

Title VII
TRAFFIC

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HISTORY:

CHAPTER 2 originally designated Washington St. as a truck route (*Ord. 556, 10-10-72*) prior to establishment of A. St. and Washington St. as a one-way grid. CHAPTER 3 was created for the regulation of recreational vehicles in order to prevent blockage of City streets (*Ord. 799, 6-8-99*). CHAPTER 4 was created to prevent unnecessary noise and damage to City streets (*Ord. 836, 5-11-2004*).

Chapter 1

TRAFFIC

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7.1.1 SHORT TITLE

This Ordinance may be cited as the City of Vale Uniform Traffic Ordinance. (*Ord. 556, 10-10-72*)

7.1.2 APPLICABILITY OF STATE TRAFFIC LAWS

Violation of the Oregon Vehicle Code, Oregon Revised Statutes, Chapters 801 to 822 as now and hereafter constituted shall be an offense against the City. (*Ord. 689, 12-8-87*)

7.1.3 DEFINITIONS

In addition to those definitions contained in the Oregon Vehicle Code referred to above, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

- (A) *Bicycle.* A nonmotorized vehicle designed to be ridden, propelled by human power, and having two (2) or more wheels the diameter of which are in excess of ten inches (10”) or having two (2) or more wheels where any one wheel has a diameter in excess of fifteen inches (15”).
- (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, motorcycles, road building equipment, street cleaning equipment, and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.
- (F) *Park or Parking.* The condition of:

- (1) A motor vehicle that is stopped while occupied by its operator with the engine turned off.
 - (2) 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:
- (1) The operator or passenger of a motor vehicle or bicycle.
 - (2) 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.*
- (1) *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 herein, includes alleys, sidewalks, and parking areas and accessways owned or maintained by the City.
 - (2) *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 defined in subsection (A) 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 accessways and parking areas open to general vehicular traffic, whether or not periodically closed to public use.
- (L) *Taxicab Stand.* A space on the edge of a roadway 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. (*Ord. 556, 10-10-72*)
- (O) *Vehicle.* As used in subsequent sections of this Ordinance, includes baccies.

As used in this Ordinance, the singular includes the plural and the masculine includes the feminine. (*Ord. 556, 10-10-72*)

ADMINISTRATION

7.1.4 POWERS OF THE COUNCIL

- (A) Subject to State laws, the City Council shall exercise all municipal traffic authority for the City except those powers specifically and expressly delegated herein or by another ordinance.

- (B) 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 speed limits in parks. (*Ord. 556, 10-10-72*)

7.1.5 DUTIES OF THE CITY MANAGER

The City Manager or his designate shall exercise the following duties:

- (A) 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 standard contained in the "Oregon Manual on Uniform Traffic Control for Streets and Highways".
- (B) Establish, maintain, remove, or alter the following classes of traffic controls:
- (1) Crosswalks, safety zones, and traffic lanes.
 - (2) Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies.
 - (3) Parking areas and time limitations, including the form of permissible parking (*e.g.*, parallel or diagonal).
- (C) Issue oversize or overweight vehicle permits. (*Ord. 556, 10-10-72; amended by Ord. 832, 3-11-2003*)

7.1.6 PUBLIC DANGER

Under conditions constituting a danger to the public, the City Manager or his designate may install temporary traffic control devices deemed by him to be necessary. During public works operations, when the City Manager deems it necessary, he or his designee may temporarily reroute traffic, impose temporary parking restrictions, install temporary traffic control devices, temporarily alter truck routes and take other measures reasonably necessary to protect the public, City employees and contractors. (*Ord. 556, 10-10-72; amended by Ord. 806, 10-1-99; amended by Ord. 832, 3-11-2003*)

7.1.7 STANDARDS

The regulations of the City Manager or his designate shall be based upon:

- (A) Traffic engineering principles and traffic investigations.
- (B) Standards, limitations and rules promulgated by the State Highway Commission.
- (C) Other recognized traffic control standards. (*Ord. 556, 10-10-72; amended by Ord. 832, 3-11-2003*)

7.1.8 AUTHORITY OF POLICE AND FIRE OFFICERS

- (A) It shall be the duty of police officers to enforce the provisions of this Ordinance.
- (B) 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. (*Ord. 556, 10-10-72*)

7.1.9 OBEDIENCE TO AND ALTERATION OF CONTROL DEVICES

- (A) No person shall disobey the instruction of 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. (*Ord. 556, 10-10-72*)

7.1.10 EVIDENCE

The existence of a traffic control device shall be prima facie evidence that the device was lawfully authorized and installed. (*Ord. 556, 10-10-72*)

7.1.11 EXISTING CONTROL DEVICES

Traffic control devices installed prior to the adoption of this Ordinance are lawfully authorized. (*Ord. 556, 10-10-72*)

GENERAL REGULATIONS

7.1.12 RULES OF ROAD

In addition to State law, the following shall apply to the operation of vehicles upon the streets of the City:

- (A) 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.
- (B) 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.
- (C) 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.
- (D) 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.
- (E) Notwithstanding an indication by a traffic control device to proceed:
 - (1) 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.

