

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

' 70.01 ADOPTION OF STATE TRAFFIC LAWS.

The following enumerated motor vehicle laws of Oregon, together with all acts and amendments applicable to cities which are now or hereafter enacted, are hereby adopted by reference and made a part of this title: O.R.S. Chapters 153, 743, and 801 through 823, inclusive.

(78 Code, ' 11-1-1)

70.02 DEFINITIONS.

(A) Except where the context clearly indicates a different meaning, or as defined in division (B) of this section, the definitions in O.R.S. Chapter 801 shall apply to all other sections of this title. (78 Code, ' 11-1-1)

(B) In addition to those definitions contained in the adopted sections of the motor vehicle laws of Oregon, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

ALLEY. A narrow street through the middle of a block.

CURB. The extreme edge of the roadway.

HOLIDAYS. Where used in this title or on signs erected in accordance with this title: Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

LOADING ZONE. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials or freight.

PARK or PARKING. The standing of a vehicle, whether occupied or not, except when a vehicle is temporarily standing for the purpose of and while actually engaged in loading or unloading.

PASSENGER LOADING ZONE. A loading zone reserved only for the loading or unloading of passengers and their luggage.

PEDESTRIAN. Any person afoot.

PLAY STREET. A street temporarily set aside for use as a playground on which usual or general vehicular traffic is prohibited.

STOP. Complete cessation of movement.

TRAFFIC LANE That portion of the roadway used for the movement of a single line of vehicles. (78 Code, ' 11-1-1, 11-1-2)

TRAFFIC-CONTROL AUTHORITY; SIGNS AND SIGNALS

• 70.15 POWERS OF COUNCIL.

(A) The Council may, by resolution, establish traffic controls which shall become effective upon the installation of appropriate signs, signals or other markings; provided, where required by the motor vehicle laws of Oregon, approval of the State Highway Commission has first been obtained.

(B) The powers of the Council include, but are not limited to, the authority to regulate:

(1) The parking and standing of vehicles by:

(a) Classifying portions of streets upon which either parking or standing or both shall be prohibited, or prohibited during certain hours or days;

(b) Establishing the time limit for legal parking in limited parking areas;

(c) Designating the angle of parking, if other than parallel to the curb;

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

(2) Traffic-control signals and the time of their operation.

(3) Turn regulations at intersections.

(4) Marked pedestrian crosswalks and safety zones.

(5) Play streets and the hours during which they may be so used.

(6) Special speed regulations in city parks.

(^78 Code, ' 11-1-3)

• 70.16 DUTIES AND AUTHORITY OF POLICE DEPARTMENT.

The Police Department through its officers:

(A) Shall enforce the provisions of this title. (^78 Code, ' 11-1-5(A))

(B) Shall cause all signs, signals, parking meters and markings necessary to traffic controls provided for by enactments of the Council to be installed, marked and maintained in accordance with standards established by the State Highway Commission and nationally recognized traffic-control standards (such as the *Manual on Uniform Traffic-Control Devices* published by the U.S. Bureau of

Public Roads), and may cause to be placed and maintained additional and incidental traffic-control devices necessary to regulate traffic under this title or under the state law, or to guide or warn traffic.

(C) May trim or remove or cause to be trimmed or removed any tree, shrub or hedge which is within or extends over the street and interferes with the use of the sidewalk or roadway or obstructs a driver's view of an intersection or traffic upon streets approaching an intersection or otherwise constitutes a traffic hazard. Trees, shrubs and hedges shall be maintained at an unobstructed height of not less than nine feet above the sidewalk.

(78 Code, ' 11-1-4)

▪ **70.17 POLICE AND FIRE OFFICERS' AUTHORITY TO DIRECT TRAFFIC.**

(A) In the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of this title.

(B) Members of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic there or in the immediate vicinity.

(78 Code ' 11-1-5)

▪ **70.18 SIGNS AND SIGNALS.**

(A) *Duty to obey.*

(1) All drivers of motor vehicles and all pedestrians shall obey the instructions of every traffic sign, signal, marker or barrier placed in accordance with the motor vehicle laws of Oregon or this title, including those erected by any authorized public utility and department of the city or other authorized person, except when necessary to avoid conflict with other traffic or when otherwise directed by a police officer.

(2) No unauthorized person shall move, remove or alter the position of, or deface or tamper with any sign, signal, marker or barrier.

