

**TITLE 6
MOTOR VEHICLES AND TRAFFIC**

**CHAPTER 1
GENERAL TRAFFIC PROVISIONS**

6-1-1: DEFINITIONS:

In addition to those definitions contained in the Oregon Vehicle Code, ORS chapters 801 to 822, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

ALLEY: A street through the middle of a block primarily intended to provide access to the rear or side of lots or buildings.

BUS STOP: A designated area in the roadway adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

COMMERCIAL VEHICLE: A vehicle which is used or maintained for the transportation of persons for hire, compensation or profit or which is designed, used or maintained primarily for the transportation of property.

CURB: The extreme edge of the roadway.

DISMANTLED VEHICLE: A vehicle from which parts have been removed, except for minor repairs (as oil changes, windshield wiper replacements, tire rotations or the like) made within an eight (8) hour period, or a vehicle which does not have a current and valid license or a motor vehicle which is unable to propel itself.

DWELLING: A building used for occupancy, including eating and sleeping, by a family. It includes an apartment, mobile home, multi-family dwelling and single family dwelling.

FARM TRACTOR: Any self-propelled vehicle designed primarily for use in agricultural operations for drawing or operating plows, mowing machines and other farm equipment or implements of husbandry.

FIXED LOAD VEHICLE: Vehicles with or without motive power that are neither designed nor used primarily for the transportation of persons or property over public highways or streets.

GROSS WEIGHT: The light weight of the vehicle plus the weight of the maximum load which the vehicle may carry; or the weight of a vehicle or combination of vehicles, or wheel, or axle, or tandem axles or group of axles, without load plus the weight of any load thereon.

HIGHWAY, ROAD or STREET: Every public way, thoroughfare and place, including bridges, viaducts or other structures used or intended for the use of the general public for vehicles.

HOLIDAY: New Year's Day, Martin Luther King's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and the day after, Christmas Day, Sundays, and any other day proclaimed by the City Council to be a holiday.

LIGHT WEIGHT: The weight of a vehicle when fully equipped for moving over the highway.

LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material or freight.

MOBILE HOME: (Excluding a modular home, prefabricated home and tent trailer). Trailer or structure that:

- A. Is designed to be transported or used upon the highways;
- B. Is capable of being used for human habitation or for business, commercial or office purposes;
- C. Is not a travel trailer; and
- D. Is not a special use trailer.

MOTOR BUS: Every motor vehicle designed or used for carrying passengers and their personal baggage and express for compensation, except taxicabs and vehicles commonly known and used as private passenger vehicles and not operated for compensation except in the transportation of students to or from school.

MOTOR HOME: A motor vehicle that:

- A. Is originally designed, reconstructed or permanently altered to provide facilities for human habitation; or
- B. Has a camper permanently attached to it.

MOTOR TRUCK: Every motor vehicle designed or used for carrying, conveying or moving over the highways of this State any freight, property, article or thing, and having a combined weight of vehicle and maximum load to be carried thereon of more than eight thousand (8,000) pounds.

MOTOR VEHICLE: Every vehicle which is self-propelled or vehicle designed for self-propulsion.

MOTORCYCLE: Any self-propelled cycle.

OFF-ROAD VEHICLE: Any motor vehicle, except licensed road vehicles, used off public roads for recreational purposes.

PARK or PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

PASSENGER TRANSPORT VEHICLE: A worker transport bus.

PERSON: Every natural person, firm, copartnership, association or corporation.

PUBLIC HIGHWAY: Every street, alley, road, highway and thoroughfare used by the public and dedicated or appropriated to public use.

PUBLIC WAY: Every way or place of whatever nature open to the use of the public, including but not limited to roads, streets, alleys, lanes, trails, beaches, parks and recreational use areas owned or operated by the City for use by the general public.

RECREATIONAL VEHICLE: A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than two hundred twenty (220) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.

ROAD: The entire right of way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- A. Ways described as streets, highways, thoroughways or alleys;
- B. Road related structures that are in the right of way such as tunnels, culverts or similar structures; and
- C. Structures that provide for continuity of the right of way such as bridges.

ROADWAY: Portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two (2) or more separate roadways the term "highway" shall refer to any such roadway separately but not to all such roadways collectively.

SCHOOL BUS: Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school, or a bus operated for transporting children to and from church or an activity or function authorized by a church, or any vehicle used in the transportation of persons for hire by a nonprofit entity referred to in ORS 767.025(15).

SEMI-TRAILER: Every vehicle without motive power (including pole or pipe dollies) which:

- A. Has a combined weight of vehicle and maximum load to be carried thereon or more than eight thousand (8,000) pounds;
- B. Is designed for carrying property and for being drawn by a motor vehicle; and
- C. Is so constructed that some part of its weight and the weight of its load rests upon or is carried by another vehicle.

SHOULDER: Portion of the highway, whether paved or unpaved, contiguous to the roadway primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

SIDEWALK:

- A. On the side of the highway which has a shoulder, that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a pedestrian; or
- B. On the side of a highway which has no shoulder, that portion of the highway between the lateral line of the roadway and the adjacent property line capable of being used by a pedestrian.