- (2) 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.
- (F) A yield sign has the same function as a stop sign, except it is permissible to proceed with caution into or across an intersection without first stopping if no cross traffic is approaching so close as to constitute an immediate hazard. (Violation is same as stop sign) (*Ord. 556, 10-10-72*)

7.1.13 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. (*Ord. 556, 10-10-72*)

7.1.14 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. (*Ord. 556, 10-10-72*)

7.1.15 UNLAWFUL RIDING

- (A) 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.
- (B) No person shall board or alight from a vehicle while the vehicle is in motion upon a street. (*Ord. 556, 10-10-72*)

7.1.16 CLINGING TO VEHICLES

No person riding upon a bicycle, motorcycle, coaster, roller skates, 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. (*Ord. 556, 10-10-72*)

7.1.17 DAMAGING SIDEWALKS AND CURBS

- (A) The operator of a vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.
- (B) 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.
- (C) 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. (*Ord. 556, 10-10-72*)

7.1.18 OBSTRUCTING STREETS

- (A) No unauthorized person shall obstruct the free movement of vehicles or pedestrians using the streets.
- (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. (*Ord. 556, 10-10-72*)

7.1.19 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. (*Ord. 556, 10-10-72*)

7.1.20 TRAINS NOT TO BLOCK STREETS

No person shall direct or operate a train or permit railroad cars to block the use of any street for a period of time longer than five (5) minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. (*Ord. 556, 10-10-72*)

PARKING REGULATIONS

7.1.21 METHOD OF PARKING

- (A) No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within twelve inches (12") of the edge of the curb, except where the street is marked or signed for angle parking.
- (B) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- (C) 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.
- (D) 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.
- (E) No person shall leave unattended in or from any motor vehicle parked on a public street or parking lot minor children under the age of fourteen (14) years, leaving said children for a longer period than thirty (30) minutes. (*Ord. 556, 10-10-72*)

7.1.22 PROHIBITED PARKING AND STANDING

In addition to the State Motor Vehicle Laws prohibiting parking, no person shall park or stand:

- (A) A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel unless authorized.
- (B) A vehicle in an alley, thereby blocking vehicular travel, other than for the expeditious loading or unloading of persons or materials but in no case for a period in excess of fifteen (15) consecutive minutes.
- (C) A vehicle upon a parkway or freeway, except as authorized. (*Ord. 556, 10-10-72*)

7.1.23 PROHIBITED PARKING

No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

- (A) Displaying the vehicle for sale.
- (B) Repairing or servicing the vehicle, except repairs necessitated by an emergency.
- (C) Displaying advertising from the vehicle.
- (D) Selling merchandise from the vehicle, except when authorized. (*Ord. 556, 10-10-72*)

7.1.24 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 fifteen (15) minutes. (*Ord. 556, 10-10-72*)

7.1.25 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. (*Ord. 556, 10-10-72*)

7.1.26 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. (*Ord. 556, 10-10-72*)

7.1.27 LIGHTS ON PARKED VEHICLE

No lights need be displayed upon a vehicle that is parked in accordance with this Ordinance. (*Ord. 556, 10-10-72*)

7.1.28 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. (*Ord. 556, 10-10-72*)

7.1.29 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. (*Ord. 556, 10-10-72*)

7.1.30 BICYCLE EQUIPMENT

A bicycle operated upon the streets shall be equipped as required by State law. In addition, a bicycle shall be equipped with a brake capable of sliding at least one tire when applied on dry, level and clean pavement. No bicycle shall be equipped with a siren or whistle. (*Ord. 556, 10-10-72*)

7.1.31 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:

- (A) Not ride upon a sidewalk in a business district within the City of Vale.
- (B) Yield the right-of-way to pedestrians on sidewalks.
- (C) 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.
- (D) Not carry a package, bundle, or article which prohibits him from having full control of the bicycle and unhindered vision.
- (E) Not ride abreast of another bicycle or in any manner other than single file, except on designated bicycle paths.
- (F) Not operate a bicycle in a careless or reckless manner which endangers or would be likely to endanger himself, another, or any property. Racing or trick riding shall be included in this offense.
- (G) 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. (*Ord. 556, 10-10-72*)

