

## ORDINANCE NO. 834

**AN ORDINANCE CONTROLLING VEHICULAR, BICYCLE, AND PEDESTRIAN TRAFFIC, AND THE PARKING OF SEMI-TRACTORS, SEMI-TRAILERS OR SEMI-TRACTORS AND TRAILERS IN RESIDENTIAL ZONES WITHIN THE CITY LIMITS OF THE CITY OF MADRAS, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ORDINANCES NO. 504 AND 542.**

**WHEREAS**, the City of Madras engaged the League of Oregon Cities in 1992 to update and improve the ordinances of the City of Madras and pursuant to that review recommended repealing Ordinances #130, #149, #316, and #390 to establish a new Madras Uniform Traffic Ordinance; and

**WHEREAS**, the current "Madras Uniform Traffic Ordinance" has not been amended since 1995, and is in need of updating; and

**WHEREAS**, the City's Transportation System Plan found that ..."nearly all the (city) streets were built on native material without sufficient base to support heavy truck loadings"; and

**WHEREAS**, the Madras City Council, to protect the public safety, welfare, well being and livability of the City and its residents, and to protect the public's investment in street infrastructure, has found it necessary to adopt this newly updated ordinance.

**NOW, THEREFORE**, the City of Madras ordains as follows:

### **SECTION 1: SHORT TITLE**

This ordinance may be cited as the "Madras Uniform Traffic Ordinance."

### **SECTION 2: APPLICABILITY OF STATE TRAFFIC LAWS**

Oregon Revised Statutes, Chapter 153, and the Oregon Vehicle Code, ORS Chapters 801 to 826, are adopted by reference. Violation of an adopted provision of those chapters is an offense against the City.

### **SECTION 3: DEFINITIONS**

In addition to the definitions contained in the Oregon Vehicle Code, the following mean:

- **Alley.** A street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic.
- **Bike Lane.** A portion of roadway that has been designated by striping, signing, and pavement markings for the preferential or exclusive use by bicyclists.
- **Bicycle Path.** A public way, not part of a highway, that is designated by official signs or markings for use by persons riding bicycles except as otherwise specifically provided by law.
- **Bus Stop.** A space on the edge of a roadway designated by signage for the purpose of loading or unloading passengers.
- **Commercial Motor Vehicle.**

(1) A motor vehicle or combination of motor vehicles that:

- a. Has a gross combination weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- b. Has a gross vehicle weight rating of 26,001 pounds or more;
- c. Is designed to transport 16 or more persons, including the driver;
- d. Is of any size and is used in the transportation of hazardous materials, or
- e. Is of any size and is owned or leased by, or operated under contract with, a mass transit district or a transportation district when the vehicle is actually being used to transport passengers for hire, regardless of the number of passengers, unless the vehicle is a taxi.

(2) The term “commercial motor vehicle” does not include the following:

- a. An emergency fire vehicle being operated by firefighters as defined in ORS 652.050.
- b. Emergency vehicles being operated by emergency service workers as defined in ORS 401.025.
- c. A motor home used to transport or house, for non-business purposes, the operator or the operator’s family members or personal possessions;

- d. A vehicle that is owned or leased by, or operated under contract with, a mass transit district or a transportation district when the vehicle is actually being used to transport passengers for hire so long as the vehicle is not one described in subsection (1) (a) to (d) above; or
- e. A recreational vehicle that is operated solely for personal use.
- **Commercial Purposes.** A goal or end involving the buying and/or selling of goods or services for the purpose of making a profit.
- **Crosswalk.** As defined in ORS 801.220.
- **Disabled Motor Vehicle.** A disabled motor vehicle is a motor vehicle that is not capable of being moved under its own power.
- **Emergency Vehicle.** A vehicle that is equipped with lights and sirens (i.e. law enforcement agencies, fire, ambulance service).
- **Gross Vehicle Weight.** The weight of a vehicle without load plus the weight of any load thereon.
- **Inoperable Motor Vehicle.** An inoperable motor vehicle is a motor vehicle that is not capable of being moved under its own power.
- **Intersection.**
  - a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways, or city streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict with; or
  - b. Where a highway or city street includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway or city street by an intersecting highway or city street shall be regarded as a separate intersection. In the event such intersection highway or city street also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways or city streets shall be regarded as a separate intersection.
- **Loaded Weight.** The weight transmitted to the road, through an axle or set of axles, when the vehicle is fully loaded.

