

6 – TRAFFIC

Compilation Number	Ordinance Number	Subject
6-1	[Repealed]	
6-2	[Repealed]	
6-3	[Repealed]	
6-4	[Repealed]	
6-5	[Repealed]	
6-6	[Repealed]	
6-7	[Repealed]	
6-8	[Repealed]	
6-9	1856	Abandoned Vehicles Hearings Officer
6-10	[Repealed]	
6-11	1957 as amended by 2008	Truck Routes
6-12	[Repealed]	
6-13	1988 as amended by 2008	On-Street Parking
6-14	[Repealed]	
6-15	2257	Golf Carts
6-16	2262	Prohibited Parking in Portion of Downtown
6-17	2285 as amended by 2323	Traffic
6-18	2404	Police Training Assessment in Traffic Violation Cases

ORDINANCE NO. 1856

AN ORDINANCE APPOINTING A HEARINGS OFFICER TO PRESIDE OVER ABANDONED VEHICLE HEARINGS PURSUANT TO O.R.S. CHAPTER 483 AND DECLARING AN EMERGENCY.

[Whereas clauses.]

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Appointment. The Council, pursuant to O.R.S. 483.357 appoints the Woodburn Municipal Judge as a hearings officer with the powers and functions set forth in O.R.S. Chapter 483.

Section 2. Service. The Municipal Judge shall serve in the capacity of hearings officer pursuant to O.R.S. Chapter 484 and shall serve at the pleasure of the Council.

Section 3. [Emergency clause.]

Passed by the Council February 13, 1984, and approved by the Mayor February 14, 1984.

ORDINANCE NO. 1957

AN ORDINANCE DESIGNATING TRUCK ROUTES; PROHIBITING USE GENERALLY OF OTHER STREETS, ROADS AND HIGHWAYS FOR OPERATION OF TRUCKS, OR HEAVY VEHICLES, AND PROHIBITING USE OF AIR EXHAUST BRAKES.**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

Section 1. Definitions. For the purposes of this ordinance the following definitions apply:

(1) "Motor Truck" for this ordinance means every motor vehicle used or maintained primarily for the transportation of property and having a gross weight in excess of 10,000 pounds, excluding recreational vehicles, emergency governmental vehicles, up to one-ton pickups, tow trucks, busses and city franchised vehicles.

(2) "Truck Trailer" means every vehicle without motive power which:

(a) Has a combined weight of vehicle and maximum load to be carried thereon of more than 10,000 pounds.

(b) Is designated for carrying property and for being drawn by a motor vehicle.

(3) "Truck Tractor" means any motor vehicle used or designed for use with a semi-trailer for carrying, conveying, or moving over the highways any freight, property, article or thing, and having a combined weight of vehicle and maximum load to be carried thereon of more than 10,000 pounds.

(4) "Truck Route" means a street, alley, or other public right-of-way which has been designated by this ordinance as an acceptable roadway for the through-city transportation of motor trucks, truck trailers, and truck tractors.

(5) "Truck Way" means a street, alley, or other public right-of-way which has been designated by this ordinance as an acceptable roadway for the commercial operation of motor trucks, truck trailers, and truck tractors, but does not constitute a through-city route necessary for specialized traffic directional control signs.

Section 2. Motor Truck Traffic Prohibited.

(1) Except as provided in subsection (2), no person shall operate any motor truck upon any public street or alley within the city unless such street or alley has been designated as a truck route or truck way.

(2) It shall be an affirmative defense to a violation of Section 2(1) that the motor truck is being operated on a public street or alley for the primary purpose of engaging in one or more of the following activities:

6-11.2

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- (a) Receiving or discharging goods at any location in the city;
- (b) Going to or from a business in the city for the purpose of fuel, service, or repair; or
- (3) Servicing utility facilities or construction sites in the city.

(3) Motor trucks operated on a public street or alley for the primary purpose of engaging in one or more of the activities listed in Section 3(2) shall use only designated truck routes or truck ways prior to the point where the activity requires a different route of travel. (Section 2 amended by Ordinance 2169 passed by the Council May 13, 1996.)

Section 3. Truck Routes and Truck ways Established.

(1) Those streets, roads, and highways located within the limits of the city of Woodburn, shown on Schedule "A" and Schedule "B" are hereby designated as truck routes and truck ways.

