

AFFIDAVIT OF POSTING

ORDINANCE #255

STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 2nd day of March, 1983, I caused to be posted copies of the attached Ordinance #255, an ordinance adopting previous Traffic Control Commission's Order No. 3 and amending Chapter 5 of the Wilsonville Code, in the following four public and conspicuous places of the City, to wit:

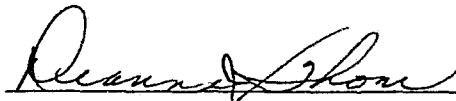
WILSONVILLE POST OFFICE

WILSONVILLE CITY HALL

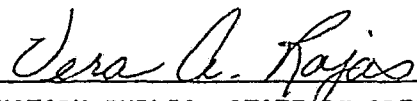
LOWRIE'S FOOD MARKET

KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 7th day of March, 1983.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 9th day of March, 1983.


NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE NO. 225

AN ORDINANCE ADOPTING PREVIOUS TRAFFIC CONTROL COMMISSION'S ORDER NO. 3 AND AMENDING CHAPTER 5 OF THE WILSONVILLE CODE.

WHEREAS, the City Council of the City of Wilsonville has determined that it is in the best interests of the welfare and public safety of its citizens to reorganize its Traffic Control Commission into a Traffic Safety Commission and said commission will no longer be authorized to adopt orders governing traffic matters; and

WHEREAS, said reorganization therefore necessitates the adoption of previous adopted orders as ordinances; and

WHEREAS, on October 28, 1980, the Traffic Control Commission made the finding that traffic problems are steadily increasing throughout the City of Wilsonville, jeopardizing the public health, safety and general welfare, creating a public need for the enactment of comprehensive traffic rules and regulations; and

WHEREAS, on October 28, 1980, the Traffic Control Commission promulgated Order No. 3, which was entitled, "An Order Regulating Vehicular and Pedestrian Traffic and Providing Penalties;" and

WHEREAS, those orders dealing with parking and traffic signing regulations for particularized geographic areas shall be adopted as a special ordinance and those orders dealing with comprehensive traffic regulation shall be adopted as a general ordinance and shall be codified;

NOW, THEREFORE, the City of Wilsonville Ordains as follows:

1. Section 5.000 of the Wilsonville Code shall be amended to delete the second and third sentences of that section, and to replace them with the following two sentences:

"All motor vehicles operated in the city shall be operated in accordance with the laws of the State of Oregon and the provisions of the Wilsonville Code. Any person who operates a motor vehicle contrary to the laws of the state or the Wilsonville Code, shall be guilty of a violation of Sections 5.000 to 5.254".

2. Section 5.010 of the Wilsonville Code shall be amended to read as follows:

"Local rules and regulations. (1) Upon the final passage of a traffic ordinance by the City Council, and upon the erection of appropriate signs or other markers, as may be required to inform the public of such ordinance, the city's law enforcement officer(s) shall enforce the ordinance by issuing citations for violations and filing complaints in the Municipal Court, which violations shall be prosecuted by the City Attorney.

(2) In the event of a fire or other public emergency, officers of the police and fire department may direct traffic as conditions require."

3. Section 5.020 of the Wilsonville Code shall be amended to read as follows:

"Violation and penalties. (1) Violation of this chapter and the Oregon laws which are adopted by

reference shall be punished upon conviction as designated below in Section 5.300".

4. Chapter 5 of the Wilsonville Code shall be amended by adding new sections as follows:

"5.030 Definitions.

(1) In addition to those definitions contained in the Oregon Vehicle Code, the following words or phrases, except where the context clearly indicates a different meaning, in Chapter 5, shall mean:

(a) Abandoned vehicle. A vehicle left unoccupied or unclaimed or in a damaged or dismantled condition such that the vehicle is inoperable and/or related thereto.

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

(c) Hazardous vehicle. A vehicle left in a location or condition such as to constitute an immediate and continuous hazard to persons using the streets within the city. For example, and not by limitation, the following are hazardous vehicles: (i) vehicles blocking public or private right-of-ways; (ii) vehicles with leaks in gas tanks; (iii) vehicles blocking fire hydrants.

(d) Holiday. New Year's Day, Independence Day,

Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed or recognized by the council to be a holiday.

(e) 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.

(f) Motor vehicle. Every vehicle that is self-propelled, including tractors, fork-lift 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 Oregon.

(g) Owner. A person with a claim, either individually or jointly, or ownership of any interests, legal, or equitable, in a vehicle.

(h) Person. A natural person, firm, partnership, association or corporation.

(i) Police. Any authorized law enforcement officer of the city.

(j) Private garage. A reputable, private storage yard, garage, or other storage place selected by the city administrator.

(k) Street. Highway, road or street as defined in ORS 487.005(8).

(l) Taxicab stand. A space on the edge of a roadway designated by sign for use by taxicabs.

(m) Traffic lane. That area of the roadway used for the movement of a single line of traffic.