- **Loading Zone**. A space on the edge of a roadway designated by signage for the purpose of loading and unloading passengers or materials during specified hours or specified days.
- **Motor Vehicle**. A vehicle that is self-propelled or designed for self-propulsion. Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. "Vehicle" does not include a manufactured structure".
- **Owner**. A person, other than a lien holder, having the property in or title to a vehicle; and such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.
- **Park or Parking**. Means the standing of a vehicle whether occupied or not otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
- **Pedestrian**. Any person afoot or confined in a wheelchair.
- **Person**. A natural person, firm, partnership, association, or corporation.
- **Premises Open to Public**. Premises on which the public is invited at regular hours and regular days during the course of business or social activities or events.
- **Residential Zones**. Includes Single Family Residential (R-1), Multi-Family Residential (R-2), and Planned Residential Development (R-3) as shown on the City of Madras Zoning and Comprehensive Plan Map.
- **Right-of-Way**. That portion of land dedicated to the public for access, utilities, streets, alleys, sidewalks, or any other public purposes. For the purpose of this ordinance, right-of-way shall also mean easement.
- **Road Authority**. The body authorized to exercise authority over a road, highway, street or alley under ORS 810.010.
- **Roadway**. The portion of a highway that is improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.
- **Semi-Tractor**. A vehicle weighing 10,000 pounds or more (unloaded weight).

- **Semi-Trailer.** A trailer designed so that part of the weight of the trailer and part of the weight of any load on the trailer rests upon or is carried by another vehicle and coupled to another vehicle by a fifth wheel hitch. The definition in this section is based on design and, except as otherwise provided in this section, does not prohibit a semitrailer from fitting into another category of trailer based on use.
- **Shoulder.** The portion of a highway, whether paved or unpaved, contiguous to the roadway that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.
- **Sidewalk.** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- **Sight Distance.** The length of roadway a driver can see. The length for measuring sight distance at an intersection is measured by using a height of 3.5 feet above the roadway surface for the height of the driver's eye and the height of the object to be seen is 3.5 feet above the surface of the intersecting road.
- **Stand or Standing.** Means the halting of a vehicle whether occupied or not otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- **Stopping Sight Distance.** Stopping sight distance is the sum of two distances: (1) the distance traversed by the vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied; and (2) the distance needed to stop the vehicle from the instant brake application begins.

Per AASHTO (American Association of State Highway and Transportation Officials) - Geometric Design of Highways and Streets, for a street speed signing posted at 25 mph, the stopping sight distance is 155 feet; for 30 mph - 200 feet; for 35 mph - 250 feet; for 40 mph - 305 feet, and for 45 mph - 360 feet.

- **Street.** The terms "highway," "road," and "street" shall be considered synonymous, unless the context precludes such construction. "Street" includes alleys.
- **Taxicab Stand.** A space on the edge of a roadway designated by signage for use by taxicabs.
- **Traffic Control Device.**
  - 1) Any sign, signal, marking or device placed, operated or erected under ORS 810.210 for the purpose of guiding, directing, warning, or regulating traffic.

- 2) Any device that remotely controls by electrical, electronic, sound or light signal the operation of any device identified in subsection (1) above and installed or operated under authority of ORS 810.210.
  - 3) A stop sign that complies with the Uniform Standards for Traffic Control.
- **Traffic Lane**. That area of the roadway used for the movement of single line of traffic.
  - **Truck Tractor**. A motor vehicle designed and used primarily for drawing other vehicles and so constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn.
  - **Truck Trailer**. Any trailer designed and used primarily for carrying loads other than passengers whether designed as a balance trailer, pole trailer, semi-trailer, or self-supporting trailer.
  - **Unloaded Weight**. The weight of a vehicle when the vehicle is fully equipped exclusive of load.
  - **Vehicle Owned**. Any vehicle registered to, operated, or controlled by a person.

