

ORDINANCE NO. 357

**AN ORDINANCE ADOPTING A UNIFORM TRAFFIC ORDINANCE
CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC, MOBILE HOMES,
RECREATIONAL VEHICLES AND TRAVEL TRAILERS; PROVIDING PENALTIES;
AND REPEALING ORDINANCE NOS. 236, 300, AND 322.**

**THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON,
ORDAINS AS FOLLOWS:**

GENERAL PROVISIONS

SECTION 1. SHORT TITLE. This Ordinance may be cited as “**Cascade Locks Uniform Traffic Ordinance.**”

SECTION 2. APPLICABILITY OF STATE TRAFFIC LAWS. Violation of a provision of the Oregon Vehicle Code, as amended, is an offense against the City of Cascade Locks.

SECTION 3. DEFINITIONS.

- (1) In addition to those definitions contained in the state laws enumerated in section 2, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:
- (a) **Bicycle.** A non-motorized vehicle designated to be ridden, propelled by human power, and having one or more wheels the diameter of which are in excess of ten inches or having two or more wheels where any one wheel has a diameter in excess of fifteen inches.
 - (b) **Bus stop.** A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.
 - (c) **Hazardous vehicle.** For purposes of this Ordinance, the following, by way of illustration and not limitation, shall be deemed to be hazardous to the traffic or public safety:
 - (i) Vehicles blocking a public or private right-of-way.
 - (ii) Vehicles leaking fluids other than water.
 - (iii) Vehicles blocking fire hydrants or emergency access routes.
 - (iv) A vehicle left in a location or condition that constitutes an immediate and continuous hazard to the safety of persons using the streets or alleys of the city.
 - (d) **Law Enforcement Officer.** For purposes of this ordinance, the term "law enforcement officer" shall mean:
 - (i) The City Administrator or any person designated by the City Administrator to enforce ordinances within the boundaries of the City of Cascade Locks.
 - (ii) Any certified peace officer acting in a capacity as such and authorized either by statute, the City Council, or the City Administrator to enforce law and/or ordinances within the boundaries of the City of Cascade Locks.
 - (e) **Loading zone.** A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours or specified days.
 - (f) **Motor vehicle.** Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road-building equipment, street-cleaning equipment, and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

- (g) Park or parking. The condition of:
 - (i) A motor vehicle that is stopped while occupied by its operator with the engine turned off;
 - (ii) A motor vehicle that is stopped while unoccupied by its operator whether or not the engine is turned off.
 - (h) Pedestrian. A person on the public right-of-way except:
 - (i) The operator or passenger of a motor vehicle or bicycle;
 - (ii) A person leading, driving, or riding an animal or animal-drawn conveyance.
 - (i) Rollerskating. Rollerskating means the use of any solid wheeled shoe skate or snap-on, lace or gripping device to hold a shoe or foot in place while propelling any wheel on a shoe. Rollerskates as defined includes rollerblades.
 - (j) Skateboarding. Skateboarding means the use of any propelled riding device making use of wheels of any size except wheelchairs. Skateboarding means any movement of such devices under their own power after being propelled or the application of a force to cause it to move in any direction.
 - (k) Stand or standing. The stopping of a motor vehicle while occupied by its operator with the engine running except stopping in obedience to the instructions of a traffic officer or traffic control device or for other traffic.
 - (l) Stop. Complete cessation of movement.
 - (m) Street and other property open to public travel. shall have the following meanings:
 - (i) Street. The terms “highway,” “road,” and “street,” when used in this ordinance or in the Oregon Revised Statutes chapters incorporated herein, shall be considered synonymous, unless the context precludes such construction. “Street”, as defined in this ordinance and the Oregon Revised Statutes chapters incorporated by reference herein, includes alleys, sidewalks, and parking areas and accessways owned or maintained by the City.
 - (ii) Other Property Open to Public Travel. Property whether publicly or privately owned and whether publicly or privately maintained, upon which the public operates motor vehicles either by express or implied invitation other than streets as defined in this section. Other property open to public travel shall include but not be limited to parking lots, service station lots, shopping center and supermarket parking lots, and other accessways and parking areas open to general vehicular traffic, whether or not periodically closed to public use.
 - (n) Taxicab stand. A space on the edge of a roadway designated by sign for use by taxicabs.
 - (o) Traffic control device. A device to direct vehicular or pedestrian traffic, including but not limited to a sign, signaling mechanism, barricade, button, or street or curb marking installed by the City or other authority.
 - (p) Traffic lane. That area of the roadway used for the movement of a single line of traffic.
 - (q) Vehicle. As used in this Ordinance includes bicycles.
- (2) As used in this ordinance, the singular includes the plural and the masculine includes the feminine.

ADMINISTRATION

SECTION 4. POWERS OF THE COUNCIL.

