

TITLE VII: TRAFFIC CODE

Chapter

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CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.01 SHORT TITLE.

This title may be cited as *Seaside Uniform Traffic Ordinance*.
(Ord. 95-13, passed 2-27-95)

§ 70.02 STATE TRAFFIC LAWS APPLICABLE.

Violation of O.R.S. Chapters 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816,

818, 819, 820, 821, 822, and 823, as now constituted shall be an offense against the city.
(Ord. 95-13, passed 2-27-95)

§ 70.03 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED. Left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the city, and upon any area of public property.

BICYCLE. A vehicle that has no more than two wheels in contact with the ground, and one or two seats that are in-line with the frame.

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

HOLIDAY. New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the City Council to be a holiday.

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.

MOTOR VEHICLE. Every vehicle that is self-propelled, including tractors, forklift trucks, motorcycles, road building equipment, street cleaning equipment, and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of the state.

PARKING. The condition of:

(1) A motor vehicle that is stopped while occupied by its operator with the engine turned off.

(2) A motor vehicle that is stopped while occupied by its operator, whether or not the engine is turned off.

PEDESTRIAN. A person on the public right-of-way, except:

(1) The operator or passenger of a motor vehicle or bicycle.

(2) A person leading, driving or riding an animal or animal-drawn conveyance.

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

PROM. The concrete boardwalk from Avenue "U" to 12th Avenue, on the western edge of the city.

STAND or **STANDING.** The stopping of a motor vehicle while occupied by its operator with the engine running, except stopping in obedience to the instructions of a traffic officer or traffic-control device or for other traffic.

STOP. Complete cessation of movement.

STREET and **OTHER PROPERTY OPEN TO PUBLIC TRAVEL.**

(1) **STREET.** "Highway," "road," and "street," when used in this title or in the O.R.S. chapters incorporated herein, shall be considered synonymous, unless the context precludes such construction. **STREET**, as defined in this title and the O.R.S. chapters incorporated by reference herein, includes alleys, sidewalks and parking areas and access ways owned or maintained by the city.

(2) **OTHER PROPERTY OPEN TO PUBLIC TRAVEL.** Property, whether publicly or privately owned, and whether publicly or privately maintained, upon which the public operates motor vehicles, either by express or implied invitation, other than streets as defined in this section, and

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

TAXICAB STAND. A space on the edge of a roadway designated by sign for use by taxicabs.

TRAFFIC-CONTROL DEVICE. A device to direct vehicular or pedestrian traffic, including but not limited to a sign, signaling mechanism, barricade, button or street or curb marking installed by the city or other authority.

TRAFFIC LANE. The area of the roadway used for the movement of a single line of traffic.

VEHICLE. As used in subsequent sections of this title, includes bicycles.
(Ord. 95-13, passed 2-27-95; Am. Ord. 97-13, passed 6-23-97)

§ 70.04 POWERS OF THE CITY 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 herein or by another ordinance.

(B) The powers of the City Council shall include, but not be limited to:

(1) Designation of through streets. (O.R.S. 810.110)

(2) Designation of one-way streets. (O.R.S. 810.130)

(3) Designation of truck routes. (O.R.S. 810.040)

(4) Designation of parking meter zones.

(5) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage. (O.R.S. 810.030)

(6) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law. (O.R.S. 810.060)

(7) Initiation of proceedings to change speed zones. (O.R.S. 810.190)

(8) Revision of speed limits in parks. (O.R.S. 810.180)
(Ord. 95-13, passed 2-27-95)

§ 70.05 DUTIES OF THE CITY MANAGER.

The City Manager or his designate shall exercise the following duties:

(A) Implement the ordinances, resolutions and motions of the City Council and his own orders by installing traffic-control devices. Such installations shall be based on the standards contained in the *Oregon Manual on Uniform Traffic Control Devices for Streets and Highways*.

(B) Establish, maintain, remove or alter the following classes of traffic controls:

(1) Crosswalks (O.R.S. 810.220), safety zones (O.R.S. 810.130[2]) and traffic lanes (O.R.S. 810.130[1]).