(2) The Public Works Director is hereby authorized and directed to erect and maintain specialized traffic directional control signs on designated truck routes in a conspicuous manner and place at each end of the roadway or section thereof in order to give notice of such regulation.

Section 4. The use of air exhaust brakes (jake brakes) on city streets, alleys and right-of-ways within the city of Woodburn is prohibited.

Section 5. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a class 5 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 5 as amended by Ordinance 2008 passed October 24, 1988.]

Passed by the Council July 28, 1986 and approved by the Mayor July 30, 1986.

ORDINANCE NO. 1988

AN ORDINANCE PROHIBITING ON-STREET AND PUBLIC PLACE PARKING IN A PORTION OF THE DOWNTOWN AREA TO PREVENT INTERFERENCE WITH STREET CLEANING OPERATIONS, PROVIDING FOR CIVIL ENFORCEMENT, REPEALING ORDINANCE 1986, AND DECLARING AN EMERGENCY.

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Purpose. The City Council finds that the public safety responsibilities associated with street cleaning and general maintenance in the downtown business district are paramount to providing for the general welfare and encouraging the flow of goods and services. In addition, the limited clearing of on-street parking spaces and public place parking spaces will facilitate a safe, effective, and efficient maintenance operation for the public's benefit.

Section 2. Definitions. In addition to those definitions contained in the "Oregon Vehicle Code," the following definitions apply:

- (A) "Administrator" shall mean the City Administrator or his designee.
- (B) "Public Parking Space" shall mean every public way, road, street, thoroughfare, and place open, used or intended for use by the general public for parking motor vehicles.
- (C) "Downtown Parking District" shall mean an area composed by the following street boundaries as referenced in Attachment "A".
 - (1) The East and West sides of Front Street between Cleveland and Hardcastle.
 - (2) The East and West sides of First Street between Harrison and Cleveland Streets.
 - (3) The West side of Second Street between Cleveland and Grant Streets, and the East side of Second Street between Garfield and Grant Streets.
 - (4) The North and South sides of Harrison, Lincoln, Garfield and Arthur Streets between Front and First Streets.
 - (5) The North and South sides of Grant and Hayes Streets between Front and Second Streets.
 - (6) The North side of Montgomery Street between First and Second Streets.
 - (7) The North side of Cleveland Street between First and Second Streets.

6-13.2

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(8) The North and South sides of Cleveland Street between Front and First Street.

(D) "Enforcement Officer" shall mean the Police Chief or his designee.

Section 3. General Provisions.

(A) In addition to the applicable sections of the "Oregon Vehicle Code" prohibiting parking, no person shall park or stand a motor vehicle in a public parking place within the Downtown Parking District between the hours of 3:00 a.m. - 6:00 a.m. upon the day(s) of the week so posted by a lawfully erected parking limitation sign for the clearance of motor vehicles on account of public street cleaning and maintenance operations.

(B) The prohibition contained in subsection 3(A) of this ordinance above shall not apply upon the legal holidays observed by the City of Woodburn.

Section 4. Administration.

(A) The Administrator shall be responsible for the installation and maintenance of applicable parking signs and the conduct of business operations associated with street cleaning and maintenance within the Downtown Parking District.

(B) Enforcement of the provisions of this ordinance shall be the duty of the enforcement officer.

(C) A parking citation issued in violation of this ordinance shall be placed on or in such motor vehicle in accordance with the "Oregon Vehicle code".

Section 5. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a class 5 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 5 as amended by Ordinance 2008 passed October 24, 1988.]

Section 6. Towing and Storage.

(A) Any motor vehicle violating the provisions of this ordinance shall constitute a hazard to public safety and the enforcement officer shall cause the motor vehicle to be towed and stored at the registered owner's expense if left unattended. The registered owner shall be liable for the costs of towing and storing, even if the vehicle was parked by another person.

(B) Towing and storage of any motor vehicle pursuant to this ordinance does not preclude the issuance of a citation for a violation of any provision of this ordinance.

Section 7. Disposal of Motor Vehicle. After a motor vehicle is towed under the authority of this ordinance it shall be disposed of in the manner provided by ORS 819.180 to ORS 819.260.

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Section 8. Severability. If any section, clause, or phrase of this ordinance or its application to any statute, is determined by any court of competent jurisdiction to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remainder of this ordinance or its application.

Section 9. Repeal. Ordinance No. 1986 is hereby specifically repealed.

Section 10. [Emergency clause.]

