

**TITLE VII: TRAFFIC CODE**

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## CHAPTER 70: GENERAL TRAFFIC PROVISIONS

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***GENERAL PROVISIONS*****§ 70.001 SHORT TITLE.**

This chapter may be cited as the “Wheeler City Uniform Traffic Ordinance”.  
(Ord. 90-3, passed 9-18-1990)

**§ 70.002 APPLICABILITY OF STATE TRAFFIC LAWS.**

O.R.S. Chapter 153, and the Oregon Vehicle Code, O.R.S. Chapters 801 to 822, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city. (Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.003 DEFINITIONS.**

In addition to the definitions contained in the Oregon Vehicle Code, for the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUS STOP.** A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

**LOADING ZONE.** A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

**PERSON.** A natural person, firm, partnership, association or corporation.

**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 sign for use by taxicabs.

**TRAFFIC LANE.** The area of the roadway used for the movement of a single line of traffic. (Ord. 90-3, passed 9-18-1990)

**§ 70.004 EXISTING CONTROL DEVICES AND MARKINGS.**

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

(Ord. 90-3, passed 9-18-1990)

**ADMINISTRATION**

**§ 70.015 POWERS OF THE COUNCIL.**

(A) 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.

(B) The powers of the 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 meter zones;
- (5) Designation of certain streets as bridle paths and prohibition of horses and animals on other streets;
- (6) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
- (7) Initiation of proceedings to change speed zones;
- (8) Revision of speed limits in parks;
- (9) Temporary blocking or closing of streets;
- (10) Establishment of bicycle lanes and paths and traffic controls for such facilities;
- (11) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
- (12) Issuance of oversize or overweight vehicle permits;
- (13) Establishment, removal or alteration of the following classes of traffic controls:
  - (a) Crosswalks, safety zones and traffic lanes;
  - (b) Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies;
  - (c) Parking areas and time limitation, including the form of permissible parking (e.g., parallel or diagonal);
  - (d) Loading zones and stops for vehicles; and
  - (e) Traffic control signals.

(14) Designation of areas for authorized use of skateboards, roller skates and other transportation means referenced in § 70.032; and

(15) Other parking or use restrictions.  
(Ord. 90-3, passed 9-18-1990)

**§ 70.016 IMPLEMENTATION OF REGULATIONS.**

The City Manager or his or her 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 of Uniform Traffic Control Devices for Streets and Highways*.

(Ord. 90-3, passed 9-18-1990)

**§ 70.017 PUBLIC DANGER.**

Under conditions constituting a danger to the public, the City Manager, or his or her designee, may install temporary traffic control devices until further action by the Council.

(Ord. 90-3, passed 9-18-1990)

**§ 70.018 STANDARDS.**

The regulations of the City Manager or his or her designee shall be based on:

(A) Traffic engineering principles and traffic investigations;

(B) Standards, limitations and rules promulgated by the State Transportation Commission; and

(C) Other recognized traffic control standards.

(Ord. 90-3, passed 9-18-1990)

**§ 70.019 AUTHORITY OF CITY AND FIRE OFFICERS.**

(A) It is the duty of city authorities to enforce the provisions of this chapter.

(B) In the event of a fire or other public emergency, law enforcement officers and officers of the Fire Department may direct traffic as conditions require if not withstanding the provisions of this chapter.

(Ord. 90-3, passed 9-18-1990)

**GENERAL REGULATIONS****§ 70.030 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.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.031 UNLAWFUL RIDING.**

(A) 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 does 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.

(B) No person shall board or alight from a motor vehicle while the vehicle is in motion on a street.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.032 ROLLER SKATES, SKATEBOARDS, SLEDS AND THE LIKE.**

No person shall use the streets for traveling or use roller skates, skateboards, coasters, toy vehicles, skis, toboggans, sleds or similar devices except while crossing at a crosswalk or in an authorized area.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.033 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 a permanent or temporary driveway.

(B) No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

(C) (1) 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 from the city and posting bond if required.

(2) A person who causes damage to the curb or sidewalk shall be responsible for the cost of repair.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.034 REMOVING GLASS AND DEBRIS.**

A party to a vehicle accident or a person causing broken glass or other debris to be on a street shall remove the glass or other debris from the street.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.035 STORAGE OF MOTOR VEHICLES ON STREETS.**

No person shall store or permit to be stored on a street or other public property, without permission of the Council, a motor vehicle or personal property for a period in excess of 24 hours. Failure to move a motor vehicle or other personal property for a period of 24 hours constitutes prima facie evidence of storage of a motor vehicle.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.036 OBSTRUCTING STREETS.**

No person shall park or leave on a street, including an alley and right-of-way, 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 or other ordinances of the city.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.037 SPEED LIMITS IN PUBLIC PARKS.**

No person shall drive a vehicle on a street in a public park of this city at a speed exceeding 15 mph, unless signs erected indicate otherwise.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.038 UNNECESSARY NOISE.**

No person shall operate a motor vehicle in the city in such 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. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.039 IMPOUNDMENT OF VEHICLES.**

(A) When a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a city authority shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the city 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.

