

*Amended by
97 + 99*

ORDINANCE NO. 61

AN ORDINANCE REGULATING TRAFFIC ON THE STREETS AND PUBLIC WAYS OF THE CITY OF GARIBALDI, OREGON; PROVIDING PENALTIES FOR VIOLATION HEREOF; AND REPEALING ORDINANCES NO. 6 and 36.

The people of Garibaldi City do ordain as follows:

Section 1. Adoption of State Traffic Act. The following enumerated Motor Vehicle Laws or 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 ordinance:

- | | |
|------------------------|------------------------|
| ORS 164.650 | ORS 483.046 to 483.050 |
| ORS 164.660 | ORS 483.102 |
| ORS 166.630 | ORS 483.104 |
| ORS 374.265 | ORS 483.112 to 483.122 |
| ORS 476.715 | ORS 483.126 to 483.140 |
| ORS 481.015 | ORS 483.202 to 483.218 |
| ORS 481.020 | ORS 483.222 to 483.230 |
| ORS 481.030 | ORS 483.302 to 483.336 |
| ORS 481.040 | ORS 483.402 to 483.436 |
| ORS 481.050 | ORS 483.444 to 483.448 |
| ORS 481.055 | ORS 483.470 |
| ORS 481.060 | ORS 483.472 |
| ORS 481.070 | ORS 483.502 to 483.518 |
| ORS 481.075 | ORS 483.522 |
| ORS 481.080 | ORS 483.530 to 483.540 |
| ORS 481.155 | ORS 483.544 |
| ORS 481.230(5) | ORS 483.602 |
| ORS 481.255 | ORS 483.604 |
| ORS 481.260 | ORS 483.612 |
| ORS 482.010 to 482.060 | ORS 483.614 |
| ORS 482.300(2) | ORS 483.628 |
| ORS 482.610 to 482.650 | ORS 483.630 |
| ORS 483.022 to 483.034 | ORS 485.010 to 485.040 |
| ORS 483.038 | ORS 649.080 |

The word "to" as used in this section means "to and including" when used in a reference to a series of statute sections, subsections or paragraphs. Except where the context clearly indicates a different meaning, the definitions in ORS Chapter 483 shall apply to all other sections of this ordinance.

Definitions

Section 2. Definitions. 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:

- (1) Alley. A narrow street through the middle of a block.
- (2) Bicycle. Every device propelled by human power upon which any person may ride, having two or more tandem wheels either of which is over 20 inches in diameter.
- (3) Bus stand. A fixed area in the roadway adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.
- (4) Curb. The extreme edge of the roadway.
- (5) Holidays. Where used in this ordinance or on signs erected in accordance with this ordinance: 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.
- (6) Loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material or freight.
- (7) 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.
- (8) Parkway. That portion of a street not used as a roadway or as a sidewalk.
- (9) Passenger loading zone. Reserved only for the loading or unloading of passengers and their luggage.
- (10) Pedestrian. Any person afoot.
- (11) Person. Every natural person, firm, partnership, association or corporation.
- (12) Stop. Complete cessation of movement.
- (13) Taxicab stand. A fixed area in the roadway adjacent to the curb set aside for taxicabs to stand or wait for passengers.
- (14) Traffic lane. That portion of the roadway used for the movement of a single line of vehicles.

TRAFFIC CONTROL

Section 3. Powers of the City Council. The council, provided where required by the Motor Vehicle Laws of Oregon approval of the State Highway Commission has first been obtained, may by resolution establish or alter traffic controls which shall become effective upon the installation

of appropriate signs, signals or other markings.
Such traffic controls may designate and 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.
 - (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 lots or property on which public parking will be permitted.
 - (e) Designating lots or areas within which, or streets or portions of streets along which, parking meters will be installed, and the denomination of coins to be used or deposited in parking meters.
- (2) Through streets and one-way streets.
- (3) Truck routes.
- (4) Streets where trucks, machinery or any other large or heavy vehicles exceeding specified weights shall be prohibited. Such vehicles may, however, be operated on such streets for the purpose of delivering or picking up materials or merchandise but then only by entering such streets at the intersection nearest the destination of the vehicle and proceeding no farther than the nearest intersection.
- (5) Special speed regulations for city parks and municipal parking lots.