7.1.32 IMPOUNDING OF BICYCLES

- (A) 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.
- (B) A bicycle left on public property for a period in excess of twenty four (24) hours may be impounded by the Police Department.
- (C) In addition to any citation issued, a bicycle parked in violation of this Ordinance may be immediately impounded by the Police Department.
- (D) 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 five dollars (\$5.00) shall be charged to the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.
- (E) 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. (*Ord. 556, 10-10-72*)

PEDESTRIANS

7.1.33 USE OF SIDEWALKS

A pedestrian shall not use a roadway for travel when a sidewalk is available. (*Ord. 556, 10-10-72*)

7.1.34 PEDESTRIANS MUST USE CROSSWALKS

No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within one hundred fifty feet (150') of a marked crosswalk. (*Ord. 556, 10-10-72*)

7.1.35 RIGHT ANGLES

A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk. (*Ord. 556, 10-10-72*)

7.1.36 OBEDIENCE TO TRAFFIC LIGHTS AND BRIDGE AND RAILROAD SIGNALS

- (A) 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.
- (B) 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.
- (C) 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. (*Ord. 556, 10-10-72*)

7.1.37 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. (*Ord. 556, 10-10-72*)

TRAFFIC OFFENSES ON OTHER PROPERTY OPEN TO PUBLIC TRAVEL

7.1.38 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. (*Ord. 556, 10-10-72*)

7.1.39 [*Repealed by Ord. 607, 11-7-78*]

7.1.40 [*Repealed by Ord. 607, 11-7-78*]

7.1.41 [*Repealed by Ord. 607, 11-7-78*]

7.1.42 ENFORCEMENT:

- (A) 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.
- (B) 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 Department of Motor Vehicles.
- (C) A misdemeanor citation may be issued in lieu of custody. (*Ord. 556, 10 10-72*)

PARKING CITATIONS AND OWNER RESPONSIBILITY

7.1.43 PARKING REGULATIONS & CITATIONS

- (A) *PROHIBITED PARKING*: No person shall park a vehicle for longer than two (2) hours between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. excepting Sundays and holidays, upon any of the following streets or sections thereof:

- (1) A Street between Bryant Street and Longfellow;
- (2) Bryant between Washington and B Street; and
- (3) Court between Washington and B Street.

Signs shall be erected in each block of the streets set forth above giving notice of the parking limitations. The penalty for violation of this section shall be a fine of \$5.00.

- (B) *PUBLIC WORKS OPERATIONS*: Signs shall be erected on streets designated herein prohibiting parking during public works operations, including street sweeping. The streets designated herein are:
 - (1) A Street within the City Limits;
 - (2) Washington Street within the City limits; and
 - (3) Bryant, Court, Main, Longfellow and Glenn Streets, between Washington and B. Street.

The Public Works Committee shall have the authority to impose parking restrictions to carry out the provisions of this subsection. Permanent signs shall be erected on the streets designated herein prohibiting parking at such times as are approved by the Public Works Committee. If public works operations are to be conducted on days or during hours other than as posted, temporary warning signs shall be posted on the streets designated herein at least twenty four (24) hours prior to such operations.

Any aggrieved person may seek review by the City Council of parking restrictions imposed by the Public Works Committee; *provided*, however, that such review shall not occur until the grievance has been presented first to the Public Works Committee and denied; *provided further*, that such review shall not include review of parking citations or parking tickets. The penalty for violation of this subsection shall be a fine of \$10.00.

- (C) *CITATIONS*: Whenever a vehicle is found parked in violation of Sections 7.1.43(A) or 7.1.43(B), the officer finding the vehicle shall affix to the vehicle a traffic citation that the operator is to answer the charge or pay the penalty imposed within five (5) days during the hours and at a place specified in the citation. Other than the towing charge, the owners of towed vehicles shall not be required to pay a City impound fee. If the operator does not respond to the citation within a period of five (5) days, a delinquency fee of ten dollars (\$10.00) shall be assessed in addition to the fine indicated on the citation and the Municipal Judge shall send to the owner of the vehicle to which the traffic citation was affixed a letter informing the owner of the violation and the delinquency fee and warning the owner that, in the event the letter is disregarded for a period of five (5) days, a further delinquency fee of five dollars (\$5.00) and a warrant for arrest may be issued. (*Ord. 764, 10-22-96*)

7.1.44 CITATION ON ILLEGALLY PARKED VEHICLE

Whenever 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 (5) days during the hours and at a place specified in the citation. (*Ord. 556, 10-10-72*)

