

CITY OF GARIBALDI
ORDINANCE NO. 268

AN ORDINANCE CONTROLLING PARKING, VEHICULAR AND
PEDESTRIAN TRAFFIC, AND REPEALING ORDINANCE NO. 143.

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THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:

Section 1. REPEAL OF PRIOR ORDINANCE: Ordinance 143 (enacted 2/9/87) is hereby repealed.

1 -- AN ORDINANCE CONTROLLING PARKING, VEHICULAR AND PEDESTRIAN TRAFFIC, AND REPEALING ORDINANCE NO. 143.

Section 2. APPLICABILITY OF STATE TRAFFIC STATUTES: The provisions of Oregon Revised Statutes Chapters 801 through 822 as presently constituted are hereby adopted to regulate the ownership and operation of vehicles within the City limits of Garibaldi.

Section 3. APPLICABILITY OF STATE INFRACTIONS STATUTES: The provisions of Oregon Revised Statutes Chapter 153 as presently constituted are hereby adopted as procedure for enforcing all violations of City ordinance, provided, however, that the adoption of such a procedure shall not prevent the City from using other procedures to enforce compliance with City ordinances which do not relate to the ownership and operation of vehicles.

Section 4. DEFINITIONS: In addition to the definitions contained in the ORS Chapters incorporated by reference herein, the following mean:

Bus Stop: A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

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

Street: The terms "highway," "street," "road," and "lane," when used in this Ordinance or in the ORS Chapters incorporated herein, shall be considered synonymous, unless the context precludes such construction. "Street," as defined in this Ordinance and the ORS Chapters incorporated by reference herein, includes alleys, sidewalks, and parking areas and accessways owned or maintained by the City.

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, and excepting public school property, county property, or property under the jurisdiction of the State Board of Higher Education. *Other property open to public travel* shall include but not be limited to parking lots, service station lots, shopping center and supermarket parking lots, and other accessways and parking areas open to general vehicular traffic, whether or not periodically closed to public use.

Section 5. POWERS OF COUNCIL: Subject to state law, the City Council shall exercise all municipal traffic authority for the City except those powers specifically and expressly designated by this or another Ordinance. The powers of the Council include, but are not limited to:

- (a) designation of through streets, one-way streets, and truck routes;
- (b) designation of areas where parking is prohibited or restricted;

- (c) restriction of the use of certain streets by any kind or class of vehicle to protect the streets from damage;
- (d) authorization of greater maximum weights or lengths for vehicles using City streets than are specified by state law;
- (e) initiation of proceedings to change speed zones;
- (f) revision of speed limits in parks;
- (g) temporary blocking or closing of streets;
- (h) establishment of bicycle lanes and paths and traffic controls for such facilities;
- (i) establishment, removal or alteration of crosswalks, safety zones, traffic lanes, intersection channelization, areas (and times) where drivers of vehicles shall not make left, right, or U-turns, loading zones and stops for vehicles (like bus stops and taxicab stands), and traffic control signals.

Section 6. DUTIES OF CITY ADMINISTRATOR: The City Administrator or the Administrator's designee shall implement the ordinances, resolutions and motions of the Council and his or her own orders by installing, maintaining, removing and altering traffic control devices. The installations shall be based on the standards contained in the *Oregon Manual on Uniform Traffic Control for Streets and Highways*.

Section 7. PUBLIC DANGER: Under conditions constituting a danger to the public, the City Administrator or the Administrator's designee may install temporary traffic control devices as necessary to protect public safety.

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.

Section 9. TRAFFIC CONTROL DEVICES:

(A) No person shall disobey the instructions of a traffic control device.

(B) No unauthorized person shall install, move, remove, obstruct, alter the position of, deface or tamper with a traffic control device.

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

(D) Traffic control devices installed prior to enactment of this Ordinance are lawfully authorized.

Section 10. DAMAGING SIDEWALKS AND CURBS: 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, nor shall any unauthorized person remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk. A person who causes damage shall be responsible for the cost of repair.

Section 11. STORAGE OF MOTOR VEHICLES ON STREETS: No person shall store or permit to be stored on a street or other public property, without permission of the City Administrator, a motor vehicle or personal property for a period in excess of 72 hours. Failure to move a motor vehicle or other personal property for a period of 72 hours constitutes prima facie evidence of storage.

Section 12. OBSTRUCTING STREETS: No person shall park or leave on a street, including an alley, parking strip, sidewalk, or curb, a vehicle part, trailer, 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 13. METHOD OF PARKING:

(A) 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 where a curb exists, with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is striped for head-in or angle parking.

(B) Where parking places 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.

(C) 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.

(D) Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the Fire Department has been summoned, the operator shall immediately remove said vehicle from the area, unless otherwise directed by police or fire officers.

Section 14. PROHIBITED PARKING OR STANDING: No person shall park or stand a vehicle in violation of state motor vehicle laws or in violation of a lawfully erected parking limitation sign or marking.

Section 15. PROHIBITED PARKING: No operator shall park and no owner shall allow a vehicle to be parked on a street for the principal purpose of:

- (a) Displaying the vehicle for sale;
- (b) Repairing or servicing the vehicle, except repairs necessitated by an emergency;
- (c) Displaying advertising from the vehicle;
- (d) Selling merchandise from the vehicle, except when authorized.

Section 16. RESTRICTED PARKING: 2-hour parking limits, where posted, are in force from 7:00 A.M. to 7:00 P.M., seven days a week

Section 17. USE OF LOADING ZONES: 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 where 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 use of the loading zone shall not exceed five minutes for loading or unloading passengers and personal baggage and 15 minutes for loading or unloading vehicles.

