

## ORDINANCE NO. 317

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

The city of Bay City ordains as follows:

Section 1. Short Title. This ordinance may be cited as Bay City Uniform Traffic Ordinance.

State Traffic Laws

Section 2. Applicability of State Traffic Laws. Violation of Oregon Revised Statutes, Chapters 481, 482, 483, 484 and 485, as new or hereafter constituted, shall be an offense against this city.

Definitions

Section 3. Definitions.

(1) In addition to those definitions contained in the above ORS chapters, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

(a) Bicycle. A non-motorized vehicle designed to be ridden, propelled by human power, and having two or more wheels the diameter of which are in excess of 10 inches or having two or more wheels where any one wheel has a diameter in excess of 15 inches.

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

(c) Holiday. New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the council to be a holiday.

(d) 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.

(e) Motor vehicle. Every vehicle that is self-propelled, including tractors, fork-lift trucks, motor-cycles, 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.

(f) Park or parking. The condition of:

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

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

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

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

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

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

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

(j) Stop. Complete cessation of movement.

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

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

(ii) Other property open to public travel. Property, whether publicly or privately owned and whether publicly or privately maintained, upon which the public operates motor vehicles either by express or implied invitation, other than streets as de-fined in Subsection (k(i)) of this section, and excepting public school property, county property or property under the jurisdiction of the State Board of Higher Education. Other property open to public travel shall include but not be limited to parking lots, service station lots, shopping center and supermarket parking lots, and other access ways and parking areas open to general vehicular traffic,

whether or not periodically closed to public use.

(1) Taxicab stand. A space on the edge of a road-way designated by sign for use by taxicabs.

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

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

(o) Vehicle. As used in subsequent sections of this ordinance, includes bicycles. (2) As used in this ordinance, the singular includes the plural, and the masculine includes the feminine.

#### Administration

##### Section 4. Powers of the Council.

(1) Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance.

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

(a) Designation of through streets.

(b) Designation of one-way streets.

(c) Designation of truck routes.

(d) Designation of parking meter zones.

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

(f) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law.

(g) Initiation of proceedings to change speed zones.

(h) •Revision of speed limits in parks.

(i) Designation and placement of traffic control signs, including but not limited to stop signs.

Section 5. Duties of the Street Superintendent. The street superintendent or his designate shall exercise the following duties:

(1) Implement the ordinances, resolutions and motions of the council and his own orders by installing traffic control devices. Such installations shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control

(Revised July, 1982)

Devices for Streets and Highways.

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

(a) Crosswalks, safety zones and traffic lanes.

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

Section 6. Public Danger. Under conditions constituting a danger to the public, the street superintendent or his designate may install temporary traffic control devices deemed by him to be necessary.

Section 7. Standards. The regulations of the street superintendent or his designate shall be based upon:

(1) Traffic engineering principles and traffic investigations.

(2) Standards, limitations and rules promulgated by the State Highway Commission.

(3) Other recognized traffic control standards.

Section 8. Authority of Police and Fire Officers.

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

(2) In the event of a fire or other public emergency, officers of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

Section 9. Obedience to and Alteration of Control Devices.

(1) No person shall disobey the instruction of a traffic officer or a traffic control device.

(2) No unauthorized person shall install, move, remove, obstruct, alter the position of, deface or tamper with a traffic control device.

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

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

### General Regulations

Section 12. Rules of Road. In addition to state law, the following shall apply to the operation of vehicles upon the streets of the city:

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

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

(3) No operator of a vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal when other traffic may be affected.

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

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

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

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

Section 13. Crossing Private Property. No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

Section 14. Emerging from Vehicle. No person shall open the door of a motor vehicle into a traffic lane without first ascertaining that it can be done in safety.

Section 15. Unlawful Riding.

(1) No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person riding within a truck body in space intended for merchandise.

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

Section 16. Clinging to Vehicles. No person riding upon a bicycle, motorcycle, coaster, rollerskates, sled or other device shall attach the device or himself to a moving vehicle upon a street. Nor shall the operator of a vehicle upon a street knowingly allow a person riding on any of the above vehicles or devices to attach himself, the vehicle or the device to his vehicle.

