

Chapter 11.04

TRAFFIC CODE

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ARTICLE I. GENERAL PROVISIONS AND ADMINISTRATION

11.04.010 Short title. The ordinance codified in this chapter may be cited as the Scappoose Traffic Ordinance.(Ord. 516 §1, 1986)

11.04.020 State traffic laws--Applicability of Oregon Vehicle Code. Title 59 (the "Oregon Vehicle Code") of the Oregon Revised Statutes (ORS) in effect on January 15, 1998 is adopted by reference. A violation of any provision of ORS Title 59 shall be an offense against the city. (Ord. 660 §1, 1998: Ord. 641 §2, 1996: Ord. 516 §2, 1986)

11.04.030 Definitions. In addition to those definitions contained in ORS Title 59, the following words or phrases mean:

"Bus stop" means a space on the edge of a roadway designated by sign for the use of buses loading or unloading passengers.

"Loading zone" means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or goods or materials during specified hours of specified days.

"Person" means a natural person, firm, partnership, association or corporation.

"Taxicab stand" means a space on the edge of a roadway designated by sign for use by taxicabs. (Ord. 660 §2, 1998: Ord. 641 §3, 1996; Ord. 516 §3, 1986)

11.04.040 Powers of the council. A. The city council shall be the road authority as defined in ORS 810.010 for all highways, roads, streets and alleys, other than state highways, within the corporate limits of the city.

B. The powers of the council shall include those granted by ORS 810.010 to 810.250.

C. All actions involving the implementation of the foregoing powers of the council shall be by resolution, and shall upon passage, become part of this chapter.

D. All prior actions of the council in the exercise of its jurisdiction and power as road authority are hereby ratified and retained. (Ord. 516 §4, 1986)

11.04.050 Duties of the director of public works. The director of the public works department or designee shall exercise the following duties:

A. Implement the ordinances, resolutions and motions of the council and the director's own orders by installing traffic-control devices. Such installations shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways;

B. Establish, maintain, remove or alter the following classes of traffic controls on city streets:

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. 660 §3, 1998: Ord. 516 §5, 1986)

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11.04.060 Public danger. Under conditions constituting a danger to the public, the director of the public works department or designee may install temporary traffic control devices deemed by the director to be necessary. (Ord. 660 §4, 1998: Ord. 516 §6, 1986)

11.04.070 Standards. The regulations of the department of public works 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. 660 §5, 1998: Ord. 516 §7, 1986)

11.04.080 Authority of police and fire officers. A. It is the duty of police officers to enforce the provisions of this chapter.

B. The powers of the police officers shall include those enumerated in ORS 810.400 to 810.520.

C. 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 chapter. (Ord. 516 §8, 1986)

11.04.085 Applicability to privately owned streets. A. Any street, road, byway or other improved or unimproved area used predominately for the movement of vehicles of the general public, but owned privately, shall be subject to the provisions of ordinance 641 and this chapter, all inclusive.

B. For purposes of this chapter, a street, road, byway or other improved or unimproved area which is owned privately shall be deemed under this chapter if the traveled area has been used by the general public on a consistent basis for a period exceeding one year.

C. The city police department may issue Uniform Traffic Citation and Complaints for violations of the offenses enumerated in Ordinance 641 and this chapter, on streets, roads and byways referred to in subsections A and B of this section, and the municipal court of the city shall adjudicate all such offenses. (Ord. 644 §§1--3, 1996)

## ARTICLE II. GENERAL REGULATIONS

11.04.090 Rules of road. In addition to state law, the following shall apply to the operation of vehicles upon the streets of the city:

A. Crossing Private Property. An operator of a vehicle shall not 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 and services.