7.1.45 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 (5) days, the Municipal Judge 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 (5) days, a warrant for his arrest will be issued. (*Ord. 556, 10-10-72*)

7.1.46 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 consent. (*Ord. 556, 10-10-72*)

7.1.47 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. (*Ord. 556, 10-10-72*)

IMPOUNDMENT AND PENALTIES

7.1.48 IMPOUNDMENT OF VEHICLES

- (A) 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.
- (B) The disposition of a vehicle towed and stored under authority of this Section shall be in accordance with the provisions of Ordinance No. 543, relating to impoundment and disposition of vehicles abandoned on the City street.
- (C) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this Ordinance.
- (D) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- (E) Whenever a police officer observes a vehicle parked in violation of a provision of this Ordinance, if the vehicle has four (4) or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in subsection (B) of this Section. (*Ord. 556, 10-10-72*)

7.1.49 PENALTIES

- (A) Except as may be limited by Charter, violations of ORS provisions made offenses against this City are punishable to the same extent provided in the Statutes. (*Ord. 556, 10-10-72*)
- (B) Violation of Sections 7.1.6 through 7.1.20 is punishable by fine not to exceed one hundred dollars (\$100.00). (*Ord. 556, 10-10-72; amended by Ord. 607, 11-7-78*)
- (C) Violation of Sections 7.1.21 through 7.1.37 is punishable by fine not to exceed fifty dollars (\$50.00). (*Ord. 556, 10-10-72*)
- (D) Violations of Sections 7.1.38 through 7.1.42 are punishable by a fine not to exceed two hundred fifty dollars (\$250.00). (*Ord. 607, 11 7-78*)

GENERAL

7.1.50 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. (*Ord. 556, 10-10-72*)

7.1.51 [*Repealed by Ord. 776, 8-12-97, eff. 9-12-97*]

Chapter 2

TRUCK ROUTE

Sections

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7.2.1 TRUCK ROUTE ESTABLISHED:

A truck route is hereby established along the following thoroughfare within the City of Vale:

- Oregon Street between the John Day Highway and Fourteenth St.;
- Fourteenth Street between Oregon Street and Hope Street;
- Hope Street between Fourteenth Street and Barkley Drive;
- Barkley Drive between Hope Street and Graham Boulevard.

Signs shall be posted designating the described thoroughfare as a truck route. (*Ord. 741, 6-13-95*)

7.2.2 THROUGH TRUCK TRAFFIC PROHIBITED

Through truck traffic is prohibited on Fifteenth and Sixteenth Streets between Oregon Street and Hope Street. Signs shall be posted at each such street giving notice of the prohibition. (*Ord. 741, 6-13-95*)

Chapter 3

RECREATIONAL VEHICLE PARKING

Sections

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7.3.1 DEFINITION

As used in this Chapter, a "recreational vehicle" means a vehicle with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes. It includes a pickup truck with a camper shell installed in its bed. It also includes the definition of a recreational vehicle in ORS 446.003, and in administrative rules promulgated thereunder.

7.3.2 PARKING RESTRICTED

It shall be unlawful within the limits of the City, for any person to park or locate any recreational vehicle, utility trailer, boat, floatation device or similar device on any street, alley or highway except as provided for herein.

7.3.3 PARKING IN FRONT YARDS

Recreational vehicles, utility trailers, boats, floatation devices or similar devices may be parked, placed, or stored in any front yard provided they are parked, placed or stored behind the public sidewalk or sidewalk area of any front yard and comply with the vision clearance requirements of the Code, including Section 8.7.10.

7.3.4 OCCUPANCY OF RECREATIONAL VEHICLES

No recreational vehicle shall be used as a place of habitation on any public street, alley or highway within the limits of the City; except that recreational vehicles may be parked in the front yard (behind the sidewalk or

sidewalk area of a lot, parcel or tract of land) temporarily as a place of habitation not to exceed seventy-two (72) hours. Longer periods of time, up to fourteen (14) consecutive days may be authorized in writing by the Public Works Committee with no fee required. Habitation permits shall not exceed three (3) per year. Recreational vehicles, utility trailers, boats, floatation devices and other similar devices shall gain access to the front yard parking, placement or storage area via a developed curb cut, or where the curb is not developed, by an established driveway.