(n) Vehicle. Every device in, upon, or by which the person or property is or may be transported or drawn upon a public highway, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks. However, as used in Sections 5.030 to 5.102, vehicle shall include bicycles.

"5.040 City Administrator Duties. Pursuant to Code Section 2.105, the City Administrator, or his designee, shall be authorized to exercise the following duties:

(1) Implement the ordinances, resolutions, and motions of the council by installing, maintaining, removing, and altering traffic control devices. Such installation shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways, and shall include, but not be limited to, the following classes of traffic control devices:

(a) Crosswalks (ORS 487.860, safety zones (ORS 487.885(1)(b)), and traffic lanes (487.885(1)(a)).

(b) Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies

(ORS 487.885(1)(c).

(c) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal). (ORS 487.890).

(d) Traffic control signals.

(e) Loading zones and stops for vehicles.

(f) Issue oversize or overweight vehicle permits. (ORS 483.502-483.536).

(g) Establish bicycle lanes, pedestrian and bridle paths, and those streets whereupon horses and animals are prohibited.

5.042 City Administrator-Report. Duties exercised by the city administrator or his designee shall be reported to the City Council at the next regular meeting immediately following their implementation. This reporting requirement may be dispensed with when the council so requests.

5.044 City Administrator - Public Danger. Under conditions constituting a danger to the public, the city administrator or his designee may install temporary traffic control devices deemed by him to be necessary.

5.050 Standards. The regulations of the City Council shall be based upon:

(1) Traffic engineering principles and traffic investigations.

(2) Standards, limitations and rules promulgated by the Oregon Transportation Commission.

(3) Recommendations of the Traffic Safety Commission.

(4) Other recognized traffic control standards.

5.060 General Regulations - 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.

5.062 General Regulations - Unlawful Riding.

(1) No operator shall permit a passenger to, 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.

5.064 General Regulations - Sleds on Streets. No person shall use the streets for traveling on skis, toboggans, sleds or similar devices, except where authorized.

5.066 General Regulations - Damaging Sidewalks and Curbs.

(1) The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

(2) 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.

(3) 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.

5.068 General Regulations - 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 or shall bear the cost of removal.

5.070 General Regulations - 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 seventy-two (72) hours. Failure to move a motor vehicle or other personal property for a period of seventy-two (72) hours, shall constitute prima facie evidence of storage of a motor vehicle.

5.080 Parking Regulations - 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 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 that space, and no other 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 police or fire officers.

5.082 Parking Regulations - 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 truck as defined by ORS 483.014(2), and trailers, travel trailers and mobile coaches as defined in Section 4.001 of the code on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or

adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation, unless otherwise specifically adopted by action of the city council.

5.084 Parking Regulations - Prohibited Parking. No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

(1) Displaying the vehicle for sale.

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

(3) Displaying advertising from the vehicle.

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

5.086 Parking Regulations - 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 zone shall not exceed 30 minutes.

5.088 Parking Regulations - Unattended Vehicles. Whenever a police officer shall find 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 police office.

5.090 Parking Regulations - Standing or Parking of Busses and Taxicabs. 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 the taxicab outside a traffic lane while loading or unloading passengers.

5.092 Parking Regulations - Restricted Use of Bus and Taxicab Stands. 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 waiting to enter or about to enter the restricted space.

5.094 Parking Regulations - Lights on Parked Vehicle. No lights need be displayed upon a vehicle that is parked in accordance with this ordinance upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

5.096 Parking Regulations - 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.

5.098 Parking Regulations - Exemption. The provisions of this order 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.

5.100 Bicycles - Operating Rules. In addition to observing all other applicable provisions of this order and state law pertaining to bicycles, a person shall:

(1) Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. 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 areas as are from time to time established by the city council.

5.102 Bicycles - Impounding.

(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.

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

(4) If a bicycle impounded under this order is licensed, or other means of determining its ownership exist, the police 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.

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

(6) Except as provided in subsection (4), a fee of \$2.00 shall be charged to the owner of a bicycle impounded under this section.

5.110 Pedestrians - Must Use Crosswalks. 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.

5.112 Pedestrians - Right Angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

5.120 Parades - Prohibited Activity. No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A

"parade" means any group of person(s) and/or vehicle(s) moving on a street or streets of the city with a plan or common purpose for a celebration, display, exhibition, show, or advertisement, whether for public, semi-public or private purposes, but does not include funeral processions, nor any advertising vehicle which may be operating under other provisions of the Wilsonville Code. Any group or person(s) and/or vehicle(s) engaging in the parade, as defined above, shall constitute prima facie evidence of disruption of interference with traffic.

5.122 Parade - Permit.

(1) Application for parade permits shall be made to the city administrator or his delegate at least 14 days prior to the intended date of the parade, unless the time is waived by him.

(2) Applications shall include the following information:

(a) The name and address of the person responsible for the proposed parade.

(b) The date of the proposed parade.

(c) The desired route including assembling points.

(d) The number of persons, vehicles and animals which will be participating in the parade.

(e) The proposed starting and ending time.

