

Athena Ordinances

ORDINANCE NO. 630

AN ORDINANCE CONTROLLING VEHICULAR AND PEDESTRIAN TRAFFIC; PROVIDING PENALTIES; AND REPEALING ORDINANCE NO. 243.

The City of Athena, Oregon ordains as follows:

Section 1. Short Title. This ordinance may be cited as the Athena Uniform Traffic Ordinance.

State Traffic Laws

Section 2. Applicability of State Traffic Laws. Violation of provisions in Oregon Revised Statutes, Chapters 481, 482, 483, 484, or 485, and 649.080, as now or hereafter constituted, shall be an offense against the city.

Definitions

Section 3. Definitions.

- (1) In addition to those definitions contained in the above ORS chapters, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:
- (a) Bus stop. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) Park or parking. The condition of:
 - (i) A motor vehicle that is stopped while occupied by its operator, with the engine turned off.
 - (ii) A motor vehicle that is stopped while unoccupied by its operator, whether or not the engine is turned off.
 - (f) Pedestrian. A person on the public right-of-way.

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- (i) The operator or passenger of a motor vehicle, bicycle, roller blades, skate boards, scooters.
- (ii) A person leading, driving or riding an animal or animal-drawn conveyance.
- (g) Person. A natural person, firm, partnership, association or corporation.
- (h) 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.
- (i) Stop. Complete cessation of movement.
- (j) Street. The term “highway,” “road” and “street,” when used in this ordinance or in the ORS chapters incorporated herein, shall be considered synonymous, unless the context precludes such construction. “Street,” as defined in this ordinance and the ORS chapters incorporated by reference herein, includes alleys, sidewalks and parking areas and access ways owned or maintained by the city.
- (k) Taxicab stand. A space on the edge of a roadway designated by sign for use by taxicabs.
- (l) Traffic control device. A device to direct vehicular or pedestrian traffic and parking, including but not limited to a sign, signaling mechanism, barricade, button or street or curb marking installed by the city or other authority.
- (m) Traffic lane. That area of the roadway used for the movement of a single line of traffic.
- (n) Vehicle. As used in subsequent sections of this ordinance, includes bicycles.
- (2) As used in this ordinance, the singular includes the plural, and the masculine includes the feminine.

Administration

Section 4. Powers of the Council.

- (1) 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.
- (2) The powers of the council shall include but not be limited to:
 - (a) Designation of through streets.
 - (b) Designation of one-way streets.
 - (c) Designation of truck routes.

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- (d) Designation of city-owned or leased lots, or property on which public parking will be permitted.
 - (e) Designation of parking meter zones.
 - (f) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
 - (g) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law.
 - (h) Initiation of proceedings to change speed zones.
 - (i) Revision of speed limits in parks.
- (3) The city council shall, by resolution:
- (a) Install traffic control devices to implement this ordinance and other traffic control measures. Such installations shall be based on the standards contained in the Oregon Manual of Uniform Traffic Control Devices for Streets and Highways.
 - (b) Establish, maintain, remove or alter the following classes of traffic controls:
 - (i) Crosswalks, safety zones and traffic lanes.
 - (ii) Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies.
 - (iii) Parking areas and time limitations, including the form of permissible parking (e.g. parallel or diagonal).
 - (c) Issue oversize or overweight vehicle permits.
 - (d) Establish, maintain, remove or alter traffic control signals.
 - (e) Establish, maintain, remove or alter loading zones and stops for all vehicles.
 - (f) Designate certain streets as bridle paths and prohibit horses and animals on other streets.
 - (g) Temporarily block or close streets.

Section 5. Delegation of Powers. The city council may delegate powers set forth in Subsection (3) of Section 4 at their discretion. Duties exercised thereafter by the street commissioner or his designate shall be reported to the council at the regular meeting immediately following their implementation, and the council may reject or modify such action. This reporting requirement may be dispensed with when the council so orders.

Section 6. Public Danger. Under conditions constituting a danger to the public, the public work's commissioner or his designate may install temporary control devices deemed by him to be necessary.

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Section 7. Standards. The regulations of the city council and the street commissioner or his designate shall be based upon:

- (1) Traffic engineering principles and traffic investigations.
- (2) Standards, limitation and rules promulgated by the State Highway Commission.
- (3) Other recognized traffic control standards.

Section 8. Authority of Police and Fire Officers.

- (1) It shall be the duty of police officers to enforce the provisions of this ordinance.
- (2) In the event of a fire or other public emergency, officers of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

Section 9. Obedience to and Alteration of Control Devices.