Section 4. Powers of the Council. The council or its authorized representative for best use of the streets in the public interest shall exercise the following powers based on standards established by the State Highway Commission and recognized traffic control standards such as the Manual on Uniform Traffic Control Devices published by the Bureau of Public Roads, providing, where required by the Motor Vehicle Laws of Oregon, approval by the State Highway Commission has first been secured:

- (1) Designate where traffic control signals shall be placed and the time of operation of such signals.
- (2) Establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier vehicles.
- (3) Designate the location of passenger loading zones for use in front of the entrance to any hotel, auditorium, theater, church, school or public building.
- (4) Designate on each side of a block where required not more than two loading zones.
- (5) Designate and cause to be placed or maintained appropriate signs, marks or lines for:
 - (a) Intersections where drivers of vehicles shall not make right, left or U turns and the times when such prohibitions shall apply.
 - (b) Crosswalks at intersections where deemed necessary for pedestrian safety.

- (c) Safety zones of such kind and character and at such places as deemed necessary for pedestrian safety.
- (d) Play streets, or such hours when certain streets may be used as such, on which no person shall driver a vehicles upon such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then such driver shall exercise the greatest care in driving upon such streets.
- (e) Parking meters.
- (6) Cause to be placed or marked and maintained:
 - (a) Traffic control signs.
 - (b) Parking spaces.
 - (c) Traffic lanes and other symbols.
 - (d) All other signs and marking necessary to implement traffic and parking controls enacted by the city council.
- (7) Cause to be removed or reduced in height, or trim any hedge, shrubbery or tree extending over the street.
- (8) Emergency and experimental regulations. Make and enforce temporary, experimental or emergency regulations., consistent with this ordinance. No such regulation shall be effective and in force until and unless adequate signs, isgnals, or other notices are erected clearly indicating such regulation. No such regulation shall remain in effect for more than 90 days.
- (9) All ordinances and resolutions heretofore adopted by the common council and now in force and effect and all regulations promulgated by the common council pursuant to authority of this ordinance which are now in full force and effect shall remain in full force and effect until such time as they shall be modified, repealed or changed pursuant to authority of this ordinance.

Section 5. Authority of Police and Fire Officers.

- (1) It shall be the duty of the police department through its officers to enforce the provisions of this ordinance.
- (2) 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 ordinance.
- (3) Members of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

Signs and Signals

Section 6. Duty to Obey Traffic Signs and Signals.

(1) 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 ordinance, including those erected by any authorized public utility and department of this city or other authorized person, unless it is necessary to avoid conflict with other traffic or otherwise directed by a police officer.

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

Section 7. Vehicles Stopping at Stop Signs. When stop signs are erected at or near the entrance to any intersection, every driver of a vehicle approaching such sign shall come to a full stop before entering any crosswalk or intersection except when directed to proceed by a police officer or traffic control signal.

Section 8. Stop 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.

Section 9. Private Marking Unlawful. It shall be 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 ordinance.

PARKING

Section 10. 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 at the indicated direction and within a single marked space, unless the size or shape of such vehicle makes compliance impossible.

(3) 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, he shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.

Section 11. Prohibited Parking. In addition to provisions of the Motor Vehicle Laws of Oregon prohibiting parking, no person shall park:

(1) A vehicle upon any bridge, viaduct or other elevated structure used as a street or within a street tunnel in this city, unless marked or indicated otherwise.

(2) A vehicle in any alley except to load or unload persons or materials not to exceed 20 consecutive minutes in any two-hour period.

(3) A vehicle upon any street for the principal purpose of:

(a) Displaying such vehicle for sale.

(b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

(c) Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this city.

(d) Storage, or as junkage or dead storage for more than 15 hours.

(4) A vehicle upon any parkway except where specifically authorized.

Section 12. Moving Vehicle. The moving of any vehicle within the block shall not be deemed to extend the time of parking.

Section 13. Lights on Parked Vehicle. No lights need be displayed upon any vehicle parked in accordance with this ordinance and upon a street where there is sufficient light to reveal any person or object within a distance of 500 feet upon such street.

Section 14. Exemption. The provisions of this ordinance 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.