- (1) Subject to state laws, the City Council shall, by resolution, exercise all municipal traffic authority for the City except those powers specifically and expressly delegated herein or by another ordinance.
- (2) The powers of the Council shall include but not be limited to:
 - (a) Designation of through streets;
 - (b) Designation of one-way streets;
 - (c) Designation of truck routes;
 - (d) Designation of parking meter zones;
 - (e) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
 - (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.

SECTION 5. DUTIES OF THE CITY ADMINISTRATOR. The City Administrator, or the Administrator's designee, shall exercise the following duties:

- (1) Implement the ordinances, resolutions and motions of the Council and his own orders by installing traffic control devices. The City Administrator may authorize the placement of traffic control devices. Such installation shall be based on the standards contained in the manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration 1978, to and include the Oregon supplements thereto concerning standard practices and interpretations and additional traffic signs as they are now constituted.
- (2) Establish, maintain, remove, or alter the following classes of traffic controls:
 - (a) Crosswalks, safety zones and traffic lanes;
 - (b) Intersection channelization and areas where drivers of vehicles shall not make right turns, left turns, or U-turns, and the time when the prohibition applies;
 - (c) Parking areas and time limitations, including the form or permissible parking (e.g., parallel or diagonal);
- (3) Issue oversize or overweight vehicle permits.
- (4) Enforce all provisions of this ordinance.
- (5) Establishing residential parking zones pursuant to Section 25.

SECTION 6. PUBLIC DANGER. Under conditions constituting a danger to the public, the City Administrator, or the administrator's designee, may install temporary traffic control devices deemed by him to be necessary.

SECTION 7. STANDARDS. The regulations of the City Administrator shall be based upon:

- (1) Traffic engineering principles and traffic investigations;
- (2) Standards, limitations, and rules promulgated by the State Highway Commission;
- (3) Other recognized traffic-control standards.

SECTION 8. AUTHORITY OF LAW ENFORCEMENT AND EMERGENCY CREW OFFICERS.

- (1) It shall be the duty of a law enforcement officers, or any other City Official designated by the City Administrator, to enforce the provisions of this ordinance.
- (2) In the event of a fire or other public emergency, law enforcement officers and emergency service crew members may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

TRAFFIC CONTROL DEVICES

SECTION 9. OBEDIENCE TO AND ALTERATION OF CONTROL DEVICES.

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

SECTION 10. CONTROL DEVICES: EVIDENCE OF LAWFUL INSTALLATION.

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

SECTION 11. EXISTING CONTROL DEVICES. Traffic control devices installed prior to the adoption of the ordinance codified in this ordinance are lawfully authorized.

GENERAL REGULATIONS

SECTION 12. RULES OF ROAD. In addition to state law, the following shall apply to the operation of vehicles upon the streets of the City:

- (1) The operator of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic, and shall yield the right-of-way to moving traffic and pedestrians: when the vehicle involved is a truck, then in addition to the foregoing a person acting as a traffic controller shall be present for the purpose of controlling vehicular traffic.
- (2) The operator of a vehicle in the traffic lane shall have the right-of-way over an operator of a vehicle departing from a parking space.
- (3) No operator of a vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal when other traffic may be affected.
- (4) Where a stop sign is erected at or near the entrance to an intersection, the operator of a vehicle approaching shall bring the vehicle to a stop before crossing a stop line or crosswalk; or, if none, then before entering the intersection. Stopping at a point which does not yield an unobstructed view of traffic on the intersecting street shall not constitute compliance with the requirements of this section.
- (5) Notwithstanding an indication by a traffic control device to proceed:
 - (a) No operator of a vehicle shall enter an intersection unless there is sufficient space on the opposite side of the intersection to accommodate his vehicle without obstructing the passage of other vehicles.
 - (b) No operator of a vehicle shall enter a marked crosswalk, whether or not at an intersection, unless there is sufficient space on the opposite side of the crosswalk to accommodate his vehicle without obstructing the passage of pedestrians.

SECTION 13. CROSSING PRIVATE PROPERTY. No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision

shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

SECTION 14. EMERGING FROM VEHICLE. No person shall open the door of a motor vehicle into a traffic lane without first ascertaining that it can be done in safety.

SECTION 15. 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. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person riding within a truck body in space intended for merchandise.
- (2) No person shall alight from a vehicle while the vehicle is in motion upon a street.
- (3) No person riding upon a bicycle, motorcycle, coaster, roller skates, sled, or other device shall attach the device or himself to a moving vehicle upon a street; nor shall the operator of a vehicle upon a street knowingly allow a person riding on any of the above vehicles or devices –to attach himself, the vehicle, or the device to the vehicle.
- (4) No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.

SECTION 16. CLINGING TO VEHICLES. No person riding upon a bicycle, motorcycle, coaster, roller skates, sled, skateboard or other device shall attach the device or himself to a moving vehicle upon a street. Nor shall the operator of a vehicle upon a street knowingly allow a person riding on any of the above vehicles or devices to attach himself, the vehicle, or the device to his vehicle. Exceptions may be made to this section, upon authorization of the police officer, for the purpose of conducting parades or displays.

