RESOLUTION R0910-37

A RESOLUTION AMENDING THE CITY OF GOLD BEACH TRAFFIC CODE TO ENACT CHANGES BY ORDINANCE

WHEREAS: The current City of Gold Beach Traffic Code allows Council to amend the Code from time to time by City resolution; and

WHEREAS: Although the Code allows City Council to make changes by resolution, resolutions are not easily accessible to the public; and

WHEREAS: City Code and any changes to City Code should be easily accessible to the public; and

WHEREAS: City Code changes by ordinance provide greater opportunity for the public to learn about and comment on changes to City Code; and

WHEREAS: Best practices recommend city code be amended by ordinance; and

WHEREAS: The City of Gold Beach wants to follow best practices and provide easy access to City laws.

NOW THEREFORE, BE IT RESOLVED: that the City of Gold Beach Traffic Code be amended to enact changes by ordinance. The City of Gold Beach Traffic Code is hereby amended and adopted as follows:

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TRAFFIC CODE

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General

6.000 Code Provisions as Law.

The provisions of this Code are the laws of the City of Gold Beach and not merely prima facie evidence of the law.

6.010 General Savings Provision.

This Code shall not affect rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this Code.

6.020 Continuity of Existing Provisions.

The provisions of this Code that are the same in substance as code or ordinance provisions that are in effect immediately before this Code becomes effective are construed as restatements and continuations of the prior provisions.

6.030 Interpretation of Term "City Administrator".

Unless the context specifically indicates otherwise, any time this Code indicates that an action is to be performed by the City Administrator, that action may be performed either by the City

Administrator or by the City Administrator's designee. Designation of a designee of the City Administrator may be made informally.

6.040 Severability.

The sections, subsections, paragraphs, provisions, clauses, phrases, and words of this Code are severable. If a section, subsection, paragraph, provision, clause, phrase, or word of this Code is declared by a court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not affect the validity of the remaining portions of this Code. Every other section, subsection, paragraph, provision, clause, phrase or word of this Code enacted, irrespective of the enactment or validity of the portion declared unconstitutional or invalid, is valid.

6.050 Applicability of State Traffic Laws.

The following provisions of Oregon Revised Statutes, as the same appear as of the date of the adoption of this ordinance, are hereby adopted by reference and made part of this ordinance:

Chapters 153, 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816, 818, 819, 820, 821, 822 and 825

ORS 221.333 and ORS 476.715

A violation of any of the above enumerated chapters or sections shall be considered offenses against the City of Gold Beach when committed within its boundaries. Insofar as any of said chapters or sections above set forth conflict with any provisions of the city charter, or of any other code or ordinance of the City, then the charter, code or other ordinance shall take precedence, and shall be in full force and effect.

6.060 Definitions.

In addition to the definitions contained in ORS Chapters 153 and 801 to 822, the following words and phrases, except where the context clearly indicates a different meaning, shall mean:

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

(2) "Funeral procession." The procession attending the burial of a deceased human.

(3) "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.

(4) "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.

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

(6) "Street." The terms "highway," "road" and "street" when used in this Code or in the portions of state law adopted by section 6.100 shall be considered to be synonymous unless the context clearly indicates otherwise. "Street" includes alleys, sidewalks and parking areas owned and maintained by the City.

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

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

Administration

6.100 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 City Council shall include, but not be limited to:

(a) Designation of through streets.

(b) Designation of one-way streets.

(c) Designation of crosswalks, safety zones and traffic lanes.

(d) Intersection channelization and designation of areas where drivers of vehicles shall not make right, left or U-turns, and the times when such prohibitions apply.

(e) Designation of truck routes.

(f) Designation of parking zones and time limitations, including the form of permissible parking and any fees charged therefore.

(g) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.

(h) Authorization of greater maximum weights or lengths for vehicles using City streets than specified by state law and consistent with the provisions of ORS 810.060.

(i) Initiation of proceedings to change speed zones.

(j) Revision of speed limits in parks.

6.110 Duties of the City Administrator. The City Administrator shall implement the ordinances, resolutions and motions of the council and his or her own decisions 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.

6.120 Public Danger. Under conditions constituting a danger to the public, the city police chief or the chief's designee may install temporary traffic control devices deemed by the chief to be necessary.

6.130 Standards. The administrative actions of the City Administrator 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.

6.140 Authority of Police and Fire Officers.

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

(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 Code.

6.150 Gold Beach Traffic Commission Membership.

(1) There is established a Gold Beach Traffic Safety Commission which shall consist of a minimum of five (5) and a maximum of seven (7) voting members and non-voting ex officio members that may include the City Administrator, Superintendent of Public Works, Chief of Police, Fire Chief, Superintendent of Schools, and representatives from Oregon State Highway Department and Curry County. The voting members shall consist of one (1) member from the City Council, who shall serve as chairperson, with the remaining members appointed from the community at large; all of whom shall be appointed by the Mayor, subject to Council approval. The voting members shall elect a Secretary, for the Commission, from its body.

(2) Term and Vacancies. The term of the voting members shall be four (4) years, expiring on December 31 of the fourth year. Any vacancy shall be filled by appointment pursuant to Article IV, Section 18 of the City Charter of 1986 and Council Rules in effect at the

time of the appointment. The newly filled position will continue for the unexpired portion of the term.

6.160 Traffic Commission Quorum and Rules.

The majority of the commission present, shall constitute a quorum. The Commission may make rules and regulations for its government and procedure, consistent with the laws of the state and the City Charter and Ordinances, and shall meet at least once every ninety (90) days.