*Passed by the Council January 25, 1988 and approved by the Mayor
January 27, 1988.*

ORDINANCE NO. 2257

AN ORDINANCE PERMITTING THE USE OF GOLF CARTS IN DESIGNATED AREAS; REGULATING SUCH USE PURSUANT TO THE REQUIREMENTS OF STATE LAW; REPEALING ORDINANCE NO. 1841; AND DECLARING AN EMERGENCY.

[Whereas clauses.]

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Definitions.

(1) "Golf cart," is defined, as it is in ORS 801.295, as a motor vehicle that has not less than three wheels in contact with the ground, has an unloaded weight less than 1,300 pounds, is designed to be and is operated at not more than 15 miles per hour, and is designed to carry golf equipment and not more than two persons, including the driver.

(2) "Senior Estates," is defined as the areas platted as Woodburn Senior Estates, which is described as follows: Woodburn Senior Estates No. 2, Subdivision of Block No. 23 of Woodburn Senior Estates No. 2; Woodburn Senior Estates No. 3; Woodburn Senior Estates No. 4; Woodburn Senior Estates No. 5; Resubdivision of a portion of Woodburn Senior Estates No. 5, Blocks 48, 49, 50, 51, 52 & 53; Woodburn Senior Estates No. 6; Woodburn Senior Estates No. 7; Woodburn Senior Estates No. 7A; Woodburn Senior Estates No. 8 as filed with Marion County.

(3) "Woodburn Crossing" is defined as the shopping center located on the commercial properties to the northwest of the intersection of Highway 214 and Country Club Road, City of Woodburn, and lying immediately adjacent to Senior Estates.

Section 2. Where Golf Carts Are Permitted. Golf carts are permitted to be used on all of the streets in the areas known as Senior Estates and Woodburn Crossing as described in Section 1. No such permission is intended or implied for any public way other than those within the boundaries described. Golf carts may be operated between the golf course and the place where golf carts are parked or stored or located within or bounded by Senior Estates, as provided for in ORS 810.070.

Section 3. Qualifications of Drivers. Drivers of golf carts shall obtain and have in their possession a valid Oregon Drivers License or Oregon Department of Motor Vehicles Golf Cart Permit when operating golf carts under this ordinance.

Section 4. Regulations for Use of Golf Carts. Golf carts shall be operated only during daylight hours, and shall observe all applicable requirements of state traffic law. Golf carts shall yield the right of way to motor vehicles and pedestrians when crossing a public street.

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Section 5. Oregon Highway 214. The operation of golf carts shall not be allowed on any portion of the public highway known as Oregon Highway 214. The crossing of Highway 214 at Oregon Way and Country Club Road or any other location is prohibited. Golf carts shall use the golf course tunnel under Highway 214 to get from one side of the highway to the other.

Section 6. Registration and Licensing Exemption. Golf carts operated pursuant to this ordinance shall be exempt from registration and licensing as provided in ORS 820.210.

Section 7. Vehicle Equipment Exemption. Golf carts operated pursuant to this ordinance shall be exempt from vehicle equipment laws as provided for in ORS 810.070.

Section 8. Liability. The operation of golf carts under this Ordinance shall be totally the risk and responsibility of the operator. The City, by passing this Ordinance of permission and designation under state law, assumes no responsibility for the operation of the golf carts and shall be held harmless in any action arising from the operation of golf carts on or off any public way within the City.

Section 9. Repeal. Ordinance No. 1841 is hereby repealed.

Section 10. [Emergency clause.]

*Passed by the Council February 14, 2000 and approved by the Mayor
February 15, 2000.*

ORDINANCE NO. 2262

AN ORDINANCE PROHIBITING PUBLIC PLACE PARKING IN A PORTION OF THE DOWNTOWN AREA TO PREVENT INTERFERENCE WITH SATURDAY MARKET OPERATIONS, PROVIDING FOR CIVIL ENFORCEMENT, AND DECLARING AN EMERGENCY.

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Purpose. The City Council finds that the Saturday Market serves a public purpose and is conducted on premises open to the public. The limited clearing of public parking spaces will facilitate a safe, effective, and efficient operation of the Saturday Market.

Section 2. Definitions. In addition to those definitions contained in the "Oregon Vehicle Code," the following definitions apply:

(A) "Administrator" shall mean the City Administrator or designee.

