

Title 10

VEHICLES AND TRAFFIC

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10.04.010

Chapter 10.04

GENERAL PROVISIONS

Sections:

- 10.04.010** Definitions.
- 10.04.020** Traffic regulations—Generally.
- 10.04.030** Authority of police and fire officers.
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- 10.04.050** Duty to obey traffic signs and signals.
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- 10.04.070** Stop when traffic obstructed.
- 10.04.080** Unlawful marking.
- 10.04.090** Emergency vehicle.

10.04.010

Definitions.

In addition to those definitions contained in the chapters of ORS adopted in Section 10.08.010, the following words or phrases, except where the context clearly indicates a different meaning, shall mean as follows:

“Bus stand” means a fixed area in the roadway adjacent to the curb to be occupied exclusively by busses for layover in operating schedules or waiting for passengers.

“Curb” means the extreme edge of the roadway.

“Holidays,” where used in this chapter or on signs erected in accordance with this chapter, means Sundays, New Years’ Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and any other legal holidays designated as such by the statutes of the state of Oregon.

“Loading zone” means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials or freight.

“Parkway” means that portion of a street not used as a roadway or a sidewalk.

“Passenger loading zone” means reserved only for the loading or unloading of passengers and their luggage.

“Person” means every natural person, firm, partnership, association or corporation.

“Taxicab stand” means a fixed area in the roadway adjacent to the curb set aside for taxicabs to stand or wait for passengers.

“Traffic lane” means that portion of the roadway used for the movement of a single line of vehicle. (Ord. 737 § 2, 1987; Ord. 333 § 2, 1967)

10.04.020**Traffic regulations—Generally.**

A. In making the best use of streets and sidewalks for vehicle traffic and parking and pedestrian traffic, the city manager is authorized to provide appropriate and reasonable regulation of the classes of traffic signs, signals, markings and devices described in subsection B of this section for the streets, sidewalks and other public property of the city as are found appropriate for public safety, convenience and welfare. Subject to approval by the State Highway Commission where such approval is required by the Motor Vehicle Laws of the state of Oregon, the city manager shall base his determinations only upon:

1. Traffic engineering principles and traffic investigations;
2. Standards, limitations and rules promulgated by the State Highway Commission; and
3. Other recognized traffic control standards.

B. Pursuant to subsection A of this section, the city manager may establish, maintain, remove or alter the following classes of traffic controls:

1. Street areas and city-owned or leased land upon which parking may be entirely prohibited, prohibited during certain hours or otherwise regulated, and the angle of such parking;
2. Parking meters within the zone provided for parking meters;
3. The location and the time of operation of traffic control signals;
4. Sub stands, taxicab stands and stands for other passenger common carrier vehicles;
5. The location of passenger loading zones for use in connection with a hotel, auditorium, theater, church, school or public building;
6. Loading zones for commercial purposes;
7. Intersections or areas where drivers of vehicles shall not make right, left or U-turns and the time when the prohibition applies;
8. Play streets, or such hours when certain streets may be used as such, on which no person shall drive a vehicle upon such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then such driver shall exercise the greatest care in driving upon such street;
9. Crosswalks, safety zones, parking spaces, traffic lanes and other symbols;
10. Traffic control signs;
11. All other signs, signals, markings and devices required to implement traffic and parking controls enacted by the council or required by state law or regulation.

C. Pursuant to subsection A of this section, the city manager may provide for experimental or emergency traffic regulation of a temporary nature that shall not remain in effect more than thirty (30) days. No experimental or emergency regulation is effective until adequate traffic signs, signals, markings or devices are erected clearly indicating the regulation.

D. The city manager shall maintain a current record of all action taken by the city council and by the city manager under this section.

E. The city manager shall not remove or alter a traffic sign, signal, marking or device if his act would be contrary to state law or this section. If a traffic sign, signal, marking or device is

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installed under authority of a resolution of the city council, the city council shall first approve any change or alteration by the city manager.

F. The city manager shall cause the removal or trimming of all trees, shrubs, articles and other objects in or upon the space between the property line and the abutting street, including parking strips where the same obstructs driver or pedestrian vision, or which otherwise obstructs safe passage and constitutes a hazard. A parking strip is that space between the sidewalk and the curb or curblin of all dedicated streets.