(2) Intersection channelization and areas where drivers of vehicles shall not make right, left or "U" turns and the time when the prohibition applies. (O.R.S. 810.130[3] and O.R.S. 810.130[4])

(3) Parking areas and time limitations, including the form of permissible parking (such as, parallel or diagonal). (O.R.S. 810.160)

(C) Issue oversize or overweight vehicle permits. (O.R.S. 810.050)
(Ord. 95-13, passed 2-27-95)

§ 70.06 STANDARDS FOR REGULATIONS.

The regulations of the City Manager or his designate shall be based upon:

(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. 95-13, passed 2-27-95)

§ 70.07 AUTHORITY OF POLICE AND FIRE OFFICERS.

(A) It shall be the duty of police officers to enforce the provisions of this title.

(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 title. (Ord. 95-13, passed 2-27-95)

§ 70.08 TRAFFIC-CONTROL DEVICES.

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

(B) Traffic-control devices installed prior to the adoption of this title are lawfully authorized.

(C) Under conditions constituting a danger to the public, the City Manager or his designate may install temporary traffic-control devices deemed by him to be necessary. (Ord. 95-13, passed 2-27-95)

§ 70.09 DRUG-FREE ZONE SIGNS AUTHORIZED.

(A) The purpose of this section is to provide authority to place red colored signs (Drug-Free Zone) within the public right-of-way, in accordance with the provisions of the *Manual on Uniform Traffic Control Devices (MUTCD)*.

(B) Such signs shall be placed within the public right-of-way, within the boundaries of the Drug-Free

Zone, shall be no larger than 12 inches by 18 inches, and shall be red in color with a white background. (Ord. 95-12, passed 2-27-95)

***SEIZURE, FORFEITURE
AND IMPOUNDMENT***

§ 70.20 SEIZURE AND FORFEITURE.

(A) The following vehicles are declared to be nuisances and are subject to seizure and forfeiture:

(1) A motor vehicle operated by a person who is criminally driving with a suspended or revoked license or in violation of a permit, in violation of O.R.S. 811.182.

(2) A motor vehicle operated by a person under the influence of intoxicants in violation of O.R.S. 813.010, where the person has:

(a) Participated in a driving while under the influence of intoxicants diversion program as provided for by the Oregon Revised Statutes, or its statutory counterparts in any jurisdiction within the previous ten years; or

(b) Been convicted of, or has forfeited bail or security for, any of the following violations within the previous ten years:

1. Driving under the influence of intoxicants under O.R.S. 813.010 or its statutory counterpart in any jurisdiction; or

2. Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle, or statutory counterparts in any jurisdiction; or

3. Any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle, or statutory counterparts in any jurisdiction; or

4. Failure to perform the duties of a driver under O.R.S. 811.705 or its statutory counterparts in any jurisdiction; or

5. Reckless driving under O.R.S. 811.140 or its statutory counterparts in any jurisdiction; or

6. Fleeing or attempting to elude a police officer under O.R.S. 811.540 or its statutory counterparts in any jurisdiction; or

7. Any degree of recklessly endangering another person menacing or criminal mischief resulting from the operation of a motor vehicle or its statutory counterparts in any jurisdiction; or

8. Failure to perform the duties of a driver under O.R.S. 811.700 while driving a commercial motor vehicle or its statutory counterpart in any jurisdiction; or

9. Has a habitual offender status under O.R.S. 809.640 or its statutory counterpart in any jurisdiction.

(B) The following motor vehicles are declared nuisances and are subject to seizure and impoundment:

(1) Motor vehicles operated by a person who the arresting officer has probable cause to arrest in violation of O.R.S. 813.010, driving while under the influence of intoxicants; or

(2) Motor vehicles operated by a person who is without driving privileges in violation of O.R.S. 807.010 (Driving without a drivers license); or his/her driving privileges have been canceled, suspended or revoked under provisions of Chapter 809 or the Oregon Vehicle Code or O.R.S. 811.175; or

(3) Motor vehicles operated by a person in violation of the Oregon Financial Responsibility Laws, as described in O.R.S. 806.010 and 806.012. (Ord. 98-05, passed 3-9-98; Am. Ord. 2000-07, passed 9-25-00; Am. Ord. 2005-05, passed 11-14-05)

§ 70.21 FORFEITURE PROCEEDINGS.