SECTION 17. PLAY STREETS. No person shall drive a vehicle upon a street during the hours when it has been designated and is being used as a play street, except drivers having business on such street or whose residences are along such street, and then such driver shall exercise the greatest care in driving on such street.

SECTION 18. SKATEBOARD AND ROLLER-SKATE OPERATING RULES.

- (1) In addition to observing all other applicable provisions of this Ordinance, other pertinent City ordinances, and state law, a person using a skateboard or rollerskates shall:
 - (a) Not skate upon a sidewalk in front of any business or commercial establishment;
 - (b) Not skate upon any private property without the knowledge and consent of the owner;
 - (c) Not skate upon any travel portion of any street or road if there is a paved sidewalk or pedestrian path;
 - (d) Yield the right-of-way to pedestrians on sidewalks or paths;
 - (e) On a two-way street with no sidewalk, skate to the extreme right. On a one-way street with no sidewalk, ride to the extreme curbside of the traffic lane and with the direction of travel designated for that lane. On the traffic lane of any street, yield the right-of-way to all motor vehicles and immediately take whatever steps are necessary, including stopping and moving out of the traffic lane, to avoid interfering in any way with motor vehicle traffic or creating a dangerous situation;
 - (f) Not ride abreast of another skater or bicycle or in any manner other than single file when on any street, road or sidewalk;
 - (g) Not skate in a careless or reckless manner which endangers, or would be likely to endanger, himself, another, or any property;

(h) Not skate on any City park property or other public property except when using areas or facilities specifically designated for or approved for skateboarding and/or in-line skating. When using any such facility, skaters shall strictly comply with any and all posted rules for the facility. The City Administrator and any other officer or official of the City shall have the authority to exclude, either permanently or for a specific period of time, any individual or individuals who fail to follow these rules. ~~and~~ Failure to obey any such order to stop using the facility and/or leave the park shall constitute another and separate offense.

(2) The parent of any minor found skateboarding or rollerskating in violation of this section may be cited under this ordinance.

SECTION 19. DAMAGING OR OBSTRUCTING PUBLIC WAYS.

- (1) The operator of a vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a 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 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.
- (4) No person shall place or deposit, or allow to be placed or deposited, any dirt, gravel, mud, junk, debris, or tree, grass or shrubbery clippings, or other unauthorized material, on any street, parking area or sidewalk area. (This includes the operation of any kind of vehicle or equipment that results in the placing, depositing, or allowing said materials to be placed on a street, parking area, or sidewalk area.)

SECTION 20. OBSTRUCTING STREETS.

- (1) No unauthorized person shall obstruct the free movement of vehicles or pedestrians using the streets.
- (2) No person shall park or stand a vehicle in such a manner or location that it constitutes a hazardous vehicle or an obstruction on the street.

SECTION 21. 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.

PARKING REGULATIONS

SECTION 22. METHOD OF PARKING.

- (1) No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except, upon the authority of the City Administrator, where the street is marked or signed for angle parking.
- (2) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- (3) 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 or his priority or block his access.
- (4) Whenever the operator of a vehicle discovers that his vehicle is parked close to a building to which emergency fire, police, or medical personnel have been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by emergency crew members at the scene.

SECTION 23. PROHIBITED PARKING AND STANDING. In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

- (1) A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel unless authorized;
- (2) A motor truck having a gross vehicle weight of five tons or greater in any residential area of the City and on Wa-Na-Pa Street between Oneonta and Venture Streets, with the exception of delivery trucks which may be parked while attended for a time long enough to effectuate delivery.
- (3) Any motor vehicle within twenty five feet of an intersection.
- (4) A vehicle in any alley other than for the expeditious loading or unloading of persons or materials but in no case for a period in excess of 30 consecutive minutes;
- (5) A motor truck as defined by ORS 801.355, a truck tractor as defined by ORS 801.575, and/or a semi-trailer as defined in ORS 801.475, which is allowed to idle or is equipped with an on-board motor, such as a refrigeration device motor, which is running on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation if the idling or operation of the motor disturbs the sleep of anyone in the area and that person files a complaint with a law enforcement agency;
- (6) A vehicle upon a parkway or freeway, except as authorized;
- (7) No trailer or semi-trailer with a bed or box in excess of five feet in width and eight feet in length shall be parked upon any residential public street for a period longer than four hours unless it is loading or unloading except with the express written permission of the City Administrator or his designee. This prohibition shall not apply to trailers or semi-trailers owned or operated by governmental units or public or private utility companies;
- (8) An unlicensed motor vehicle or trailer on any public street or right-of-way;
- (9) An un-mounted camper on any public street or right-of-way;
- (10) A vehicle in a designated fire lane.