## **ADMINISTRATION**

### **SECTION 4: POWERS OF THE COUNCIL**

- 1) Subject to state laws, the City Council shall exercise all municipal traffic authority for the City except those powers specifically and expressly delegated by this or another ordinance.
- 2) The powers of the Council include, but are not limited to:
  - (a) Designation of through streets.
  - (b) Designation of one-way streets.
  - (c) Designation of truck routes.
  - (d) Designation of parking meter zones.

- (e) Designation of certain streets as bridle paths and prohibition of horses and animals on other streets.
- (f) Authorization of greater maximum weights or lengths for vehicles using City streets than specified by state law.
- (g) Initiation of proceedings to change speed zones.
- (h) Revision of speed limits in parks.
- (i) Restriction on temporary blocking of alleyways and local residential streets or closing of streets.
- (j) Establishment of bicycle lanes and paths, and traffic controls for such facilities.
- (k) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
- (l) Issuance of oversize or overweight vehicle permits.
- (m) Establishment, removal, or alteration of the following classes of traffic controls:
  - 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).
  - 4. Loading zones and stops for vehicles.
  - 5. Traffic control signals.
- (n) Establishment of parking regulations or requirements that are determined to be necessary for the effective utilization and regulation of parking within the public right-of-ways in residential areas of the City.
- (o) Restriction on the location and type of vehicle that blocks the stopping sight distance at intersections.

**SECTION 5: IMPLEMENTATION OF REGULATIONS**

The City Administrator or designee shall implement the ordinances, resolutions, and motions of the Council by installing, maintaining, removing, and altering traffic control devices. The installation shall be based on the standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways."

**SECTION 6: PUBLIC DANGER**

Under conditions constituting a danger to the public, the City Administrator or designee may install temporary traffic control devices.

**SECTION 7: STANDARDS**

The regulations of the City Administrator or designee shall be based on:

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

**SECTION 8: AUTHORITY OF POLICE**

- 1) It is the duty of police officers to enforce the provisions of this ordinance.
- 2) In the event of a fire or other public emergency, officers of the police department or designee may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

**GENERAL REGULATIONS**

**SECTION 9: CROSSING PRIVATE PROPERTY**

No operator of a motor vehicle shall proceed from one street to an intersecting street by crossing private property or premises open to the public. This provision does not apply to the operator of a motor vehicle who stops on the property to procure or provide goods or services.

**SECTION 10: UNLAWFUL RIDING**

- 1) No operator of a motor vehicle shall permit a passenger to, and no passenger shall, ride on a motor vehicle on a street except on a portion of the vehicle designed or intended for the use of passengers. This provision incorporates the provisions of ORS 811.210-Failure to Properly Use Safety Belts and does not apply to those specifically exempted by ORS 811.215-Exemptions from Safety Belt Requirements.
- 2) No person shall board or alight from a motor vehicle while the vehicle is in motion on a street.

**SECTION 11: ROLLER SKATES, SLEDS, ETC.**

**1) Utilization of Public Right-of-Way**

When using the public right-of-way for non motorized vehicle use no person shall engage in activity that endangers or would be likely to endanger any person or property.

**2) Skis, Toboggans, Sleds, or Similar Devices**

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

**SECTION 12: PROHIBITED USE OF SIDEWALK, BICYCLE LANES AND CURB**

- 1) Any activity or use which might obstruct or otherwise impede the normal use of the sidewalk shall be prohibited. Such activities or uses shall include, but not be limited to the following:
  - a) Riding a bicycle on a sidewalk in the downtown area.
  - b) Parking a motorized vehicle or bicycle on the sidewalk or in a bicycle lane.
  - c) Use of horse drawn vehicles or motorized vehicles. Motorized vehicles designed and used by the disabled are the only exception.
  - d) Dumping, depositing, or placing any refuse, leaves or snow upon the sidewalk.