SPECIAL USE TRAILER: A trailer described under any of the following:

- A. A trailer that is eight feet (8') or less in width and of any length and that is used for commercial or business purposes.
- B. A trailer that is used temporarily on a construction site for office purposes only.

STREET: Every public way, thoroughfare and place, including bridges, viaducts and other structures within the City used or intended for the use of the general public for vehicles.

TAXICAB STAND: A designated area in the roadway adjacent to the curb set aside for taxicabs to stand or wait for passengers.

THOROUGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

TRAILER: Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

TRAVEL TRAILER: (Including a tent trailer). A trailer that:

- A. Is of a type designed to be used on the highways.
- B. Is capable of being used for human habitation.
- C. Is not more than eight feet (8') wide and is six feet (6') or more in height from floor to ceiling.
- D. Except in the case of a tent trailer, has four (4) permanent walls when it is in the usual travel position.

TRUCK TRACTOR: Any motor vehicle used or designed for use with a semitrailer for carrying, conveying or moving over the highways any freight, property, article or thing, and having a combined weight of vehicle and maximum load to be carried thereon of more than eight thousand (8,000) pounds.

TRUCK TRAILER: Every vehicle without motive power (except a tractor trailer) which:

- A. Has a combined weight of vehicle and maximum load to be carried thereon of more than eight thousand (8,000) pounds;
- B. Is designed for carrying property and for being drawn by a motor vehicle; and
- C. Is so constructed that no part of its weight rests upon the towing vehicle.

UTILITY TRAILER: Every vehicle designed like a balanced trailer having a length not in excess of fifteen feet (15') and a gross weight not in excess of eight thousand (8,000) pounds.

VEHICLE: Every mechanical device moving by any power over the highways, except devices that:

- A. Move exclusively on stationary rail tracks; or
- B. Are powered exclusively by human power. (Ord. 576, 8-22-90)

6-1-2: ADMINISTRATION AND ENFORCEMENT:

- A. Powers of the City Council: Subject to State laws, the City Council shall exercise all local traffic authority and may designate by ordinance or resolution any parking and traffic controls, which shall become effective upon passage of the ordinance or resolution, whether or not any traffic control devices, parking signs or designations are installed. Parking and traffic controls include, but are not limited to:
 1. Designation of through streets.
 2. Designation of one-way streets.
 3. Designation of truck routes.

4. Designation of parking meter zones and the denomination of coins to be used or deposited in parking meters.
5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage or excess traffic.
6. Authorization of greater maximum weights or lengths than specified by State law for vehicles using City streets.
7. Initiation of proceedings to change speed zones.
8. Revision of speed limits in parks.
9. Temporary closure or blocking of streets.
10. Designation of streets, or portions thereof, upon which either parking or standing or both shall be prohibited, or prohibited during certain hours.
11. Designation of the time limit for legal parking in limited parking areas.
12. Designation of the angle of parking if other than parallel to the curb.
13. Designation of City owned or leased property on which public parking will be permitted.
14. Designation of bus stops, bus stands, taxicab stands and loading zones.
15. Designation of turn lanes and turning regulations at intersections and driveways.
16. Designation of marked pedestrian crosswalks and safety zones.
17. Designation of play streets and the hours during which they may be so used.

B. Authority of Police and Fire Officers:

1. It shall be the duty of the Chief of Police and of the police officers to enforce the provisions of this Chapter.
2. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, police officers may direct traffic as conditions may require notwithstanding the provisions of this Chapter.
3. Members of the Umatilla Rural Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic. (Ord. 576, 8-22-90)

6-1-3: GENERAL REGULATIONS:

A. Damaging Sidewalks and Curbs:

1. The driver of a vehicle shall not drive on a sidewalk or roadside planting strip area except to cross at a permanent or temporary driveway.
 2. No person shall place any dirt, wood or other material in the gutter or space next to the curb of any street with the intention of using the same as a driveway.
 3. No person shall remove or damage in any way any portion of any curb or move a motor vehicle or thing onto a curb or sidewalk without first obtaining authorization and posting a bond, if required. Any person who violates the provisions of this subsection A shall be held responsible for any and all damage in addition to any penalties imposed upon conviction.
- B. **Obstructions on Sidewalks and Streets Prohibited:** No person shall park or leave on any street, including an alley, parking strip, sidewalk, or curb, any vehicle or any vehicle part, trailer, box, ware, merchandise of any description, or any other thing that in any way impedes traffic or obstructs the view, except as is allowed by this or other ordinances of this City.
- C. **Removing Glass and Debris:** Any party to a collision or other vehicular accident or any person causing broken glass or other debris to be upon any street shall immediately remove or cause to be removed from such street all glass and other foreign substance.
- D. **Motortruck Use of City Streets:** No person shall drive a motortruck over any City street unless the street has been designated as a truck route. Motortrucks may use City streets for the specific purpose of picking up and delivering goods and property at any business establishment or residence located on other than a designated truck route.
- E. **Play Streets:** No person shall drive a vehicle upon a street during the hours of the day when it has been designated as a play street unless an occupant of the vehicle has a business or residence on the street. (Ord. 576, 8-22-90)

6-1-4: SIGNS AND SIGNALS:

- A. **Unlawful Tampering:** No unauthorized person shall move, remove, deface, tamper with, or alter the position of any barrier, marker, parking sign or parking designation.
- B. **Private Marking Unlawful:** It shall be unlawful for any person to letter, mark or paint in any manner any letters, marks or signs on any sidewalk, curb, street or alley, or to post on a parking strip anything designed or intended to prohibit or restrict parking in front of any sidewalk, dwelling, house, business, or in any alley, except by resolution of the City Council.
- C. **Existing Signs and Designations:** All official parking signs, parking designations and traffic control devices existing at the time of enactment of this Chapter are approved and shall continue to be in full force and effect. (Ord. 576, 8-22-90)

6-1-5: BICYCLES, ROLLERSKATES AND SKATEBOARDS:

- A. Parental Responsibility: No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this Section.
- B. Bicycle Regulations:
1. Secondhand Dealer³⁶ Records: Every person engaged in the business of buying secondhand bicycles shall maintain a record of every bicycle purchased, giving the name and address of the person from whom purchased, a description of such bicycle by name or make, the frame number thereof, and the license number, if any, found thereon.
 2. Rentals: A rental agency shall not rent or offer any bicycle for rent unless such bicycle is equipped with all equipment required by the motor vehicle laws of Oregon³⁷.
 3. Riding on Sidewalk Prohibited: No person shall ride or operate any bicycle upon a sidewalk along Sixth Street or along the east side of Willamette Avenue between John Day Street and the McNary Golf Course.
 4. Racing Regulated: No person shall engage in, or cause others to be engaged in, any bicycle racing upon the streets or other public property in this City without first obtaining a permit from the Chief of Police.
 5. Parking Regulation: No person shall park a bicycle upon a street or sidewalk except in a rack to support the bicycle or against a building or curb in such a manner as to afford the least obstruction to pedestrian or vehicular traffic.
- C. Rollerskating and Skateboarding Prohibited: No person shall rollerskate or skateboard on sidewalks along Sixth Street or along the east side of Willamette Avenue between John Day Street and the McNary golf course. (Ord. 576, 8-22-90)

6-1-6: PENALTIES:

Violation of any provisions of this Chapter is punishable by the imposition of a Class C civil fine³⁸.(Ord. 576, 8-22-90; 1993 Code)

CHAPTER 2 PARKING REGULATIONS

6-2-1: METHOD OF PARKING:

Where parking spaces are designated on a street or public lot, no person shall stand or park a vehicle other than in the indicated direction of traffic flow and within a single marked space, unless the size or shape of such vehicle makes compliance impossible. (Ord. 576, 8-22-1990)

6-2-2: EMERGENCY REMOVAL OF VEHICLES:

Whenever the 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, the driver shall

immediately remove such vehicle from the area unless otherwise directed by police or fire officers. (Ord. 576, 8-22-1990)

6-2-3: PROHIBITED PARKING:

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

- A. Service Stations, Car Washes: On any curb line adjacent to property used for gasoline service stations, or car washes within the city.
- B. Police Station: Forty feet (40') along the curb before the entrance to the city police station except for police vehicles.
- C. Areas Designated By Resolution: Additional areas designated by resolution of the city council as "no parking at any time".
- D. Alleys: A vehicle in any alley except to load or unload persons or materials not to exceed twenty (20) consecutive minutes in any two (2) hour period.
- E. Streets: 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. Selling merchandise from a vehicle except in a duly established marketplace or when so authorized or licensed under the ordinance of this city.
- F. Private Property: A vehicle upon private property without the consent of the owners or persons in charge of such private property.
- G. Trucks, Tractors, Trailers: A farm tractor, fixed load vehicle, motor truck, semitrailer, special use trailer, trailer, truck tractor and truck trailer upon any public way, highway, road, roadway, shoulder, sidewalk, street or thoroughway adjacent to any church, dwelling, hospital, park, playground or school.
- H. Trucks, Trailers At Intersections: A horse trailer, motor home, motor truck, passenger transport vehicle, recreational vehicle, semitrailer, special use trailer, truck tractor, truck trailer or utility trailer within twenty feet (20') of an intersection.
- I. Dismantled Vehicles: A dismantled vehicle on any city street for more than twelve (12) hours. (Ord. 576, 8-22-1990)
- J. Certain Parked And/Or Stored Vehicles: Any vehicle that does not have an unexpired registration sticker lawfully affixed to it shall not be parked or stored on private property other than in completely enclosed buildings or sight obscuring fence. It shall be a defense to any prosecution under this subsection that the defendant lawfully conducted a business

involving the parking and storing of vehicles, such as an auto service station, truck stop, car lot, automotive or truck repair, junkyard, towing and wrecking service, etc., on the real property where the offense occurred. The owner or lessor of the property where a parked or stored vehicle is currently being repaired shall have thirty (30) days to complete repairs and may request a thirty (30) day extension from the city administrator if proof of repair progress is presented. (Ord. 644, 6-4-1996)

K. Private Mailbox: A vehicle within ten feet (10') of a private mailbox during the hours of mail delivery. (Ord. 651, 3-4-1997)