(B) "Public Parking Space" shall mean every public way, road, street, thoroughfare, and place open, used or intended for use by the general public for parking motor vehicles.

(C) "Downtown Parking Lot" shall mean the parking lot bordered by Garfield Street on the South side, North First Street on the West Side, and West Hayes Street on the North side and which is described as Township 5 South, Range 1 West, Section 18AB of the Willamette Meridian, Tax Lots 2800 and 3200.

Section 3. General Provisions. In addition to the applicable sections of the "Oregon Vehicle Code," prohibited parking, no person shall park or stand a motor vehicle in a public parking place within the Downtown Parking Lot between the hours of 12:00 a.m. Friday and 3:00 p.m. Saturday as posted by a lawfully erected parking limitation sign for the clearance of motor vehicles on account of Saturday Market operations. This section shall not apply to vehicles which are necessary for Saturday Market operations.

Section 4. Administration. The Administrator shall be responsible for the installation and maintenance of applicable parking signs and for the enforcement of this ordinance.

Section 5. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a Class 5 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998.

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Section 6. Towing and Storage.

(A) Any motor vehicle violating the provisions of this ordinance shall constitute a hazard to the public safety and may be towed and stored at the registered owner's expense if left unattended. The registered owner shall be liable for the cost of towing and storage, even if the vehicle was parked by another person.

(B) Towing and storage of any motor vehicle pursuant to this ordinance does not preclude the issuance of a citation for violation of any provision of this ordinance.

Section 7. Disposal of Motor Vehicle. After a motor vehicle is towed under the authority of this ordinance, it shall be disposed of in the manner provided by ORS 819.180 to ORS 819.260.

Section 8. Severability. If any section, clause, or phrase of this ordinance or its application to any statute, is determined by any court of competent jurisdiction to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remainder of this ordinance or its application.

Section 9. [Emergency clause.]

Passed by the Council May 4, 2000 and approved by the Mayor May 5, 2000.

ORDINANCE 2285

AN ORDINANCE REGULATING MOTOR VEHICLE, BICYCLE AND PEDESTRIAN TRAFFIC WITHIN THE CITY OF WOODBURN; REPEALING ORDINANCES 1904, 2078 AND 2191; AND DECLARING AN EMERGENCY.

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Short Title. This ordinance may be cited as the “City of Woodburn Traffic Ordinance.”

Section 2. Definitions.

(1) The definitions contained in the Oregon Vehicle Code, ORS Chapter 801, as constituted on the date this ordinance takes effect, are hereby incorporated by reference.

(2) As used in this Ordinance, the following words and phrases mean:

(a) **Bus stop.** A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

(b) **Chief of Police.** The Chief of Police of the City of Woodburn or designee.

(c) **City.** The City of Woodburn.

(b) **City Administrator.** The City Administrator of the City of Woodburn or designee.

(d) **Council.** The City Council of the City of Woodburn.

(e) **Emergency.** A situation where an unforeseen combination of circumstances calls for immediate action in order to avoid damage to a vehicle or where a vehicle was rendered inoperable but does not include a situation where the vehicle is left standing in excess of 24 hours.

(f) **Holiday.** New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the Council to be a holiday.

(g) **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.

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(h) **Parade.** Any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public grounds within the City with an intent of attracting public attention that interferes with the normal flow or regulation of traffic upon the streets, parks or other public grounds.

(i) **Person.** A natural person, firm, partnership, association, or corporation, company or organization of any kind.

(j) **Street.** Any place or way set aside or open to the general public for purposes of vehicular traffic.

(k) **Traffic lane.** That area of the highway used for or designated for the movement of a single line of traffic.

(l) **Truck.** A motor vehicle designed and used primarily for drawing other vehicles, such as truck trailers, or for carrying loads other than passengers, and subject to state licensing for ten thousand (10,000) pounds or more gross vehicle weight.

(m) **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.

Administration

Section 3. Powers of the Council. Subject to state law, the Council constitutes the City road authority under ORS 810.010 and is empowered with all municipal traffic authority for the City except those powers specifically and expressly delegated herein or by another ordinance.

Section 4. Duties of the City Administrator. The City Administrator shall implement the ordinances, resolutions and motions of the Council. Installation of traffic control devices shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.

