

Title 10

VEHICLES AND TRAFFIC

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Chapter 10.04

INTRODUCTORY PROVISIONS AND DEFINITIONS

Sections:

- 10.04.010 Short title.
- 10.04.020 Definitions.

10.04.010 Short title.

The ordinance codified in this chapter may be cited as the city uniform traffic ordinance. (Ord. 191-1998 § 1)

10.04.020 Definitions.

In addition to definitions in the Oregon Vehicle Code, the following as used in this title mean:

"Bus stop" means a roadway space designated by sign for use by buses to load or unload passengers.

"Holiday" means New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the council to be a holiday when city hall is closed.

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

"Motor truck" means a motor vehicle with a maximum Gross Vehicle Weight Rating (GVWR) of 14,001 pounds or greater which is designated or used to carry freight, property, articles or things.

"Motor vehicle" means every self-propelled vehicle or vehicle designed for self-propulsion.

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

"Public property" means all property, real or personal, used by the public and which

is either owned by a public entity or local authority, leased by a public entity or local authority, or over which a public entity or local authority has a superior property right over private owners.

"Recreational vehicle" means all vehicles used for recreational activities which shall include but are not limited to camper, motor home, travel trailer, boat trailer, and trailers.

"Street" means highway, road or street as defined in ORS 801.110, 801.305, 801.450 and 801.524, including the entire width of the right-of-way.

"Traffic control device" means all signs, signals, markings, and devices not inconsistent with this title and ORS Chapter 483, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding or directing, warning or regulating traffic.

"Traffic lane" means that area of the road-way used for a single line of traffic movement.

"Vehicle" means any device, including animal drawn, in, upon, or by which any person or property is or may be transported upon any road, street, highway or parking lot. (Amended during 2001 codification; Ord. 191-1998 § 3)

Chapter 10.08

APPLICABILITY OF STATE TRAFFIC LAWS

Sections:

10.08.010 Applicability of state traffic laws.

10.08.010 Applicability of state traffic laws.

Violation of provisions in Oregon Revised Statutes, Chapters 153, 743, and 801 through 812, inclusive, as now constituted, is an offense against the city. (Ord. 191-1998 § 2)

Chapter 10.12

ADMINISTRATION AND ENFORCEMENT

Sections:

10.12.010 Powers of the council.

10.12.020 Duties of the city manager.

10.12.030 Public danger.

10.12.040 Standards.

10.12.050 Authority of law enforcement and fire officers.

10.12.060 Impoundment of vehicles.

10.12.070 Penalties.

10.12.010 Powers of the council.

A. Subject to state laws, the city council shall exercise all local traffic authority for the city, except those powers expressly delegated by this or another chapter or ordinance.

B. The powers of the city council include, but are not limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking zones;
5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage or excess traffic;
6. Authorization, by resolution, of greater maximum weights or lengths than specified by state law for vehicles using city streets;
7. Initiation of proceedings to change speed zones;
8. Revision of speed limits in parks;
9. Temporary closure or blocking of streets;
10. Establishment of bicycle lanes and paths and traffic controls for such facilities.

C. The powers enumerated in subsection B of this section may be implemented by the city manager or the designee when such authority is delegated to the city manager by motion or resolution of the council. (Ord. 191-1998 § 4)

10.12.020 Duties of the city manager.

The city manager or the designee shall exercise the following duties:

A. Implement ordinances, resolutions and motions of the city council orders by installing, maintaining, removing, and altering traffic control devices. Installation shall be based on standards contained in the Manual on Uniform Traffic Control Devices for Streets and Highways and the Oregon Supplements;

B. Establish, remove or alter the following classes of traffic controls:

1. Crosswalks, safety zones and traffic lanes,
2. Intersection channelization and areas where vehicle drivers shall not make right, left or U-turns and the time when the prohibition applies,
3. Parking areas and time limitations, including the form and type of permissible parking (e.g., parallel or diagonal, truck etc.);

C. Temporarily close or block streets;

D. Charge appropriate fees for “traffic control” costs when associated with a street closure for other than public benefit. (Ord. 191-1998 § 5)

10.12.030 Public danger.

A. Under conditions constituting a danger to the public, the city manager or designee may install temporary traffic devices.