PEDESTRIANS

Section 15. Use of Sidewalks. Pedestrians shall not use any roadway for travel when sidewalks abutting the same are available.

Section 16. 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.

Section 17. Pedestrians Must Use Crosswalks. No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks.

PARADES AND PROCESSIONS

Section 18. Permits Required for Parades. No procession or parade, except a funeral procession, the forces of the United States

armed forces and 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 or unreasonably interfere with the public use of the streets, or the peace and quiet of the inhabitants of the city.

Section 19. Funeral Procession. A funeral composed of a procession of vehicles shall be escorted by at least one person authorized to direct traffic for such purposes and shall follow routes established by the chief of police. Each vehicle in the procession appropriately shall be marked by flags or other designation approved by the chief of police.

Section 20. Drivers in Procession. Each driver in a funeral or other procession shall driver as near to the right-hand edge of the street as practical and shall follow the vehicle ahead as closely as is practical and safe.

Section 21. Driving Through Procession. No driver of a vehicle shall driver between the vehicles comprising a funeral or other authorized procession while in motion except where traffic is controlled by traffic control signs or when otherwise directed by a police officer. This provision shall not apply to authorized emergency vehicles.

General Regulations

Section 22. Speed limits in Public Parks. No person shall drive a vehicle upon any street in any public park of this city at a speed exceeding 15 miles per hour unless signs erected indicate otherwise.

Section 23. Drunken Driving. Any person who, while being under the influence of intoxicating liquor, barbiturates or narcotic drugs, drives any vehicle upon any street shall upon conviction be punished by imprisonment for not more than 90 days or by a fine of not more than \$500. or both.

Section 24. Drinking in Motor Vehicle. It shall be unlawful for any person to consume alcoholic liquor while an occupant of a motor vehicle on any street in this city.

Section 25. Reckless Driving. Any person who drives any vehicle upon a street carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others is guilty of reckless driving and upon conviction shall be punished by imprisonment for not more than 90 days or by a fine of not more than \$500. or both.

Section 26. Vehicles in Motion; Right-of-Way. A vehicle which has stopped or parked at the curb shall yield to moving traffic.

Section 27. Limitations on Backing. 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.

Section 28. Driving on Divided Streets. Whenever any street has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space provided for vehicle movement or at an intersection.

Section 29. Emerging from Vehicle. No person shall open the door of, or enter or emerge from any vehicle in the path of an approaching vehicle.

Section 30. Boarding or Alighting from Vehicles. No person shall board or alight from any vehicle while such vehicle is in motion.

Section 31. Riding on Motorcycles. 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, in which event a passenger may ride upon the permanent and regular seat if equipped for two persons, or upon another seat firmly attached at the rear of the seat for the operator.

Section 32. Unlawful Riding. No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employe engaged in the necessary discharge of a duty, or to a person or persons riding within truck bodies in space intended for merchandise.

Section 33. Clinging to Vehicles. 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.

Section 34. Use of Roller Skates Restricted. No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any street except while crossing at a crosswalk, or upon a play street.

Section 35. Skis on Streets. No person shall use the streets for traveling on skis, toboggans, sleds or similar devices except upon play streets.

Section 36. Damaging Sidewalks and Curbs.

(1) 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.

(2) 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.

(3) 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 chief of police and such person shall be held responsible for any and all damage.

Section 37. Obstructing Streets. No person shall park or leave any vehicle or any part thereof, or any trailer, box, ware or merchandise of any description, or any other thing that in any way impedes traffic, or obstructs the view, upon any street, including an alley, parking strip, sidewalk or curb, except by such lawful use and parking of vehicles upon streets and alleys as is allowed by this ordinance or other ordinances of this city.

Section 38. Removing Glass and Debris. Any person causing glass to be broken upon, or any party to a collision or other vehicle accident upon any street in this city shall immediately remove or cause to be removed from such street all glass and other foreign substance.

Section 39. Trains Not to Block Streets. No person shall operate any train or train of cars, or permit the same to remain standing, so as to block the movement of the traffic upon any street for a period of time longer than five minutes.

Bicycles

Section 40. Effect of Regulations.

(1) No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this ordinance.

(2) Provisions of this ordinance relating to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

Section 41. Brakes. Every bicycle operated upon the streets in this city shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle.