- (1) No person shall disobey the instruction of a traffic officer or a traffic control device.
- (2) No unauthorized person shall install, move, remove, obstruct, alter the position of, deface or tamper with a traffic control device.

Section 10. Evidence. The existence of a traffic control device shall be prima facie evidence that the device was lawfully authorized and installed.

Section 11. Existing Control Devices. Traffic control devices installed prior to the adoption of this ordinance are lawfully authorized.

General Regulations

Section 12. Rules of Road. In addition to state law, the following shall apply to the operation of vehicles upon the streets of the city:

- (1) The operator of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic, and shall yield the right-of-way to moving traffic and pedestrians.
- (2) 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.
- (3) 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.

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- (4) Where a stop sign is erected at or near the entrance to an intersection, the operator of a vehicle approaching shall bring the vehicle to a stop before crossing a stop line or crosswalk; or, if none, then before entering the intersection. Stopping at a point which does not yield an unobstructed view of traffic on the intersecting street shall not constitute compliance with the requirements of this section.
- (5) Notwithstanding an indication by a traffic control device to proceed: No operator of a vehicle shall enter an intersection unless there is sufficient space on the opposite side of the intersection to accommodate his vehicle without obstructing the passage of other vehicles.

Section 13. 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 14. Emerging from Vehicle. No person shall open the door of a motor vehicle into a traffic lane without first ascertaining that it can be done in safety.

Section 15. 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.

Section 16. Obstructing Streets.

No person shall ride, drive or lead any horse, mule, ass or cattle on any sidewalk in the city.

(Sections 16 to 31 reserved for expansion)

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Parking Regulations**Section 32. Method of Parking.**

- (1) No person shall stand or park a 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.
- (2) 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.
- (3) 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.
- (4) Whenever the operator of a vehicle discovers that his 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.

Section 33. 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) Storage, or a junkage or dead storage, for more than 24 hours.

Section 34. 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.

Section 35 Standing or Parking of Buses 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 his vehicle outside a traffic lane while loading or unloading passengers.

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Section 36. 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.

Section 37. Lights on Parked Vehicles. 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.

Section 38. 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.

Section 39. 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 owned by the United States while in use for the collection, transportation or delivery of mail.

(Sections 40 to 47 reserved for expansion.)

Exception

Section 48. Emergency Vehicles. The provisions of this ordinance regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, except as provided by the motor vehicle laws of Oregon and as follows:

- (1) A driver, when operating such vehicle in an emergency, except when otherwise directed by a police officer or other authorized persons, may park or stand, notwithstanding the provisions of this ordinance.
- (2) A driver of a police vehicle, fire department vehicle or patrol vehicle, when operating such vehicle in an emergency, may disregard regulations governing turning in specified directions so long as he does not endanger life or property.
- (3) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others.

Pedestrians

Section 49. Use of Sidewalks. A pedestrian shall not use a roadway for travel when a sidewalk is available.

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Section 50. 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.

Section 51. Right Angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

Section 52. Obedience to Traffic Lights and Bridge and Railroad Signals.

- (1) At an intersection where a pedestrian control light is in operation, no pedestrian shall start to cross the street except when the walk signal is illuminated. Where only vehicle control lights are in operation, no pedestrian shall start to cross the street except when the green light is illuminated.
- (2) No pedestrian shall enter or remain upon a railroad grade crossing, an openable bridge or the approach thereto, beyond a crossing gate or barrier, after an operation signal indication has been given.
- (3) No pedestrian shall pass through, around, over or under a crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(Sections 53 to 57 reserved for expansion.)

Processions

Section 58. Funeral Procession. A permit shall not be required to conduct a funeral procession.

- (1) The 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 part of the procession between the vehicles of a funeral procession.

(Sections 59 to 62 reserved for expansion)

Impoundment and Penalties

Section 63. Impoundment of Vehicles.

- (1) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of Ordinance No. 334, relating to impoundment and disposition of vehicles abandoned on the city streets.

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- (2) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this ordinance.
- (3) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- (4) Whenever a police officer observes a vehicle parked in violation of a provision of this ordinance, 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 Subsection (2) of this section.

Section 64. Penalties.

- (1) Except as limited by charter, violations of ORS provisions made offenses against this city are punishable to the same extent provided in the state law.
- (2) Violation of Sections 12 through 58 is punishable by fine. Set fine schedule not covered by ORS.

General

Section 65. Severability. If a portion of this ordinance is for any reason held to be invalid, such decisions shall not affect validity of the remaining portions of this ordinance.

Passed by the council and approved by the mayor August 12, 1974.

Passed by the council and approved by the mayor November 15, 2007.