Section 4A. Duties of Chief of Police. In addition to any other duties provided herein, the Council delegates to the Chief of Police the authority under ORS 810.030 to impose temporary street closures for a period not to exceed 14 days. Temporary street closures may be made because of traffic accidents or hazards, construction activity, natural disasters, special events, or any other reason where temporary closure is necessary to protect the interest and safety of the general public. (Section 4A added by Ordinance 2323 adopted July 17, 2002.)

Section 5. Public Danger. Under conditions constituting a danger to the public, the City Administrator may install temporary traffic control devices which are determined to be necessary.

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Section 6. Standards. The regulations of the Mayor and City Council or its designate shall be based upon:

- (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 7. Authority to Enforce Ordinance. Police officers as defined by ORS 801.395 and all other City employees designated by the City Administrator have the authority to enforce the provisions of this Ordinance.

Section 8. Alteration of Traffic Control Devices Prohibited. No unauthorized person shall install, move, remove, alter the position of, or deface or tamper with a traffic control device.

Section 9. Presumption that Traffic Control Device was Lawfully Authorized and Installed. A traffic control device is presumed to be lawfully authorized and installed unless the contrary is established by competent evidence.

General Regulations

Section 10. Crossing Private Property. No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

Section 11. Unlawful Riding.

(1) No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person riding within a truck body in space intended for merchandise.

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

Section 12. Prohibited Devices. No person shall use the streets for traveling on skis, toboggans, sleds, skates, skateboards roller blades or other similar devices.

Section 13. Removing Glass and Debris. A party to a vehicle accident or a person causing broken glass or other debris to be deposited upon a street shall remove the glass and other debris from the street.

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Section 14. Obstructing Streets. No unauthorized person shall obstruct the free movement of motor vehicles or pedestrians using the streets.

Section 15. Storage of Vehicles on Streets. No person shall store or permit to be stored on a street or other public property, without permission of the City, a vehicle or personal property. Failure to remove a vehicle or other personal property for a period of 72 hours shall constitute prima facie evidence of storage of a vehicle.

Section 16. Storage and Parking Trucks, Trailers, Boats, Campers, Car Units and Other Vehicles.

(1) No person shall park a truck or truck trailer upon any street, alley, avenue or public way in any residential area of the City adjacent to any residence, church, school, hospital, multiple dwelling, park or playground in any area of the City. The provisions of this section shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the City for the actual loading or unloading of goods or to make repairs necessitated by an emergency.

(2) No person shall park a bus or vacation house trailer, camper, boat and/or boat trailer, motor home, tent trailer, utility trailer, or any motorized or unmotorized vehicle on any street or on any avenue or public way within the City for longer than 72 hours.

Section 17. Calculation of Time of Storage. When calculating hours under Sections 15 and 16 of this Ordinance, the continuity of time shall not be deemed broken by the movement of the motor vehicle or personal property elsewhere on the block unless the movement removes the motor vehicle or personal property from the block where it is located before it is returned.

Parking Regulations

Section 18. Method of Parking.

(1) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction, and unless the size or shape of the motor vehicle makes compliance impossible, within a single marked space.

(2) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in the space, and no other motor vehicle operator shall attempt to interfere.

(3) 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 the vehicle from the area, unless otherwise directed by the police or fire officers.

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Section 19. Prohibited Parking or Standing. In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

- (1) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.
- (2) A motor vehicle upon a street for the principal purpose of:
 - (a) Displaying the vehicle for sale.
 - (b) Repairing or servicing the vehicle, except to make repairs necessitated by an emergency.
 - (c) Displaying advertising from the vehicle.
 - (d) Selling merchandise from the vehicle, except when authorized.
- (3) A motor vehicle parked in such a manner that it damages or causes to be damaged any public improvement within the City including streets, alleys, or other public ways. The person who parked the vehicle shall be liable to the City for the damage caused thereby.

Section 20. Affirmative Defense of Emergency Repairs. Under Sections 15, 16 and 19 of this Ordinance, it shall be an affirmative defense that the prohibited parking was necessitated by an emergency and the defendant shall have the burden of proving the existence of the emergency by a preponderance of the evidence.

Section 21. Use of Loading Zone. No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case, when the hours applicable to the loading zone are in effect, shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the loading zone shall not exceed 30 minutes.

Section 22. Unattended Vehicles. Whenever a police officer finds a motor vehicle parked unattended with the ignition key in the vehicle, the police officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

Section 23. Standing or Parking of Buses. The operator of a bus shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop, except that this provision shall not prevent the operator from temporarily stopping the bus outside a traffic lane while loading or unloading passengers.

