displaying the vehicle for sale.

(b) Repairing or servicing the vehicle, except repairs necessitated by an emergency.

(c) Displaying advertising from the vehicle.

(d) Selling merchandise from the vehicle, except when authorized.

(2) No person owning or having the care or control of any pickup camper body or canopy, not then mounted on a licensed motor vehicle, or any mobile home, camper trailer or other unit shall park or store the same on any street, alley, public parking lot or other public property.

Section 43. 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 the 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 44. Leaving Unattended Vehicle. No operator or person in charge of a motor vehicle shall park it or allow it to be parked on a street without first stopping the engine, locking the ignition, removing the ignition key from the vehicle and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed.

OFFICER IS AUTHORIZED TO REMOVE THE KEY FROM THE VEHICLE AND DELIVER THE KEY TO THE PERSON IN CHARGE AT THE POLICE STATION.

Section 46. Standing or Parking of Buses and Taxicabs Regulated. 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 his vehicle outside a traffic lane while loading or unloading passengers.

Section 47. 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 area.

Section 48. Lights on Parked Vehicles. 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 49. 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 50. 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.

SECTION 61. REGULATING HOW TO CROSS
shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within 150 feet of a marked crosswalk.

Section 62. Right Angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

Section 63. Obedience to Traffic Lights and Bridge and Railroad Signals.

(1) At an intersection where a pedestrian control light is in operation, no pedestrian shall start to cross the street except when the walk signal is illuminated. Where only vehicle control lights are in operation, no pedestrian shall start to cross the street except when the green light is illuminated.

(2) No pedestrian shall enter or remain upon a railroad grade crossing, an openable bridge, or the approach thereto beyond a crossing gate or barrier after an operation signal indication has been given.

(3) No pedestrian shall pass through, around, over, or under a crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

Traffic Offenses on Other Property Open to Public Travel

Section 70. 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 71. Reckless Driving. No person shall operate a motor vehicle on other property open to public travel carelessly and heedlessly in willful or wanton disregard of the rights or safety of others.

Section 72. Driving Under the Influence of Intoxicating Liquor, Dangerous Drugs, or Narcotic Drugs. No person shall operate a motor vehicle on other property open to public travel while under the influence of intoxicating liquor, dangerous drugs,

blood, saliva, or urine at his expense or chemical test of his breath without expense; that he is not required to submit to any such test, and that his refusal will not result in suspension of his driving privileges, and that his refusal to submit or failure to request chemical testing can not be used against him in any criminal proceeding.

(2) As used in this section, "intoxicating liquor," "dangerous drug," and "narcotic drug" shall mean the same as those terms are defined by state law.

Section 73. 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 74. 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 75. 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 or hospital for medical treatment, if it is apparent that

and address the vehicle 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 76. 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) ORS 133.310 (3) and 484.105 shall not apply to offenses on other property open to public travel. 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 Citations and Owner Responsibility

Section 80. Citation on Illegally Parked Vehicle. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance, the officer finding the vehicle shall take its license number and any other information

imposed within five days during the hours and at a place specified in the citation.

Section 81. Failure to Comply with Traffic Citation Attached to Parked Vehicle. If the operator does not respond to a traffic citation affixed to such vehicle within a period of five days, the police department or the city recorder may send to the owner of the vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of five days, a warrant for his arrest will be issued.

Section 82. Owner Responsibility. The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

Section 83. 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 he was then the owner in fact.

Impoundment and Penalties

Section 90. 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

suance 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, 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 provided in subsection (2) of this section.

Section 91. Penalties.

(1) Except as may be limited by charter, violations of ORS provisions made offenses against this city are punishable to the same extent provided in the statutes.

(2) Violation of Sections 6 through 39 is punishable by fine not to exceed \$100.00, or confinement in the city jail not to exceed 10 days, or both fine and imprisonment.

(3) Violation of Sections 40 through 69 is punishable by fine not to exceed \$50.00.

(4) Except as may be limited by charter, violations of Sections 70 through 75 are punishable by confinement in the city jail, or by fine or by both, not to exceed the maximum penalties which could be imposed under state law for similar violations occurring on highways.

General

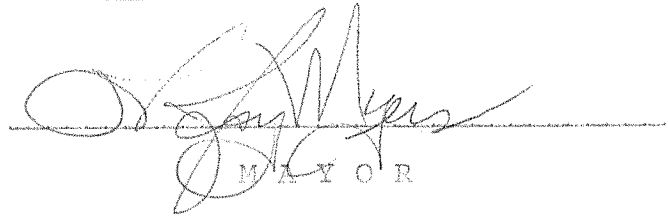
Section 92. Severability Clause. If a portion of this ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this ordinance.

SECTION 94. Saving Clause. The repeal of any ordinance by Section 93 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance. Repeal of the ordinances referred to in Section 93 shall not reinstate any prior ordinances otherwise repealed.

Section 95. 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 19th day of February, 1973.

APPROVED by the Mayor this 19th day of February, 1973.



MAYOR

ATTEST:



CITY RECORDER