

Title 10 VEHICLES AND TRAFFIC

Chapter 10.04 TRAFFIC

10.04.010 Adoption of Oregon Vehicle Code.

The city adopts the Oregon Vehicle Code, Title 59, ORS Chapter 801 et seq., and as amended.

10.04.020 Definitions.

In addition to those definitions contained in the adopted sections of the Oregon Revised Statutes, the following words or phrases in this title shall mean as follows:

"Alley" means a narrow street through the middle of a block.

"Bicycle" means every device propelled by human power upon which any person may ride, having two or more tandem wheels, either of which is over fifteen (15) inches in diameter.

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

"Business District" means any commercial or industrial zone.

"Curb" means the extreme edge of the roadway.

"Holidays," where used in this title or on signs erected in accordance with these sections means Sundays, New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and any other legal holidays designated as such by the statutes of the state of Oregon.

"Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material or freight.

"Park" or "parking" means 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.

"Parkway" means that portion of a street not used as a roadway or as a sidewalk.

"Pedestrian" means any person afoot or confined in a wheelchair.

"Recreational vehicle" means any structure designed to be moved from place to place either on wheels attached to the structure or upon another vehicle and which is intended to be occupied by humans for eating, sleeping or both. Recreation vehicles include, but are not limited to, pick-up campers, travel trailers, camping trailers and motor homes.

"Stop" means complete cessation of movement.

"Taxicab stand" means a fixed area in the roadway adjacent to the curb designated by sign for use by taxicabs.

"Traffic lane" means that portion of the roadway used for the movement of a single line of vehicles.

"Utility trailer" means any structure on wheels designed to move or carry items from place to place.

Chapter 10.08 ADMINISTRATION AND ENFORCEMENT

10.08.010 Powers of the Council

- A. Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically delegated herein or by another ordinance.
- B. The powers of the council shall include, but not limited to:
 - 1. Designation of through streets;
 - 2. Designation of one-way streets;
 - 3. Designation of truck routes;
 - 4. Designation of parking meter zones;
 - 5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
 - 6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
 - 7. Initiation of proceedings to change speed zones;
 - 8. Revision of speed limits in parks.
 - 9. 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 area and time limitations, including the form of permissible parking (e.g. parallel or diagonal);

10.08.020 Duties of the city manager.

The city manager or their designee shall exercise the following duties:

- A. Implement the ordinances, resolutions and motions of the council and their own orders by installing traffic control devices. Such installations shall be based on the standards contained in the Oregon Manual of Uniform Traffic Control Devices for Streets and Highways;
- B. Issue oversize or overweight vehicle permits.

10.08.030 Authority of police and fire officers.

- A. It shall be the duty of the police department through its officers to enforce the provisions of this title.
- B. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions may require to expedite traffic or to safeguard pedestrians, notwithstanding the provisions of this title.

- C. When at the scene of a fire, members of the fire district may direct or assist the police in directing traffic.

10.08.040 Illegal cancellation of traffic citations.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner except with the approval of the municipal judge.

Chapter 10.10 – Traffic Control Devices

10.10.010 Powers of council.

After approval by the Oregon State Highway Commission where such approval is required by the motor vehicle laws of Oregon, the council shall designate by resolution traffic and parking controls which shall become effective upon installation of appropriate traffic signs, signals, markings or devices.

10.10.020 Existing signs and signals.

All official traffic signs and signals existing at the time of the adoption of this code, such as stop signs, caution signs, slow signs, no-reverse-turn signs, signs designating time limits for parking or prohibiting parking, lines painted or marked on streets or curbs designating parking areas or spaces, markers designating loading zones, parking meters, and all other official traffic signs or signals erected, installed or painted for the purpose of directing, controlling and regulating traffic are approved.

10.10.030 Duty to obey traffic signs and signals.

- A. No driver of any vehicle shall disobey the instructions of any traffic sign, signal, marker, barrier, or parking meter placed in accordance with the motor vehicle laws of Oregon or this code, including those erected by any authorized public utility, department of the city, or other authorized person, unless it is necessary to avoid conflict with other traffic or when otherwise directed by a police officer.
- B. No unauthorized person shall move, remove, deface, tamper with, or alter the position of any such sign, signal, marker, barrier, or parking meter.

Chapter 10.12 STOPPING, STANDING AND PARKING

10.12.010 Private marking unlawful.

It is unlawful for any person to letter, mark or paint in any manner any letters, marks, or signs on any sidewalk, curb, street or alley, or to post on a parking strip anything designed or intended to prohibit or restrict parking in front of any sidewalk, dwelling house, business house, or in any alley, except in compliance with the provisions of this title.