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Section 24. Restricted Use of Bus Stops. No person shall stand or park a vehicle other than a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of, and while actually engaged in, loading or unloading passengers when stopping does not interfere with a bus waiting to enter or about to enter the restricted zone.

Section 25. Extension of Parking Time. Where maximum parking time limits are designated by sign, movement of a vehicle in a block shall not extend the time limits for parking.

Section 26. Exemption. The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle operated by the United States while in use for the collection, transportation or delivery of mail.

Abandoned Vehicles

Section 27. Authority Over Abandoned Vehicles within City. City police officers and code enforcement personnel employed by the City and supervised by the Chief of Police shall have authority pursuant to ORS 819.140(1)(c) to take abandoned vehicles into custody and exercise powers over abandoned vehicles pursuant to state law.

Section 28. Abandoned Vehicle Procedure. All abandoned vehicles shall be processed under the provisions of state law.

Bicycles

Section 29. Bicycle Operating 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 bike rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the provisions relating to the parking of motor vehicles.

(2) Not ride a bicycle upon a sidewalk within the downtown core area bounded on the north by Harrison Street, on the west by Second Street, on the south by Cleveland Street, and on the east by Front Street.

Section 30. Licensing. The owner or lawful possessor of a bicycle may obtain a license in the following manner:

(1) The police department shall issue licenses and in so doing, shall obtain and record the name and address of each person purchasing a license and the make, model and serial number (if any) of the bicycle.

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(2) A number shall be assigned to each bicycle so licensed, and a record of the license issued shall be maintained as part of the police records. A license plate assigned shall be affixed to the frame of the bicycle.

(3) A fee for a bicycle license shall be \$1.00; all license fees collected shall be paid over to the general fund.

Section 31. Impounding of Bicycles.

(1) No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

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

(3) In addition to any citation issued, a bicycle parked in violation of this ordinance may be immediately impounded by the police department.

(4) If a bicycle impounded under this ordinance is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner.

(5) A bicycle impounded under this ordinance which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

Pedestrians

Section 32. Right Angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

Section 33. Use of Available Crosswalk. 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 34. Skates, Skateboards, and Roller blades. No person shall use skates, skateboards, roller blades or other similar devices upon a sidewalk within the downtown core area bounded on the north by Harrison Street, on the west by Second Street, on the south by Cleveland Street, and on the east by Front Street.

Funeral Processions

Section 35. Funeral Processions.

(1) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practical.

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(2) The procession shall be accompanied by adequate escort vehicles for traffic control purposes.

(3) All motor vehicles in the procession shall be operated with their headlights turned on.

(4) No person shall unreasonably interfere with a funeral procession.

(5) No person shall operate a vehicle which is not a part of the procession between the vehicles of a funeral procession.

Parades

Section 36. Permit Required. No person shall engage in or conduct any parade unless a permit is issued by the Chief of Police.

Section 37. Parade Permit Application.

(1) Application for a parade permit shall be made, except for a funeral procession, to the Chief of Police at least seven days prior to the intended date of parade, unless the time is waived by the Chief of Police.

In considering whether to waive the minimum time within which an application for a permit must be made, the Chief of Police shall consider the following factors:

(a) Whether the size, route or nature of the proposed parade is such that additional law enforcement or other resources are required;

(b) Time needed to inform the public of the parade in order to minimize public inconvenience.

(2) Applications shall be signed by the applicant and include the following information:

(a) The name, address and telephone number of the persons responsible for the proposed parade.

(b) The name, address and telephone number of the headquarters of the organization for which the parade is to be conducted, if any, and the authorized and responsible heads of the organization

(c) The requested date of the proposed parade.

(d) The desired route, including assembling point.

(e) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traveled.

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- (f) The location by street of any assembly areas for such parade.
- (g) The number of persons, vehicles and animals which will be participating in the parade.
- (h) The estimated number of spectators.
- (i) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade.
- (j) The intervals of space to be maintained between units of such parade.
- (k) The proposed starting and ending times.

