

ORDINANCE NO. 402

**AN ORDINANCE CONCERNING VEHICULAR AND PEDESTRIAN TRAFFIC;
ADOPTING THE REVISED DRAIN TRAFFIC CODE; PROVIDING
PENALTIES; REPEALING ORDINANCE NUMBERS. 245, 300, 330, & 381.**

THE CITY OF DRAIN ORDAIN AS FOLLOWS:

Section 1. The following is hereby adopted as the index and provisions of the Drain Traffic Code:

DRAIN TRAFFIC CODE

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5.005 APPLICABILITY OF STATE TRAFFIC LAWS.

Violation of any provision of the Vehicle Code, Oregon Revised Statutes, as now or hereafter constituted, shall be an offense against this city.

5.010 DEFINITIONS.

In addition to those definitions contained in Oregon Revised Statutes, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

ANGLE PARKING. Parking where the longitudinal axes of vehicles form an angle with the alignment of the roadway so that the vehicles are facing the curb or side of the roadway.

BLOCK. That part of one side of a street lying between the two nearest cross streets.

CURB. The extreme edge of the roadway.

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.

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.

PARKWAY. That portion of a street not used as a roadway or as a sidewalk.

PERSON. Every natural person, firm, partnership, association or corporation.

STREET. The terms "highway," "road," and "street," when used in this title or in the Oregon Revised Statutes as adopted by 5.005, shall be considered synonymous, unless the context precludes such construction. Street as defined herein and the Oregon Revised Statutes incorporated by reference includes: alleys, sidewalks, parking areas and accessways owned and maintained by the city.

TRAFFIC LANE. That portion of the roadway used for the movement of a single line of vehicles.

VEHICLE. As used in subsequent sections of this title, includes bicycles and utility type trailers.

5.012 PEDESTRIANS.

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.

ADMINISTRATION

5.015 POWERS OF THE CITY 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:
 - (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 traffic controls and speed limits in parks.
 - (9) Establishment, removal or alteration of the following classes of traffic controls:
 - (a) Traffic control signals.
 - (b) Crosswalks, safety zones and traffic lanes.
 - (c) Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns and the time when the prohibition applies.

5.020 DUTIES OF LAW ENFORCEMENT PERSONNEL.

The enforcement authority designated by the City Council shall exercise the following duties:

- (A) Implement the ordinances, resolutions and motions of the Council.
- (B) Cause a continual check to be made of traffic movement, congestion and accidents on the streets of the city and after appropriate study submit from time to time to the Council those recommendations which may be adopted by resolution or ordinance.

- (C) Keep and maintain a record showing a description of all signs and signals now installed or hereafter installed on any street.
- (D) Temporarily close to vehicular or pedestrian traffic any street when in his opinion it is necessary to do so because of an emergency or for the protection of lives, limb, public safety or property, or for the more expeditious movement of either vehicular or pedestrian traffic, or for special events of community interest, parades or construction in a street right-of-way. The designated official shall cause to be placed and maintained during such temporary closure, "No Parking," "No Walking," "Street Closed," or other appropriate directional signs.

5.025 TEMPORARY TRAFFIC CONTROLS.

Under conditions constituting a danger to the public, the enforcement authority designated by the City Council may install temporary traffic control devices deemed by them to be necessary.

5.030 CRITERIA.

The administrative actions of the enforcement authority designated by the City Council shall be based upon consideration of:

- (A) Traffic engineering principles and traffic investigations.
- (B) Standards, limitations, and rules promulgated by the State Highway Commission.
- (C) Other recognized traffic control standards.

5.035 AUTHORITY OF LAW ENFORCEMENT AND FIRE OFFICERS.

- (A) It shall be the duty of the enforcement authority designated by the City Council through its officers to enforce the provisions of this traffic code.
- (B) In the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the enforcement authority designated by the City Council may direct traffic as conditions may require, notwithstanding the provisions of this traffic code.
- (C) Members of the Fire Department, when at the scene of a fire or other emergency, may direct or assist the enforcement authority designated by the City Council in directing traffic thereat or in the immediate vicinity.

5.040 EVIDENCE.

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

5.045 EXISTING CONTROL DEVICES.

Traffic control devices installed prior to the adoption of this traffic code are hereby recognized as lawfully authorized.

GENERAL PROVISIONS

5.100 RULES OF THE ROAD.

In addition to state law, the following shall apply to the operation of a motor vehicle on the streets of the city:

- (A) The operator of a motor vehicle in the traffic lane shall have the right-of-way over an operator of a motor vehicle departing from a parking space.
- (B) No operator of a motor vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal when other traffic may be affected.