7.3.5 TEMPORARY PARKING

The unoccupied temporary stopping or parking of a recreational vehicle is permitted on any street, alley or highway for a period of seventy-two (72) hours in any seven (7) consecutive days subject to any other prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

7.3.6 EXEMPTIONS AND SPECIAL CIRCUMSTANCES

- A. Other circumstances allowing for the temporary habitation of a recreational vehicle are:
- 1) Authorized R.V. overnight park or mobile home park;
 - 2) Authorized watchman's quarters;
 - 3) Authorized use during construction of a permitted or conditional use, as provided in Section 7.3.6(C); or
 - 4) During a health hardship, as provided in Section 7.3.6(D).
- B. Recreational vehicles and manufactured dwellings on sales lots, not set up for occupancy, are exempt from any requirements of this section.
- C. Any person who is constructing a dwelling house upon his own lot, tract or parcel of land, may for a period not to exceed one hundred twenty (120) days park and occupy a recreational vehicle upon said lot, tract or parcel of land which may be occupied by the owners of said property during the period of construction. The Public Works Committee may, if it determines that an extension of time is warranted, grant an extension in monthly increments of up to three months.
- D. Temporary occupancy for a health hardship may be authorized by the Public Works Committee, provided that the use is of a temporary nature. Approval of a health hardship permits the placement of a recreational vehicle (travel trailer) subject to the following conditions:
1. The applicant can demonstrate that approval of the request would allow for the care of a seriously ill person in a manner that could not be achieved by any other reasonable existing alternative.
 2. The applicant has a medical doctor's written confirmation of a health hardship.
 3. The approval is for a length of time not to exceed twelve (12) months or the duration of the health hardship, whichever is less. The Public Works Committee may extend approval for an additional twelve (12) month period if a written request for renewal is submitted by the applicant before expiration and written reconfirmation of the health hardship is provided by a medical doctor.
- E. An owner of railroad facilities within the City's Industrial Zone may install up to four recreational vehicles as temporary living quarters for railroad employees and contractors, so long as they are used only in connection with the operation and maintenance of the railroad facilities, as an accessory use. Such use shall be exempt from the requirements of a mobile home park or a trailer park under the City Code. (*Ord. 804, 8-10-99*)

7.3.7 ONSTREET PARKING RESTRICTED

It shall be unlawful, within the limits of the City, for any person to place or locate any utility trailer, boat, floatation device or other similar devices on any streets, alleys or highways; except that emergency or temporary stopping or parking is permitted on any street, alley or highway for no longer than seventy-two (72) hours in any seven (7) consecutive days, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, ally or highway. No accessory trailer, boats, floatation devices, or other similar devices shall park in such a fashion that they block or obstruct a public sidewalk, ally or street. (*Ord. 799, 6-8-99*)

Chapter 4

TRUCK AND LARGE VEHICLE REGULATIONS

Sections

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7.4.1 TEMPORARY PARKING OF TRUCKS

It is unlawful for any person to park any tractor truck or semi trailer on the streets or street right-of-way, other than for temporary parking, except in areas posted for truck parking by the City. Temporary parking is allowed only during vehicle loading or unloading, for no more than thirty minutes. In the event loading or unloading is going to exceed thirty minutes, the driver shall notify the city manager or the chief of police and will park the vehicle in such a manner as to minimize the impact on the flow of traffic. If any law or ordinance enforcement officer determines that the parked vehicle constitutes a hazard to persons or property, the officer has the authority to order the driver to remove the truck from that location, and refusal to do so shall be a violation of this section.

7.4.2 TRUCK PARKING LOCATIONS

The City Council may, by resolution, designate locations and/or times within the City in which parking of tractor trucks and semi trailers is permitted for more than temporary parking as defined in Section 7.4.1. The City shall post signs at the designated locations authorizing truck parking within the times designated by the City Council.

7.4.3 PARKING VEHICLES USING METAL SUPPORTS PROHIBITED

It is unlawful for any person to park any tractor, truck, recreational vehicle, camper, camper trailer, mobile home, motor home, double wide, trailer house or semitrailer on the paved portion of any street or street right of way, when that unit is supported by a jack, footing, prop, brace, lever or other support that causes steel or similar metal to rest directly upon the pavement.

7.4.4 USE OF EXHAUST BRAKES PROHIBITED

It is unlawful for any motor vehicle exceeding 10,000 lbs. total gross vehicular weight, while operating over and along the streets and highways of the City, to make use of exhaust brakes for the purpose of slowing or stopping. The term "exhaust brakes" shall include, but not be limited to, exhaust brakes commonly known as jake brakes.

7.4.5 PENALTIES

Violation of any of the provisions of Chapter 4 of Title VII of the Vale City Code is punishable by fine not to exceed one hundred dollars (\$100.00). (*Ord. 836, 5-11-2004; amended by Ord. 851, 8-8-2006*)