6-2-3-1: ILLEGALLY USING OR RENTING A RECREATIONAL VEHICLE FOR LIVING QUARTERS; PERMITS:

- A. A person commits the offense of illegally using a recreational vehicle for living quarters if:
1. The person uses a recreational vehicle for human habitation, including eating and sleeping, for more than three (3) days within a six (6) month period without a permit for using a recreational vehicle for living quarters issued by the city.
 2. The person uses a recreational vehicle for human habitation, including eating and sleeping, in violation of a permit for using a recreational vehicle for living quarters issued by the city.
 3. The person is the owner of a recreational vehicle used for human habitation, including eating and sleeping, for more than three (3) days within a six (6) month period without a permit for using a recreational vehicle for living quarters issued by the city.
 4. The person is the owner of a recreational vehicle used for human habitation, including eating and sleeping, in violation of a permit for using a recreational vehicle for living quarters issued by the city.
- B. A person commits the offense of illegally charging rent for using a recreational vehicle for living quarters if the person charges a fee for parking or living in the recreational vehicle in connection with the location where it is used as living quarters.
- C. A person commits the offense of illegal utility connection if the person connects the free flowing discharge end of a supply line connected to city water to the water tank of a recreational vehicle without first obtaining a permit and approval of the plumbing inspector. This section does not prevent a person from filling a water tank with city water so long as there is an air gap separation between the free flowing discharge end of the water supply line to the water tank.
- D. For purposes of this section, a "recreational vehicle" is a vehicle with or without motive power, which is capable of being used for human habitation, and is used temporarily for living quarters as sleeping and eating. A "recreational vehicle" includes a camper, mobile home, motor home, a recreational vehicle as defined by Oregon Revised Statutes 801.407, and a travel trailer.

- E. This section does not apply to recreational vehicles parked in recreational vehicle parks, public or private campgrounds, or other property that is licensed or permitted for the parking of recreational vehicles under federal or state laws or regulations or by county or city ordinance.
- F. The city administrator or his or her designee shall provide for the issuance of permits for using recreational vehicles as living quarters in a manner consistent with this section. There shall be two (2) classes of permits, a general permit and a construction site permit.
- G. A general permit will allow living in a recreational vehicle for up to fourteen (14) days during any six (6) month period. A general permit may be extended for up to fourteen (14) days during any one year period. The first general permit issued to a person in a six (6) month period is free. A fee will be charged for the extension period.
- H. A construction site permit will allow living in a recreational vehicle at a construction site for up to one hundred eighty (180) days. A construction site permit may only be issued and is only valid if there is a valid building permit for the construction at the site where the recreational vehicle is to be or is parked. A construction site permit may be extended for up to one hundred eighty (180) days or the length of extension of the building permit whichever is less. If the recreational vehicle is to be connected to city water and sewer, any system development charges applicable to the construction site must be paid before such connection is made. Sewer and water connections must meet applicable plumbing code requirements and be approved by the plumbing inspector. Upon completion of the project or the expiration or invalidation of the permit, any temporary sewer or water connection must be immediately removed, subject to approval of the plumbing inspector.
- I. The city council shall set the fees for issuance of permits for using recreational vehicles as living quarters by resolution.
- J. It is an affirmative defense to a prosecution of the owner of a recreational vehicle under subsections A2 and A4 of this section that the owner did not authorize the use of the vehicle, either expressly or by implication. (Ord. 715, 6-4-2002)

6-2-4: TIME LIMITS:

- A. It shall be unlawful to park any vehicle or to permit a vehicle to remain parked along the street in any block on Sixth Street for more than two (2) consecutive hours between eight o'clock (8:00) A.M. and six o'clock (6:00) P.M., except on Sundays and Holidays.
- B. No person shall park any vehicle on any street of the City for a period of time longer than forty eight (48) hours.
- C. The moving of a vehicle within a block shall not extend the permissible time limit for that vehicle. (Ord. 576, 8-22-1990)

6-2-5: LOADING ZONE:

No driver of a vehicle shall stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed fifteen (15) minutes, or stand any freight carrying vehicle for a period of time longer than is necessary to load, unload and deliver materials, not to exceed thirty (30) minutes, between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. at any place designated as a loading zone and marked as such, or in any of the following designated places:

- A. At any place not to exceed one hundred feet (100') along the curb before the entrance to any hospital or medical clinic at any time.
- B. Directly in front of the entrance to any theater at any time that the theater is open for business.
- C. At any place not to exceed forty feet (40') along the curb before the entrance to City Hall.
- D. At any place not to exceed one hundred feet (100') along the curb before the entrance to any school or kindergarten.
- E. At any place not to exceed forty feet (40') along the curb before the entrance to a liquor store. (Ord. 576, 8-22-1990)

6-2-6: PARKING ZONE DESIGNATION:

The curbing in "no parking zones" and the curbing in "loading zones" shall be painted yellow. (Ord. 589, 3-17-1992)

6-2-7: BUSES AND TAXICABS:

- A. Stopping, Standing Or Parking: The driver of a bus or taxicab shall not stand or park such vehicle upon any street in any business district at any place other than at a bus stand or taxicab stand, respectively, except that this provision shall not prevent the driver of any taxicab from temporarily stopping for the purpose of and while actually engaged in the loading or unloading of passengers.
- B. Restricted Use Of Stands: No person shall stop, stand or park a vehicle other than a bus in a bus stand or other than a taxicab on a taxicab stand, except that the driver of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (Ord. 576, 8-22-1990)

6-2-8: PARKING LIGHTS:

No lights need be displayed on any vehicle parked in accordance with this Chapter on a street where there is sufficient light to reveal a person or object at a distance of at least five hundred feet (500') from such vehicle. (Ord. 576, 8-22-1990)

6-2-9: PUBLIC VEHICLE EXEMPTION:

The provisions of this Chapter regulating the parking or standing of vehicles shall not apply to any vehicle of a City department or public utility necessarily in use for construction or repair work, or to any vehicle owned by the United States while in use for the collection, transportation, or delivery of United States Mail. (Ord. 576, 8-22-1990)

6-2-10: IMPOUNDMENT OF VEHICLES:

- A. Grounds: Without prior notice to the owner of motor vehicle, a police officer may order a vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by the Municipal Judge:
1. When the police officer reasonably believes that a person is driving an uninsured vehicle in violation of ORS 806.010.
 2. When the police officer reasonably believes the driver's license of the person driving the vehicle is suspended or revoked under the terms of the Oregon Motor Vehicle Code.
 3. When the police officer has arrested the driver for driving under the influence of intoxicants, unless a person who is entitled to lawful possession of the motor vehicle requests in writing that the motor vehicle be placed in the custody of a competent person present at the scene of the arrest.
 4. When the vehicle is illegally parked on a public or private street in a conspicuously restricted space, zone or traffic lane where parking is limited or prohibited to designated classes of vehicles or periods of time, or at any time when the vehicle interferes with the intended use of such space, zone or traffic lane.
 5. When the vehicle obstructs the entrance of any post office or postal station, or is within ten feet (10') of a private mailbox during the hours of delivery.
 6. When the Municipal Judge orders the impoundment of a vehicle used in committing a traffic or parking violation for which an unserved warrant or citation is on file with the Municipal Court.
 7. When the police officer reasonably believes the vehicle operator is driving without driving privileges in violation of the Oregon Vehicle Code, except where the operator's driver's license is invalid for the sole reason of being expired for less than one year.
 8. When the police officer reasonably believes that a firearm has been discharged from the vehicle within the last forty eight (48) hours.
- B. Impoundment Notice:
1. Notice: Written notice that the vehicle has been impounded along with an explanation of procedures for the vehicle's release shall be delivered to the operator, if present at the impound scene, and by certified mail within forty eight (48) hours of the removal, to the owners of the vehicle and any lessors or security interest holders as shown in the records

of the Department of Transportation. The notice shall state that the vehicle has been taken into custody and shall give the location of the vehicle and describe procedures for release of the vehicle and for obtaining a hearing for its release. The 48-hour period under this subsection does not include holidays, Saturdays or Sundays.

2. Form Of Notice: Any notice given under this Section after a vehicle is taken into custody and removed shall state all of the following:
 - a. That the vehicle has been taken into custody and removed, that the vehicle has been impounded by the Police Department and the ordinance under which the vehicle has been impounded.
 - b. The location of the vehicle or the telephone number and address of the appropriate party that will provide that information.
 - c. That the vehicle is subject to towing and storage charges, including the amount for towing and the daily storage charges.
 - d. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date of time period specified in the notice.
 - e. That the owner, lawful possessor or person having a legal interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it and to contest the reasonableness of the charges for towing and storage if a hearing is requested.
 - f. The time within which a hearing must be requested and the method for requesting a hearing.
 - g. That the vehicle and its contents may be immediately reclaimed by presentation to the Police Department of satisfactory proof of ownership or right to possession and proof of liability insurance or other proof of compliance with financial responsibility requirements of the Oregon Vehicle Code, and payment of the towing and storage charges to the appropriate towing business or by depositing cash security or a bond equal to the charges with the Municipal Court. (Ord. 638, 2-6-1996)
- C. Immediate Release: A vehicle impounded under subsection A of this Section shall be released to a person entitled to lawful possession upon proof of compliance with financial responsibility requirements for the vehicle, payment of the City impound fee and payment of any towing and storage charges. Proof shall be presented to the Police Department, which shall authorize the person storing the vehicle to release it upon payment of the charges. (Ord. 615, 3-1-1994)
- D. Request For Hearing: A person entitled to lawful possession of or having a legal interest in a vehicle or its contents impounded under subsection A of Section 6-2-10 may request a hearing to contest the validity of the impoundment. An oral or written request must be made within five (5) business days of when notice of impoundment was mailed or delivered. The request shall be made to the Municipal Court. (Ord. 638, 2-6-1996)
- E. Hearing Scheduled: When a timely request for a hearing is made, a hearing shall be held before the Municipal Judge. The hearing shall be set for four (4) calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the

request of the person asking for the hearing. If the person requesting the hearing does not appear at the scheduled hearing, the Municipal Judge may enter an order supporting the impound and assessment of the impound fee and the towing and storage cost.