10.12.020 Method 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 curbside wheels of the vehicle within twelve (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 in the indicated direction and within a single marked space, unless the size or shape of such vehicle make compliance impossible.
- C. Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front or close to a building to which the fire department has been summoned, he shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.

10.12.030 Prohibited parking and standing.

In addition to provisions of the motor vehicle laws of Oregon and those areas designated in ORS 811.550, no person shall stop, park, or leave standing any vehicle, trailer or portion thereof whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

- A. A vehicle upon any bridge, viaduct or other elevated structure used as a street or within a street tunnel unless parking is authorized by a sign clearly so indicating;
- B. A vehicle in any alley except to load or unload persons or materials not to exceed twenty (20) consecutive minutes in any two-hour period;
- C. No operator shall park and no owner shall allow a vehicle upon any street for the principal purpose of:
 - 1. Displaying such vehicle for sale,
 - 2. Greasing or repairing such vehicle, except repairs necessitated by an emergency,
 - 3. Selling merchandise from such vehicle except when authorized,
 - 4. Storage or as junkage or dead storage for more than fifteen (15) hours;
 - 5. Displaying advertising from the vehicle;
 - 6. Parking or storing a motor vehicle, two-wheel trailer, utility trailer, boat, mobile trailer, camper trailer, camper or recreational vehicle more than seventy-two consecutive hours;
 - 7. Parking in a manner which causes a traffic hazard to any normal flow of traffic.
- D. Upon a parkway, planter strip, sidewalk, traffic circle or median, except where specifically authorized;
- E. A vehicle upon private property without the consent of the owners or person having lawful possession of such private property;
- F. A vehicle exceeding eighty (80) inches in width or twenty-three (23) feet in length upon any public street or alley within any zone designated for single or multifamily residences under the zoning ordinance, except for an emergency or for the purpose of loading or unloading.

- G. A motor truck, truck tractor, or truck trailer for more than 24 hours on any public property including public parks and rest areas.
- H. Parking of unattached semi-trailers is prohibited on any public street unless specifically authorized.
- I. A motor vehicle that is required by state law to be registered that is not registered, whose registration has expired or that does not have a current permit in lieu of registration, or fails to display current registration.

10.12.040 Use of loading zone.

No person shall stop, stand or park a vehicle for any purpose of length of time other than for the expeditious unloading and delivery or pickup and loading of materials, freight or passengers in any place designed as a loading zone during the hours when the provisions applicable to loading zones are in effect. In no case shall the stop for loading and unloading of passengers and personal baggage exceed five minutes, nor the loading or unloading of materials exceed fifteen (15) minutes.

10.12.050 Alley loading required.

It is unlawful for any person to use any public street for the purpose of loading or unloading materials for any business enterprise if the structure housing such business enterprise shall have frontage on the access to any alleyway. All loading and unloading operations for any business enterprise housed in a structure having access to any alleyway shall be carried on in such alleyway.

10.12.060 Use of passenger loading zone.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in any place designated as a passenger loading zone during the hours when the provisions applicable to passenger loading zones are in effect.

10.12.070 Stopping, standing or parking of buses and taxicabs.

The driver of a bus or taxicab shall not stand or park such vehicle upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any taxicab from temporarily stopping for the purpose of, and while actually engaged in, the loading or unloading of passengers.

10.12.080 Restricted use of bus and taxicab stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in the taxicab stand, except that the driver of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

10.12.090 Moving vehicle.

The moving of any vehicle within a block shall not be deemed to extend the permissible time for parking it there.

10.12.100 Exemption.

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

10.12.110 Parking of recreation vehicles, utility trailers and boats.

- A. Recreational vehicles, utility trailers, and boats may not be parked more than twenty-four (24) hours on:
 - 1. Any public street, alley or other public right-of-way;
 - 2. Any required front yard setback;
- B. Variance. Upon written application, the city manager, or designee, may grant a variance from the requirements of subsection A of this section for up to fourteen (14) days if in his/her opinion such variance would not be detrimental to the health, safety or general welfare of the public.

Chapter 10.16 BICYCLES, SKATEBOARDS AND ROLLERSKATES

10.16.010 Definitions.

As used in this chapter:

"Negligent" means a person when he or she fails to be aware of a substantial and unjustifiable risk that a result will occur or a circumstance exists.