B. Unlawful Riding.

1. No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. Riding in the living quarters of a camper, or the completely enclosed portion of any vehicle, is not a violation of this section. 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 a space intended for merchandise;

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

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C. Sleds on Streets. No person shall use the traveled portions of streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized. (Ord. 516 §9, 1986)

11.04.100 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. 516 §10, 1986)

11.04.110 Obstructing streets. No unauthorized person shall obstruct the free movement of vehicles or pedestrians using the streets. (Ord. 516 §11, 1986)

11.04.120 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. 516 §12, 1986)

11.04.130 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 minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. (Ord. 516 §13, 1986)

11.04.140 Existing traffic control devices. Traffic control devices placed or installed prior to the adoption of the ordinance codified in this chapter are ratified and declared lawfully authorized. (Ord. 516 §14, 1986)

11.04.150 U-turns on Highway 30 prohibited. A. It is unlawful for a person to make a u-turn on Highway 30.

B. U-turns are specifically prohibited at Laurel Street and Highway 30.

C. Violation of this section is a Class C infraction. Any person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five dollars, nor more than five hundred dollars. (Ord. 601, 1993; Ord. 350 §1--3, 1975)

11.04.155 Compression brakes. No person shall use a compression brake system in conjunction with the operation of a motor vehicle, except to avoid imminent danger to person or property. This provision shall not apply to publicly owned emergency vehicles. (Ord. 751, 2004)

### ARTICLE III. PARKING RESTRICTIONS

11.04.160 Method of parking. A. 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.

B. 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. (Ord. 516 §15, 1986)

11.04.170 Prohibited parking and standing. In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

A. A motor truck on a street between the hours of nine p.m. and seven a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation.

B. A vehicle upon 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 advertising from the vehicle;
4. Selling merchandise from the vehicle, except when authorized.

C. Upon an arterial or U.S. Highway 30, except in designated parking areas.

D. Any vehicle, including recreational vehicles or boats, on or across any portion of a sidewalk, except as expressly allowed for by ordinance.

E. A trailer or boat upon a city street for a period of more than five days in any thirty-day period.

F. A wrecked, inoperative, or noncurrently licensed vehicle, including recreational vehicles and boats on a city street at any time.

G. A vehicle, including recreational vehicles or boats, within fifteen feet of an intersection.

H. A vehicle, including recreational vehicles or boats, so as to block any private or public driveway.

I. A vehicle within ten feet of a fire hydrant.

J. A vehicle in a "NO PARKING" zone that has been designated by the city and posted as prescribed by the city.

K. A commercial vehicle of over ten thousand pounds gross weight on a city street overnight.

L. A vehicle, boat or trailer on a city street to make any mechanical repairs, other than those of a minor nature, and not to involve more than twenty-four hours to complete such repairs.

M. An unattended vehicle, boat, trailer, or camper on a city street, or public property, that has any part thereof suspended by a vehicle jack, or any other unstable device.

N. A vehicle perpendicular or diagonal to the sidewalk or curb, except in areas designated and posted for this type parking.

O. A camper or boat on a city street at any time when not mounted on a motor vehicle.

P. A recreational vehicle on a city street for a period of more than five days in any thirty-day period; except that the owner of an RV may submit a request to park the RV for a period of time in excess of five days in a thirty-day period by submitting such request to the city manager or designee. The request shall contain the name and address of the owner of the RV, the license and VIN numbers of the RV, the reason for the extended parking request, and the dates

requested for the extended parking. In no case shall an RV be parked on the street for more than fourteen days in a thirty-day period. The RV must also be parked on the street area within the confines of the requesting RV owner's lot that owner resides on. The street area available for parking of the RV shall be defined as the side lot lines being extended in the same bearing and direction of the side lot lines out into the street right-of-way. No person shall occupy an RV in violation of Scappoose Code Chapter 17.94.

Q. No person in a city park shall:

1. Drive any vehicle on any area except gravel or paved park roads, parking areas or other such areas as may on occasion be specifically designated as temporary parking by the city manager or designee.

2. Park a vehicle in other than an established parking area or other such areas as may on occasion be specifically designated as temporary parking by the city manager or designee.