- (11) A vehicle, or personal property, for more than 48 hours in one location on a public street or other public property or for more than 48 hours within the same block or for more than 48 hours within 200 feet of any one parking location, except that a Recreational Vehicle is limited to a maximum of 24 hours.

SECTION 24. PROHIBITED PARKING. No operator shall park and no owner shall allow a vehicle to be parked 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 by the City Administrator.
- (5) Sleeping or residing in the vehicle.

SECTION 25. RESIDENTIAL PARKING ZONES.

- (1) The City Administrator, pursuant to Section 5(5) may establish residential parking zones. The purpose of residential parking zones during specific time periods within specific geographic areas used predominately for residential purposes. Permits may be issued by the City to allow for the parking of vehicles within the zone during the restricted hours.
- (2) The City Administrator shall establish procedures and standards for the issuance of permanent and temporary permits to residents that will allow the residents and their guests to park their vehicles within residential parking zones during the restricted hours. At a minimum, the administrator shall establish rules which establish the criteria for issuance, surrender and revocation of permits, evidence of proof residence and vehicle ownership, terms of the permit, standards for display of permit, and allow for the issuance of temporary permits to residents for the parking of non-resident vehicles for temporary periods upon a showing of reasonable need for such permits.
- (3) The City Administrator may cause to be installed and maintained, pursuant to section 5, official signs for residential parking zones which clearly identify the parking restrictions for non-residents and the exception to those restrictions for permit holders within the residential parking zones.
- (4) It shall be unlawful for any person to:
 - (a) Provide false information in connection with an application for a permanent or temporary permit.
 - (b) Fail to surrender a permit, when requested to do so, when the person is no longer entitled to the permit.
 - (c) Use a permit when the permit holder is no longer entitled to the permit.
 - (d) Use, or allow the use of a permit in conjunction with a vehicle other than the vehicle for which the permit was issued.
 - (e) Use, or allow the use of a temporary permit in a manner inconsistent with the terms and limitation of the permit.
- (5) The City Administrator is authorized to revoke any permit when the permit holder is found to be in violation of the provisions of this section, and, upon written notification thereof, the permit holder shall surrender the permit to the administrator. Failure to do so shall constitute a violation of this section.
- (6) Any rule or regulation implemented may be appealed to the City Council within 30 days of its adoption.

SECTION 26. USE OF LOADING ZONE. No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case when the hours applicable to the loading zone are in effect shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

SECTION 27. LEAVING UNATTENDED VEHICLE. No operator or person in charge of a motor vehicle shall park it or allow it to be parked on a street, or other property open to public travel, or on a new or used car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed.

SECTION 28. ACTION BY LAW ENFORCEMENT OFFICER. Whenever a law enforcement officer finds a motor vehicle unattended with the ignition key in the vehicle in violation of section 6.120, the law enforcement officer is authorized to remove the key from vehicle and deliver the key to the City Administrator.

SECTION 29. DECLARATION OF SNOW EMERGENCY.

- (1) Whenever the City Administrator or his/her designee finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the National Weather Service of snow, sleet, or freezing rain, that weather conditions will make it necessary to restrict or prohibit parking on city streets for snow plowing or other purposes, the City Administrator or his/her designee may declare a snow emergency, which shall put into effect a parking prohibition on the City or public rights-of-way of all city streets.
- (2) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the City Administrator or his/her designee in accordance with this ordinance. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a public street right-of-way, however, nothing in this section shall be construed to permit parking at any time or place where it is otherwise forbidden by any other provision of law.

SECTION 30. SNOW EMERGENCY SIGNS. At the time of declaration of snow emergency, signs announcing the snow emergency and stating that parking is prohibited shall be placed or uncovered at appropriate locations within the City, calculated to provide notice to motorists and vehicle operators that parking on the public right-of-way shall be prohibited and that vehicles parked in violation of said prohibition may be towed at the owner's expense.

SECTION 31. ALLOWING VEHICLES TO STALL ON SNOW EMERGENCY ROUTES.

- (1) Whenever a vehicle becomes stalled for any reason, whether or not in violation of this ordinance, on any part of a snow emergency route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route.
- (2) No person shall abandon or leave his vehicle in the roadway of a snow emergency route except for the purpose of securing assistance during the actual time necessary to go to a

nearby telephone or garage, gasoline station, or other place of assistance and return without delay.

SECTION 32. STANDING OR PARKING OF BUSES AND TAXICABS. 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.

SECTION 33. 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.

SECTION 34. EXTENSION OF PARKING TIME. Where maximum parking limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

SECTION 35. EXEMPTIONS. The provisions of sections 22 through 34, regulating the parking or standing of vehicles, shall not apply to a vehicle of the City, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation, or delivery of mail, or a vehicle of a disabled person, properly permitted, parking in compliance with the provisions of ORS 811.635 to 811.637.

PARKING VIOLATIONS - SCHEDULE OF FINES

SECTION 36. SCHEDULE OF PARKING FINES.