"Reckless" means a person when he or she is aware of and consciously disregards a substantial and unjustifiable risk that a result will occur or a circumstance exists.

"Rollerskates" means a pair of shoes with small wheels attached which are used for gliding on a paved surface. As used in this chapter, rollerskates include in-line skates.

"Sidewalk" means any paved walk for pedestrians.

"Skateboard" means a short board mounted on small wheels that is used for coasting and often for performing athletic stunts. As used in this chapter, skateboard includes coasters, toy vehicles and other similar devices.

"Posted restricted area" means any sidewalk, crosswalk, or other pedestrian pathway painted or posted as prohibited areas.

10.16.020 Prohibited acts.

In addition to observing all state laws, a rider of a bicycle, skateboard or rollerskates upon a street shall:

- A. Not ride or operate any bicycle on any sidewalk within a business district.
- B. Yield the right-of-way to pedestrians on sidewalks;
- C. Not operate a bicycle in a careless or reckless manner which endangers or would be likely to endanger himself, another, or any property. Racing or trick riding are included in this offense;

- D. Not leave a bicycle, except in a bicycle rack. If no rack is provided, he shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. Nor shall he leave the bicycle in violation of the provisions relating to the parking of motor vehicles.
- E. Not ride or use a skateboard or rollerskates on any sidewalk in any posted restricted area.
- F. Not ride or use a skateboard or rollerskates in a negligent or reckless manner. All persons riding on or using a skateboard or rollerskates shall yield right-of-way to any pedestrian or motorized vehicle.

10.16.030 Failure to wear protective headgear—Penalty.

- A. A person commits the offense of failure of a bicycle operator or rider to wear protective headgear if the person is under sixteen (16) years of age, operates or rides on a bicycle on a highway or on premises open to the public and is not wearing protective headgear of a type approved under ORS 815.052.
- B. Exemptions from this section are as provided in ORS 814.487.
- C. The offense described in this section, failure of a bicycle operator or rider to wear protective headgear, is a traffic infraction punishable by a maximum fine of twenty-five dollars (\$25.00).

10.16.040 Violations—Penalties.

- A. Impoundment. At the time any person is stopped and a citation issued for a violation of this chapter, any bicycle, skateboard or rollerskates used in the violation may be immediately seized and impounded as evidence by the officer issuing the citation.
- B. Fines. Upon first conviction for a violation of this chapter, a fine shall be imposed, not to exceed one hundred dollars (\$100.00); and mandatory minimum fine of fifteen dollars (\$15.00) shall be imposed. Subsequent convictions shall be subject to enhanced penalties as provided by subsection C of this section.
- C. Repeat Offenders. Any person convicted of a violation of this chapter on successive occasions shall be subject to enhanced penalties. If a person is convicted of a second offense within one year of his or her first conviction, then the fine imposed shall be an amount not less than twice the amount of the fine imposed upon the first conviction. If a person is convicted of a third offense at anytime thereafter, then the fine imposed shall be an amount not less than double the fine imposed for the second conviction, and the person's bicycle, skateboard or rollerskates shall be forfeited.

Chapter 10.18 MISCELLANEOUS PROVISIONS

10.18.010 Use of sidewalks.

Pedestrians shall not use any roadway for travel when sidewalks abutting the same are available.

10.18.020 Crossing at right angles.

No pedestrian shall cross a street at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a marked crosswalk.

10.18.030 Pedestrian Failure to yield to vehicle.

- A. A pedestrian commits the offense of pedestrian failure to yield to a vehicle if the pedestrian does any of the following:
 - 1. Suddenly leaves a curb or other place of safety and moves into the path of a vehicle that is so close as to constitute an immediate hazard.
 - 2. Fails to yield the right of way to a vehicle upon a roadway when the pedestrian is crossing the roadway at any point other than within a marked crosswalk or an unmarked crosswalk at an intersection.
 - 3. Except as otherwise provided under the vehicle code of the State of Oregon, fails to yield the right of way to all vehicles upon the roadway.
- B. The offense described in this section, pedestrian failure to yield to a vehicle, is a Class D traffic violation.

10.18.040 Skis on streets.

No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices except upon play streets.

10.18.050 Damaging sidewalks and curbs.

- A. The driver of a vehicle shall not drive upon or within any sidewalk or parkway area except to cross at a permanent or temporary driveway.
- B. No person shall place any dirt, wood, or other material in the gutter or space next to the curb of any street with the intention of using the same as a driveway.
- C. No person shall remove or damage in any way any portion of any curb or move any heavy vehicle or thing over or upon a curb or sidewalk without first notifying the public works director. Any person who violates the provisions of this section shall be held responsible for any and all damage in addition to any penalties imposed upon conviction.