B. Nonfunctioning traffic control devices shall be treated as an all-way stop by vehicle operators on all affected streets. (Ord. 191-1998 § 6)

10.12.040 Standards.

The regulations of the city manager or designee, shall be based on:

A. Traffic engineering principles and traffic investigations;

B. Standards, limitations and rules promulgated by the Oregon Transportation Commission;

C. Other recognized traffic control standards.

(Ord. 191-1998 § 7)

10.12.050 Authority of law enforcement and fire officers.

A. It is the duty of police officers to enforce the provisions of this chapter.

B. 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 chapter. (Ord. 191-1998 § 8)

10.12.060 Impoundment of vehicles.

A. Disposition of a vehicle towed and stored under provisions of state law for the removal of hazardous vehicles shall be in accordance with the provisions of state law or city ordinance on impoundment and disposition of abandoned vehicles.

B. Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this chapter.

C. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner. (Ord. 191-1998 § 35)

10.12.070 Penalties.

A. Violation of Chapter 10.16 is punishable by fine not to exceed fifty dollars (\$50.00) per day with each day of continuance considered a separate offense.

B. Violation of Chapters 10.20 and 10.24 is punishable by fine not to exceed one hundred dollars (\$100.00) per day with each day of continuance considered a separate offense.

C. Violation of a provision identical to a state statute is punishable by a fine not to exceed the penalty prescribed by the state statute. (Ord. 191-1998 § 36)

Chapter 10.16

SUPPLEMENTAL TRAFFIC CONTROL REGULATIONS

Sections:

10.16.010 Crossing private or public property.

10.16.020 Unlawful riding.

10.16.030 Roller skates, roller blades, skateboards, sleds, bicycles, and similar devices.

10.16.040 Damaging sidewalks and curbs.

10.16.050 Removing glass and debris.

10.16.060 Storing recreational vehicles on streets.

10.16.070 Obstructing streets.

10.16.080 Unnecessary noise.

10.16.010 Crossing private or public property.

No operator of a vehicle shall proceed from one street to an intersecting street by leaving the roadway and crossing private property or premises open to the public. This provision, does not apply to the operator of a vehicle who stops on the property to procure or provide goods or services. (Ord. 191-1998 § 9)

10.16.020 Unlawful riding.

A. The operator of a vehicle shall not permit a passenger to, and no passenger shall, ride on a vehicle on a street except within a part of the vehicle designed or intended for the use of passengers. This provision does not apply to an employee engaged in the discharge of a duty or to a person riding within a truck body in space intended for merchandise.

B. No person shall board or alight from a vehicle while the vehicle is in motion on a street. (Ord. 191-1998 § 10)

10.16.030 Roller skates, roller blades, skateboards, sleds, bicycles, and similar devices.

A. The use of such devices shall be in a considerate, reasonable, nonreckless manner, not exposing a hazard or nuisance to property or persons; and such use shall not be allowed on private property without permission of the property owner, and otherwise will constitute trespassing thereon.

B. Such devices may be used in the manner described in subsection A of this section on bicycle paths, sidewalks, streets, and crosswalks, where such persons with devices shall give right-of-way to pedestrians, and shall otherwise have all rights and be subject to all duties applicable to pedestrians. (Ord. 191-1998 § 11)

10.16.040 Damaging sidewalks and curbs.

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

B. No unauthorized person shall place dirt, wood, or other material that could serve as a ramp, in the gutter or space next to the curb of a street.

C. No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization and posting bond, if required by ordinance. A person who causes damage shall be responsible for the cost of repair. (Ord. 191-1998 § 12)

10.16.050 Removing glass and debris.

A party to a vehicle accident of a person causing broken glass or other debris to be on a street shall be responsible to remove the glass or other debris from the street. (Ord. 191-1998 § 13)

10.16.060 Storing recreational vehicles on streets.

Unless authorized by a valid permit, no person shall store, or permit to be stored on a street or other public property, vehicles, boat trailers, house trailers, motor homes, trailers, other similar devices, or personal property where temporary vehicle parking

is authorized, in excess of seventy-two (72) hours. Failure to move a recreational vehicle or other personal property for seventy-two (72) hours constitutes prima facie evidence of storage.

A. A parking permit may be obtained, from the city clerk's office by filing an application when off-street parking is not available.

B. If it is determined that the issuance of a permit is not contrary to the purpose of this section, a permit authorizing the applicant to park a recreational vehicle for a designated time may be issued, and may attach conditions necessary to carry out the purpose of this section.