- e) The sale or display of merchandise on or near a sidewalk in such a way that the merchandise or prospective buyers might impede pedestrians or bicyclists on the sidewalk.
  - f) The use of trees, brush, or other plants in such a way that any part of the plant growing on or over the sidewalk might impede or obstruct the passage of pedestrians, bicyclists, repair of utility lines, or street cleaning, maintenance, or paving. or street cleaning, maintenance, or paving.
- 2) Any activity or use which would impede sight distance at street intersections or driveways shall be prohibited.
  - 3) No person shall place dirt, wood, or other material in the gutter or next to the curb.
  - 4) No person shall remove a portion of curb without first obtaining written authorization from the City and posting any required bond.
  - 5) Any person causing damage to City curbs or sidewalks shall be responsible for the cost of repair.

**SECTION 13: REMOVING GLASS AND DEBRIS**

A person causing broken glass or other debris to be on a street, shall remove, and be responsible for associated costs for removal or cleanup.

**SECTION 14: STORAGE OF DISABLED MOTOR VEHICLE ON STREETS**

No person shall store or permit to be stored on a street or other public property, without permission of the Council, a disabled motor vehicle or personal property for a period in excess of seventy-two (72) hours. Failure to move a motor vehicle or other personal property for a period of seventy-two (72) consecutive hours constitutes prima facie evidence of storage of a junk motor vehicle.

**SECTION 15: OBSTRUCTING PUBLIC WAYS**

- 1) No person shall obstruct the free movement of vehicles or pedestrians using the street, sidewalks or other public ways. No person shall park or stand a vehicle in such a manner or location that it impedes traffic or obstructs the view or constitutes a hazard to public safety or an obstruction on a street, sidewalk, or other public way.

- 2) The City may authorize the obstruction of public ways for public events or parades as outlined by City ordinance.

**SECTION 16: SPEED LIMITS IN PUBLIC PARKS**

No person shall drive a vehicle on a street or surface in a public park of this City at a speed exceeding fifteen (15) miles per hour unless signs erected indicate otherwise.

**SECTION 17: UNNECESSARY NOISE**

No person shall operate a motor vehicle in the City in such manner as to create or cause excessive noise whether muffled or non-muffled. The operation of compression brakes, commonly known as "Jake" brakes, in a manner that creates unnecessary noise is prohibited. Causing unreasonable sound amplification from a vehicle where the sound amplification system causes it to be heard fifty (50) or more feet from the vehicle, shall constitute unnecessary noise when the vehicle is on the public roads or public areas in the City.

**SECTION 18: STREETS PROHIBITED TO TRUCKS**

- 1) When the use of certain streets is prohibited to trucks exceeding a specific weight, no person shall operate a truck on such streets contrary to the prohibition except for the purpose of delivering or picking up materials or merchandise, and then only by entering such streets at the intersection nearest the destination of the truck and leaving by the shortest route.

**PARKING REGULATIONS**

**SECTION 19: METHOD OF PARKING**

- 1) No person shall stand or park a motor vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the curb, except where the street is marked or signed for angle parking.
- 2) Where parking spaces are designated on a street, no person shall stand or park a vehicle other than in the indicated direction and, within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

- 3) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street has priority to park in that space, and no other vehicle operator shall attempt to interfere.
- 4) When the operator of a vehicle discovers that the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

## **SECTION 20: PROHIBITED STOPPING, STANDING, OR PARKING OF VEHICLES**

In addition to those areas designated in ORS 811.550, no person shall stop, park or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with the other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

- 1) Semi-truck tractor or trailer on a street in a residential zone or a residential area with an established residential use between the hours of 9:00 p.m. and 7:00 a.m.
- 2) A semi-truck tractor or trailer blocking a sidewalk in a residential zone or a residential area with an established residential use.
- 3) A vehicle in an alley, except for a stop or not more than 30 consecutive minutes for loading or unloading persons or materials.
- 4) A vehicle in violation of lawfully erected parking limitation sign.
- 5) Upon U.S. Highway 97 from Birch Lane south to the city limits.
- 6) A commercial trailer for any purpose located on a street in a residential for a consecutive period exceeding 10 hours. Provided however, the Chief of Police may permit for a period not to exceed 48 hours in the event said period is needed to load or unload personal property. Provided further, brief interruptions in parking (for a period of 2 hours or less) shall not interfere with the 10-hour parking restriction.
- 8) A violation of this section is a parking violation.