(B) *Vehicles stopping at stop signs.* When stop signs are erected at or near the entrance to any intersection or railroad crossing, every driver of a vehicle approaching such sign shall come to a full stop before entering any crosswalk, intersection or railroad crossing except when directed to proceed by a police officer or traffic-control signal.

(C) *Existing signs.* All official traffic signs, signals and markers existing at the time of the effective date hereof shall be considered official under the provisions of this title and shall continue in effect; provided, however, that the Council may, by resolution, at any time remove or change such traffic-control regulations in accordance with the provision of this title.

(78 Code, ' 11-1-6) Penalty, see ' 70.99

▪ **70.19 UNLAWFUL MARKING.**

Except as provided by this title, it shall be unlawful for any person to mark or paint in any manner any letters, marks or signs on any sidewalk, curb or other portion of any street, or to post anything designed or intended to prohibit or restrict parking on any street.
(^78 Code, ' 11-1-8) Penalty, see ' 70.99

VIOLATIONS

▪ **70.30 TRAFFIC CITATIONS.**

(A) *Issuance.* For the violation of any provision of this title, the Police Department may issue a citation which shall be in the nature of a notice to appear at a certain time and place. If any person fails to comply with the terms of a citation within a period of ten days from the date of issuance, the municipal judge may issue a warrant of arrest.

(B) *Illegal cancellation.* It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner except where approved by the Municipal Judge.

(C) *When warrant issued.* If any person fails to comply with the terms of a traffic citation, the City Recorder shall secure and have served a warrant for the arrest of such person.
(^78 Code, ' 11-4-2) Penalty, see ' 70.99

▪ **70.31 IMPOUNDING OF VEHICLES.**

(A) Whenever a traffic citation is issued for violation of any city parking regulation, the Police Department may impound the vehicle involved and remove it to a garage, parking lot or other suitable storage place.

(B) Whenever a person is arrested for violation of ' 71.02 of this title, the Police Department may, pending the final hearing before the Municipal Judge on such charge, impound the vehicle involved and remove it to a garage, parking lot or other suitable storage place.

(C) The owner of the impounded vehicle or his authorized agent may redeem such vehicle upon the payment of the towing and storage charges.

(D) In accordance with O.R.S. 809.720, city police officers may tow and impound a vehicle, without prior notice, for the following reasons:

- (1) Driving while one's license is suspended or revoked;

(2) Driving while under the influence of intoxicants;

(3) Operating without driving privileges or in violation of license restrictions.

(^78 Code, ' 11-4-3) (Ord. 1-A, passed 2-4-59; Am. Ord. 98-4, passed 10-7-98) Penalty, see ' 70.99

' 70.32 IMPOUNDING OF BICYCLES.

Bicycles may be impounded for a period not to exceed 30 days.

(^78 Code, ' 11-4-1) (Am. Ord. 96-3, passed 6-5-96)

' 70.99 PENALTY.

In addition to any other provisions and penalties provided by this code, any person convicted of a violation of this title shall be punished by a fine not to exceed \$500 for any one offense, each day constituting a separate offense. However, if a substantially similar offense is described by state law, the penalty shall not exceed that provided by state law.

CHAPTER 71: TRAFFIC RULES

Section

- 71.01 Stopping when traffic obstructed
- 71.02 Driving under influence of liquor or drugs
- 71.03 Drinking in motor vehicle
- 71.04 Reckless driving
- 71.05 Right-of-way; limitations on backing
- 71.06 Emerging from or boarding vehicle
- 71.07 Riding on portion of vehicle not intended for passengers
- 71.08 Clinging to vehicles
- 71.09 Emergency vehicles
- 71.10 Parade permit required
- 71.11 Manner of riding motorcycle
- 71.12 Operating or parking motorcycles, bicycles or toy devices on sidewalks
- 71.13 Driving on play streets
- 71.14 Removing glass or debris from street

• **71.01 STOPPING WHEN TRAFFIC OBSTRUCTED.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the opposite side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(78 Code, ' 11-1-7) Penalty, see ' 70.99

• **71.02 DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS.**

Any person who, while being a habitual user of narcotic drugs or while intoxicated or under the influence of intoxicating liquor or narcotic drugs, drives any vehicle upon any street shall, upon conviction, be punished according to state statute.