- F. **Proof At Hearing:** The Chief of Police shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds for impounding the vehicle in violation of subsection A of this Section. The police officer who ordered the vehicle impounded may submit an affidavit to the Municipal Judge in lieu of making a personal appearance at the hearing.
- G. **Court Approves Impound:** If the Municipal Judge finds that the impoundment of the vehicle was proper, the Municipal Judge shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the vehicle is liable for usual and customary towing and storage costs plus the impoundment fee. The Municipal Judge may also find the owner or person entitled to possession of the vehicle liable for the costs of the hearing.
- H. **Court Disapproves Impound:** If the Municipal Judge finds that impoundment of the vehicle was improper, the Municipal Judge shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the vehicle is not liable for any impound fee, towing or storage costs resulting from the impoundment. If there is a lien on the vehicle for towing and storage charges, the Municipal Judge shall order it paid by the City.
- I. **Setting Fees:** The amount of the impound fee referred to in subsection C of this Section and the amount of the hearing fee referred to in subsection G above shall be set by resolution of the Council. (Ord. 615, 3-1-1994)
- J. **Lien:** A person who, at the request of a police officer, takes a vehicle into custody under subsection A of Section 6-2-10 or the City if it retains custody of the vehicle, shall have a lien on the vehicle and its contents for its towing and storage charges as provided in subsection I of Section 6-2-10, may retain possession of the vehicle and its contents until the charges are paid, and may sell the vehicle and its contents at public auction to satisfy the lien. The lien that attaches to the vehicle and its contents shall be foreclosed as authorized by Oregon lien law. (Ord. 638, 2-6-1996)
- K. **Cumulative Remedies:** Impounding a vehicle does not preclude issuance or enforcement of a citation for violation of a provision of Title 6 of the City Code. (Ord. 615, 3-1-1994)

6-2-11: PARKING CITATIONS AND OWNER RESPONSIBILITY:

- A. **Form Of Citation:** In all prosecutions for any parking violation of any provision of this Title, it shall be sufficient to charge the defendant by an unsworn written notice that clearly states:
 - 1. The date, place and nature of the charge;
 - 2. The time and place for defendant's appearance in court;

3. The name of the issuing officer; and
 4. The license number of the vehicle.
- B. **Traffic Infraction Procedure:** A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other respects the procedure now provided by law for traffic infractions shall be followed, but ORS 810.365 does not apply. The officer need not have observed the act of parking, but need only have observed that the car was parked in violation of this Title.
- C. **Citation Issued Compliance:**
1. **Citation Compliance:** The citation provided for in subsection A of this Section, shall either be delivered to the defendant or placed in a conspicuous place upon the vehicle involved in the parking violation. The citation shall instruct the operator to answer to the charge or pay the penalty imposed within fourteen (14) days, during specific hours, and at specific place.
 2. **Failure To Comply:** If the operator does not respond to a parking citation attached to the vehicle within ten (10) working days, the Court Clerk shall send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of thirty (30) days:
 - a. The fine will be doubled; and
 - b. If the vehicle has four (4) or more outstanding citations or one hundred dollars (\$100.00) or more in unpaid fines, it may be impounded, and an impounded vehicle shall not be released until all outstanding fines and charges are paid.
- D. **Owner Responsibility:** The owner of a vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.
- E. **Registered Owner Presumption:** In a proceeding charging violation of a parking restriction against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner. (Ord. 576, 8-22-1990)

6-2-12: PENALTIES:

Violation of any sections of this Chapter is punishable by the imposition of a Class C civil fine39. (Ord. 576, 8-22-1990; 1993 Code)

CHAPTER 3 TRAFFIC SCHEDULES

6-3-1: SCHEDULE I - STOP STREETS:

- A. Stop Streets:

<u>Stop Streets</u>	<u>Location</u>	<u>Res. No.</u>
Cliff Street and Martin Drive	Northeast corner	11-81
Naches Court and Naches Avenue	Northeast corner	19-80
Walla Walla Street and Naches Avenue	Northeast corner	19-80

B. Two-Way Stop:

<u>Stop Streets</u>	<u>Res. No.</u>
Walla Walla Street and Cowlitz Avenue	26-86
2nd Street and Lewis Street	23-89

C. Four-Way Stop:

<u>Stop Streets</u>	<u>Res. No.</u>
Walla Walla Street and Deschutes Avenue	26-86
8th Street and "I" Street	3-88

6-3-2: SCHEDULE II - ONE-WAY STREETS:

<u>Street</u>	<u>Direction</u>	<u>Res. No.</u>
Yakima Street	Easterly	6-76

6-3-3: SCHEDULE III - TRUCK TRAFFIC:

Through truck traffic is prohibited on the following:

<u>Streets</u>	<u>Res. No.</u>
Willamette Avenue and intersections	6-81

6-3-4: SCHEDULE IV - SPEED LIMITS:

<u>Street</u>	<u>From</u>	<u>Speed</u>	<u>Res. No.</u>
Powerline Road	Highway 730 to Tyler Avenue	35 mph	11-96

(Ord. 667, 12-2-1997)

6-3-5: SCHEDULE V - NO PARKING AT ALL TIMES:

No parking at any place not to exceed fifty feet (50') along the curb before the entrance to the bus depot.