5.105 SPEED LIMITS IN PUBLIC PARKS.

No person shall operate or cause to be operated, a motor vehicle in any city park, whether within or without the boundaries of the city, at a speed in excess of 15 m.p.h., or at a speed which violates the basic speed rule of the Oregon Vehicle Code.

5.110 OBSTRUCTING STREETS AND SIDEWALKS.

- (A) Except as authorized by the city and in a manner prescribed by the city, no person shall obstruct the free movement of vehicles or pedestrians using the streets or sidewalks, including driveways..
- (B) 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 or sidewalks, including sidewalks.

5.115 BOARDING OR ALIGHTING FROM VEHICLE.

No person shall board or alight from any vehicle while such vehicle is in motion.

5120 UNLAWFUL RIDING.

No operator shall permit a passenger and no passenger shall ride on a motor vehicle, on a street except on a portion of the motor 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 the space intended for cargo.

5.125 CLINGING TO MOTOR VEHICLE.

The operator of a motor vehicle on a street shall not knowingly allow a person riding on a bicycle, motorcycle, coaster, roller skates, skateboards, sleds, or other device to attach himself, the vehicle, or the device to his motor vehicle.

5.130 USE OF ROLLER SKATES RESTRICTED.

No person upon roller skates, skateboards, 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 playstreet.

5.135 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.

5.140 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.

5.145 STORAGE OF MOTOR VEHICLES OR PERSONAL PROPERTY ON STREETS.

No person shall store or permit to be stored on a street or other public property without permission of the Council, a motor vehicle or personal property. It shall constitute prima facie evidence of storage of a motor vehicle or personal property if the same is not moved for a period of 48 hours.

5.150 OBEDIENCE TO AND ALTERATION OF TRAFFIC CONTROL DEVICES.

- (A) No person shall disobey the instruction of a traffic officer or a traffic control device.
- (B) No unauthorized person shall install, move, remove, obstruct, alter the position of, deface or tamper with a traffic control device.

HEAVY VEHICLES

5.200 GENERAL PROHIBITION AND EXCLUSION.

- (A) It is unlawful for any person to drive or move, and for any owner to cause or permit to be driven or moved on any street in the city, any vehicle or combination of vehicles of a size and weight exceeding the limitations set forth in this chapter or any vehicle or combination of vehicles which are not constructed or equipped as required by this chapter.
- (B) The provisions of this chapter governing size and weight do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the federal government, the state, or any county or city in the construction, maintenance or repair of public highways and streets or construction, maintenance or repair of any public utility and at the immediate location or site of such construction, maintenance or repair.
- (C) The provisions of this chapter governing size and weight do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by a contractor performing work for or moving materials for the federal government, state, or any county or city in the construction, maintenance or repair of public highways and streets or construction, maintenance or repair of any public utility and at the immediate location or site of such construction, maintenance or repair.
- (D) The provisions of this chapter governing size and weight do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the federal government, state, or any county, city, fire district or ambulance service in the performance of emergency services or training operations.
- (E) The provisions of this chapter governing size and weight do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used for the specific purpose of picking up or discharging goods at any business establishment or residence located on a street other than a designated truck route.
- (F) The operation of any vehicle or combination of vehicles in violation of the provisions of this chapter is prima facie evidence that the owner of such vehicle or combination caused or permitted it to be so operated.

5.205 EXCLUSION ALLOWED BY PERMIT.

The provisions of this chapter restricting the dimensions and weight of vehicles and combination of vehicles, and loads thereon, shall not apply to vehicles or combinations of vehicles operated under a permit and in compliance with the conditions and restrictions thereof. If movement of the vehicle or combination is only upon streets forming a part of the state highway system, PERMIT means a permit issued by the Oregon Public Utilities Commission. If such movement is upon city streets not forming a part of the state highway system, PERMIT means a permit issued by the City Administrator with approval of the Mayor, who hereby are authorized to issue such permits on behalf of the city.

5.210 ISSUANCE OF PERMITS.

Under authority granted under 5.205, the City Administrator with approval of the Mayor may grant permits for the operation over city streets, or sections thereof, of any vehicle or combinations of vehicles, including any load thereon with a gross weight in excess of 40,000 pounds.