(78 Code, ' 11-1-12) Penalty, see ' 70.99

Cross-reference:

Impounding of vehicles for violation, see ' 70.31

71.03 DRINKING IN MOTOR VEHICLE.

It shall be unlawful for any person to consume alcohol while an occupant of a motor vehicle on any street in the city.

(78 Code, ' 11-1-13) Penalty, see ' 70.99

71.04 RECKLESS DRIVING.

Any person who drives any vehicle upon a street carelessly and in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection, at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving.

(78 Code, ' 11-1-14) Penalty, see ' 70.99

71.05 RIGHT OF WAY; LIMITATIONS ON BACKING.

(A) A vehicle which has stopped or parked shall yield to moving traffic. (78 Code, ' 11-1-15)

(B) The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic, and shall in every case yield the right of way to moving traffic and pedestrians. (78 Code, ' 11-1-16)

Penalty, see ' 70.99

71.06 EMERGING FROM OR BOARDING VEHICLE.

(A) No person shall open the door of, or enter or emerge from, a vehicle into the path of any approaching vehicle. (78 Code, ' 11-1-17)

(B) No person shall board or alight from a vehicle while such vehicle is in motion. (78 Code, ' 11-1-18)

Penalty, see ' 70.99

71.07 RIDING ON PORTION OF VEHICLE NOT INTENDED FOR PASSENGERS.

No person shall ride on any vehicle upon any portion thereof not intended for use by passengers. This provision shall not apply to an employee engaged in the discharge of a duty, nor to a person riding within a truck body in a space intended for merchandise.

(78 Code, ' 11-1-20) Penalty, see ' 70.99

71.08 CLINGING TO VEHICLES

(A) No person riding upon any bicycle, motorcycle, coaster, roller skates, sled or any toy vehicle shall attach the same or himself to any moving vehicle upon the streets.

(B) No person driving any vehicle shall permit any of the articles listed in division (A) hereof to be attached to the vehicle for the purpose of pulling along the streets.

(78 Code, ' 11-1-21) Penalty, see ' 70.99

Cross-reference:

Impounding of bicycles, see ' 70.32

71.09 EMERGENCY VEHICLES.

(A) *Failure to yield right of way.* It shall be unlawful for a driver of any vehicle upon any street or highway within the city to fail to yield the right of way to police, traffic and fire department vehicles and ambulances when the latter is operated by an official on official business and the driver thereof sounds audible signal by bell, siren or exhaust whistle. This provision shall not operate to relieve the driver of a police, traffic or fire department vehicle or ambulance from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right of way.

(B) *Driver to let emergency vehicle pass.* Upon the approach of any police, traffic officer or fire department vehicle giving audible signal by bell, siren or exhaust whistle, 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 highway, clear of any intersection of streets and highways, and shall stop and remain in such position, unless otherwise directed by a police or traffic officer, until the police or fire department vehicle shall have passed.

(C) *Unlawful parking of vehicle during emergency.* 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 or to drive into or park such vehicle within the block where a fire apparatus has stopped in answer to a fire alarm or within 300 feet of a point where a fire is in progress. And it shall be unlawful for the driver of a vehicle to park or stand said vehicle within ten feet of any fire hydrant.

(78 Code, ' 11-1-10) Penalty, see ' 70.99

71.10 PARADE PERMIT REQUIRED.

No procession or parade, except a funeral procession, or a procession of United States armed forces and/or the military forces of this state, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police. Such permit may be granted where it is found

that such parade is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace, cause damage or unreasonably interfere with the public use of the streets, or the peace and quiet of the inhabitants of the city.

(^78 Code, ' 11-1-9) Penalty, see ' 70.99

' 71.11 MANNER OF RIDING MOTORCYCLE.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is equipped to carry more than one person.

(^78 Code, ' 11-1-19) Penalty, see ' 70.99

' 71.12 OPERATING OR PARKING MOTORCYCLES, BICYCLES OR TOY DEVICES ON SIDEWALKS.

(A) *Bicycles and motorcycles.*

(1) It shall be unlawful for any person to ride a bicycle, motorcycle or any motorized vehicle on any sidewalk.

(2) It shall be unlawful for any person to leave a bicycle or motorcycle either standing or lying down upon the sidewalk in front of any theater, church or other building wherein public gatherings are held.