(B) 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 to the city streets.

(C) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this chapter.

(D) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(E) Whenever a city authority observes a vehicle parked in violation of a provision of this chapter or state law, if the vehicle has five or more unpaid violations outstanding against it, the city authority may, in addition to issuing a citation, cause the vehicle to be impounded. An impounded vehicle shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this division (E) shall be disposed of in the same manner as provided in division (B) above. (Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

### *PARKING REGULATIONS*

#### **§ 70.050 METHOD OF PARKING.**

(A) No person shall stand or park a motor vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

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

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

(D) 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 law enforcement or fire officers. (Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.051 PROHIBITED PARKING OR STANDING.**

No person shall park or stand:

(A) A vehicle in violation of state motor vehicle laws or in violation of a lawfully erected parking limitation sign or marking; or

(B) 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 20 consecutive minutes in any two-hour period.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.052 PROHIBITED PARKING.**

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

(A) Displaying the vehicle for sale;

(B) Repairing or servicing the vehicle, except repairs necessitated by an emergency;

(C) Displaying advertising from the vehicle; or

(D) Selling merchandise from the vehicle, except when authorized.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.053 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 minutes for loading or unloading of passengers, and personal baggage and 15 minutes for loading or unloading materials.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.054 PASSENGER 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 passengers in a place designated as a passenger loading zone when the hours applicable to that zone are in effect.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.055 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 of a traffic lane while loading or unloading passengers.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.056 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.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.057 LIGHTS ON PARKED VEHICLE.**

No lights need be displayed upon 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 500 feet from the vehicle.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.058 EXTENSION OF PARKING TIME.**

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

(Ord. 90-3, passed 9-18-1990)

**§ 70.059 UNATTENDED VEHICLES.**

When a law enforcement officer finds a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the City Hall.

(Ord. 90-3, passed 9-18-1990)

**§ 70.060 EXEMPTION.**

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

(A) A vehicle owned by the city, county, state or a public utility while necessary in use for construction or repair work on a street;

(B) A vehicle owned by the United States while in use for the collection, transportation or delivery of mail; or

(C) A vehicle of a disabled person who complies with the provision of O.R.S. 811.602 to 811.630. (Ord. 90-3, passed 9-18-1990)

***BICYCLES AND PEDESTRIANS***

**§ 70.075 OPERATING RULES.**

In addition to observing all other applicable provisions of this chapter and state law pertaining to bicycles, a person shall not leave a bicycle unattended, 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.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.076 IMPOUNDING OF BICYCLES.**

(A) No person shall leave a bicycle on private property without the consent of the owner or person in charge. Consent is implied on private business property unless bicycle parking is expressly prohibited.

(B) A bicycle left on public property for a period in excess of 24 hours may be impounded by City Hall.

(C) In addition to any citation issued, a bicycle parked in violation of this chapter that obstructs or impedes the free flow of pedestrian or vehicular traffic or otherwise endangers the public may be immediately impounded by a law enforcement officer or the City Manager.

(D) If the owner of a bicycle impounded under this chapter can be readily determined, the city authority shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

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

(F) Except as provided in division (D) above, a fee, as set by Council resolution, shall be charged to the owner or a bicycle impounded under this section.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.077 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.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.078 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.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

***PARADES AND PROCESSIONS*****§ 70.090 PROHIBITED ACTIVITY.**

(A) No person shall organize or participate in a parade that may disrupt or interfere with traffic without obtaining a permit.

(B) 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 or more vehicles.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.091 PARADE PERMIT.**

(A) Application for parade permits shall be made to the City Manager at least seven days prior to the intended date of the parade, unless the time is waived by him or her.

(B) Applications shall include the following information:

- (1) The name and address of the person responsible for the proposed parade;
- (2) The date of the proposed parade;
- (3) The desired route, including assembling points;
- (4) The number of persons, vehicles and animals that will be participating in the parade; and
- (5) The proposed starting and ending time.

(C) The application shall be signed by the person designated as Chairperson.

(D) The City Manager shall issue a parade permit conditioned on the applicant's written agreement to comply with the terms of the permit, unless the City Manager finds that:

(1) The time, route and size of the parade will unreasonably disrupt the movement of other traffic;

(2) The parade is of a size or nature that requires the diversion of so great a number of city authorities to properly police the line of movement and contiguous areas that allowing the parade would:

(a) Deny the reasonable police protection to the city; or

(b) Be impossible for the city to properly staff given its employed personnel and budget.