3. Double park any vehicle on any road or parkway unless directed by a park official or traffic officer.

R. The terms used in this section shall have the same definitions as set forth in ORS 801.100-801.610. (Ord. 793 §1, 2007; Ord. 516 §16, 1986)

**11.04.175 Adoption of State Parking Regulations.** A. The Municipal Court, pursuant to ORS 221.339, shall have concurrent jurisdiction of all state parking regulations.

B. Violation of the provisions of ORS 811.550 through 811.570 and ORS 819.100 are also offenses against the city and may be prosecuted as municipal ordinance violations. (Ord. 804 §1, 2009)

11.04.180 Action by police officer. Whenever a police officer shall find a motor vehicle parked unattended with the ignition key in the vehicle, in violation of ORS 811.585, the police officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station. (Ord. 516 §17, 1986)

11.04.190 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. 516 §18, 1986)

11.04.200 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. 516 §19, 1986)

11.04.210 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. 516 §20, 1986)

11.04.220 Exemption. The provisions of this article regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county, 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. 516 §21, 1986)

ARTICLE IV. BICYCLES AND PEDESTRIANS

11.04.230 Parking and impounding of bicycles. In addition to applicable provisions of state law:

A. No person shall 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.

B. It is unlawful to leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

C. A bicycle left on public property for a period in excess of twenty-four hours may be impounded by the police department.

D. In addition to any citation issued, a bicycle parked in violation of this chapter may be immediately impounded by the police department.

E. If a bicycle impounded under this chapter is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner. An impounding fee of twenty-five dollars shall be charged to the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

F. A bicycle impounded under this chapter which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property. (Ord. 516 §22, 1986)

11.04.240 Pedestrians--Use of crosswalks required. No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks, or if within one hundred fifty feet of a marked crosswalk. (Ord. 516 §23, 1986)

11.04.250 Street crossing--Right angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk. (Ord. 516 §24, 1986)

ARTICLE V. FUNERAL PROCESSIONS

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

B. The procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

C. The procession shall be accompanied by adequate escort vehicles for traffic control purposes.

D. All motor vehicles in the procession shall be operated with their lights turned 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. 516 §25, 1986)

## IMPOUNDMENT

### 11.04.270 Citation on illegally parked vehicles. A. Citation.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter, the officer finding the vehicle may conspicuously affix to the vehicle a traffic citation for the operator to answer to the charge against the owner or pay the penalty imposed within thirty days during the hours and at a place specified in the citation. The traffic citation shall contain the date, place and nature of the charge, the time and place for defendant's appearance in court, the name of the issuing officer or other person authorized to issue the notice, and the license number of the vehicle.

B. Failure to Comply with Traffic Citation Attached to Parked Vehicle. If the operator does not respond to a traffic citation affixed to such vehicle by the date specified on the citation, the municipal judge, or his or her designee, may send to the owner of the vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning the owner that, in the event the judge's letter is disregarded, the judge will enter an order of default and a fine will be imposed.

C. Owner Responsibility. For the purpose of citing violations of the parking regulations, a rebuttable presumption exists that the registered owner of the parked vehicle was in possession and control of the vehicle at the time the violation occurred. 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.

D. 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 rebuttable presumption that the defendant was then the owner in fact. (Ord. 804 §2, 2009)

### 11.04.280 Impoundment or immobilization of vehicles. A. In

addition to the provisions of state law, whenever a police officer observes a vehicle parked in violation of a provision of this chapter, if the vehicle has two or more unpaid parking citations issued by City of Scappoose outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded or immobilized. An impounded vehicle shall be processed and disposed of pursuant to the procedures for abandoned vehicles set forth in ORS 819.110 to ORS 819.260, inclusive.