All forfeiture proceedings pursuant to this chapter shall be conducted in accordance with Sections 1 to 14 and 22, Chapter 791, Oregon laws, 1989, as amended by Chapter 218, 237, 276, 291, 791, 800 and 924, Oregon Laws, 1991, or as such laws may be hereafter amended.
(Ord. 98-05, passed 3-9-98)

§ 70.22 IMPOUNDMENT.

(A) Notice that the vehicle has been impounded shall be given to the same parties, in the same manner and within the same time limits as provided in O.R.S. 819.180 for notice after removal of a vehicle.

(B) An impounded vehicle shall be released to a person entitled to lawful possession upon proof of compliance with financial responsibility requirements, proper vehicle registration, a driver's license valid in the state, and payment of administrative fees associated with the impoundment, towing and storage charges. Proof shall be presented to the Seaside Police Department which shall authorize the person storing the vehicle to release it upon payment of charges.

(C) A person entitled to lawful possession of an impounded vehicle may request a hearing to contest the validity of the impoundment. The request must be made within the time limits provided in O.R.S. 809.716, and the hearing shall be conducted in the manner set forth in that statute.

(D) If the vehicle is not reclaimed within thirty (30) days after impoundment, it may be disposed of as set forth in O.R.S. Chapter 819.

(E) A **PERSON HAVING A RIGHT TO LAWFUL POSSESSION OF A VEHICLE** is defined as a person who is listed on the vehicle title or registration as a registered owner or a security interest holder.
(Ord. 98-05, passed 3-9-98)

§ 70.23 AUTHORITY.

The Seaside Police Department shall be responsible for enforcing this subchapter for the city.
(Ord. 98-05, passed 3-9-98)

§ 70.24 CONFORMANCE WITH STATE LAW.

This subchapter shall in no way be a substitute for, nor eliminate the necessity of conforming with any and all laws and rules of the state, or its agencies, or any ordinance, rule or regulation of the city.
(Ord. 98-05, passed 3-9-98)

§ 70.25 ADMINISTRATIVE FEES.

The city will assess an administrative fee for processing motor vehicles impounded under the provisions set forth within this chapter. This administrative fee will be \$50; however, the fee is subject to adjustment based upon the expenses to the city and will be periodically reviewed by the City Auditor/Finance Director.
(Ord. 98-05, passed 3-9-98)

§ 70.99 PENALTY.

(A) Except as may be limited by the charter, violations of O.R.S. provisions established that [sic] offenses against this city are punishable to the same extent provided in the statutes.

(B) A violation of §§ 70.07, 70.08, 71.01 through 71.13, and Chapter 72 is punishable by fine not to exceed \$700.
(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

CHAPTER 71: TRAFFIC RULES

Section

- 71.01 General rules of the road
- 71.02 Crossing private property
- 71.03 Unlawful riding
- 71.04 Reserved
- 71.05 Skis, sleds, skateboards and the like
- 71.06 Damaging sidewalks and curbs
- 71.07 Obstructing streets
- 71.08 Removing glass and debris
- 71.09 Horses and livestock regulated
- 71.10 Regulation of bicycles
- 71.11 Vehicles permitted on the Prom
- 71.12 Pedestrians to cross at right angles
- 71.13 Funeral processions
- 71.14 Parades
- 71.15 Operation of city-owned all-terrain vehicles

Cross-reference:

Vehicles injuring animals, see § 131.23

§ 71.01 GENERAL RULES OF THE ROAD.

Under the provisions of and in addition to state law, the following shall apply to the operation of vehicles upon the streets of the city:

(A) The operator of a vehicle in the traffic lane shall have the right-of-way over an operator of a vehicle departing from a parking space.

(B) No operator of a vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal when other traffic may be affected.

(Ord. 95-13, passed 2-27-95) Penalty, see § 70.99

§ 71.02 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. (Ord. 95-13, passed 2-27-95) Penalty, see § 70.99

§ 71.03 UNLAWFUL RIDING.

(A) 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.

(B) No person shall board or alight from a vehicle while the vehicle is in motion upon a street. (Ord. 95-13, passed 2-27-95) Penalty, see § 70.99

§ 71.04 RESERVED.

§ 71.05 SKIS, SLEDS, SKATEBOARDS AND THE LIKE.