(B) *Roller skates, skateboards, and other toy transportation devices.* It shall be unlawful for any person to operate in-line roller skates (ARoller Blades@), skateboards or other toy transportation devices upon Main Street or the sidewalks thereof between Court and Frazier streets including one block east and west feeding into Main Street and the state highways with the city limits.

(^78 Code, ' 11-1-11) (Ord. passed 8-5-87; Am. Ord. 96-3, passed 6-5-96; Am. Ord. 98-6, passed 10-7-98) Penalty, see ' 70.99

Cross-reference:

Impounding of bicycles, see ' 70.32

' 71.13 DRIVING ON PLAY STREETS.

No person shall drive a vehicle upon a street during the hours when it designated and is being used as a play street except drivers having business on such street or whose residences are along such street, and then such driver shall exercise the greatest care in driving on such street.

(^78 Code, ' 11-1-22) Penalty, see ' 70.99

' 71.14 REMOVING GLASS OR DEBRIS FROM STREET.

Any party to a collision or other vehicle accident or any other person causing glass or other material or substance likely to injure any person, animal or vehicle to be upon any street in the city shall, as soon as possible, remove or cause to be removed from such street all such glass or other material or substance.
(78 Code, ' 11-1-24) (Ord. 1-A, passed 2-4-59)

CHAPTER 72: PARKING REGULATIONS

Section

- 72.01 Manner of parking
- 72.02 Double parking
- 72.03 Parking of oversize vehicles
- 72.04 Parking vehicle for certain purposes prohibited
- 72.05 Exemption for public vehicles
- 72.06 Use of loading zone

Cross-reference:

Impounding of vehicles, see ' 70.31

' 72.01 MANNER OF PARKING.

(A) 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 curb-side wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

(B) Where parking-space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space.

(C) Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the Fire Department has been summoned, such person shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.
(78 Code, ' 11-2-1) Penalty, see ' 70.99

' 72.02 DOUBLE PARKING.

It shall be unlawful for any person to double park or park a vehicle behind vehicles parked head-in to the street curb, or alongside vehicles parked parallel with the street curb, for a period in excess of five minutes at any one time in any one block on one side of any street and only then by leaving a licensed operator at the controls of such vehicle, with motor running, and such operator shall immediately move such vehicle when so double parked if requested to do so by anyone desiring to move

out from the curb or to occupy a clear space at the curb, either of which moves is blocked by the double-parked vehicle. All such double-parked vehicles shall be stopped as far away from moving traffic as possible.

(^78 Code, ' 11-2-3) Penalty, see ' 70.99

' 72.03 PARKING OF OVERSIZE VEHICLES.

(A) Any vehicle which, because of its size or shape, cannot be parked as provided by ' 72.01 hereof may be parked outside the restricted or limited parking area of the city in a manner which will not impede or interfere with vehicular traffic.

(B) In addition to provisions of the motor vehicle laws of Oregon regulating parking, no person shall park a vehicle 80 inches or more in width and/or 23 feet or more in length upon any public street, except for the purpose of loading or unloading of materials for a time period not to exceed two hours.

(^78 Code, ' 11-2-2) (Am. Ord. 98-5, passed 10-7-98) Penalty, see ' 70.99

' 72.04 PARKING VEHICLE FOR CERTAIN PURPOSES PROHIBITED.

(A) In addition to provisions of the motor vehicle laws of Oregon regulating parking, no person shall park any vehicle upon any public street for the principal purpose of:

(1) Washing, greasing or repairing such vehicle, except repairs made necessary by an emergency.

(2) Displaying such vehicle for sale.

(3) Storing of such vehicle for a time period of more than 12 hours.

(B) Parking upon South Main Street or any of its side streets between Court and West Walnut Streets for a period of more than 12 hours shall constitute Astoring@ as prohibited by division (A)(3) of this section.

(^78 Code, ' 11-2-2) (Am. Ord. 98-5, passed 10-7-98) Penalty, see ' 70.99

' 72.05 EXEMPTION FOR PUBLIC VEHICLES.

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

(^78 Code, ' 11-2-4) (Ord. 1-A, passed 2-4-59)

' 72.06 USE OF LOADING ZONE.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials, freight or passengers in any place designated as a loading zone during the hours when the provisions applicable to loading zones are in effect. In no case shall anyone stop in a loading zone for loading and unloading of passengers, personal baggage or other materials for any period of time exceeding 30 minutes.

(78 Code, ' 11-1-23)