If the city manager determines that there is violation hereof, he shall notify the abutting property owner to remove the same within ten days from the giving of such notice. In the event such abutting property owner fails and refuses to remove the hazard, the city manager shall cause such tree, shrub, article and other object to be removed. (Ord. 807 § 1, 1992; Ord. 333 § 4, 1967)

10.04.030

Authority of police and fire officers.

A. It is the duty of the police department through its officers to enforce the provisions of this section relating to traffic control.

B. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of this section.

C. When at the scene of a fire, members of the fire department may direct or assist the police in directing traffic. (Ord. 333 § 5, 1967)

10.04.040

Existing signs and signals.

All official traffic signs and signals existing at the time of the adoption of the ordinance codified in this title, such as stop signs, caution signs, slow signs, no-reverse-turn signs, signs designating time limits for parking or prohibiting parking, line painted or marked on street or curb designating parking areas or spaces, markers designating loading zones, parking meters, and all other official traffic signs or signals erected, installed or painted for the purpose of directing, controlling and regulating traffic are approved. (Ord. 333 § 6, 1967)

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Duty to obey traffic signs and signals.

A. Drivers of motor vehicles and pedestrians shall obey the instructions of every traffic sign, signal, marker, barrier or parking meter placed in accordance with the Motor Vehicle Laws of the state of Oregon or this section, including those erected by any authorized public utility and department of this city or other authorized person, except when necessary to avoid conflict with other traffic or when otherwise directed by a police officer.

B. No unauthorized person may move, remove or alter the position of, or deface or tamper with any such sign, signal, marker, barrier or parking meter. (Ord. 333 § 7, 1967)

10.04.060

Vehicles stopping at stop signs.

When stop signs are erected at or near the entrance to any crosswalk, intersection or railroad crossing, a driver of a vehicle approaching such sign shall stop before entering any crosswalk, intersection or railroad crossing except when directed to proceed by a police officer or traffic control signal. (Ord. 333 § 8, 1967)

10.04.070

Stop when traffic obstructed.

No driver may enter an intersection or marked crosswalk unless there is sufficient space on the opposite side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. 333 § 9, 1967)

10.04.080

10.04.080

Unlawful marking.

Except as provided by this title, no person may letter, mark or paint in any manner any letters, marks or signs on any sidewalk, curb or other portion of any street, or post anything designed or intended to prohibit or restrict parking on any street. (Ord. 333 § 10, 1967)

10.04.090

Emergency vehicle.

The sections of this title regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles except as provided by the Motor Vehicle Laws of the state of Oregon and shall apply as follows:

A. A driver when operating such vehicle in an emergency except when otherwise directed by a police officer or other authorized person, may park or stand notwithstanding the provisions of this title.

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B. A driver of a police or fire department vehicle when operating such vehicle in an emergency may disregard regulations governing turning in specified directions as long as he does not endanger life or property.

C. 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. (Ord. 333 § 65, 1967)

10.08.010

Chapter 10.08

STATE TRAFFIC LAWS

Sections:

10.08.010 Adoption of state traffic laws.

10.08.010

Adoption of state traffic laws.

It is the policy of the city to conform its traffic laws as closely as feasible to the traffic laws of the state of Oregon. The provisions of ORS Chapters 153, 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816, 818, 819, 820, 822 and 823 as now enacted or hereafter amended, are adopted. (Ord. 737 § 1, 1987; Ord. 333 § 1, 1967)

Chapter 10.12

MISCELLANEOUS TRAFFIC REGULATIONS

Sections:

- 10.12.010 Drinking in motor vehicles.**
- 10.12.020 Limitations on backing.**
- 10.12.030 Vehicles in motion—Right-of-way.**
- 10.12.040 Driving on divided streets.**
- 10.12.050 Emerging from vehicle.**
- 10.12.060 Boarding or alighting from vehicles.**
- 10.12.070 Riding on motorcycles.**
- 10.12.080 Unlawful riding.**
- 10.12.090 Clinging to vehicles.**
- 10.12.100 Damaging sidewalks and curbs.**
- 10.12.110 Obstructing streets.**
- 10.12.120 Removing glass and debris.**
- 10.12.130 Skis on streets.**
- 10.12.140 Unlawful transfer on a highway.**

10.12.010

Drinking in motor vehicles.