No person shall use the streets or sidewalks for traveling on skis, toboggans, sleds, skateboards, or other similar devices, except where authorized. (Ord. 95-13, passed 2-27-95) Penalty, see § 70.99

§ 71.06 DAMAGING SIDEWALKS AND CURBS.

(A) The operator of a vehicle shall not drive upon 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) No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.

(D) No person shall operate a vehicle, including skateboards, roller skates and in-line skates, in a manner that damages or defaces any public structures. (Ord. 95-13, passed 2-27-95) Penalty, see § 70.99

§ 71.07 OBSTRUCTING STREETS.

(A) No unauthorized person shall obstruct the free movement of vehicles or pedestrians using the streets.

(B) No person shall park or stand a vehicle in such a manner or location that it constitutes a hazard to public safety or an obstruction of the street. (Ord. 95-13, passed 2-27-95) Penalty, see § 70.99

§ 71.08 REMOVING GLASS AND DEBRIS.

A party to a vehicle accident, or a person causing broken glass or other debris to be upon a street, shall remove the glass and other debris from the street. (Ord. 95-13, passed 2-27-95) Penalty, see § 70.99

§ 71.09 HORSES AND LIVESTOCK REGULATED.

(A) Horses and other livestock shall not be permitted on any street or sidewalk west of Roosevelt Drive without a permit issued by the Chief of Police, except when participating in a parade for which a permit has been issued.

(B) Saddle animals such as horses, llamas, mules, and the like may be used on the ocean shore recreation area where not otherwise posted. No animal shall be hitched or confined in a manner that may cause damage to any natural resources on the ocean shore. (Ord. 95-13, passed 2-27-95) Penalty, see § 70.99

§ 71.10 REGULATION OF BICYCLES.

(A) *No riding in certain area.* No person shall ride or operate a bicycle upon a sidewalk in that area bounded on the south by the northern limits of Avenue "A", on the north by the southern limits of Ocean Way, on the east by the western limits of Roosevelt Drive and on the west by the eastern limits of the Prom.

(B) *Impounding of bicycles.*

(1) It shall be unlawful to leave a bicycle on public or private property without the consent of the person in charge or the owner.

(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 title may be immediately impounded by the Police Department.

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

(5) A bicycle impounded under this title which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.
(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 71.11 VEHICLES PERMITTED ON THE PROM.

The only vehicles permitted on the Prom are: bicycles, public utility vehicles, and emergency vehicles.
(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 71.12 PEDESTRIANS TO CROSS AT RIGHT ANGLES.

A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.
(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 71.13 FUNERAL PROCESSIONS.

(A) A permit shall not be required to conduct a funeral procession.

(B) The procession shall proceed to the place of internment by the most direct route which is both legal and practicable.

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

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

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

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 71.14 PARADES.

No person shall conduct or participate in a parade unless a parade permit has been issued by the Chief of Police.

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 71.15 OPERATION OF CITY-OWNED ALL-TERRAIN VEHICLES.

(A) All-terrain vehicles which are owned and operated by the city are exempt from the requirements of O.R.S. Chapter 821 with regards to the operation of such vehicles on a highway, within the corporate limits of the city. (O.R.S. 821.190, 821.200)

(B) Such vehicle as referred to in this section shall be equipped as required by O.R.S. Chapter 821, and shall also be equipped as described below:

(1) Operational turn and brake signals; and

(2) Any emergency lighting equipment as may be deemed necessary by the Chief of Police.
(Ord. 95-17, passed 2-27-95)

CHAPTER 72: PARKING REGULATIONS

Section

Parking Regulated

- 72.01 Method of parking
- 72.02 Prohibited parking and standing
- 72.03 Parking prohibited for certain purposes
- 72.04 Loading zones
- 72.05 Action by police officer
- 72.06 Standing or parking of buses and taxicabs; bus and taxicab stands
- 72.07 Parking time limits
- 72.08 Exemption

Parking Citations and Impoundment

- 72.20 Traffic citation on illegally-parked vehicle
- 72.21 Failure to comply with citation
- 72.22 Owner responsibility
- 72.23 Registered owner presumption
- 72.24 Impoundment of vehicles

PARKING REGULATED

§ 72.01 METHOD OF PARKING.

(A) 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 and shape of the vehicle makes compliance impossible, within a single marked space.

(B) The operator who first begins maneuvering his motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive him of his priority or block his access.