(3) The parade will interfere with another parade for which a permit, has already been issued;

(4) Information contained in the application is found to be false or a material detail is omitted;  
or

(5) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(E) If one or more of the conditions listed in division (D) above, other than division (D)(5), exists, the City Manager may impose reasonable conditions in the permit, including, but not limited to:

(1) Requiring an alternate date;

(2) Requiring an alternate route; and

(3) Restricting the size of the parade.

(F) The City Manager shall notify the applicant of the decision within three days after receipt of the application.

(G) If the City Manager proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the Council.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

#### **§ 70.092 APPEAL TO COUNCIL.**

(A) An applicant may appeal the decision of the City Manager by filing a written request of appeal with the city within 48 hours after the City Manager has proposed alternatives or refused to issue a permit.

(B) The Council shall schedule a hearing date, which shall not be later than three days following the filing of the written appeal with the city, and shall notify the applicant of the date and time that he or she may appear either in person or by a representative.  
(Ord. 90-3, passed 9-18-1990)

**§ 70.093 OFFENSES AGAINST PARADE.**

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

(B) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.094 PERMIT REVOCABLE.**

The City Manager may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.  
(Ord. 90-3, passed 9-18-1990)

**§ 70.095 FUNERAL PROCESSION.**

(A) No permit is required for a funeral procession.

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

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

(D) All motor vehicles in the funeral procession shall be operated with their lights on.

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

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

(G) Each driver in the procession shall follow the vehicle ahead as closely as is practical and safe.  
(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

**§ 70.096 OFFENSES AGAINST FUNERAL.**

No person shall operate a vehicle that is not part of a funeral procession between the vehicles comprising the procession.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999

***PARKING CITATIONS AND OWNER RESPONSIBILITY*****§ 70.110 CITATION ON ILLEGALLY PARKED VEHICLE.**

When a vehicle without an operator is found parked in violation of a restriction imposed by this chapter, the city authority finding the vehicle shall take its license number and any other information displayed on the vehicle that may identify its owner, and shall conspicuously affix to the vehicle a parking citation instructing the operator to answer to the charge or pay the penalty imposed within five days during specific hours and at a specific place.

(Ord. 90-3, passed 9-18-1990)

**§ 70.111 FAILURE TO COMPLY WITH PARK CITATION ATTACHED TO PARKED VEHICLE.**

If the operator does not respond to a parking citation affixed to a vehicle within five working days, the City Manager may send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of ten days:

(A) The fine will be doubled; and

(B) The vehicle is subject to impoundment and may be sold if not redeemed.

(Ord. 90-3, passed 9-18-1990)

**§ 70.112 CANCELLATION OF PARKING CITATION.**

No person shall cancel or solicit the cancellation of a parking citation in any manner, except when approved by the municipal authority.

(Ord. 90-3, passed 9-18-1990) Penalty, see § 70.999



**§ 70.113 OWNER RESPONSIBILITY.**

The owner of a vehicle in violation of a parking restriction shall be responsible for the offense, unless the use of the vehicle was secured by the operator without the owner's consent.  
(Ord. 90-3, passed 9-18-1990)

**§ 70.114 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.  
(Ord. 90-3, passed 9-18-1990)

**§ 70.999 PENALTY.**

(A) Violation of §§ 70.030 through 70.038 is punishable by fine not to exceed \$100.

(B) Violation of §§ 70.050 through 70.096 is punishable by fine not to exceed \$50.

(C) Violation of a provision identical to a state statute is punishable by fine not to exceed the penalty prescribed by the state statute.  
(Ord. 90-3, passed 9-18-1990)

## **CHAPTER 71: TRANSPORTATION PLAN ADOPTED**

### **Section**

71.01 Adoption by reference

### **§ 71.01 ADOPTION BY REFERENCE.**

The Transportation Plan of the city is hereby adopted by reference and incorporated into this code as fully as if set out at length herein.

(Ord. passed 1- -2006)



## CHAPTER 72: COMPRESSION BRAKES

### Section

- 72.01 Compression brake use declared a nuisance
- 72.02 Compression brakes defined
- 72.03 Compression brake use prohibited
- 72.04 Signs
  
- 72.99 Penalty

### § 72.01 COMPRESSION BRAKE USE DECLARED A NUISANCE.

The use of compression brakes within the corporate limits of the city disturbs the general peace and quiet of the community and further, disturbs the residents of the city in their rest and in the enjoyment of their property, and by reason thereof, the City Council finds the use of such brakes in such an area is a public nuisance.