Section 17. Sleds on Streets. No person shall use the streets for traveling on skis, toboggans, sleds or similar devices, except where authorized.

Section 18.. Damaging Sidewalks and Curbs.

(1) The operator of a vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

(2) No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

(3) No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.

Section 19. Obstructing Streets.

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

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

Section 20. 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.

### Parking Regulations

#### Section 21. 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 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.

(2) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

(3) The operator who first begins maneuvering his motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive him of his priority or block his access.

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

Section 22. Prohibited Parking and Standing. In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

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

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

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

Section 23. 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 30 minutes.

Section 24. Leaving Unattended Vehicle. No operator or person in charge of a motor vehicle shall park it or allow it to be parked on a street, on other property open to public travel, or on a new or used car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed.

Section 25. Action by Police Officer. Whenever a police officer shall find a motor vehicle parked unattended with the ignition key in the vehicle in violation of Section 24, the police officer is authorized to remove the key from vehicle and deliver the key to the person in charge of the police station.

Section 26. Standing or Parking of Buses and Taxicabs Regulated. The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively; except that this provision shall not prevent the operator of a taxicab from temporarily stopping his vehicle outside a traffic lane while loading or unloading passengers.

Section 27. 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.

Section 28. Lights on Parked Vehicle. No lights need be displayed upon a vehicle that is parked in accordance with this ordinance upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

Section 29. Extension of Parking Time. Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.



Section 30. Exemption. The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

### Bicycles

Section 31. Bicycle Equipment. A bicycle operated upon the streets shall be equipped as required by state law, including lights and reflectors. In addition, a bicycle shall be equipped with a brake capable of sliding at least one tire when applied on dry, level, clean pavement, and a functioning bell or horn. No bicycle shall be equipped with a siren or whistle.

Section 32. Bicycle Operating Rules. In addition to observing all other applicable provisions of this ordinance and state law, a rider of a bicycle upon a street shall:

- (1) Yield the right-of-way to pedestrians on sidewalks.
- (2) On a two-way street, ride to the extreme right except when preparing for a left turn. On a one-way street, ride to the extreme curbside of the traffic lane and with the direction of travel designated for that lane. If the curb lane is designated for "left-turn" or "right-turn" only, and the operator is not intending to turn, he shall operate in the through lane.
- (3) Not carry a package, bundle or article which prohibits him from having full control of the bicycle and unhindered vision.
- (4) Not ride abreast of another bicycle or in any manner other than single file, except on designated bicycle paths.
- (5) Not operate a. bicycle in a careless. or reckless manner which endangers or would be likely to endanger him-self, another or any property. Racing or trick riding shall be included in this offense.
- (6) 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.

Section 33. Impounding of Bicycles.

(1) It shall be unlawful to 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. An impounding fee of \_\_\_\_\_ shall be charged to 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 ordinance which remains unclaimed shall be disposed of in accordance with the city's procedures-for disposal of abandoned or lost personal property.

Pedestrians

Section 34. Use of Sidewalks. A pedestrian shall not use a roadway for travel when a sidewalk is available.

Section 35. 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.

Section 36. Right Angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

Section 37. Obedience to Traffic Lights and Bridge and Railroad Signals.

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

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

indication has been given.

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

#### Funeral Processions

Section 38. Funeral Procession. A permit shall not be required to conduct a funeral procession.

(1) The 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.

#### Traffic Offenses on Other Property Open to Public Travel

Section 39. Careless Driving. No person shall operate a motor vehicle on other property open to public travel in a careless manner that endangers or would be likely to endanger any person or property.

Section 40. Reckless Driving. No person shall operate a motor vehicle on other property open to public travel carelessly and heedlessly in willful or wanton disregard of the rights or safety of others.

Section 41. Driving Under the Influence of Intoxicating Liquor, Dangerous Drugs or Narcotic Drugs. No person shall operate a motor vehicle on other property open to public travel while under the influence of intoxicating liquor, dangerous drugs or narcotic drugs.