C. The period of occupancy granted under the permit shall not exceed fourteen (14) consecutive days, or fourteen (14) days during any thirty (30) day period. (Ord. 191-1998 § 14)

10.16.070 Obstructing streets.

No person shall park or leave on a street, including an alley, parking strip, sidewalk or curb, a vehicle part, trailer, box, ware, merchandise of any description, or any other thing that impedes traffic or obstructs the view, except as is allowed by this chapter or other ordinances of the city. (Ord. 191-1998 § 15)

10.16.080 Unnecessary noise.

No person shall operate a motor vehicle in the city in such a manner as to create or cause excessive noise. The operation of compression brakes, commonly known as "Jacob" brakes, in a manner that creates unnecessary noise is prohibited. (Ord. 191-1998 § 16)

Chapter 10.20

STOPPING, STANDING AND PARKING

Sections:

10.20.010 Method of parking.

10.20.020 Prohibited parking.

10.20.030 Prohibited practices.

10.20.040 Use of loading zone.

10.20.050 Authorized emergency vehicles.

10.20.060 Lights on parked vehicle.

10.20.070 Extension of parking time.

10.20.080 Exemptions.

10.20.090 Citation on illegally parked vehicle.

10.20.100 Owner responsibility.

10.20.110 Registered owner presumption.

10.20.010 Method of parking.

A. When parking spaces are designated on a street or public lot, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a

manner that the front vehicle tire closest to the curb is located within twelve (12) inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

- B. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator shall attempt to interfere.
- C. When 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 the vehicle from the area unless directed otherwise by police or fire officers.
- D. No person shall improperly park a vehicle on a highway, road or street. Improper parking includes parking on a sidewalk, safety zone, yellow parking zone or similar area designated by traffic control device. (Ord. 191-1998 § 17)

10.20.020 Prohibited parking.

No person shall park or stand:

- A. A vehicle in violation of the Oregon Vehicle Code or in violation of a parking limitation device, or curb painting;
- B. A vehicle in an alley, except for a stop of not more than thirty (30) consecutive minutes for loading or unloading persons or material;
- C. A motor truck as defined in Municipal Code 10.04.020, on a street or private property in any residential zone except for loading and unloading purposes or in an dedicated parking location approved by the council or their designee;
- D. A motor truck as defined in Municipal Code 10.04.020, with the motor or refrigeration units running and audible to persons in a residence, motel, apartment house, hotel, or other sleeping accommodation, for more than five consecutive minutes between the hours of nine p.m. and seven a.m. on a street in front of or adjacent to, in a residence, motel, apartment house, hotel, or other sleeping accommodation. (Ord. 191-1998 § 18)
- E. Parking a vehicle in a residential zone on or in front yard setbacks, as defined in Boardman Development Code Chapter 2.1.120 (A), other than in accordance with Boardman Development Code Chapter 3.1.200 (K).

10.20.030 Prohibited practices.

No operator shall park a vehicle, and no owner shall allow a vehicle to be parked, on a street or other public property for the principal purpose of:

- A. Displaying the vehicle for sale at a location other than in front of the owner's primary residence;
- B. Displaying a vehicle for sale at a location other than owner's primary residence for longer than four hours;
- C. Repairing or servicing the vehicle, except while making repairs necessitated by an emergency;
- D. Displaying temporary advertising from the vehicle;
- E. Selling merchandise from the vehicle, except when authorized. (Ord. 191-1998 § 19)

10.20.040 Use of loading zone.

No person shall park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed thirty (30) minutes. (Ord. 191-1998 § 20)

10.20.050 Authorized emergency vehicles.

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from, a fire alarm, may park or stand irrespective of the provisions of this chapter.
- B. This section shall not relieve drivers of authorized emergency vehicles from the duty to park or stand with regard for the safety of all persons. (Ord. 191-1998 § 21)

10.20.060 Lights on parked vehicle.

No lights need be displayed on a vehicle that is parked in accordance with this chapter on a street where there is sufficient light to reveal a person or object at a distance of at least five hundred (500) feet from the vehicle. (Ord. 191-1998 § 22)

10.20.070 Extension of parking time.

Where maximum parking time limits are designated, moving a vehicle to another parking space within the same block shall not extend the time limits for parking. (Ord. 191-1998 § 23)