(Ord. 94-3, passed 9-20-1994)

### § 72.02 COMPRESSION BRAKES DEFINED.

For purposes of this chapter, *COMPRESSION BRAKES* are defined as those brakes used for stopping, or assisting in stopping, a motor vehicle and which are commonly used in conjunction with the vehicle exhaust system. Such brakes can either be muffled or unmuffled. Such a braking system is generally known by name as, but not necessarily limited to, exhaust brakes, Jake brakes and compression brakes. Any other similar noise-producing stopping devices, for purposes of this chapter, are construed as *COMPRESSION BRAKES*, or parts thereof.

(Ord. 94-3, passed 9-20-1994)

### § 72.03 COMPRESSION BRAKE USE PROHIBITED.

The use of compression brakes within the corporate limits of the city is prohibited, except in the case of an emergency, when the use of said compression brakes is necessary to safely stop the subject motor vehicle.

(Ord. 94-3, passed 9-20-1994)

**§ 72.04 SIGNS.**

The City Manager shall erect appropriate signs indicating the prohibition of compression brake use within the corporate limits of the city and be responsible for their lawful and needful placement and maintenance.

(Ord. 94-3, passed 9-20-1994)

**§ 72.99 PENALTY.**

Any person(s) who violates the provisions of this chapter shall be subject to a fine not to exceed \$250 for each offense.

(Ord. 94-3, passed 9-20-1994)

## CHAPTER 73: TRANSPORTATION OF LOGS

### Section

73.01 General provisions and regulations

73.99 Penalty

### § 73.01 GENERAL PROVISIONS AND REGULATIONS.

(A) It shall be unlawful, from and after the passage of this chapter and its approval by the City Council, for any person or persons, firm or corporation to move, haul or transport logs, poles or piling on or over any public street or public right-of-way within the corporate limits of the city, whether such street or right-of-way is improved or unimproved, without having first obtained a log hauling permit from the city to do so. A log-hauling permit shall be continuously posted at each access point to the site and shall be kept in each vehicle involved in the log hauling operation at all times.

(B) (1) Any person, firm or corporation, hereinafter "applicant", desiring to obtain a log hauling permit shall make written application to the city for such permit.

(2) Said application must contain:

- (a) The full name and address of the applicant;
- (b) The street or portion of street over which said applicant proposes to haul said logs;
- (c) The number of estimated vehicle trips;
- (d) The type of other equipment to be used in such hauling;
- (e) Acknowledgment that the applicant agrees to assume all responsibility for damage resulting to any street caused by the use of such equipment in transporting such logs or equipment;
- (f) Agreement to carry public liability and property damage insurance;
- (g) Agreement to hold the city and its agents harmless from any damage in connection with the permitted use of said equipment;

(h) Agreement to comply with such rules, regulations, restrictions and conditions as said city may impose as a condition for granting a permit in order to protect city streets and infrastructure; and

(i) Agreement to carry a copy of a log hauling permit in each vehicle at all times.

(C) The permit fee shall be established by the City Council. Any application for such permit shall be accompanied by an application fee that shall be sufficient for the city: to conduct a written assessment of the suitability of the truck route requested; and to determine of the improvements necessary to permit use of the route, and the bond amount necessary to improve the route and to ensure that it is returned at least its condition prior to use as a truck route.

(D) As the local road authority, the city is hereby authorized to: make rules and regulations; impose load limits; set the time of the year when hauling can be done including restricting hauling on city streets to the dry season of the year; provide authorization for maximum weights or lengths of vehicles; require the provision of storm water drainage and erosion and sedimentation control plans; impose fees and assurances for the construction of and repair to such streets as determined appropriate by the city; set limitations on the use of any street, including the determination of specific routes that may be used; deny application to use city streets; set working hours; prohibit hauling equipment and logs on the weekends; and impose any and all restrictions and conditions for the use of such street under which such permit is granted. Any violation of such conditions may at the decision of the city render such permit null and void and may impose additional costs upon the permit holder as determined necessary and equitable to repair any damage.

(E) All permits shall be void one calendar year from the date the permit is issued or such time limit imposed by the city.

(F) There being no ordinance to regulate log hauling at the present time, it is hereby adjudged that existing conditions are such that this chapter is necessary for the immediate preservation of the public peace, health and safety; an emergency is hereby declared to exist, and this chapter shall be and become effective upon its passage and adoption by the City Council and approved by the City Council. (Ord. 2010-06, passed 7-20-2010) Penalty, see § 73.99

#### **§ 73.99 PENALTY.**

Any person found guilty of violating any provision of this chapter shall be punishable by a Class C violation for each offense as determined by the Manzanita Municipal Court, plus court costs. (Ord. 2010-06, passed 7-20-2010)