<u>Street</u>	<u>Restricted Area</u>	<u>Res. No.</u>
Apple Court	Except in designated parking spaces	14-88
Birch Court	Except in designated parking spaces	14-88
Cedar Court	Except in designated parking spaces	14-88

Columbia Street	Between Willamette Avenue and Chinook Avenue, a distance of approximately 1,055 feet	27-90
Driftwood Court	Except in designated parking spaces	14-88
Elderberry Court	Except in designated parking spaces	14-88
Fir Court	Except in designated parking spaces	14-88
Ginger Court	Except in designated parking spaces	14-88
Hemlock Court	Except in designated parking spaces	14-88
Ilex Court	Except in designated parking spaces	14-88
Juniper Court	Except in designated parking spaces	14-88
Kiwi Court	Except in designated parking spaces	14-88
Klickitat Street (north side)	From Umatilla Avenue to Cowlitz Avenue	19-85
Larch Court	Except in designated parking spaces	14-88
Riverview Lane	Entire block	11-81
6th Street	Southern side of 6th Street between "B" and "C" Streets	9-79
	From Jane Street east to the City limits	6-82
	Three passenger vehicle only parking spaces be created along the southerly curb of 6th Street beginning at a point 12 feet from the "L" Street curb and extending 72 feet east. The remainder of the curb extending to Switzler Avenue shall prohibit parking at any time, except for one 24 feet space beginning 12 foot from the Switzler Avenue curb.	11-89

6-3-6: PARKING TIME LIMITS:

A. Certain Times Limited Parking:

Street	From	Time	Res. No.
Columbia Street (north side)	Chinook Street 125 feet west to the McNary School entrance	2:30PM -4:00 PM	04-92

B. 15 Minute Limited Parking:

1. At any place not to exceed 40 feet along the curb before the entrance to the auto parts store.
2. At any place not to exceed 40 feet along the curb before the entrance to the library.
3. At any place not to exceed 40 feet along the curb before the entrance to the fire station. (Res. 6-82, 10-5-81)

6-3-7: SCHEDULE VII - DIAGONAL PARKING:

For further terms and conditions regarding each of the following diagonal parking areas, please see corresponding resolution:

<u>Streets</u>	<u>Location</u>	<u>Res. No.</u>
"G" Street (east and west sides)	South of 8th Street	21-79
"G" Street (west side)	Between 6th Street and 7th Street	6-80
7th Street (north side)	From northeast corner of its intersection with "F" Street to a point of 100 feet easterly from the intersection	19-79
7th Street (south side)	Between Sloan Street and "L" Street	7-80
8th Street (south side)	Adjacent to Umatilla Hospital	21-79

6-3-8: SCHEDULE VIII - SIZE LIMITS OF VEHICLES:

No vehicles over seven feet (7') wide, twenty five feet (25') long or twelve feet (12') high shall be permitted to park:

<u>Street</u>	<u>From</u>	<u>Time</u>	<u>Res. No.</u>
6th Street (north side)	East boundary line of the City Cemetery east to 100 feet past the intersection of Jane Street and 6th Street	6:00AM -6:00pm 7 days per week	6-82
6th Street (south side)	"B" Street to the intersection of 6th Street and Old River Road	6:00AM -6:00PM 7 days per week	6-82

6-3-9: SCHEDULE IX - BUS LOADING ZONES:

<u>Streets</u>	<u>Location</u>	<u>Res. No.</u>
6th Street	South curb of 6th Street intersecting Switzler Avenue for a distance of 94 feet	9-90

6-3-10: SCHEDULE X - TRAFFIC-CONTROL DEVICES:

<u>Intersection</u>	<u>Direction</u>	<u>Res. No.</u>
"I" Street and 8th Street	Northbound	16-82
	Southbound	19-82

6-3-11: SCHEDULE XI - BIKE PATHS:

<u>Bike Path</u>	<u>Res. No.</u>
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CHAPTER 4 PARADES AND PROCESSIONS

6-4-1: PERMIT REQUIRED:

No person shall organize or participate in a parade that may disrupt or interfere with traffic without a permit. A permit shall be required for a procession using the public right of way that consists of fifty (50) or more persons or ten (10) or more vehicles. (Ord. 576, 8-22-90)

6-4-2: APPLICATION FOR PERMIT:

- A. Application for a parade permit shall be made to the Chief of Police at least sixty three (63) days before the date of parade unless the time limit is waived by the Chief of Police.
- B. The application shall be signed by the person designated as the chairperson of the parade and shall include the following:
 - 1. The name and address of the person responsible for the parade.
 - 2. The date of the parade.
 - 3. The desired route, including assembling and disbursal points.
 - 4. The number of persons, vehicles and animals that will participate.
 - 5. The proposed starting and ending time. (Ord. 576, 8-22-90; 1993 Code)

6-4-3: PERMIT ISSUANCE OR DENIAL:

- A. The Chief of Police shall issue a parade permit condition on the applicant's written agreement to comply with the terms of the permit unless the Chief of Police finds that:
 - 1. The time, route and size of the parade will disrupt the movement of other traffic to an unreasonable extent.
 - 2. The parade is of a size or nature that requires the diversion of so greatly number of law enforcement officers to properly police the line of movement and contiguous areas that allowing the parade would deny reasonable law enforcement protection to the City.
 - 3. The parade will interfere with another parade or other activity for which a permit has been issued.
 - 4. Information contained in the application is found to be false or immaterial detail is omitted.
 - 5. The applicant refuses to agree to abide by or comply with all conditions of the permit.