5.215 PERMIT FEES.

The City Council has determined that loads in excess of 40,000 pounds (see Section 5.265) cause excessive wear to residential streets, which do not need to be designed for heavy commercial and industrial traffic, and therefore, a user tax is hereby established and levied against those persons, firms or corporations who find a need to transport loads in excess of 40,000 pounds on streets that are not designated as truck routes. Said tax is established and levied to maintain the streets and avenues in the city. The amount of said tax per trip per vehicle, combination of vehicles, article, machine or other equipment shall be adopted by resolution. All monies received for said permits shall be deposited in the street fund.

5.220 INSURANCE REQUIRED OF PERMITTEES.

No permit shall be issued under 5.210 unless the applicant first provides satisfactory evidence of public liability insurance, endorsed to name as additional insured the city, its officers, agents and employees as to any claim or claims for damage or injury resulting from or growing out of the operations of the applicant under the permit applied for, and containing a further endorsement that the policy shall not be cancelled without ten days prior written notice to the City Administrator, the insurance to provide the following minimum limits of coverage:

- (A) \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages arising out of a single accident or occurrence.
- (B) \$100,000 to any claimant for all other claims arising out of a single accident or occurrence.
- (C) \$300,000 for any number of claims arising out of a single accident or occurrence.

5.225 GENERAL PROVISIONS OF PERMITS.

- (A) No permit issued under 5.210 shall be valid:
 - (1) For operation over any street, or section thereof, not specified in the permit;
 - (2) For the operation of any vehicle or combination of vehicles not specified in the permit; or
 - (3) For the operation of any vehicle or combination of vehicles, including any load thereon, having an overall width or length or gross weight in excess of the maximum width, length or gross weight specified in the permit.
- (B) The City Administrator shall make and set forth in the permit such regulations as are necessary to prevent damaging the streets and over stressing street facilities, and to protect the public welfare.

5.230 CARRYING PERMIT REQUIRED.

The driver or chauffeur of any vehicle or combination of vehicles having any gross weight in excess of that permitted under the provisions of this chapter, or of a size or description in excess of that permitted under the provisions of this chapter, shall have either a permit or a permit identification card authorizing operation of the vehicle or combination of vehicles issued pursuant to the provisions of this chapter in his immediate possession at all times when driving the vehicle or combination of vehicles upon a public street, and shall display the same upon demand of any officer of the enforcement authority designated by the City Council .

5.235 PERMITTING WEIGHING AND MEASUREMENT OF VEHICLES.

- (A) Any officer of the enforcement authority designated by the City Council may stop, measure and weigh any vehicle or combination of vehicles by means of either portable or stationary measures and scales, and having reason to believe that any vehicle or combination of vehicles, including any load thereon, is unlawful, may require that such vehicle or

combination of vehicles be driven to the nearest scales, in the event such scales are within five miles. Where it is necessary for the vehicle or combination of vehicles to reverse direction in order to proceed to the scales, the officer of the enforcement authority designated by the City Council shall assist the driver of the vehicle or combination of vehicles so that the turning movement can be made in safety. If he finds that the vehicle or combination of vehicles, including any load thereon, is of any dimension or has any gross weight not authorized by this chapter or not authorized by the terms of any permit issued pursuant to this chapter, he shall require the driver or chauffeur to stop the vehicle or combination of vehicles in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce any dimension and any gross weight to the limits authorized by law or permit.

- (B) The driver or chauffeur of any vehicle shall stop and submit the vehicle or combination of vehicles to measurement and weighing, and shall comply with the directions of any officer of the enforcement authority designated by the City Council given pursuant to this section. All material or goods removed from the load shall be removed and cared for by the driver, chauffeur or owner of the vehicle or combination of vehicles at his risk.

5.240 DETERMINING GROSS WEIGHTS.

- (A) For the purpose of determining any gross weight, actual scale weights shall govern. In the absence of information as to scale weights or of convenient facilities for ascertaining scale weights, the weights furnished by dealers, manufacturers or their agents, as to the weights of vehicles and parts of vehicles, and bills of lading or cargo manifests as to weights of loads, may be accepted as the weights thereof, but such weights shall be subject at all times to verification by actual weights subsequently ascertained.
- (B) For the purpose of this chapter, any gross weight may be measured and determined according to the methods of determining gross weights contained in Oregon Revised Statutes.

5.245 MOVEMENT OF BUILDING OR OTHER STRUCTURE.

The movement of buildings or other structures over the streets and other public ways of the city is covered under the provisions of this chapter.