(1) The initial schedule of fines for certain violations of the provisions of this Ordinance shall be as follows:

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|---|----------------------------------|
| (a) Parking in violation of Section 22 (1) or (2): | \$ 15.00 |
| (b) Parking in violation of Section 9: | \$ 20.00 |
| (c) Parking in violation of Section 26: | \$ 30.00 <u>25.00</u> |
| (d) Illegal parking in a designated handicap space: | \$190.00 |
| (e) All other parking violations in the Ordinance: | \$ 25.00 |

(2) Fines for violation of this Ordinance may be set or amended by resolution of the City Council.

BICYCLES

SECTION 37. BICYCLE EQUIPMENT. A bicycle operated upon the streets shall be equipped as required by state law. In addition, a bicycle shall be equipped with a brake capable of sliding at least one tire when applied on dry, level, clean pavement. No bicycle shall be equipped with a siren or whistle.

SECTION 38. BICYCLE OPERATING RULES. In addition to observing all other applicable provisions of this ordinance and state law, a rider of a bicycle upon a street shall:

- (1) Not ride upon a sidewalk within a business district;
- (2) Yield the right-of-way to pedestrians on sidewalks;
- (3) On a two-way street, ride to the extreme right except when preparing for a left turn. On a one-way street, ride to the extreme curbside of the traffic lane and with the direction of travel designated for that lane. If the curb lane is designated for “left turn” or “right turn” only, and the operator is not intending to turn, he shall operate in the through lane;
- (4) Not carry a package, bundle, or article which prohibits him from having full control of the bicycle and unhindered vision;
- (5) Not ride abreast of another bicycle or in any manner other than single file, except on designated bicycle paths;
- (6) Not operate a bicycle in a careless or reckless manner which endangers or would be likely to endanger himself, another, or any property. Racing or trick riding shall be included in this offense;
- (7) Not leave a bicycle, except in a bicycle rack. If no rack is provided, he shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway, or building entrance. Nor shall he leave the bicycle in violation of the provisions relating to the parking of motor vehicles.

SECTION 39. IMPOUNDING OF BICYCLES.

- (1) It is unlawful to leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.
- (2) A bicycle left on public property for a period in excess of 4 hours may be impounded by a law enforcement officer.
- (3) In addition to any citation issued, a bicycle parked in violation of this ordinance may be immediately impounded by a law enforcement officer.
- (4) If a bicycle impounded under this ordinance is licensed, or other means of determining its ownership exist, the law enforcement officer shall make reasonable efforts to notify the owner.
- (5) A bicycle impounded under this ordinance which remains unclaimed shall be disposed of in accordance with the City’s procedures for disposal of abandoned or lost personal property.

PEDESTRIANS

SECTION 40. PEDESTRIANS—USE OF SIDEWALKS. A pedestrian shall not use a roadway for travel when a sidewalk is available.

SECTION 41. RIGHT ANGLES. A pedestrian shall cross a street at right angle, unless crossing within a crosswalk.

SECTION 42. OBEDIENCE TO TRAFFIC LIGHTS. At an intersection where a pedestrian control light is in operation, no pedestrian shall start to cross the street except when the walk signal is illuminated. Where only vehicle control lights are in operation, no pedestrian shall start to cross the street except when the green light is illuminated.

FUNERAL PROCESSIONS

SECTION 43. FUNERAL PROCESSION.

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

OFFENSES ON OTHER PROPERTY OPEN TO PUBLIC TRAVEL

SECTION 44. CARELESS DRIVING. No person shall operate a motor vehicle on other property open to public travel in a careless manner. As used in this section, “a careless manner” means in a manner that endangers or would be likely to endanger any person or property.

PARKING CITIATIONS—IMPOUNDMENT.

SECTION 45. CITATION ON ILLEGALLY PARKED VEHICLE. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and may conspicuously affix to the vehicle a traffic citation for the operator to answer to the charge against him or pay the penalty imposed within five business days during the hours and at a place specified in the citation.

SECTION 46. FAILURE TO COMPLY WITH TRAFFIC CITATION. If the operator does not respond to a traffic citation affixed to such vehicle within a period of five business days, the court clerk may send to the owner of the vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of five days, a warrant for his arrest will be issued.

SECTION 47. OWNER RESPONSIBILITY. The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

SECTION 48. REGISTERED OWNER PRESUMPTION. In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he was then the owner in fact.

SECTION 49. IMPOUNDMENT OF VEHICLES.