No person may consume alcoholic liquor while an occupant of a motor vehicle on any street in this city. (Ord. 333 § 27, 1967)

10.12.020

Limitations on backing.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic, and in every case shall yield the right-of-way to moving traffic and pedestrians. (Ord. 333 § 31, 1967)

10.12.030

Vehicles in motion—Right-of-way.

A vehicle which has stopped or parked at the curb shall yield to moving traffic. (Ord. 333 § 32, 1967)

10.12.040

10.12.040

Driving on divided streets.

Whenever any street has been divided into two roadways by a marked intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space provided for vehicle movement or at an intersection. (Ord. 333 § 33, 1967)

10.12.050

Emerging from vehicle.

No person may open the door of, or enter, or emerge from, any vehicle into the path of an immediately approaching vehicle. (Ord. 333 § 34, 1967)

10.12.060

Boarding or alighting from vehicles.

No person may board or alight from any vehicle while such vehicle is in motion. (Ord. 333 § 35, 1967)

10.12.070

Riding on motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is equipped to carry more than one person. (Ord. 333 § 36, 1967)

10.12.080

Unlawful riding.

No person may ride on any vehicle upon any portion thereof not 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 or persons riding within truck bodies in space intended for merchandise. (Ord. 333 § 37, 1967)

10.12.090

Clinging to vehicles.

No person riding upon any bicycle, motorcycle, coaster, roller skates, sled or any toy vehicle may attach the same or himself to any moving vehicle upon the streets. (Ord. 333 § 38, 1967)

10.12.100

Damaging sidewalks and curbs.

A. The driver of a vehicle shall not drive upon or within any sidewalk or parkway area except to cross at a permanent driveway.

B. A person who damages or causes to be damaged any public improvement within the street by driving a vehicle upon or within any sidewalk or parkway area shall be liable for such damage. (Ord. 333 § 43, 1967)

10.12.110

Obstructing streets.

Except as provided in this title, no person may place, park, deposit or leave upon any street or other public way, sidewalk or curb any article, thing or material which in any way prevents, interrupts or obstructs the free passage of pedestrian or vehicular traffic or obstructs a driver's view of traffic or official traffic signs and signals. (Ord. 333 § 44, 1967)

10.12.120

Removing glass and debris.

Any party to a collision or other vehicle accident or any other person causing glass or other material or substance likely to injure any person, animal or vehicle to be upon any street shall remove or cause to be removed from such street as soon as possible all such glass or other material or substance. (Ord. 333 § 45, 1967)

10.12.130

Skis on streets.

No person shall use the streets for traveling on skis, toboggans, sleds or similar devices except upon playstreets. (Ord. 333 § 46, 1967)

10.12.140

10.12.140

Unlawful transfer on a highway.

A person commits the offense of unlawful transfer on a highway if the person:

A. While a driver or passenger in a vehicle in a traveling lane on a highway within the boundaries of the City of Sutherlin, creates a traffic hazard by giving or relinquishing possession or control of, or allowing another person in the vehicle to give or relinquish possession or control of, any money or tangible personal property to a pedestrian; or

B. While a pedestrian, creates a traffic hazard by accepting, receiving or retaining possession or control of any money or tangible personal property from a driver or passenger in a vehicle in a traveling lane on a highway within the boundaries of the City of Sutherlin.

This section does not apply if the vehicle is legally parked or to police officers, as defined in ORS 181.610, acting in their official capacities. This section also does not apply to persons participating in a "Pedestrian Activity," as defined in OAR 734, Division 58, for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of such permit are being met.

10.12.140

For purposes of this section, “highway” is defined in ORS 801.305.

Any person found violating this section shall be guilty of committing a traffic violation punishable by a fine not to exceed \$100.00. (Ord. 1022 § 1, 2012)

Chapter 10.16

PEDESTRIANS

Sections:

- 10.16.010 Use of sidewalks.**
- 10.16.020 Crossing at right angles.**
- 10.16.030 Pedestrians must use crosswalks.**

10.16.010

Use of sidewalks.