5.250 LIABILITY FOR DAMAGE TO STREETS OR OTHER PUBLIC PROPERTY.

Any person moving any vehicle of excess weight or size over, across, or upon any street or other public way in the city shall be responsible for any damage to pavement or other public property caused thereby; and any person moving a vehicle of excess weight or size may be required to post with the city a surety bond or cash deposit in an amount to be fixed by the City Administrator to adequately cover any expense which may result from such movement, as a condition prerequisite to issuance of permit or approval under this chapter.

5.255 CONDITIONS GOVERNING PERMITS.

In the granting of permits under 5.210, the City Administrator shall observe and be governed by the following controls on maximum lengths and gross weights:

- (A) The City Administrator may permit the operation over city streets of combinations of vehicles having an overall length, including any load thereon, in excess of 65 feet, for the transportation of logs, poles, piling or structural timbers. If the movement of combinations of vehicles transporting logs, poles, piling or structural timbers cannot be confined to the right side of the street then satisfactory flagging and traffic controls shall be set up by the driver, chauffeur, company or corporation to protect and not unreasonably delay the traveling public.
- (B) In the issuance of permits under this section for the transportation of logs, poles, piling or structural timbers in excess of 65 feet overall length, the City Administrator shall require the applicant to furnish public liability and property damage insurance as provided in 5.220 and may require the applicant to furnish indemnification in the same manner and for the same purposes as provided in 5.250.
- (C) The gross weight of any individual wheel, axle, or tandem axles of any vehicle or combination of vehicles shall not exceed the maximum gross wheel, axle and tandem axle weights set forth by state law and the PUC Administrative Rules.
- (D) Any permit issued under 5.210 may be canceled at any time by the City Administrator with the approval of the Mayor upon proof that the permittee has violated any of the terms of the permit, or when the public interest requires cancellation.

5.260 POSTING.

The City Administrator is hereby authorized to cause notice of such routes and use to be posted on any street or avenue within the City of Drain to carry into effect the purposes of this subchapter.

5.265 TRUCK ROUTE STREETS

It shall be unlawful for any person, firm, or corporation to use, drive, or operate any vehicle weighing 40,000 pounds or more or combinations of vehicles having an overall length, including load thereon, in excess of 65 feet upon any street of the City of Drain, Oregon, except the following streets and avenues which are hereby designated as city truck route streets or avenues:

- (a) Lane Avenue.
- (b) Cedar Street – from the South city limits to West “B” Avenue.
- (c) Applegate Avenue – from Cedar Street to Fir Street.
- (d) Payton Avenue – from Cedar Street to Fir Street.
- (e) “B” Avenue, West – from First Street to Cedar Street & 4th Street.
- (f) First Street, North – from “A” Avenue to North city limits.
- (g) Highway #38, to Reedsport – from intersection of Cedar Street and “B” avenue to west city limits.
- (h) Date Street - from Payton Avenue to Applegate Avenue.
- (i) Elder Street - from Payton Avenue to Applegate Avenue.
- (j) East “B” Avenue from North First Street to Pass Creek Bridge.

PARADES AND PROCESSIONS

5.270 PROHIBITED ACTIVITY.

No person shall knowingly organize or participate in a parade, which disrupts or interferes with traffic, without obtaining a permit.

5.275 PERMIT.

- (A) Application for parade permits shall be made in writing to the City Administrator or person designated by the business manager at least two (2) days prior to the intended date of the parade, unless the time is waived by the City Administrator.

- (B) Application shall include the following information:
 - (1) The name and address of the person responsible for the proposed parade.
 - (2) The date of the proposed parade.
 - (3) The desired route including assembling points.
 - (4) The number of persons, vehicles, and animals which will be participating in the parade.
 - (5) The proposed starting and ending time.
 - (6) The application shall be signed by the responsible party.
- (C) If the issuing authority, on receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he shall approve the route and issue the permit.
- (D) If the issuing authority determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he may:
 - (1) Propose an alternate route.
 - (2) Propose an alternate date.
 - (3) Refuse to issue a parade permit.
- (E) The issuing authority shall notify the applicant of his decision within 24 hours of receipt of the application.
- (F) If the issuing authority proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the Council.

5.280 APPEAL TO COUNCIL.

- (A) An applicant may appeal the decisions of the City Administrator or the person designated by the City Administrator by filing a written request of appeal with the City Administrator within two days after the issuing authority has proposed alternatives or refused to issue a permit.
- (B) The Council shall schedule a hearing date which shall not be later than the five days following the filing of the written appeal with the City Administrator and shall notify the applicant of the date and time that he may appear either in person or by a representative.