10.20.080 Exemptions.

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

- A. A city, county, state, or public utility vehicle being used for public works maintenance, construction or repair work;
- B. A vehicle owned by the United States being used for collection, transportation or delivery of mail;
- C. A vehicle of a disabled person who complies with the provisions of ORS 801.235 and ORS 811.602 to 811.640. (Amended during 2001 codification; Ord. 191-1998 § 24)

10.20.090 Citation on illegally parked vehicle.

When a vehicle without an operator is found parked in violation of a restriction imposed by this chapter or state law, a citation may be issued in accordance with the penalties prescribed by this chapter or the applicable state statute. (Ord. 191-1998 § 32)

10.20.100 Owner responsibility.

The owner of the vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent. (Ord. 191-1998 § 33)

10.20.110 Registered owner presumption.

In a proceeding charging violation of a parking restriction against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner. (Ord. 191-1998 § 34)

Chapter 10.24

PARADES AND FUNERAL PROCESSIONS

Sections:

10.24.010 Prohibited activity.

10.24.020 Parade permit.

10.24.030 Issuance and denial of permit.

10.24.040 Appeal to council.

10.24.050 Offenses against parade.

10.24.060 Permit revocable.

10.24.070 Funeral processions.

10.24.010 Prohibited activity.

No person shall organize or participate in a parade which 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 that consists of twenty (20) or more persons or five or more vehicles. (Ord. 191-1998 § 25)

10.24.020 Parade permit.

A. Application for a parade permit shall be made to the city manager at least ten (10) days before the date of the parade unless the time limit is waived by the city manager.

B. The application shall be signed by the person designated as chairperson and shall include the following:

1. The name and address of the person responsible for the parade;
2. The date of the parade;
3. The desired route, including assembling and dispersal points;
4. The number of persons, vehicles and animals that will participate;
5. The proposed starting and ending time. (Ord. 191-1998 § 26)

10.24.030 Issuance and denial of permit.

A. If on receipt of the application, the city manager determines that the parade can be conducted without endangering public safety or seriously inconveniencing the general

public, the route shall be approved and the permit issued.

B. Parade sponsors may be required to post a bond, in an amount required by the city, and “hold” the city “harmless” against any and all claims for damage arising out of the act of staging a parade.

C. If the city manager determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, the city manager may:

1. Propose an alternate route;
2. Propose an alternate date;
3. Refuse to issue a permit.

D. The city manager shall notify the applicant of the decision within five days of receipt of the application.

E. If the city manager proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the city council.

F. If the city manager determines that police department is required to carry out “traffic control,” parade organizers may be charged an appropriate fee for costs. (Ord. 191-1998 § 27)

10.24.040 Appeal to council.

A. The applicant may appeal the decision of the city manager by filing a written request of appeal with the city clerk within five days after the city manager has proposed alternatives or refused to issue a permit.

B. The council shall schedule a hearing, which shall not be later than the second regular meeting following the filing of the written appeal and shall notify the applicant of the date and time. (Ord. 191-1998 § 28)

10.24.050 Offenses against parade.

A. No person shall unreasonably interfere with a parade or a parade participant.

B. No person shall operate a vehicle that is not part of a parade between the vehicles or persons in the parade. (Ord. 191-1998 § 29)

10.24.060 Permit revocable.

The city manager may revoke a parade permit if circumstances show that the parade can no longer be conducted consistent with public safety. (Ord. 191-1998 § 30)

10.24.070 Funeral processions.

A. No permit shall be required for a funeral procession.

B. A funeral procession shall proceed to the place of internment by the most direct route that is both legal and practical.

C. The procession shall be accompanied by an adequate number of escort vehicles for traffic control.

D. All motor vehicles in the procession shall be operated with their lights on. (Ord. 191-1998 § 31)

Chapter 10.28

ABANDONED VEHICLES

Sections:

10.28.010 Definitions.

10.28.020 Declaration of public nuisance.

10.28.030 Police duty.

10.28.040 Hearing.

10.28.050 Exceptions--Emergency vehicles.

10.28.060 Penalties.

10.28.010 Definitions.

For the purposes of applying the abandoned vehicles provisions of the Oregon Vehicle Code within the city of Boardman, the following words or phrases as used in this chapter shall mean:

“Abandoned vehicle” means a vehicle left unoccupied and unclaimed or in a damaged or dismantled condition such that the vehicle is inoperable.