Section 38. Standards for Issuance

(1) The Chief of Police shall issue a parade permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, the Chief of Police finds that:

(a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;

(b) The conduct of the parade will not require the diversion of so great a number of City police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the City;

(c) The concentration of persons, animals, and vehicles at public assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;

(d) The conduct of the parade is not reasonably likely to cause injury to persons or property;

(e) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(f) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;

(g) There are sufficient parking places near the site of the parade to accommodate the number of vehicles reasonably expected;

6-17.38

6-17.43

(h) No parade permit application for the same time and location is already granted or has been received and will be granted.

Section 39. Denial of Permit. If the Chief of Police denies the permit based upon the standards for issuance specified in Section 38, written findings shall be issued specifying the reasons for the decision and a copy of the findings shall be furnished to the applicant.

Section 40. Alternative Permit.

(1) The Chief of Police, in denying an application for a parade permit, may authorize the conduct of the parade at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police.

(2) An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit issued under this Ordinance.

Section 41. Notification of Decision.

(1) The Chief of Police shall notify the applicant of the decision within five days of receipt of the application.

(2) If the Chief of Police requires an alternate route or an alternate date or refuses to issue a permit, the applicant shall have the right to appeal this decision to the Council.

Section 42. Appeal to Council.

(1) The applicant may appeal the decision of the Chief of Police by filing a written request of the appeal with the City Recorder within five days after the Chief of Police has proposed alternatives or refused to issue a permit.

(2) The Council shall schedule a hearing date which shall not be later than the second regular session following the filing of the written appeal with the City Recorder and shall notify the applicant of the date and time that he may appear either in person or by a representative.

Section 43. Public Conduct During Parades.

(1) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or with any person, vehicle or animal participating or used in a parade.

(2) No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

6-17.43

6-17.47

(3) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade.

Section 44. Prohibited Conduct. The following prohibitions shall apply to all parades:

(1) It shall be unlawful for any person to stage, present, or conduct any parade without first having obtained a permit as herein provided;

(2) It shall be unlawful for any person to participate in a parade for which the person knows a permit has not been granted;

(3) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed parade to knowingly fail to comply with any condition of the parade permit;

Section 45. Permit Revocable. The City Administrator may revoke a parade permit if:

(1) An imminent threat of violence and personal injury to the parade participants exists, all reasonable efforts to protect the parade participants have failed, and a request to disband the parade made to the parade organizers has been refused;

(2) Actual violence that endangers public safety has been caused by parade participants and public safety cannot be protected without revocation of the permit; or

(3) There is significant deviation from the route designated in the application or approval, or assembly at points not shown in the application or approval, which occurs without approval of the Chief of Police.

Parking Citations and Owner Responsibility

Section 46. Citation on Illegally Parked Vehicle. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge and at the time and place specified in the citation.

Section 47. Owner Responsibility. The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent.

6-17.48

6-17.54

Section 48. Registered Owner Presumption. In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

Impoundment and Penalties

Section 49. Authority to Impound Improperly Parked Vehicles. When any unattended vehicle is parked upon a street, alley or public way of the City in such a manner that it is unlawfully parked in any prohibited or restricted area or is unlawfully parked for a length of time prohibited by this Ordinance, such vehicle is declared by the Council to be a public nuisance and it shall be subject to abatement, removal and impounding in accordance with the procedures provided for abandoned vehicles pursuant to state law.

Section 50. Civil Infraction Assessment. Each violation of any provision of this Ordinance constitutes a class 4 civil infraction and shall be dealt with according to the procedures established by City ordinance.

General

Section 51. Severability Clause. If a portion of this ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this ordinance.

Section 52. Repeal. Ordinances 1904, 2078 and 2191 are hereby repealed.

Section 53. Saving Clause. The repeal of any ordinance by this Ordinance shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Section 54. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

ORDINANCE NO. 2404

AN ORDINANCE ESTABLISHING A POLICE TRAINING ASSESSMENT TO BE IMPOSED IN TRAFFIC VIOLATION CASES

[Whereas clauses.]

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Whenever the Woodburn Municipal Court imposes a fine or orders a forfeiture for a traffic violation, a Police Training Assessment in an amount of \$5.00 shall be imposed in addition to the amount of the fine or forfeiture.

Section 2. Proceeds from the payment of Police Training Assessments shall be used for Woodburn Police Department training.

Section 3. The Woodburn City Council determines that the Police Training Assessment does not constitute a tax under the Oregon Constitution and is not subject to the property tax limitation of Article XI, Section 11(b).

Passed by the Council July 10, 2006 and approved by the Mayor July 12, 2006.