Section 18. 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 19. EXEMPTIONS: The provisions of this Ordinance relating to the parking, stopping, and standing of vehicles do not apply to:

- (a) a vehicle of the City, county, state, or a public utility while necessarily in use for construction or repair work;
- (b) a vehicle owned by the United States while in use for the collection, transportation, or delivery of mail;
- (c) a vehicle of a disabled person who complies with the provisions of ORS 811.610 to 811.630.

Section 20. WHERE PARKING RESTRICTIONS APPLY: Parking restrictions shall be applied in specific locations by resolution of the City Council.

Section 21. TRAINS: Trains shall not block the use of any street for more than five minutes, unless the train is in motion.

Section 22. PEDESTRIANS: A pedestrian shall not use a roadway for travel when a sidewalk is available. No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within 150 feet of a marked crosswalk.

Section 23. BICYCLE PARKING: Bicycles shall be parked in a bicycle rack if one is available. If no bicycle rack is provided, the bicycle shall be left so as not to obstruct any roadway, sidewalk, driveway, or building entrance. No person shall leave a bicycle on private residential property without the consent of the owner or person in charge. Consent is implied on business property unless bicycle parking is expressly prohibited.

Section 24. BICYCLE IMPOUNDING:

(A) A bicycle left on public property in excess of 24 hours may be impounded by the police department.

(B) In addition to any citation issued, a bicycle parked in violation of this Ordinance that obstructs or impedes the free flow of pedestrian or vehicular traffic or otherwise endangers the public, may be immediately impounded by the police department.

(C) If the owner of a bicycle impounded pursuant to this Ordinance can be easily determined, the police shall make reasonable efforts to notify the owner. An impounding fee of FIVE DOLLARS (\$5.00) shall be charged to the owner if the owner can be found. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

(D) 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.

Section 25. PARADES:

(A) **Permit Required:** No person shall organize or participate in a parade that will interrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of 100 or more persons or 10 or more vehicles using the public right-of-way.

(B) **Application:** Application for a parade permit shall be made to the City Administrator or his or her designee at least seven days prior to the intended date of the parade, unless the time limit is waived by the City Administrator.

(C) **Application Form:** Application for a parade permit 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 proposed route, including assembling points;
- d. the approximate number of persons, vehicles, and animals that will be participating in the proposed parade; and
- e. the proposed starting and ending time.

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

(D) ***Issuance of Permit:*** The City Administrator or his or her designee shall issue a parade permit conditioned on the applicant's written agreement to comply with the terms of the permit.

(E) ***Grounds for Denial of Permit:*** The City Administrator or his or her designee may deny a parade permit if he or she decides that:

- (1) the time, route, and size of the parade will unreasonably disrupt the movement of other traffic;
- (2) the parade is of a size or nature that requires the diversion of so great a number of law enforcement officers to properly control the line of movement and contiguous areas that allowing the parade as proposed would deny reasonable law enforcement protection to the City;
- (3) the parade will interfere with another parade for which a permit has already been issued;
- (4) information contained in the application is found to be false or a material detail is omitted; or
- (5) the applicant refuses to abide by the terms and conditions of the permit.

(F) ***Administrator May Impose Conditions:*** The City Administrator may impose reasonable conditions in the permit, including but not limited to requiring an alternate date, requiring an alternate route, and restricting the size of the parade.

(G) ***Time of Administrator's Decision:*** The City Administrator shall notify the applicant of the Administrator's decision within three days of receipt of a parade application. If the City Administrator proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the City Council.

(H) ***Appeal Procedures:*** An applicant may appeal the decision of the City Administrator by filing a written request of appeal with the City Administrator or his or her designee within 48 hours following the Administrator's decision. The Council shall schedule a hearing date, which shall not be later than three days following the filing of

the written appeal, and shall notify the applicant of the date and time the applicant may appear either in person or by representative.

(I) ***Offenses Against Parade:*** No person shall unreasonably interfere with a parade or parade participants. No person shall operate a vehicle that is not part of the parade between the vehicles or persons comprising a parade.

(J) ***Permit Revocable:*** The City Administrator or his or her designee may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

Section 26. FUNERAL PROCESSIONS: A permit shall not be required to conduct a funeral procession.

Section 27. PENALTIES: The penalties for parking violations under this Ordinance shall be as provided for in Ordinance 257. Penalties for violation of state traffic laws shall be as provided in state statute. Penalties for violation of provisions of this Ordinance which are not parking violations pursuant to Ordinance 257 and not violations of state traffic laws shall be subject to the penalty provisions of Ordinance 254.

Section 28. SEVERABILITY: The sections and subsections of this Ordinance are severable. If a portion of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 29. SAVINGS: The repeal of Ordinance 143 by Section 1 of this Ordinance shall not preclude any action against any person who violated that Ordinance prior to the effective date of this Ordinance.

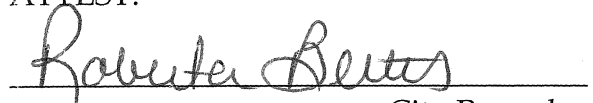
Section 30. EFFECTIVE DATE: This Ordinance shall be in effect THIRTY (30) DAYS following its enactment by the Council and approval by the Mayor.

Passed by the Common Council and approved by the Mayor of the City of Garibaldi, this _____ day of _____, 2002.



Mayor

ATTEST:



City Recorder

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