5.285 PERMIT REVOCABLE.

The issuing authority may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

5.290 OFFENSES AGAINST PARADE.

- (A) No person shall unreasonably interfere with a parade or parade participant.
- (B) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

5.295 FUNERAL PROCESSIONS.

A permit shall not be required to conduct a funeral procession.

- (A) The procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
- (B) The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
- (C) All motor vehicles in the procession shall be operated with their lights turned on.
- (D) No person shall unreasonably interfere with a funeral procession.
- (E) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

PARKING REGULATIONS

5.300 APPLICATION OF PARKING REGULATIONS.

The provisions in this chapter prohibiting the standing or parking of a vehicle shall apply at all times specified or as indicated on traffic control devices, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the direction of an officer of the enforcement authority designated by the City Council or official traffic control device.

5.305 REGULATIONS NOT EXCLUSIVE.

Any time limit on parking shall not relieve a person from the duty of observing other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

5.310 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 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.
- (B) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of such vehicle makes compliance impossible.
- (C) Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the fire department has been summoned, he or she shall immediately remove such vehicle from the area unless otherwise directed by law enforcement or fire officers.

5.315 PROHIBITED PARKING.

In addition to provisions of the state motor vehicle laws prohibiting parking, no person shall park or stand:

- (A) A vehicle upon any bridge, viaduct or other elevated structure used as a street in this city.
- (B) A vehicle in any alley for more than 15 consecutive minutes in any one hour period except to load or unload persons or materials.
- (C) 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) Displaying advertising from such vehicle.
 - (4) Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this city.
 - (5) Storage, or as junkage or dead storage.
- (D) A vehicle upon any parkway except where specifically authorized.
- (E) Within an area marked by yellow paint on the street or on the curb or when official "No Parking" signs are posted.

- (F) Within that area between the curb or curb line and the sidewalk line or outer edge of the sidewalk commonly known as the parking strip.
- (G) A motor truck, truck trailer, motor home or travel trailer within an area where “No Truck or Motor Home Parking” signs are posted.
- (H) A truck tractor or truck trailer, loaded or unloaded, overnight, upon any street in the city, except in areas where “Extended Truck Parking” signs are posted.

5.320 USE OF LOADING ZONE.

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

5.325 PARKING TIME LIMIT.

Maximum parking time limits designated by sign for a block shall apply to parking in the block, not merely to parking in one or more particular parking spaces in the block. No person in charge of a vehicle may extend the permissible time for parking the vehicle in the block by causing the vehicle to be moved from one parking space to another in the block without being removed from the block. The operator of the vehicle or its registered owner shall be regarded as prima facie in charge of it.

5.330 LIGHTS ON PARKED VEHICLE.

No lights need be displayed upon any vehicle parked in accordance with this traffic code and upon any street where there is sufficient light to reveal any person or object.

5.335 UNATTENDED VEHICLES.

Whenever an officer of the enforcement authority designated by the City Council shall find a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

5.340 EXEMPTION.

The provisions of this traffic code 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, maintenance, 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.

5.350 USE OF CITY PARKING LOT AT 210 NORTH FIRST STREET.

- (A) Parking in the City Parking Lot at 210 North First Street is limited to four consecutive hours and to the hours between 5:00 a.m. and 11:00 p.m. Parking in excess of these limits is allowed only if a permit has been issued by the city.
- (B) Advertising, selling or offering merchandise for sale in the City Parking Lot at 210 North First Street is allowed only if a permit authorizing such activities has been issued by the city. Permits authorizing the advertising, selling or offering of merchandise for sale in the City Parking Lot shall only be issued to a non-profit or governmental organization. No permit is to be issued unless the permittee first waives any and all claims against the city for liability for property damage and personal injury based on allegations of negligence and agrees to indemnify and hold the city harmless from any such claims brought by third persons which arise out of the permittee's use of the City Parking Lot.
- (C) The City Administrator is directed to post signs at the entrance of the City Parking Lot stating the restrictions on the use of the City Parking Lot contained in divisions (A) and (B) above.
- (D) A person commits the offense of violation of posted parking restrictions in the City Parking Lot, if without a permit issued by the city:
 - (1) The person parks a vehicle in the City Parking Lot in violation of the posted parking restrictions contained in this section; or
 - (2) The person is the owner of an unattended vehicle parked in the City Parking Lot in violation of the posted parking restrictions contained in this section.
- (E) A person commits the offense of unlawful parking for vending purposes, if, without a permit issued by the city, the person parks or leaves standing in the City Parking Lot a vehicle for the purpose of advertising, selling or offering merchandise for sale.
- (F) A person commits the offense of unlawful vending in the City Parking Lot if, while in the City Parking Lot without a permit issued by the city, the person advertises, sells, or offers merchandise for sale.
- (G) Violation of divisions (D), (E), or (F) above is punishable by a fine for each violation. All vehicles parked in violation of this section may be towed and impounded at the owner's expense as provided in Oregon Revised Statutes. It is an affirmative defense to a prosecution of the owner of a vehicle that the use of the vehicle was not authorized by the owner, either expressly or by implication.

