

ORDINANCE NO. 967

AN ORDINANCE CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC; PROVIDING PENALTIES; AND REPEALING ORDINANCE NOS. 562, 748, AND 852.

The people of the city of Prineville ordain as follows:

Section 1. Short Title. This ordinance may be cited as the "Prineville Uniform Traffic Ordinance."

Section 2. Applicability of State Traffic Laws. Oregon Revised Statutes, chapter 153, and the Oregon Vehicle Code, ORS chapters 801 to 822, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

Definitions

Section 3. Definitions. In addition to the definitions contained in the Oregon Vehicle Code, the following mean:

Bus stop. A space on the edge of a roadway designated by sign for use by buses to load or unload passengers.

Loading zone. A space on the edge of a roadway designated by sign to load or unload passengers or materials during specified hours of specified days.

Person. A natural person, firm, partnership, association, or corporation.

Street. The terms "highway," "road," and "street," as defined in state law, are synonymous, and include the entire width of the right-of-way.

Taxicab stand. A space on the edge of a roadway designated by sign for taxicab use.

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

Administration

Section 4. Powers of the Council.

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

- (2) The powers of the council include, but are not limited to:
- (a) Designation of through streets.
 - (b) Designation of one-way streets.
 - (c) Designation of truck routes.
 - (d) Designation of parking meter zones.
 - (e) Designation of certain streets as bridle paths and prohibition of horses and animals on other streets.
 - (f) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law.
 - (g) Initiation of proceedings to change speed zones.
 - (h) Revision of speed limits in parks.
 - (i) Temporary blocking or closing of streets.
 - (j) Establishment of bicycle lanes and paths and traffic controls for such facilities.
 - (k) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
 - (l) Issuance of oversize or overweight vehicle permits.
 - (m) Establishment, removal, or alteration of the following classes of traffic controls:
 - (i) Crosswalks, safety zones, and traffic lanes.
 - (ii) Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies.
 - (iii) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
 - (iv) Loading zones and stops for vehicles.
 - (v) Traffic control signals.

Section 5. Implementation of Regulations. The police department, through its officers, shall implement the ordinances, resolutions and motions of the council by installing, maintaining, removing, and altering traffic control devices. The installation shall be based on the standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways and the Oregon Supplements."

Section 6. Public Danger. Under conditions constituting a danger to the public, the police chief or his or her designee may install temporary traffic control devices.

Section 7. Standards. The regulations of the police chief shall be based on:

- (1) Traffic engineering principles and traffic investigations.

- (2) Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
- (3) Other recognized traffic control standards.

Section 8. Authority of Police and Fire Officers. In the event of a fire or other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

(Sections 9 and 11 reserved for expansion)

General Regulations

Section 12. Unlawful Riding.

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

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

Section 13. Roller Skates, Sleds, etc.

(1) No person upon roller skates or a skateboard or riding in or by means of a coaster, toy vehicle or similar device shall use the streets except while crossing at a crosswalk, or in an authorized area.

(2) No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.

Section 14. Damaging Sidewalks and Curbs.

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

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

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

Section 15. Removing Glass and Debris. A party to a vehicle accident or a person causing broken glass or other debris to be on a street shall remove the glass or other debris from the street as soon as practicable.

Section 16. Obstructing Streets. No person shall park or leave on a street, including an alley, parking strip, sidewalk or curb, a vehicle part, trailer, box, merchandise of any description, or any other thing that impedes traffic or obstructs the view, except as allowed by this or other ordinances of the city.

Section 17. Unnecessary Noise. No person shall operate a motor vehicle in the city in a manner that creates or causes excessive noise. The operation of compression brakes, commonly known as "Jacob" brakes, in a manner that creates unnecessary noise is prohibited.

(Sections 18 to 20 reserved for expansion)

Parking Regulations

Section 21. Method of Parking.

(1) No person shall stand or park a motor vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

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

(3) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street has priority to park in that space, and no other vehicle operator shall attempt to interfere.

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

Section 22. Prohibited Parking or Standing. No person shall park or stand:

(1) A vehicle in violation of state motor vehicle laws or in violation of a lawfully erected parking limitation device or curb painting.

(2) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 20 consecutive minutes in any two-hour period.

Section 23. Prohibited Parking. No operator shall park and no owner shall allow a vehicle to be parked on a street for the principal purpose of:

(1) Displaying the vehicle for sale.

(2) Repairing or servicing the vehicle, except repairs necessitated by an emergency.

(3) Displaying temporary advertising from the vehicle.

(4) Selling merchandise from the vehicle, except when authorized.

Section 24. 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 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. When the hours applicable to the loading zone are in effect, the loading and unloading shall not exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 5 minutes for loading or unloading of passengers and personal baggage and 15 minutes for loading or unloading materials.

Section 25. Passenger Loading Zone. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in a place designated as a passenger loading zone when the hours applicable to that zone are in effect.

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

Section 27. Restricted Use of Bus and Taxicab Stands. No person shall stop, 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 while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

Section 28. Extension of Parking Time. Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

Section 29. Unattended Vehicles. When a police officer finds 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.