10.18.060 Removing glass and debris.

Any party to a collision or other vehicular accident or any person causing broken glass or other debris to be upon any street shall immediately remove or cause to be removed from such street all glass and other foreign substance.

10.18.070 Drinking in motor vehicles.

It is unlawful for any person to consume alcoholic liquor while an occupant of a motor vehicle on any street or public property in this city.

Chapter 10.20 - ENFORCEMENT

10.20.010 Citation on illegally parked vehicle.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by Chapters 10.04 through 10.18, 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 for the operator to answer to the charge against him or pay the penalty imposed within five days during the hours and at a place specified in the citation.

10.20.020 Failure to comply with traffic citation.

If the operator does not respond to a traffic citation affixed to such vehicle within a period of five days, the chief of police 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.

10.20.030 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.

10.20.040 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 constitutes a presumption that he was then the owner in fact.

10.20.050 Impoundment of vehicles.

- A. When this chapter or state law provides for impounding a vehicle, the city may cause such vehicle to be towed and impounded until redeemed or sold.
- B. 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.
- C. The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of Chapter 10.24, relating to impoundment and disposition of vehicle abandoned on the city streets.
- D. The disposition of a vehicle will not preclude the issuance of a citation for violation of a provision of Chapters 10.04 through 10.20
- E. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- F. Whenever a police officer observes a vehicle parked in violation of a provision of Chapters 10.04 through 10.20, 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 C of this section.

Chapter 10.22 - PENALTIES

10.22.010 Designated.

A. 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.

B. Any person who violates or fails to comply with any provision of Chapters 10.04 through 10.20, unless provision is otherwise made herein, is subject to a fine not to exceed one hundred dollars (\$100.00).

Chapter 10.24 WEIGHT RESTRICTIONS AND TRUCK ROUTES

10.24.010 Restrictions upon commercial vehicles.

By reason of the construction of certain streets and their weight bearing capacity, it has been determined that all vehicles exceeding eighty (80) inches in width or twenty-three (23) feet in total length or any vehicle and trailer or vehicle and semi-trailer combination shall use the streets hereinafter designated as a forming a part of the city's truck route.

10.24.020 Truck route designated.

City streets forming a part of the city truck route are designated as follows:

- A. Highway 224 from north city limits to southeast city limits
- B. Main Street from Highway 224 to NE 6th Avenue
- C. 6th Avenue from Main Street west to NW Wade Street
- D. NW Wade Street from 6th Avenue north to SE Eagle Creek Road
- E. SE Eagle Creek Road from NW Wade Street to north city limits

10.24.030 Truck access routes.

All trucks exceeding eighty (80) inches in width or twenty-three (23) feet in total length or any vehicle and trailer or vehicle and semi-trailer combination, originating within or without the city limits and terminating within the city limits or making local deliveries shall use the most direct route possible to utilize the designated truck routes.

10.24.040 Parking of trucks restricted.

A. Except for loading and unloading purposes in connection with local deliveries, no truck exceeding eighty (80) inches in width or twenty-three (23) feet in total length or any vehicle and trailer or vehicle and semi-trailer combination shall park on any city street within the city except along designated truck routes unless obtaining approval from the city.

B. The city manager may issue a permit authorizing the parking of a truck exceeding eighty (80) inches in width or twenty-three (23) feet in total length or any vehicle and trailer or vehicle

and semi-trailer combination at the owner or driver's residence for the purpose of overnight parking if the city manager finds: (a) a suitable place for parking exists on the premises at such residence so that the weight of the vehicle will not damage the public street upon entering or leaving, (b) will not cause mud to be tracked thereon upon such entering or leaving, (c) the vehicle will not be parked in any required yard setback under the applicable zoning for the area; and (d) the vehicle does not constitute unnecessary noise within the meaning of Section 8.16.020.

10.24.050 Violation – Penalty.

Any person violating any of the provisions of this chapter is subject to the general penalty provisions of this code as set forth in Chapter 1.12 of the Estacada Municipal Code.

Chapter 10.26 ABANDONED VEHICLES

10.26.200 Abandoned vehicles.

The city adopts Sandy Municipal Code Chapter 10.52, Abandoned Vehicles, and grants consent to the Sandy Police Department to administer this chapter within the city.