6.170 Traffic Commission Powers and Duties.

The powers and duties of the Traffic Commission shall be as follows:

(1) To develop and recommend coordinated traffic safety programs;

(2) To recommend traffic safety priorities for the City;

(3) To review and recommend project applications for funding;

(4) To serve in a liaison capacity between the City and Oregon Traffic Safety Commission in developing the statewide highway safety program and in meeting the National Highway Safety Program Standards;

(5) To act in an advisory capacity to the Gold Beach City Council and the City Administrator in the implementation of official traffic safety activities;

(6) To provide research and information to official agencies of the City;

(7) To promote public acceptance of official City traffic programs;

(8) To foster public knowledge and support of traffic law enforcement and traffic engineering problems and needs; and

(9) To cooperate with the public and private school systems in promoting traffic safety education programs.

6.180 Traffic Commission Reports.

The Traffic Commission shall submit copies of its minutes to the City Council and shall make reports as may be requested of them by the City Council.

6.190 Traffic Commission Compensation.

Members of the Traffic Commission shall receive no compensation for services rendered.

General Regulations

6.200 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 or other business purposes.

6.210 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, provided all available safety belts are in use.

(2) No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

6.220 Skateboards and Sleds on Streets. No person shall use the streets for traveling on skateboards, skis, toboggans, sleds or similar devices, except where authorized.

6.230 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, a portion of a roadway, or move a motor vehicle or a device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization from the City Administrator and posting a bond, if required in the discretion of the City Administrator. No person shall paint any curb any color without express authorization of the council. Any person who causes any damage to curbs or roadways shall be responsible for the cost of said repair.

6.240 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, except where authorized tow company personnel on scene are authorized and/or directed by their company policy to effect such cleanup.

Parking Regulations

6.300 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 that the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless otherwise directed by police or fire officers.

6.310 Prohibited Parking or Standing. In addition to complying with the motor vehicle laws of the State of Oregon prohibiting parking,

(1) No person shall park or stand:

(a) 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 thirty (30) consecutive minutes.

(b) A motor truck as defined by ORS 801.355 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.

(c) A vehicle taller than five (5) feet in parking zones marked as restricted to vehicles over five (5) feet in height.

(2) 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.

(3) No operator shall park and no owner shall allow a vehicle to be parked upon private property or premises opened to the public without the permission of the owner or occupier of the

premises. The positioning of a vehicle or other personal property for a period of over 24 hours on private property or premises opened to the public, without permission of the owner or occupier, shall constitute prima facie evidence that the vehicle is parked in a prohibited area.

6.320 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 City Administrator, a motor vehicle or personal property for a period in excess of 24 hours. Failure to move a motor vehicle or other personal property for a period of 24 hours shall constitute prima facie evidence of storage of a motor vehicle.

6.330 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 thirty (30) minutes.

6.340 Unattended Vehicles. Whenever a police officer finds a motor vehicle parked unattended with the ignition key in the vehicle, the police officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

6.350 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 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.

6.360 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.

6.370 Extension of Parking Time. Where maximum parking time limits are designated, movement of a vehicle within a block shall not extend the time limits for parking.

6.380 Exemption. The provisions of this Code regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county, state or of a 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

6.400 Bicycle Operating Rules. In addition to observing all other applicable provisions of this Code 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 a bicycle upon a sidewalk.

6.410 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 Code 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 $5.00 shall be charged to the owner of a bicycle impounded under this section.

Pedestrians

6.500 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.

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

Funeral Processions

6.600 Funeral Processions.

(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

6.700 Citation on Illegally Parked Vehicle. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this Code, 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 parking citation for the operator to answer to the charge against him or pay the penalty imposed within five (5) days during the hours and at a place specified in the citation.

6.710 Failure to Comply with Parking Citation. If the operator does not respond to a parking citation affixed to a vehicle within a period of five (5) days, vehicle will be considered to be abandoned.

6.720 Owner Responsibility. The legal owner of a motor vehicle, as shown on the records of the Oregon Department of Motor vehicles at the time of a violation of the laws governing parking of a vehicle, shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent, or if a transfer of title has occurred but the transfer has not yet been recorded at the time of the violation. In the later instance, the new owner shall be responsible for payment of the parking violation. The name and address of the new owner is to be supplied in writing to the Gold Beach Police Department and verified by the Oregon Department of Motor Vehicles.

6.730 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 Abandoned Vehicles

6.800 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. Vehicles may also be impounded as a result of traffic crimes and violations as described in Oregon Vehicle Code.

(2) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of this Code relating to impoundment and disposition of abandoned vehicles.

(3) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this Code.

(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 Code, if the vehicle has four (4) 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 this section.

6.810 Abandoned Vehicles. Abandoned and disabled vehicles shall be governed, impounded and disposed of as provided in ORS 819.100 to 819.260. The Gold Beach Police Department shall be the authority to act on behalf of the City in accord with ORS 819.140.

Penalties

6.900 Penalties.

(1) Penalties for violations of provisions of state law shall be those penalties provided by state law.

(2) Violation of Sections 6.200 through 6.240 and Section 6.320 is punishable by fine not to exceed $100.00.

(3) Violation of Sections 6.300, 6.310 and 6.330 through 6.370 is punishable by fine not to exceed $50.00.

(4) Violation of Section 6.400 is punishable by a time not to exceed $50.00.

(5) In addition to the above penalties, the court may also impose a unitary assessment as provided by ORS 137.290 and may order the offender to pay restitution.

(6) The maximum penalties prescribed by this section may be revised from time to time by ~~resolution~~ **ordinance** of the Gold Beach City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, THIS 14TH DAY OF JUNE 2010.

James H. Wernicke, Mayor

ATTEST:

City Recorder