Section 42. Bicycle Dealers. Every person engaged in the business of buying secondhand bicycles shall maintain a record of every bicycle purchased, giving the name and address of the person from whom purchased, a description of such bicycle by name or make, the frame number thereof, and the license number, if any, found thereon.

Section 43. Rental Agencies. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and such bicycle is equipped with all equipment required by the Motor Vehicle Laws of Oregon and this ordinance.

Section 44. Riding on Bicycles.

(1) A person propelling a bicycle shall not ride other than with his feet on the pedals and facing the front of the bicycle, and at least one hand on the handle bars.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 45. Riding on Streets and Bicycle Paths.

(1) Every person operating a bicycle upon a street shall ride as near to the right-hand side of the street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Persons riding bicycles upon a street shall not ride more than two abreast except upon paths or parts of the streets set aside for the exclusive use of bicycles.

Section 46. Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 47. Racing. No person shall engage in, or cause others to be engaged in, any bicycle racing upon the streets or other public places in this city.

Section 48. Emerging from Alley or Driveway. The operator of a bicycle entering or emerging from an alley, driveway, or building shall upon approaching a sidewalk or the sidewalk area extending across any alley way, yield the right-of-way to all vehicles approaching on said roadway.

Section 49. Carrying Articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars and in full control of such bicycle.

Section 50. Riding on Sidewalks. No person shall ride or operate any bicycle upon a sidewalk.

Section 51. Parking. No person shall park a bicycle upon a street or upon a sidewalk except in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

Impounding Vehicles

Section 52. Impounding of Vehicles. In the event any vehicle shall be found standing or parked in violation of any city regulation, such vehicle shall be given a traffic citation and may be removed by any police officer and taken to a garage, parking lot or other suitable place, and there kept until an application for its redemption shall be made by the owner or his authorized agent.

Section 53. Redemption. Redemption may be made upon payment of towing and storage charges, which amounts shall be in addition to any fine which might be made in accordance with the provisions of this ordinance.

Section 54. Sale. If the vehicle shall not be redeemed within 30 days then such vehicle shall be sold in accordance with the applicable provisions relating to the sale of abandoned vehicles.

Exceptions

Section 55. Emergency Vehicle. The provisions of this ordinance regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles except as provided by the Motor Vehicle Laws of Oregon and as follows:

(1) A driver when operating such vehicle in an emergency, except when otherwise directed by a police officer or other authorized persons, may park or stand notwithstanding the provisions of this ordinance.

(2) A driver of a police vehicle or fire department or patrol vehicle when operating such vehicle in an emergency may disregard regulations governing turning in specified directions as long as he does not endanger life or property.

(3) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others.

Penalties

Section 56. Penalties.

(1) In addition to any other provisions and penalties provided in this ordinance, any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by imprisonment in the city or county jail for not to exceed 90 days or by a fine not to exceed \$500.00 or both.

(2) In addition, bicycles may be impounded for a period not to exceed 10 days.

Traffic Citations

Section 57. Illegal Cancellation of Traffic Citations. 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.

Section 58. Citation. For the violation of any provisions of this ordinance, any police officer may issue a citation which shall be in the nature of a notice to appear at a time and place certain as required by law. If any person fails to comply with the terms of a citation within a period of two days from the date of issuance, the chief of police may send to such person or the owner of the motor vehicle, a letter informing such person or owner of the violation with a warning that in the event such letter is disregarded for a period of 10 days a warrant of arrest will be issued.

Section 59. When Warrant to be Issued. In the event any person fails to comply with the terms of a traffic citation, the chief of police shall forthwith secure and have served a warrant for the arrest of such person.

General

Section 60. Effect of Ordinance. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 61. Existing Signs and Regulations. All official traffic signs and signals existing at the time of the adoption of this ordinance, 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 street or curb 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 hereby approved.

Section 62. Repealer. Ordinance No. 6, enacted August 26, 1946 and Section 10 of Ordinance No. 16, enacted September 27, 1948 are hereby repealed.

Passed by the common council of the City of Garibaldi, on the 13th day of April, 1964.

Dorinda A. Fellows
MAYOR

ATTEST:

Arthur L. Phares
CITY RECORDER