Discarded vehicles may be considered to include major parts of vehicles, including but not limited to bodies, engines, transmissions and rear ends and any other motor vehicle parts.

“Hazard or obstruction to traffic” means leaving a vehicle in a location or condition such as to constitute an immediate and continuous hazard to the safety of the persons using the streets or alleys of the city. For example, and not by limitation, leaving:

1. Vehicles blocking public or private rights-of-way;
2. Vehicles with leaks in gas tanks;
3. Vehicles blocking fire hydrants.

“Hearings officer” means the city clerk, or as designated by the city manager.

“Vehicle owner” means an individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership of record or any interest, legal or equitable, in a vehicle.

“Fees” means storage fees and administrative fees shall be established by the city council by resolution.

Pursuant to ORS 801.040 and 819.140, as now constituted, the impoundment of an abandoned or hazardous vehicle shall be governed by the provisions of the Oregon Vehicle Code, and by the procedures adopted by the city police department relating to impoundment of abandoned and hazardous vehicles.

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.

The impoundment of a vehicle will not preclude the issuance of a citation for a

violation of a provision of this chapter.

Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner. (Ord. 190-1998 § 1)

10.28.020 Declaration of public nuisance.

A. The open accumulation and storage of a discarded vehicle is found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create a fire hazard, to constitute an attractive nuisance causing a hazard to the health and safety of minors, to create a harborage of rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of a discarded vehicle on private or public property is declared to constitute a public nuisance which may be abated in accordance with the provisions of this chapter.

B. Prohibited Action. No person shall store or permit the storing of discarded vehicles upon private property within the city unless the vehicle is completely enclosed within a building or unless it is in connection with a business enterprise dealing in junked vehicles lawfully conducted within the city. (Ord. 190-1998 § 2)

10.28.030 Police duty.

Whenever a discarded vehicle is found upon private or public property, the public safety officer shall:

A. Make an investigation to discover the owner of the vehicle and/or the person in charge of the property upon which the vehicle is located. The public safety officer shall give notice by affixing a notice to the vehicle at least one hundred twenty (120) hours (five days) before taking the vehicle into custody. The one hundred twenty (120) hour (five-day) period includes holidays, Saturdays, and Sundays. The officer should give city hall a list of vehicles towed and where they were towed.

B. After the vehicle has been taken into custody the public safety officer shall give, within forty-eight (48) hours of the vehicles removal, by certified mail, written notice. This notice shall state that the vehicle has been taken into custody and give the location of the vehicle, and describe procedures for release of the vehicle, and procedures for obtaining a hearing to contest removal and custody. This forty-eight (48) hours does not include holidays, Saturdays and Sundays. Any notice given after a vehicle is taken into custody and removed shall state all of the following:

1. That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle and the statute (ordinance) under which the vehicle was taken into custody and removed;
2. The location of the vehicle or the phone number and address of the appropriate authority that will provide the information;
3. That the vehicle is subject to towing and storage charges;
4. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority;
5. That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle

into custody and removing it, and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested;

6. That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or deposit of cash security or a bond equal to the charges with appropriate authority.

C. Procedures for vehicles that have no vehicle identification number are as follows: If the vehicle has no license plates or VIN then the authority (city) has no requirement to provide notice and the vehicle may be disposed of as though notice and an opportunity for hearing had been given. (Ord. 190-1998 § 3)

10.28.040 Hearing.

The owner of the vehicle taken into custody must request a hearing within five calendar days after receipt of the notice. The request may be made in person or in writing to the hearings officer. Failure to make a timely request for a hearing shall constitute of a waiver of the right to a hearing. Hearing to contest validity of removal and custody will be conducted as prescribed in ORS 819.190. (Ord. 190-1998 § 4)

10.28.050 Exceptions--Emergency vehicles.

The provisions of this chapter regulating the operation, parking and standing vehicles, shall apply to authorized emergency vehicles, except as follows:

A. A driver, when operating an emergency vehicle in an emergency, except when otherwise directed by a police officer or other authorized person, may park or stand, notwithstanding the provisions of this chapter.

B. A driver of a police vehicle or fire department engine, when operating such vehicle in an emergency, may disregard regulations governing turning in specified directions and operation as long as the driver does not endanger life or property.