Section 30. Exemption. The provisions of this ordinance that regulate the parking, stopping, or standing of vehicles do not apply to:

(1) A vehicle of the city, county, state, or a public utility while necessarily in use for construction or repair work on a street.

(2) A vehicle owned by the United States while in use for the collection, transportation, or delivery of mail.

(3) A vehicle of a disabled person who complies with the provisions of ORS 811.610 to 811.630.

(Sections 31 to 35 reserved for expansion)

Bicycles

Section 36. Bicycle Operating Rules. In addition to observing all other applicable provisions of this ordinance and state law, no person shall:

(1) Ride a bicycle on a sidewalk adjacent to the following streets: 1st Street between Main and Court Streets, 2nd Street between Deer and Fairview Streets, 3rd Street between Locust and Fairview Streets, 4th Street between Deer and Court Streets, Deer Street between 2nd and 4th Streets, Claypool between 2nd and 4th Streets, Beaver Street between 2nd and 4th Streets, Main Street between 1st and 10th Streets, Belknap Street between 1st and 4th Streets, Court Street between 1st and 4th Streets, Dunham between 2nd and 3rd Streets, Elm Street between 2nd and 3rd Streets, Fairview between 2nd and 3rd Streets.

(2) Park a bicycle upon a street or a sidewalk, except in a bicycle rack or against a building or at the curb and in such a manner as to afford the least obstruction to pedestrian traffic.

Section 37. License and Registration.

(1) All residents of the city who either own or control a bicycle to be operated within the city shall register it with the chief of police and shall be issued a registration certificate by the city upon payment of an annual license fee.

(2) The chief of police shall inspect each bicycle presented to him for registration, and he shall have the authority to refuse to license any bicycle found to be in unsafe mechanical condition.

(3) License numbers shall be issued only to bicycle owners who have passed a written or oral examination on traffic regulations and the safe operation of a bicycle, and who have satisfactorily demonstrated their ability to ride a bicycle in a safe manner. However, this requirement may be waived by the chief of police.

(4) The chief of police shall record the name and address of the registrant, the make of the bicycle to be registered, its serial or frame number, style and general description, together with the license numbers. The chief of police shall keep on file the information obtained when licensing bicycles.

(5) Persons who purchase or obtain a second-hand bicycle shall apply for a transfer of the registration within 10 days of the transaction.

Section 38. Authority to Revoke or Suspend Registrations. The chief of police may suspend or revoke a registration for repeated violations of this ordinance.

Section 39. Sale or Change of Ownership. A purchaser or recipient of an unlicensed bicycle shall apply for a license within 10 days of acquisition of the bicycle, as provided in section 37.

Section 40. Licenses for Rental Bicycles. All rental agencies that rent bicycles shall first obtain a license for each bicycle so used and pay the regular license fee. The license shall be attached to the bicycle for which it is issued.

Section 41. Impounding of Bicycles.

(1) A bicycle left on public property for a period in excess of 72 hours may be impounded by the police department.

(2) 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.

(3) A bicycle impounded under this ordinance that remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

(Sections 42 to 44 reserved for expansion)

Pedestrians

Section 45. Use of Sidewalks. Pedestrians shall not use a roadway for travel when abutting sidewalks are available.

Section 46. Right Angles. No pedestrian shall cross a street other than by a route at right angles to the curb or by the shortest route to the opposite curb, unless crossing within a crosswalk.

(Sections 47 to 49 reserved for expansion)

Parades and Processions

Section 50. Prohibited Activity. No person shall organize or participate in a parade that may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people using the public right-of-way and consisting of 100 or more persons or 10 or more vehicles.

Section 51. Parade Permit.

(1) Application for parade permits shall be made to the administrator at least seven days prior to the intended date of the parade, unless the time is waived by him or her.

(2) Applications shall include the following information:

(a) The name and address of the person responsible for the proposed parade.

(b) The date of the proposed parade.

(c) The desired route, including assembling points.

(d) The number of persons, vehicles, and animals that will be participating in the parade.

(e) The proposed starting and ending time.

(3) The application shall be signed by the person designated as chairperson.

Section 52. Issuance or Denial of Permit.

(1) The administrator shall issue a parade permit conditioned on the applicant's written agreement to comply with the terms of the permit unless the administrator finds that:

(a) The time, route, and size of the parade will unreasonably disrupt the movement of other traffic.

(b) The parade is of a size or nature that requires the diversion of so great a number of police officers to properly police the line of movement and contiguous areas that allowing the parade would deny reasonable police protection to the city.

(c) The parade will interfere with another parade for which a permit has already been issued.

(d) Information contained in the application is found to be false or a material detail is omitted.

(e) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(2) If one or more of the conditions listed in subsection (1), other than subpart (e), exists, the administrator may impose reasonable conditions in the permit, including but not limited to:

- (a) Requiring an alternate date.
- (b) Requiring an alternate route.
- (c) Restricting the size of the parade.