- (1) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a law enforcement officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner, but subsequently became an obstruction or hazard.
- (2) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of ORS 819.100 through 819.260, relating to impoundment and disposition of vehicles abandoned on the city streets. An impounded vehicle shall not be released until all outstanding fines and charges have been paid. An impounded vehicle shall only be released to a licensed and insured driver if the vehicle is to be driven from the impoundment site.
- (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 law enforcement officer observes a vehicle parked in violation of a provision of this ordinance the officer, instead of or in addition to issuing a citation, may cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in subsection (2) of this section.
- (6) Whenever a motor vehicle, two-wheel trailer, utility trailer, mobile trailer, camper trailer, camper, or recreation vehicle is found to have been parked upon a street or right-of-way within the City for more than 48 hours, it shall be the responsibility of the City Administrator or his designee to make diligent inquiry to determine the ownership of said vehicle or trailer and to advise the owner, if found, of the requirements and remedies of this ordinance.
 - (a) If ownership cannot be determined by routine inquiry in the neighborhood where such vehicle or trailer is found, the law enforcement officer shall examine said vehicle or trailer for its license number, motor number, serial number, make and style and any other information which could aid in the identification of the owner of said vehicle or trailer. This information shall be conveyed, for purposes of identifying, to the Department of Motor Vehicles of the State for registration of said vehicle or trailer, if any.
 - (b) If the owner of such vehicle or trailer is identified, the owner thereof shall be notified by personal service or certified return-receipt mail that said vehicle or trailer will be impounded by the police department 24 hours after the receipt by the owner of said notice unless the vehicle is removed by the owner within that period. If written return-receipt is not obtained it shall be presumed that the owner has received notification when

a period of seven days expires from the date of mailing of said notice by certified mail. In addition to said notification by personal service or certified mail, notification shall be placed by the law enforcement officer on said vehicle or trailer.

- (c) If ownership of such vehicle or trailer cannot be determined after the accomplishment of the steps set out in subsection (6)(a), the law enforcement officer shall place upon said vehicle a notice visible to the public stating that said vehicle or trailer shall be removed and impounded by the City after the expiration of 24 hours from the time of posting of said notice unless said vehicle or trailer is removed.
- (d) Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in subsection (2) of this section

SECTION 50. IMPOUNDING OF VEHICLES OPERATED BY DRIVERS WHO ARE INTOXICATED, UNLICENSED, OR UNISURED.

- (1) A police officer who reasonably believes that a person:
 - (a) is driving an uninsured vehicle in violation of ORS 806.010 (1996); or
 - (b) is driving while his or her driver's license is suspended in violation of ORS 811.175 and ORS 811.182 (1996); or
 - (c) is operating a motor vehicle without driving privileges in violation of ORS 807.010(1) or (2) (1996); or
 - (d) is driving a motor vehicle without a license or driver's permit in their possession in violation of ORS 807.570(1)(a)(1996); or
 - (e) is operating a motor vehicle while under the influence of intoxicants in violation of ORS 813.010(1996),

may, without prior notice, impound said vehicle until such time as a person with a right of possession to the vehicle lawfully claims it and is able to have it lawfully removed from the City's custody.

- (2) In the event a police officer impounds a vehicle pursuant to the provision of section (1) above, notice consistent with the provision of ORS 819.180(2) (1996) shall be sent within 48 hours (excluding weekends and holidays) to any owner(s), lessor, or security interest holder(s) as shown by the records of the appropriate Department of Motor Vehicle.
- (3) Any person seeking the release of a vehicle impounded pursuant to the provision of section (1) above, shall provide the City with proof of insurance and licensure. In addition, except as provided in section (4) below, any person lawfully entitled to the release of the vehicle shall pay, prior to release of said vehicle, any and all accrued towing and storage charges as well as an administrative fee to the City of Cascade Locks in the amount of \$75 to cover the administrative costs of this program.
- (4) In the event a person wishes to contest the impoundment of a vehicle seized pursuant to Section 1 above, they must file a request for a hearing within 48 hours of their receipt of notice of the impoundment.
 - (a) A hearing shall thereafter be schedule within 72 hours (not including weekends or holidays) of the receipt of the request by the City. Notice of the hearing shall be sent to the City to all owner(s), lessors, or security interest holders as their appeared in the records of the appropriate Department of Motor Vehicles.
 - (b) At the time of the hearing, the City shall have the burden of proving by a preponderance of evidence that the City had reasonable grounds to believe that the vehicle was subject to impoundment for violation of ORS 806.010, ORS 811.175, ORS 811.182, ORS 807.010(1) and (2), ORS 807.570(1)(a) and/or ORS 813.010 (1996).

- (c) In the event the municipal court determines that the City had reasonable grounds to impound the vehicle, the court will require that all costs associated with the towing and storage of the vehicle (including the administrative fee set out above) to be paid prior to the release of said vehicle.
- (d) In the event the municipal court finds that the seizure of the vehicle was improper, the court shall order the immediate release of the vehicle to the owner or other person with a right of possession, with the costs associated with the towing and impoundment of the vehicle being borne by the City.
- (e) In the event a vehicle seized pursuant to section (1) above is not reclaimed by a party entitled to its possession within thirty (30) days of its seizure, the City may thereafter dispose of the vehicle consistent with the terms of ORS 819.210 to ORS 819.260 (1996), as applicable.