The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of the driver's reckless disregard for the safety of others. (Ord. 190-1998 § 5)

10.28.060 Penalties.

Violation of this chapter is punishable by a fine not to exceed two hundred fifty dollars (\$250.00). (Ord. 190-1998 § 6)

Chapter 10.32

IMPOUNDMENT OF VEHICLES FOR LICENSING, REGISTRATION AND INSURANCE VIOLATIONS

Sections:

10.32.010 Title.

10.32.020 Definitions.

10.32.030 Prohibited acts.

10.32.040 Impound.

10.32.050 Impound procedures.
10.32.060 Notice.
10.32.070 Hearing.
10.32.080 Release of vehicle.
10.32.090 Towing and storage liens.
10.32.100 Suspension of notice and hearing requirements.
10.32.110 Civil penalties.
10.32.120 Jurisdiction.

10.32.010 Title.

This chapter shall be known, and may be cited, as the Motor Vehicle Registration, Licensing and Insurance Chapter. (Ord. 178 § 1 (part), 1996)

10.32.020 Definitions.

In addition to the definitions in the Oregon Vehicle Code (ORS Chapter 801), which are adopted as if fully set forth herein, the following definitions apply for the purposes of this chapter:

“Unregistered vehicle” means a vehicle is unregistered if it is being operated upon a public highway and one or more of the following conditions exist:

1. The vehicle license plate or registration sticker has expired or has been cancelled;
2. The vehicle has no license plate;
3. No registration certificate is provided by the driver of the vehicle upon request.

Uninsured Vehicle. A vehicle is uninsured if it is being operated upon a public highway and the driver is unable to produce a certificate demonstrating proof of insurance which insures either the vehicle being driven or the driver operating the vehicle.

Unlicensed Driver. A driver is an unlicensed driver if the driver, while operating a motor vehicle upon a public highway, does not have in the driver’s possession a valid operator’s license and a standard driver’s license check performed by a public safety officer indicates that the identified driver does not hold a current, valid Oregon driver’s license.

“Public safety officer” means a peace officer, Morrow County code enforcement officer, fire prevention inspector, firefighter, or any person who, during an emergency formally declared by the Morrow County Court, has been deputized by and is acting pursuant to the orders of the Morrow County sheriff. (Ord. 178 § 1 (part), 1996)

10.32.030 Prohibited acts.

No person shall operate a vehicle upon a public highway, or upon premises open to the public, which are located within Morrow County unless the person has in their possession the following:

- A. A valid operator’s license;
- B. A certificate indicating proof of a current insurance policy which meets the minimum requirements under Oregon State Statute; and
- C. A valid vehicle registration card.

(Ord. 178 § 1 (part), 1996)

10.32.040 Impound.

A vehicle may be towed without prior notice when a public safety officer has probable cause to believe that a motor vehicle is being operated upon a public highway or premises open to the public within Morrow County and the driver thereof does not possess a valid operator's license and either:

A. Cannot produce proof of insurance which meets the minimum requirements under Oregon State Statute; or

B. Cannot produce a valid registration card for the vehicle being operated. (Ord. 178 § 1 (part), 1996)

10.32.050 Impound procedures.

A public safety officer, upon discovering that the operator of a vehicle is in violation of Section 10.32.030, shall:

A. Contact the Morrow County sheriff's department dispatch to arrange for impound for the vehicle; and

B. Provide the operator of the vehicle with notice of impound by delivering to the operator a copy of a completed vehicle tow information report. A vehicle tow information report shall contain at least the following information: the date of impound, the location where the violation resulting in the impound occurred, identification of the operator of the vehicle (if available), the name of the vehicle's registered owner (if available), a description of the reason(s) for impound, an explanation of the procedure for retrieval of the vehicle, and a statement of the rights of the legal owner(s) of the vehicle or person(s) entitled to possession to a hearing in order to contest the validity of impound. (Ord. 178 § 1 (part), 1996)

10.32.060 Notice.

A. Notice is given when:

1. At the scene of a tow resulting from violation of Section 10.32.030, the public safety officer completes the vehicle tow information report and delivers a copy thereof to the operator of the vehicle, who is also the vehicle's legal owner of record; or

2. When the operator is not the legal owner, notice is deemed given when a certified letter addressed to the registered owner of the vehicle and the legal owner, if any, return receipt requested and postage prepaid, is mailed within forty-eight (48) hours after the vehicle is taken into possession by, or at the direction of a public safety officer.