(f) The application shall be signed by the

person designated as chairman.

(3) If the city administrator or his delegate, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he shall approve the route and issue the permit.

(4) If the city administrator or his delegate determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he may:

- (a) Propose an alternate route.
- (b) Propose an alternate date.
- (c) Refuse to issue a parade permit.

(5) The city administrator or his delegate shall notify the applicant of his decision within five days of receipt of the application.

(6) If the city administrator or his delegate proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the city council.

5.124 Appeal to City Council.

(1) An applicant may appeal the decision of the city administrator or his delegate by filing a written request of appeal with the city recorder within five days after the city administrator or his delegate 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.

5.126 Offenses Against Parade.

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

(2) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

5.128 Permit Revocable. The city administrator or his delegate may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

5.130 Funeral Processions.

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

(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 lights turned on.

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

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

5.140 Parking Citations and Owner Responsibility - Citation on Illegally Parked Vehicle. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by city 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 parking citation instructing the operator to within five days, during the hours and at a place specified in the citation, pay the penalty imposed or post bail and request a court hearing to answer the charge against him.

5.142 Failure to Comply with Parking Citation Attached to Parked Vehicle. If the operator does not respond to a parking citation affixed to a vehicle in accordance with the instructions thereof within a period of five days, the municipal court clerk may send to the owner of the vehicle, to which the parking citation was affixed, a letter informing the owner of the violation and commanding the owner to appear in court at a fixed time and a specified place to show cause why the penalty was not paid or to pay the penalty by a fixed time and at a specific place, and warning him that in the event that the letter is disregarded for a period of five days, a warrant

for the arrest of the owner will be issued.

5.144 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.

5.146 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.

5. Section 5.100 of the Wilsonville Code is deleted.

6. Section 5.110 of the Wilsonville Code is amended by changing its designation to 5.200, and by changing subsection (2) to read as follows:

"Whenever a vehicle is placed, parked, or left standing in violation of subsection (1) above, then the police officer shall order the owner or operator of the vehicle to remove it pursuant to the procedures concerning impoundment as stated in Sections 5.230-5.254. If an abandoned vehicle is taken into custody by the police pursuant to Sections 5.230-5.254, it shall be held at the expense of the owner or person entitled to possession of the vehicle. The police may utilize their own personnel, equipment, and facilities for the removal and preservation

of the vehicle, or may hire other personnel, equipment, or facilities for that purpose."

7. A new Section 5.210 shall be added to Chapter 5 of the Wilsonville Code as follows:

"5.210 Impoundment of Vehicles - General.

(1) The impoundment of a vehicle will not preclude the issuance of a citation for a violation of a provision of Sections 5.200-5.254.

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

(3) Whenever a police officer observes a vehicle parked in violation of a provision of the city's ordinances or state law, 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. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in Section 5.200(2) of this chapter.

8. Section 5.120 of the Wilsonville Code shall be amended by changing its designation to 5.220; by adding the following phrase to the end of Section (1): ", in accordance with the provisions of Sections 5.240 - 5.254, relating to abandoned vehicles."; and by adding the following phrase to the end of subsection (2):

", 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."

9. Sections 5.122 through 5.154 of the Wilsonville Code shall be amended so that they will be designated as 5.222 through 5.254; the word "Hazardous" shall be deleted from the heading of Section 5.222; lines 2 and 3 of Section 5.222(1) shall read Sections 5.200, 5.210, and 5.220; line 3 of Section 5.230(1) shall read Section 5.200; line 1 of 5.232(1) shall read 5.230; and line 3 of 5.232(2) shall read 5.250.

10. Chapter 5 of the Wilsonville Code shall be amended by adding a new section 5.300 as follows:

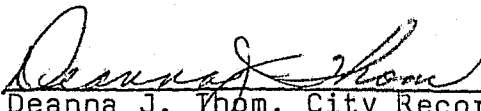
5.300 Penalties.

(1) Violation of Sections 5.060 through 5.070 is punishable by a fine not to exceed \$100.00.

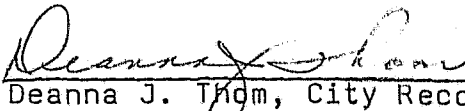
(2) Violation of Section 5.080 through 5.120, and Section 5.126, 5.130, 5.140, and 5.200 through 5.220 is punishable by a fine not to exceed \$50.00.

11. It being determined by the Wilsonville City Council an emergency exists, this Ordinance shall take effect immediately upon final reading and passage by the Wilsonville City Council.


Submitted to the Council and read the first time at a regular meeting thereof on the 22nd day of February, 1983, and scheduled for second reading at a regular meeting of the Council on the 7th day of March, 1983, commencing at the hour of 7:30 o'clock p.m., at the Willamette Valley Wesleyan Church.


Deanna J. Thom, City Recorder

ENACTED by the Council on the 7th day of March, 1983,
by the following votes: YEAS 5 NAYS 0.


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 8th day of March,
1983.


William G. Lowrie, Mayor