PROHIBITED PARKING

SECTION 51. UNLAWFUL PARKING—TOWING AUTHORIZED. Any vehicle found on any street, avenue, public place, city-owned or city-operated property, parked unlawfully or in such a manner as to be a hazardous vehicle under conditions then existing, or left on any street, avenue, public place, city-owned or city-operated property indefinitely by reason of wreckage, damage, theft, abandonment or neglect, may be towed to such storage area as a law enforcement officer may direct.

SECTION 52. PLACEMENT OF CITATIONS. If no person is in charge of such vehicle, but if the vehicle is not in a position as to be a hazardous vehicle or as to prevent the proper parking of another vehicle, the law enforcement officer may place a traffic citation in or on the vehicle or have the vehicle towed as provided for in section 54. If the vehicle is occupied the citation shall be served upon the occupant.

SECTION 53. OUTSTANDING WARRANTS—IMPOUND OR ARREST. In cases where a warrant is on file charging a traffic violation, the vehicle involved in such violation shall, if unoccupied, be impounded and a citation applied as herein above provided; but if the owner or person lawfully in possession is present, the officer shall place that person under arrest. The owner or person entitled to possession shall obtain a clearance from the City Administrator of such warrant before obtaining possession of the vehicle.

SECTION 54. ILLEGAL STOPPING, STANDING OR PARKING. In the event any vehicle shall be found standing, stopped or parked in or upon any street, avenue, public place, city-owned or city-operated property in violation of and contrary to any of the provisions of this ordinance applicable to standing, stopping or parking of vehicles, such vehicle may be given a citation and be removed by a law enforcement officer to such place as may be designated by the City Administrator and there kept until application for its redemption shall be made by the owner or his duly authorized agent.

SECTION 55. REGISTRATION SEARCH—NOTICE TO OWNER. If within three days after impoundment no one appears to establish ownership or the right to possession of the vehicle, the law enforcement officer shall search the motor vehicle registration records and the vehicle for the name and address of the owner or person entitled to possession and send notice to such person if the name and address are discovered. Notice shall disclose the whereabouts of the vehicle and the reason for its impoundment.

SECTION 56. CLAIMING VEHICLES. When any vehicle has been towed, the owner or person entitled to possession thereof may obtain possession upon showing adequate evidence of a right to its possession and paying the charges due for towing and storage, and a fine in the amount of not less than **\$35.00** in any case where a vehicle was parked in a hazardous manner, and a fine in the amount of not less than **\$20.00** in all other cases. The vehicle shall only be released to a licensed and insured driver if the vehicle is to be driven from the tow site.

OFF-ROAD VEHICLES

SECTION 57. DEFINITIONS.

- (1) As used in sections 56 and 57, the following words shall have the meanings given to them in this section:
 - (a) Non-road areas. Any area that is not a road, or a road which is closed to off-road vehicles and posted as such; except that areas commonly held open to vehicular use, such as parking lots and race tracks, shall not be considered off-road areas.
 - (b) Off-road vehicles. Every self-propelled motor vehicle designed or capable of traversing on or over natural terrain including but not limited to snowmobiles, mini-bikes, motorcycles, four-wheel drive trucks, pickups, all terrain vehicles, jeeps, and half-tracks. The definition of off-road vehicles does not include, unless used for purposes prohibited by sections 57 and 58, implements of husbandry; nor does it include military, fire, emergency, law enforcement vehicles, or maintenance, construction or farm equipment used for legal purposes.

SECTION 58. OPERATION OF OFF-ROAD VEHICLES.

- (1) It is unlawful for any person to operate an off-road vehicle on any non-road area which the operator does not own, unless:
 - (a) The operator possesses written permission from the owner, contract purchaser or lessee of the non-road area; or
 - (b) The operator possesses written evidence of membership in a club or association to which the owner, contract purchaser or lessee of the non-road area has given written permission and a copy of which has been filed with the City Administrator; or
 - (c) The owner, contract purchaser or lessee of the non-road area has designated the nonroad area as open for recreational purposes in accordance with ORS 105.655 to 105.680 by filing such consent and other information necessary to identify the area with the City Administrator; or
 - (d) The owner, contract purchaser or lessee has designated the non-road area as being open to off-road vehicle use by posting notice thereof in a form and manner prescribed by the City Administrator.
- (2) It is unlawful for any person to:
 - (a) Falsify the written permission required by subsection (1)(a) of this section;
 - (b) Falsify the evidence of club or association membership or the written permission required by subsection (1)(b) of this section;
 - (c) Falsify the filing or consent required by subsection (1)(c) of this section;
 - (d) Post the notice or remove the posted notice required by subsection (1)(d) of this section without the consent of the owner, contract purchaser or lessee.
- (3) All off-road vehicles must be equipped with spark arrestor and muffler system, which must be sufficient so as not to create unreasonable noise which will likely interfere with the reasonable enjoyment of neighboring properties.