B. Immobilization of vehicles. A motor vehicle may be immobilized by installing on or attaching to the vehicle a device designed to restrict the normal movement of the vehicle. A police officer causing such immobilization shall conspicuously affix to the vehicle the written notice that shall contain:

1. The name of the police officer ordering the temporary immobilization;
2. A description of the vehicle and its location;
3. A statement of the reason for the temporary immobilization of the vehicle including a reference to the section of this Code violated;
4. Where to go and how to obtain release of the vehicle;
5. The date and time when the city will have the vehicle towed and stored at the owner's expense, resulting in the sale of the

vehicle to satisfy these expenses and unpaid bail and fines if the owner fails to redeem the vehicle;

6. The statement that attempting to remove the immobilization device or removing it or attempting to remove or removing the vehicle before it is released as authorized by this code is a separate offense.

C. The parking restrictions of the city shall not apply to a vehicle that has been temporarily immobilized as provided in this section.

D. No person other than an officer of the city may remove or attempt to remove the device, or move or attempt to move the vehicle, before it is released by the police department or the clerk of the municipal court in accordance with this section. If the device has been removed, or the vehicle has been moved, in violation of this subsection, in addition to the issuance of a citation for the violation, a police officer may order the impoundment of the vehicle.

E. A vehicle shall be released and the temporary immobilization device removed when the owner, operator or person in charge of the vehicle:

1. Posts bail and pays an immobilization fee in an amount set by resolution of City Council plus all fines and bail for parking citations issued against the vehicle, its operator or owner; or

2. Presents clear and convincing information to the municipal judge, or his or her designee, that the present owner of the vehicle did not own the immobilized vehicle at the time the parking citations were issued that established the violation of this section, or that the bail and fines for parking citations that establish the violation of this section were paid before the vehicle was temporarily immobilized.

F. The municipal judge, or his or her designee, may, for good cause, extend the time limit the temporary immobilization device is left attached to a vehicle before it is towed and stored provided the owner, in writing, assumes all risk of damage to the vehicle while it remains immobilized. The extension of the time limit shall not exceed an additional 24 hours, excluding Sundays and holidays.

G. A person whose vehicle has been immobilized pursuant to this section may request a hearing to contest the validity of the immobilization or the amount of the charges incident thereto. The procedure regarding a request for a hearing, notice and timing of the hearing and potential outcomes of the hearing shall be the same as specified in ORS 819.190. (Ord. 804 §3, 2009)

11.04.290. Classifications of offenses and penalties. A. Except as may be limited by Charter and except for parking violations, violations of the Oregon Vehicle Code made offenses against the city shall carry the same classifications and punishments provided therein.

B. Except for parking violations, violations of other offenses against the city as described in this chapter shall be traffic infractions, and shall be classified and punished, and otherwise be subject to, the provisions of ORS Chapter 153, except as may be specifically provided in this chapter.

C. Violations of the following sections of this chapter shall be classified as follows:

Section	Classification
11.04.090	Class B violation
11.04.100	Class B violation
11.04.110	Class B violation
11.04.120	Class C violation
11.04.130	Class C violation
11.04.140	Class C violation
11.04.160	Class C violation
11.04.180	Class C violation
11.04.190	Class C violation
11.04.220	Class D violation
11.04.230	Class D violation
11.04.240	Class D violation
11.04.250	Class D violation
11.04.260	Class D violation

D. Violations of the parking sections of this chapter (sections 11.04.160 through 11.04.200 and 11.04.270) shall be punishable by a fine in an amount set by resolution of City Council. The municipal court violations fee shall not be applicable to parking violations. Each day or any portion thereof a violation of the parking sections of this chapter is allowed to continue shall constitute a separate offense and may be prosecuted accordingly. If the fine ordered to be paid by the municipal court judge is not fully paid on or before the 30<sup>th</sup> calendar day after adjudication, the original fine amount shall double without need for further adjudication or order, unless the 30-day deadline is extended by further order of the municipal court judge.(Ord. 804 §4, 2009)