- B. If one or more of the conditions listed in subsection A of this Section, other than subsection A5, exists, the Chief of Police may include provision in the permit that are necessary to alleviate the conditions, including but not limited to:
 - 1. Requiring an alternate date.
 - 2. Requiring an alternate route.
 - 3. Restricting the size of the parade.
- C. The Chief of Police shall notify the applicant of the decision in writing within seven (7) days after receipt of the application.
- D. If the Chief of Police proposes alternatives or refuses to issue a permit, the applicant may appeal the decision to the City Council. (Ord. 576, 8-22-90; 1993 Code)

6-4-4: APPEAL:

- A. Filing: An applicant may appeal the decision of the Chief of Police by filing a written request of appeal with the City Recorder within five (5) days after the Chief of Police has proposed alternative or refused to issue a permit.
- B. Hearing: The City Council shall schedule a hearing, which shall not be later than the second regular meeting following the filing of written appeal, and shall notify the applicant of the date and time. (Ord. 576, 8-22-90)

6-4-5: PERMIT REVOCABLE:

The Chief of Police may revoke a parade permit if circumstance clearly show that the parade no longer can be conducted consistent with public safety. (Ord. 576, 8-22-90)

6-4-6: INTERFERENCE PROHIBITED:

- A. Interference by Person: No person shall unreasonably interfere with a parade or a parade participant.
- B. Interference by Vehicle: No person shall operate a vehicle that is not a part of a parade between the vehicles or persons in the parade. (Ord. 576, 8-22-90)

6-4-7: FUNERAL PROCESSIONS:

- A. No permit is required for a funeral procession.
- B. A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.
- C. The procession shall be accompanied by adequate escort vehicles for traffic control.

- D. All motor vehicles in the funeral procession shall be operated with their lights on.
- E. No person shall unreasonably interfere with a funeral procession.
- F. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession. (Ord. 576, 8-22-90)

6-4-8: PENALTIES:

Violation of Section 6-4-1 of this Chapter is punishable by the imposition of a Class C civil fine. Violation of other sections of this Chapter is punishable by the imposition of a Class D civil fine40. (Ord.576, 8-22-90; 1993 Code)

**CHAPTER 5
GOLF CARTS**

6-5-1: DEFINITIONS:

When used in this Chapter, the following words and terms shall have the meanings herein ascribed to them:

GOLF CART: A motor vehicle that has not less than three (3) wheels in contact with the ground, has an unloaded weight less than one thousand three hundred (1,300) pounds, is designed to be and is operated at not more than fifteen (15) miles per hour and is designed to carry golf equipment and not more than two (2) persons including the driver.

M McNARY TOWNSITE: McNary Townsite is the area platted as McNary Townsite in Subdivision numbers 1, 2, 3, 4, 5, 6 and 7, as filed with Umatilla County. (Ord. 567, 2-12-90)

6-5-2: PERMITTED USE:

Golf carts are permitted to use all of the streets in the area known as McNary Townsite as described in Section 6-5-1 of this Chapter. No permission is intended or implied for any public way other than those within the boundaries described. (Ord. 567, 2-12-90)

6-5-3: USE PROHIBITED:

The operation of golf carts shall not be allowed of any portion of the public highway known as U.S. Highway 730. (Ord. 567, 2-12-90)

6-5-4: REGULATIONS FOR USE:

- A. Hours of Operation: The operation of golf carts is hereby permitted during daylight hours on any public street which is located in McNary Townsite, provided the provisions of this Section are complied with and appropriate signs giving notice thereof are posted at the entry of McNary Townsite.
- B. Age Restrictions; Traffic Law Compliance: Every person operating a golf cart upon or in McNary Townsite permitted by this Section shall be at least sixteen (16) years of age and shall be subject to all of the duties applicable to the driver of a vehicle by the traffic laws of

this State or by the traffic laws of this City applicable to the driver of a vehicle, except those provisions of the law with respect to the vehicle licensing, registration, equipment or condition.

- C. Speed: No person shall operate a golf cart at a greater speed than fifteen (15) miles per hour and as is reasonable and prudent under the conditions then existing.
- D. Driving on Right Side of Road: Every person operating a golf cart in the McNary Townsite upon a public street shall drive as near to the right-hand side of the street as practicable and shall obey all pertinent traffic regulations. (Ord. 567, 2-12-90; 1993 Code)

6-5-5: REGISTRATION AND LICENSING EXEMPTION:

Golf carts operated under this Chapter be exempt from registration and licensing as provided in ORS 810.070 and 820.210. (Ord. 567, 2-12-90)

6-5-6: PENALTIES:

Violation of any section of this Chapter is punishable by the imposition of a Class C civil fine. (1993 Code)