BICYCLE TRAIL AND FOOTPATH REGULATIONS

SECTION 59. OPERATING VEHICLES. No person shall drive a motor vehicle upon or across a bicycle trail or footpath, except to enter or exit a driveway, intersecting street, or in case of an emergency, state, county, or city workmen repairing, replacing, or improving the streets, or mailmen delivering mail by carrier. No person shall drive a motor vehicle, upon or across except after yielding right-of-way to all bicycles and/or pedestrians in the trail or path.

SECTION 60. PARKING VEHICLES. No person shall stand or park a motor vehicle upon a bicycle trail or foot path except in case of an emergency, except in areas intended for both parking and bicycle/pedestrian traffic, or except as stated in section 59.

PROHIBITED OCCUPANCY OF MOBILE HOMES

SECTION 61. OCCUPANCY UNLAWFUL. No individual may sleep in a mobile home or recreational vehicle, including campers with or without a vehicle, unless the vehicle is parked in a designated recreational vehicle park, the home or vehicle has been sited pursuant to a duly issued building permit, or the individual has obtained a temporary occupancy permit from the City.

SECTION 62. TEMPORARY OCCUPANCY PERMIT. The City Administrator or his designee is authorized to issue a temporary occupancy permit for up to two weeks, allowing an individual(s) to occupy and sleep in a mobile home, recreational vehicle, or camper temporarily parked in the yard, driveway, or upon the property of a residence, in which the individual has access to sanitation and kitchen facilities. No more than two temporary occupancy permits within a twelve-month period may be issued by the City Administrator for the temporary occupancy on property to the same real property owner.

SECTION 63. INTERPRETATION. In the event this section of the Cascade Locks ordinance conflicts with another section of a Cascade Locks City ordinance, the other section of the Cascade Locks City ordinance shall control.

TRAVEL TRAILERS - TEMPORARY OCCUPANCY

SECTION 64. DEFINITION. For purposes of human occupancy, a travel trailer includes all vehicles or modular units originally having wheels for transporting, used for living or sleeping purposes except those which qualify for or having obtained a mobile home placement permit for permanent occupancy.

SECTION 65. OCCUPANCY PERMIT. The City Administrator is authorized to issue a temporary occupancy permit for up to two weeks allowing a travel trailer, where there is adequate access to sanitation and kitchen facilities, to be temporarily parked on residential property not within a recreational vehicle park within the City of Cascade Locks. Any such occupancy permit is revocable by the City Council without hearing. The revocation shall give the occupant a minimum of 24 hours to vacate the travel trailer or move the travel trailer. The occupancy permit shall be on a form approved by the City Council. No more than two such permits per owner shall be issued by the City Administrator in any one calendar year for property belonging to the same real property owner. If an individual desires to obtain additional occupancy permits, he or she must petition the City Council to authorize the City Administrator to issue the additional permits. The City Council shall only authorize additional permits following an open hearing at which the Council finds that such additional permits would not create a health or safety danger to the applicant or neighbors, that a temporary emergency exists,

and that the additional permit will not create a public nuisance. The Council shall continue to have the additional authority prescribed in this ordinance. Any permit issued pursuant to the terms of this section may be revoked on 24 hours' notice if, upon inspection by the City Administrator or his designee or city/county health authorities, it is determined that such inhabited travel trailer is lacking in proper sanitary facilities, is a menace to public health, or is causing or creating a public nuisance. The occupancy permit allowed in this ordinance shall be in addition to any time allowed in a recreational vehicle park by separate ordinance.

PENALTIES

SECTION 66. PENALTIES.

- (1) Except as may be limited by charter, violations of any state statute made offenses against this City are punishable to the same extent as provided in the statutes.
- (2) Any person who shall be found guilty of a violation of sections 9 through 21 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding exceed One Hundred Dollars (\$100) for each violation.
- (3) Any person who shall be found guilty of a violation of all other provisions of this ordinance not enumerated above or by section 36 are punishable by a fine not to exceed Fifty Dollars (\$50) for each violation.
- (4) Each day's violation of a provision of this ordinance constitutes a separate offense for which a separate penalty may be imposed.

SEVERABILITY, REPEAL AND SAVINGS CLAUSE

SECTION 67. SEPARABILITY CLAUSE. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance, or such portion thereof, was enacted

SECTION 68. REPEAL. Ordinances numbered 236, 300 and 322 are hereby repealed.

SECTION 69. SAVING CLAUSE. The repeal of ordinances by Section 68 shall not preclude any action against a person who violated those ordinances prior to the effective date of this Ordinance.

SECTION 70. EFFECTIVE DATE. This ordinance shall become effective 30 days after adoption by the City Council and approval by the Mayor.

ADOPTED by the City Council this **25th** day of **February**, 2002.