## **SECTION 21: USE OF LOADING ZONE**

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. When the hours

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

**SECTION 22: STANDING OR PARKING OF BUSES AND TAXICABS**

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

**SECTION 23: RESTRICTED USE OF BUS AND TAXICAB STANDS**

No person shall stop, stand, or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

**SECTION 24: LIGHTS ON PARKED VEHICLES, AND ON SEMI-TRACTORS, SEMI-TRAILERS, OR SEMI-TRACTORS AND TRAILERS**

- 1) No lights need be displayed upon a vehicle that is parked in accordance with this ordinance on a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.
- 2) A semi-tractor, semi-trailer, or semi-tractor and trailer must be adequately marked with reflectors or parking lights so as not to create a hazard to persons or vehicles using the public right-of-way during nighttime hours between sunset and sunrise unless the semi-tractor, semi-trailer, or semi-tractor and trailer is parked upon a street where there is sufficient light to reveal any object within a distance of 500 feet upon such street.

**SECTION 25: EXTENSION OF PARKING TIME**

Where maximum parking time limits are designated by signage, the movement or relocation of a vehicle or semi-tractor, semi-trailer, or semi-tractor or trailer within a city block (between the intersections of the two nearest public streets) shall not extend the time limits for parking.

**SECTION 26: EXEMPTION**

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

- 1) Emergency vehicles are exempt from these requirements and will be allowed in all residential, commercial, and industrial areas.
- 2) Vehicles used for commercial purposes making deliveries or providing services.
- 3) A vehicle of the city, county, state, or a public or private utility while necessarily in use for construction or repair work on a street or utility.
- 4) A vehicle owned by the United States while in use for the collection, transportation, or delivery of mail.

**BICYCLES**

**SECTION 27: GENERAL RULES**

In addition to observing all other applicable provisions of this ordinance and state law pertaining to bicycles, a person shall:

- 1) Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway, or building entrance.

**PEDESTRIANS**

**SECTION 28: PEDESTRIANS MUST USE CROSSWALKS**

No person shall cross a street other than within a crosswalk, in blocks with marked crosswalks, except when there is no marked crosswalk within 200 feet from the point of crossing.

**SECTION 29: RIGHT ANGLES**

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

**PARADES AND PROCESSIONS**

**SECTION 30: PROHIBITED ACTIVITY**

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

**SECTION 31: PARADE PERMIT**

- 1) Application for parade permits shall be made to the City Administrator at least fourteen (14) days prior to the intended date of the parade, unless the time is waived by him or her.
- 2) Applications shall include the following information:
  - a) The name and address of the person responsible for the proposed parade.
  - b) The date of the proposed parade.
  - c) The desired route, including assembling points.
  - d) The number of persons, vehicles, and animals that will be participating in the parade.
  - e) The proposed starting and ending time.
- 3) The application shall be signed by the person designated as chairperson.
- 4) The City Administrator shall issue a parade permit conditioned on the applicant's written agreement to comply with the terms of the permit unless the administrator finds that:

- a) The time, route, and size of the parade will unreasonably disrupt the movement of other traffic.
  - b) The parade is of a size or nature that requires the diversion of so great a number of police officers, to properly police the line of movement and contiguous areas, that allowing the parade would deny reasonable police protection to the City.
  - c) The parade will interfere with another parade for which a permit has already been issued.
  - d) Information contained in the application is found to be false or a material detail is omitted.
  - e) The applicant refuses to agree to abide by or comply with all conditions of the permit.
- 5) If one or more of the conditions listed in subsection 4, other than subpart e), exists, the administrator may impose reasonable conditions in the permit, including but not limited to:
- a) Requiring an alternate date.
  - b) Requiring an alternate route.
  - c) Restricting the size of the parade.
- 6) The administrator shall notify the applicant of the decision within ten (10) days after receipt of the application.
- 7) If the administrator proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the Council.