BICYCLES

5.400 APPLICATION OF TRAFFIC CODE.

Every person riding a bicycle within the corporate limits of the city shall be subject to the provisions of this traffic code and state law applicable to the driver of a motor vehicle, except those provisions which by their very nature can have no application.

5.405 RIDING ON BICYCLES.

A person propelling a bicycle shall not ride other than with his feet on the pedals and facing the front of the bicycle.

5.410 BICYCLE 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.

5.415 IMPOUNDING OF BICYCLES.

- (A) A bicycle left on public property for a period in excess of 24 hours may be impounded by the enforcement authority designated by the City Council.
- (B) In addition to any citation issued, a bicycle parked in violation of this chapter may be immediately impounded.
- (C) If a bicycle impounded under this traffic code is licensed, or other means of determining its ownership exists, the enforcement authority designated by the City Council shall make reasonable efforts to notify the owner.
- (D) A bicycle impounded under this traffic code which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

PARKING CITATIONS AND OWNER RESPONSIBILITY

5.500 CITATION ON ILLEGALLY PARKED VEHICLE.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this traffic 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 traffic citation for the operator to answer to the charge against him or pay the fee imposed within five days during the hours and at a place specified in the citation.

5.505 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 days, the Clerk of the Court 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 ten days, a warrant for his arrest will be issued.

5.510 OWNER RESPONSIBILITY.

The owner of a vehicle parked in violation of a parking restriction shall be severally responsible for the offense, except that it is an affirmative offense to a prosecution of the owner of a vehicle that the use of the vehicle was not authorized by the owner, either expressly or by implication..

5.515 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.

5.600 IMPOUNDMENT.

- (A) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, an officer of the enforcement authority designated by the City Council 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 may redeem the vehicle by paying to the city and/or County all costs of towing and storage. The owner shall be liable for the costs of towing and storage, 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.
- (B) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this traffic code.
- (C) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- (D) Whenever an officer of the enforcement authority designated by the City Council observes a vehicle parked in violation of a provision of this traffic code or state law, 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. The owner may redeem the vehicle by paying to the city and/or county all costs of towing and storage, amounts due for all unpaid parking citations, unpaid court bail or fines and any other outstanding charges.

- (E) After impoundment, the officer of the city responsible for impoundment shall attempt to notify the owner of the impounded vehicle of the vehicle's impoundment and of the owner's right of redemption.
- (F) Any motor vehicle impounded and not redeemed within 30 days after impoundment may be sold in accordance with applicable provisions relating to the sale of abandoned vehicles.

5.900 PENALTIES

- (A) Except as may be limited by Charter, violations of the Oregon Vehicle Code adopted by reference in 5.005 of this chapter are offenses against this city and are punishable to the same extent provided by state law.
- (B) Violation of 5.100 through 5.150 of this traffic code are punishable by a fine not to exceed \$1500.
- (C) Violation of any other section of this traffic code is punishable by a fine not to exceed \$500.

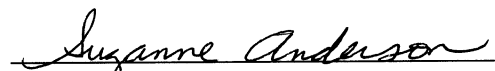
5.950 Severability Clause. If a portion of this code is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this code.

Section 2. City of Drain Ordinance Numbers 245, 300, 330, 381, and any other ordinance relating to regulation of vehicular and pedestrian traffic, and any other ordinances or resolutions in conflict herewith, are hereby repealed.

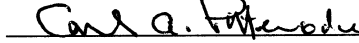
Section 3. The repeal of any ordinance or resolution by Section 2 above shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Section 4. The provisions contained herein affect the public welfare and safety, and therefore, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage by the Council and approval by the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF DRAIN, DOUGLAS COUNTY, OREGON THIS 12th DAY OF March, 2007.


Suzanne Anderson, Mayor

ATTEST:



Carl A. Patenode
City Administrator