(3) The administrator shall notify the applicant of the decision within three days after receipt of the application.

(4) If the administrator proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the council.

Section 53. Appeal to Council.

(1) An applicant may appeal the decision of the administrator by filing a written request of appeal with the recorder within 48 hours after the administrator has proposed alternatives or refused to issue a permit.

(2) The council shall schedule a hearing date, which shall not be later than three days following the filing of the written appeal with the recorder, and shall notify the applicant of the date and time that he or she may appear either in person or by a representative.

Section 54. Offenses Against Parade.

(1) No person shall unreasonably interfere with a parade or parade participant.

(2) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

Section 55. Permit Revocable. The administrator may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

Section 56. Funeral Procession.

(1) No permit is required for a funeral procession.

(2) A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.

(3) The procession shall be accompanied by adequate escort vehicles for traffic control.

(4) All motor vehicles in the funeral procession shall be operated with their lights on.

(5) No person shall unreasonably interfere with a funeral procession.

(6) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

(7) Each driver in the procession shall follow the vehicle ahead as closely as is practical and safe.

Section 57. Offenses Against Funeral. No person shall operate a vehicle that is not part of a funeral procession between the vehicles comprising the procession.

(Sections 58 to 59 reserved for expansion)

Parking Citations and Owner Responsibility

Section 60. Citation on Illegally Parked Vehicle. When 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 that may identify its owner, and shall conspicuously affix to the vehicle a parking citation instructing the operator to answer to the charge or pay the penalty imposed within five days during specific hours and at a specific place.

Section 61. Failure to Comply With Parking Citation Attached to Parked Vehicle. If the operator does not respond to a parking citation affixed to a vehicle within five working days, the municipal court may 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 10 days:

- (1) The fine will be doubled; and
- (2) The vehicle is subject to impoundment and may be sold if not redeemed.

Section 62. Cancellation of Parking Citation. No person shall cancel or solicit the cancellation of a parking citation in any manner.

Section 63. Owner Responsibility. The owner of a vehicle in violation of a parking restriction shall be responsible for the offense, unless the use of the vehicle was secured by the operator without the owner's consent.

Section 64. Registered Owner Presumption. In a proceeding against a vehicle owner charging a violation of a restriction on parking, proof that the vehicle was registered to the defendant at the time of the violation shall constitute a presumption that the defendant was the owner.

(Section 65 reserved for expansion)

Impoundment and Penalties

Section 66. Impoundment of Vehicles.

(1) When 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, even if the vehicle was parked by another or if the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

(2) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the procedures of state law relating to impoundment and disposition of abandoned vehicles.

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

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

(5) Whenever a police officer observes a vehicle parked in violation of a provision of this ordinance or state law, if the vehicle has five or more unpaid violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. An impounded vehicle 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 (2) of this section.

Section 67. Penalties.

(1) Violation of sections 11 to 17 is punishable by fine not to exceed \$100.

(2) Violation of sections 21 to 57 is punishable by fine not to exceed \$50.

(3) Violation of a provision identical to a state statute is punishable by fine not to exceed the penalty prescribed by the state statute.

Section 68. Additional Penalty. Notwithstanding section 67, violation of sections 36 to 41 is punishable by:

(1) For a person 16 years of age or over, a fine not to exceed \$100.

(2) For a person under the age of 16 years, upon the first citation, attendance at Bicycle Safety School; upon the second citation, referral to the Crook County Juvenile Department for community service work and attendance at an additional Bicycle Safety School; upon the third and subsequent citations, citation to the Crook County Juvenile Court.

(3) In addition to other penalties, bicycles may be impounded for a period not to exceed 30 days upon conviction for those 16 years or older, or upon citation for those under 16 years.

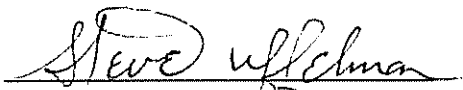
Section 69. Repeal. Ordinance No. 562, enacted October 14, 1964, as amended by Ordinance No. 607, enacted May 22, 1968, No 622, enacted February 5, 1969, No. 699, enacted October 10, 1972, No. 711, enacted November 27, 1973, No. 775, enacted November 9, 1976, and No. 846, enacted April 14, 1981; Ordinance No. 748, enacted July 23, 1975; and Ordinance No. 852, enacted August 11, 1981, are repealed.

Section 70. Severability. The sections and subsections of this ordinance are severable. The invalidity of any one section or subsection shall not affect the remaining sections and subsections.

Section 71. Existing Control Devices and Markings. Parking and traffic control devices and markings installed prior to the adoption of this ordinance are lawfully authorized.

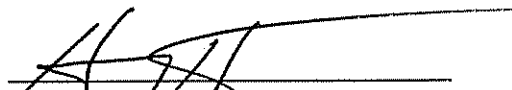
Passed by the council this 12th day of March,
1991.

Approved by the mayor this 12th day of March,
1991.



Mayor, Steve Uffelman

ATTEST:



Recorder, Henry Hartley