(1) A person charged with an offense under this section shall be advised that he has a right to a chemical test of his blood, saliva or urine at his expense, or chemical test of his breath without expense; that he is not required to submit to any such test; and that his refusal will not result in suspension of his driving privileges; and that his refusal

to submit or failure to request chemical testing cannot be used against him in any criminal proceeding.

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

#### Section 42. Duties at an Accident.

(1) The operator of a motor vehicle involved in an accident on other property open to public travel which results in injury or death to a person or causes damage to another occupied vehicle shall stop immediately at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until he has fulfilled the following requirements:

(a) Rendered to a person injured in the accident reasonable assistance, including the conveying or the making of arrangements for the conveying of the person to a physician or hospital for medical treatment, if it is apparent that treatment is necessary, or if the injured person requests conveyance.

(b) Given to the occupant of the other vehicle his name and address and the names and addresses of any other occupants of the vehicle he is operating.

(2) The operator of a motor vehicle on other property open to public travel which collides with an unattended vehicle or damages other property, public or private, shall make a reasonable effort to locate and notify the owner of the damaged property. If, after reasonable effort, the operator cannot locate the owner, he shall leave in a conspicuous place a note containing his name and address and a brief description of the circumstances and promptly report the accident to the police.

(3) A witness to the accident shall furnish to the operators or occupants of the vehicles, or injured persons, his name and address.

#### Section 43. Enforcement.

(1) The violation of a provision of this ordinance relating to the operation of a motor vehicle on other property open to public travel shall be a municipal offense and shall subject the violator to arrest by a police officer or a private citizen if the violation takes place in the presence of the officer or citizen, or by a police officer acting under authority of a municipal court warrant.

(2) ORS 133.310(3) and 484.105 shall not apply to

offenses on other property open to public travel. The Oregon Uniform Traffic Citation and Complaint Form shall not be used, and convictions for offenses occurring on other property open to public travel shall not be reported to the [Motor Vehicles Division].

(3) A misdemeanor citation may be issued in lieu of custody.

#### Parking Citations and Owner Responsibility

Section 44. Citation on Illegally Parked Vehicle. When-ever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance, the officer finding the vehicle shall take its license number and any other information 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.

Section 45. Failure to Comply with Traffic Citation Attached to Parked Vehicle. If the operator does not respond to a traffic citation affixed to such vehicle within a period of five days, the \_\_\_\_\_ may send to the owner of the vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that, in the event the letter is disregarded for a period of five days, a warrant for his arrest will be issued.

Section 46. 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 con-sent.

Section 47. Registered Owner Presumption. In a prosecution of a vehicle owner, charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he was then the owner in fact.

### Impoundment and Penalties

#### Section 48. Impoundment of Vehicles.

(1) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner, but subsequently became an obstruction or hazard.

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

(3) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(4) Whenever a police officer observes a vehicle parked in violation of a provision of this ordinance, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid.

#### Section 49. Penalties.

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

(2) Violations of Section 6 through 21, upon conviction, are punishable as Class C violations, for each violation, as determined by the Tillamook County Justice Court, plus court costs.

(3) Violations of Sections 22 through 40, upon conviction, are punishable as Class D violations, for each violation, as determined by Tillamook County Justice Court, plus court costs."

(4) Section 39 through 43 and Section 49(4) are repealed in their entirety.

*Modified 05/08/01 by Ordinance 591*

#### General

Section 50. Severability Clause.. If a portion of this ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this ordinance.

Section 51. Repeal. Ordinance No. 227, enacted December 4, 1941, relating to wreckage on public ways; Ordinance No. [223], enacted March 2, 1939, relating to bicycles; and Ordinance No. 245, enacted May 6, 1948, relating to motor vehicle code, are repealed.

Section 52. Saving Clause. The repeal of any ordinance by Section 51 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Passed and adopted by the Common Council this 14th day of December, 1971.

Approved by the Mayor this 14th day of December, 1971.

/s/ Albert Griffin  
Mayor

ATTEST:

/s/ E.M. Crossley  
City Recorder