**SECTION 32: APPEAL TO COUNCIL**

- 1) An applicant may appeal the decision of the administrator denying the parade permit by filing a written request of appeal with the City Recorder within forty-eight (48) hours after the administrator has proposed alternatives or refused to issue a permit.

- 2) The City Recorder shall schedule a hearing date, at the next regular Council meeting following receipt of Appeal by the City Recorder provided that the appeal is received at least seven (7) days prior to the Council meeting, and shall notify the applicant of the date and time that he or she may appear either in person or by a representative.

**SECTION 33: OFFENSES AGAINST PARADE**

- 1) No person shall unreasonably interfere with a parade or parade participant.
- 2) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

**SECTION 34: PERMIT REVOCABLE**

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

**SECTION 35: FUNERAL PROCESSION**

- 1) No permit is required for a funeral procession.
- 2) A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.
- 3) The procession, at the discretion of the Police Department, may be accompanied by adequate escort vehicles for traffic control.
- 4) Funeral lead vehicles, as well as funeral escort vehicles, must be equipped with, and use warning lights or hazard lights while driving in a funeral procession. All motor vehicles in the funeral procession should be operated with their lights on.
- 5) No person shall unreasonably interfere with a funeral procession.
- 6) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.
- 7) Each driver in the procession shall follow the vehicle ahead as closely as is practical and safe.

## **PARKING CITATIONS AND OWNER RESPONSIBILITY**

### **SECTION 36: ILLEGALLY PARKED VEHICLES**

When a vehicle without a driver is found parking in violation of a restriction imposed by this code or State law, the officer finding the vehicle shall conspicuously affix a parking citation to the vehicle. The citation shall instruct the driver to answer to the charge or pay the penalty imposed at the appropriate court. The citation shall also state any additional penalties that may be imposed for failure to comply.

### **SECTION 37: REGISTERED OWNER PRESUMPTION**

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

## **IMPOUNDMENT AND PENALTIES**

### **SECTION 41: IMPOUNDMENT OF VEHICLES**

- 1) When a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, even if the vehicle was parked by another or if the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.
- 2) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the procedures of the City relating to impoundment and disposition of vehicles abandoned on the City streets.
- 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.

An impounded vehicle shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in subsection 2 of this section.

**SECTION 42: PENALTIES**

- 1) Violation of Sections 9 to 17 is punishable by a fine not to exceed \$250.
- 2) Violation of Sections 19 to 35 is punishable by a fine not to exceed \$125.
- 3) Violation of a provision identical to a state statute is punishable by a fine not to exceed the penalty prescribed by the state statute.
- 4) Disabled/Handicap parking violations are punishable by the amount established by Oregon State Law.

**SECTION 43: CORRECTIONS**

This Ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

**SECTION 44: SEVERABILITY**

If any section, subsection, sentence, clause or portion of this ordinance is for any reason held invalid or rendered unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect constitutionality of the remaining portion thereof.

**SECTION 45: EXISTING CONTROL DEVICES AND MARKINGS**

Parking and traffic control devices and markings installed prior to the adoption of this ordinance are lawfully authorized.

**SECTION 46: REPEAL**

Ordinances No. 504 and 542 will be repealed on the effective date of this ordinance. A prosecution which is pending on the effective date of this Ordinance and which arose from

a violation of an ordinance repealed by this Ordinance, or a prosecution which is started within one year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance, shall be tried and determined exactly as if the Ordinance had not been repealed.

**SECTION 47: EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after its enactment.

9<sup>th</sup> **ADOPTED** by the City Council of the City of Madras and signed by the Mayor this November, 2010.