B. If the vehicle is registered with the Motor Vehicles Division of the State of Oregon, notice may be addressed to the registered owner, and the legal owner, if any, at the last respective address of each as shown by the records of the Motor Vehicles Division. If the vehicle is not so registered, reasonable efforts shall be made to ascertain the name and address of the legal owner or person entitled to possession of the vehicle so that notice may be mailed, if reasonably possible, within forty-eight (48) hours of impound.

C. The notice required by this section shall state the following:

1. The name and title of the officer, or identification of other authorized personnel issuing the notice;

2. That any person who, at the request of a public safety officer, impounds a vehicle, shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien; and

3. That a hearing on the validity of the proposed impound may be held, if re-requested within five calendar days of receipt of notice by the owner.

D. After a vehicle has been impounded pursuant to Section 10.32.040 notice must be provided to the registered owner, if known, indicating:

1. The location of the vehicle;

2. That a lien has arisen on the vehicle in favor of the person who towed and is storing the vehicle; and

3. That the vehicle may be sold at public auction to satisfy the lien; and

4. That a hearing on the validity of the tow may be held, if requested within five calendar days of receipt of notice by the owner. (Ord. 178 § 1 (part), 1996)

10.32.070 Hearing.

A. Request for Hearing. The owner must request a hearing within five calendar days after receipt of the notice. The request may be made in person or in writing to the Morrow County sheriff's office. Failure to make a timely request for a hearing shall constitute a waiver of the right to a hearing.

B. Hearing Procedures.

1. When timely request for a hearing is made, a hearing shall be held before a hearings officer, who shall be appointed by the Morrow County court.

2. The hearing shall be set and conducted within four calendar days of receipt of the request, excluding holidays, Saturdays and Sundays. The hearing can be set for a later date if the owner or person entitled to possession so requests.

3. At the hearing, the owner may contest the validity of the impound.

4. The county shall have the burden of proving by a preponderance of the evidence the validity of the impound. The county may present evidence either by testimony of the police officer, traffic officer or code enforcement officer, or by written report of the officer. If the county's evidence is presented only by written report and hearings officer cannot resolve a question by information contained in the report, the hearing may be held open for reasonable time to complete the record.

C. Decision of the Hearings Officer. If the hearings officer finds that:

1. Impound of the vehicle was proper, the hearings officer:

a. Shall enter an order supporting the removal; and

b. Shall find that the owner or person entitled to possession is liable for any towing and storage charges resulting from the impound; and

c. May find that the owner or person entitled to possession is liable for the costs of the tow hearing, including costs of the hearings officer and any witnesses.

2. Impound of the vehicle was improper, the hearings officer shall:

a. Order the vehicle released to the owner or person entitled to possession;

b. Find that the owner or person entitled to possession is not liable for any towing or

storage charges resulting from the impound; and

c. Order the county to satisfy the towing and storage lien.

D. The decision of the hearings officer is final.

E. If the person requesting the hearing does not appear at the scheduled hearing, the hearings officer may enter an order supporting the impound and assessment of towing and storage costs, and shall add an assessment for the costs of the hearings officer and any witnesses who appeared at the time set for hearing. (Ord. 178 § 1 (part), 1996)

10.32.080 Release of vehicle.

A. A vehicle which has been impounded under Section 10.32.040 may be re-leased to the registered owner or legal owner, if different, if the owner or person entitled to possession has paid all of the accrued towing and storage costs, unless otherwise ordered by the hearings officer, and shows:

1. Proof of ownership of the vehicle;

2. Proof of insurance coverage for the vehicle which satisfies the minimum requirements under Oregon State Statute; and

3. A release from the Morrow County sheriff's department which indicates that a valid vehicle registration has been established.