(C) Whenever the operator of a vehicle is parked close to a building to which the Fire Department has been summoned, he shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.02 PROHIBITED PARKING AND STANDING.

In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

(A) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, but in no case for a period in excess of 30 consecutive minutes.

(B) Between the hour of sunset and the hour of sunrise, it is unlawful for any person or persons to park any of the vehicles described in division (C) upon any public street or roadway within the city, within an area of one block, or within a like area upon any street or roadway which is not designated in blocks, for a period of more than two hours.

(C) The vehicles covered by the provisions of this section are as follows:

- (1) A motor truck as defined by O.R.S. 801.355;
- (2) A motor bus as defined by O.R.S. 801.200;
- (3) A trailer as defined by O.R.S. 801.560;

(4) Logging trucks, logging truck trailers, logging trucks with trailer attached;

(5) Any trucks with trailers or semi-trailers attached;

(6) Truck trailers;

(7) Gravel trucks; and

(8) Any vehicle of an overall length exceeding 20 feet and any vehicle of a width at its widest point exceeding 80 inches.

(D) A motor truck or trailer, as defined in division (C), proceeding upon Broadway from Roosevelt Drive to the Turnaround for any purpose between the hours of 12:00 noon and 12:00 midnight except by permission of the City Council.

(E) A vehicle upon a parkway or freeway, except as authorized.
(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95; Am. Ord. 98-16, passed 9-14-98)

§ 72.03 PARKING PROHIBITED FOR CERTAIN PURPOSES.

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

(A) Displaying a vehicle for sale.

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

(C) Displaying advertising from the vehicle.

(D) Selling merchandise from the vehicle except where authorized.
(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.04 LOADING ZONES.

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 shall a person stand or park a vehicle in a loading zone for the purpose of loading or unloading materials during the hours applicable in violation of posted time limits. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.05 ACTION BY POLICE OFFICER.

Whenever a police officer shall find a motor vehicle parked unattended with the ignition key in the vehicle in violation of O.R.S. 811.585, 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.

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.06 STANDING OR PARKING OF BUSES AND TAXICABS; BUS AND TAXICAB STANDS.

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

(B) No person shall 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 for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab.

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.07 PARKING TIME LIMITS.

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. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

§ 72.08 EXEMPTION.

The provisions of this title 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 owned by the United States while in use for the collection, transportation or delivery of mail. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95) Penalty, see § 70.99

PARKING CITATIONS AND IMPOUNDMENT

§ 72.20 TRAFFIC CITATION ON ILLEGALLY-PARKED VEHICLE.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this title, 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 for the operator to answer to the charge against him or pay the penalty imposed within five days during the hours and at a place specified in the citation. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.21 FAILURE TO COMPLY WITH CITATION.

If the operator does not respond to a traffic citation affixed to such vehicle within a period of five days, the Police Department and/or the City Auditor may send to the owner of the vehicle to which the

traffic citation was affixed a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of five days, a warrant for his arrest may be issued. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.22 OWNER RESPONSIBILITY.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.23 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 he was then the owner in fact. (Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95)

§ 72.24 IMPOUNDMENT OF VEHICLES.

(A) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, or is abandoned, a police officer shall order the owner or operator of the vehicle to remove it.

(B) If the vehicle is unattended, found to be a traffic hazard or obstruction to traffic a police 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, notwithstanding that the vehicle was parked by another, or that the vehicle was initially parked in a safe manner, but subsequently became an obstruction or hazard.

(C) If the vehicle is abandoned, it shall be the duty of the Police Department, whenever a vehicle is found abandoned upon the streets or alleys, or any

public property, in the same position for a period of two days, to:

(1) Make a routine investigation to discover the owner and request the removal of the vehicle; and

(2) If the owner is not found, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.

(3) Such notice shall state that the Police Department will remove and impound the vehicle under provision of this title within 24 hours of the day of the posting, unless the owner removes the vehicle or a hearing is requested in writing as provided by O.R.S. 819.190.

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

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

(F) Whenever a police officer observes a vehicle parked in violation of a provision of this title, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid.

(Ord. 95-13, passed 2-27-95; Am. Ord. 95-29, passed 7-10-95; Am. Ord. 97-13, passed 6-23-97)