B. If the vehicle is to be driven, the driver must also present a valid driver's license. (Ord. 178 § 1 (part), 1996)

10.32.090 Towing and storage liens.

A person who, at the request of a public safety officer takes a vehicle into custody under the provisions of Section 10.32.040 of this chapter shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be a possessory chattel lien in accordance with ORS 87.142 and shall be foreclosed in the manner provided in ORS 87.152 to 87.212. If the appraised value of the vehicle is seven hundred fifty dollars (\$750.00) or less, the vehicle shall be disposed of in the manner provided in ORS 819.220. Evidence regarding market value from any person who deals, trades, buys, or disposes of such vehicles in the ordinary course of such person's business shall be sufficient to establish market value. (Ord. 178 § 1 (part), 1996)

10.32.100 Suspension of notice and hearing requirements.

In all cases where removal, towing or impoundment of any vehicle has been performed by persons engaged in emergency operations after formal declaration of emergency by the Morrow County court, all notice and hearing requirements contained herein shall be suspended and held in abeyance until abatement of the conditions creating the emergency reasonably allow for providing notice and hearing. (Ord. 178 § 1 (part), 1996)

10.32.110 Civil penalties.

Any person who violates the provisions of Section 10.32.030 of this chapter shall be

punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00). (Ord. 178 § 1 (part), 1996)

10.32.120 Jurisdiction.

The chapter shall apply within the unincorporated areas of Morrow County and within the boundaries of incorporated cities which have consented to application of this chapter within their boundaries pursuant to the provisions of ORS 203.040. The Circuit, District and Justice Courts for the State of Oregon for the county of Morrow have con-current jurisdiction over any and all violations of this chapter. In all cases where civil penalty is sought to be imposed as provided in Section 10.32.110 of this chapter, a com-plaint, signed by the Morrow County district attorney, or the Morrow County counsel, shall be filed in the Morrow County justice court, which shall have original jurisdiction over the proceedings. The proceedings shall thereafter be conducted in accordance with the laws of the state of Oregon and the rules of the Morrow County justice court, including any right of appeal therefrom. (Ord. 178 § 1 (part), 1996)

Chapter 10.36

MOTOR TRUCK ROUTES

Sections:

10.36.010 Definitions.

10.36.020 Operation of motor trucks.

10.36.030 Exemptions.

10.36.040 Penalty.

10.36.010 Definitions.

As used in this chapter, unless the context requires otherwise:

A. "Motor vehicle" means every inanimate vehicle which is self propelled.

B. "Person" means a natural person, firm, partnership, association, corporation and limited liability company.

C. "Motor truck" means every motor vehicle that is primarily designed, used or maintained for carrying loads other than passengers.

D. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon any public street or highway, except bicycles. (Ord. 4-2001 § 1)

10.36.020 Operation of motor trucks.

No person shall drive a motor truck upon or across a street which is not designated as a truck route within the limits of the city of Boardman, except when the street intersects with a street designated as a truck route. (Ord. 4-2001 § 2)

10.36.030 Exemptions.

The provisions of this chapter regulating truck traffic shall not apply to a motor truck

of the city, county, or state or public or private utility company while necessarily in use for construction or repair work or a motor truck while in use to pick up property for transport or deliver property in transport. (Ord. 4-2001 § 3)

10.36.040 Penalty.

Violation of this chapter is a violation punishable by fine not to exceed five hundred dollars (\$500). (Ord. 4-2001 § 4)

Chapter 10.40

RESTRICTING THE PARKING OF MOTOR TRUCKS ON SE FRONT STREET

Sections:

10.40.010 Definitions.

10.40.020 Parking of motor trucks.

10.40.030 Exemptions.

10.40.040 Penalty.

10.40.010 Definitions.

As used in this chapter, unless the context requires otherwise:

A. "Motor vehicle" means every inanimate vehicle which is self propelled.

B. "Person" means a natural person, firm, partnership, association, corporation and limited liability company.

C. "Motor truck" means every motor vehicle that is primarily designed, used or maintained for carrying loads other than passengers.

D. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon any public street or highway, except bicycles. (Ord. 4-2003 § 1)

10.40.020 Parking of motor trucks.

No person shall park a motor truck upon SE Front Street from the Main Street "Stop Bar" to a point two hundred (200) feet East. (Ord. 4-2003 § 2)

10.40.030 Exemptions.

The provisions of this chapter regulating truck parking shall not apply to a motor truck of the city, county, or state or public or private utility company while necessarily in use for construction or repair work or a motor truck while in use to pick up property for transport or to deliver property in transport. (Ord. 4-2003 § 3)

10.40.040 Penalty.

Violation of this chapter is a violation punishable by fine not to exceed five hundred dollars (\$500.00). Each day that a violation of this chapter is committed or permitted to continue shall constitute a separate offense. (Ord. 4-2003 § 4)