No pedestrian may use any roadway for travel when abutting sidewalks are available. (Ord. 333 § 20, 1967)

10.16.020

Crossing at right angles.

No pedestrian may cross a street at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk. (Ord. 333 § 21, 1967)

10.16.030

Pedestrians must use crosswalks.

In blocks where marked crosswalks are established, no pedestrian may cross the street other than within a marked crosswalk. (Ord. 333 § 22, 1967)

Chapter 10.20**PARADES AND PROCESSIONS****Sections:**

- 10.20.010** **Permits required for parades.**
- 10.20.020** **Funeral procession.**
- 10.20.030** **Drivers in procession.**
- 10.20.040** **Driving through procession.**

10.20.010**Permits required for parades.**

No procession or parade, except a funeral procession, the forces of the United States armed forces and the military forces of this state, may occupy, march or proceed along any street except in accordance with a permit issued by the police chief. Such permit shall be granted where it is found that such parade is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace, cause damage, or interfere unreasonably with the public use of the streets, or the peace and quiet of the inhabitants of this city. (Ord. 875 § 3(I), 1997; Ord. 333 § 23, 1967)

10.20.020**Funeral procession.**

Vehicles in a funeral procession may be escorted by at least one person authorized by the police chief to direct traffic for such purposes and shall follow routes established by the police chief. (Ord. 333 § 24, 1967)

10.20.030**Drivers in procession.**

Except when approaching a left turn, each driver in a funeral or other procession shall drive along the righthand traffic lane and shall follow the vehicle ahead as closely as is practical and safe. (Ord. 333 § 25, 1967)

10.20.040**Driving through procession.**

No driver of a vehicle may cross through a procession except where traffic is controlled by traffic control signals or when so directed by a police officer. This provision shall not apply to authorized emergency vehicles. (Ord. 333 § 26, 1967)

10.24.010

Chapter 10.24

STOPPING, STANDING AND PARKING

Sections:

- 10.24.010 Method of parking.**
- 10.24.020 Parking of oversize vehicles.**
- 10.24.030 Prohibited parking.**
- 10.24.040 Use of loading zone.**
- 10.24.050 Use of passenger loading zone.**
- 10.24.060 Stopping, standing or parking of buses and taxicabs regulated.**
- 10.24.070 Restricted use of bus and taxicab stands.**
- 10.24.080 Exemption.**
- 10.24.090 Prohibited parking or storing of recreational vehicles.**

10.24.010

Method of parking.

A. No person may 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 twelve (12) inches of the edge of the curb, except where the street is marked or signed for angle parking, in which case motor vehicles shall be parked with the front head-in to curb at the angle of and between painted stripes or other markings upon the pavement where such head-in parking is indicated.

B. Where parking space markings are placed on a street, no person may stand or park a vehicle other than at the indicated direction and within a single marked space.

C. Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the fire department has been summoned, he shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.

D. No person, whether in a vehicle or not, may intrude himself upon a street or premises where a fire is in progress in such manner as to interfere with the fire department in its efforts to extinguish a fire and no person may congregate with other persons in the vicinity of a fire in such a manner as to hinder or interfere with the fire department in its efforts to extinguish a fire. (Ord. 333 § 11, 1967)

10.24.020

Parking of oversize vehicles.

Any vehicle which because of its size or shape cannot be parked as provided by Section 10.24.010 may be parked outside the restricted or limited parking area of the city in a manner which will not impede or interfere with vehicular traffic. (Ord. 333 § 12, 1967)

10.24.030**Prohibited parking.**

In addition to provisions of the Motor Vehicle Laws of the state of Oregon prohibiting parking, no person may park a vehicle:

A. Upon a bridge, viaduct or other elevated structure used as a street unless otherwise indicated by lawfully installed signs;

B. In an alley except to load or unload persons or materials not to exceed twenty (20) minutes for loading or unloading;

C. Upon a street for the principal purpose of:

1. Displaying the vehicle for sale,

2. Washing, greasing or repairing the vehicle except repairs necessitated by an emergency,

3. Displaying advertising from the vehicle,

4. Selling merchandise from the vehicle except in an established market place or when so authorized or licensed under this title, or

5. Storing the vehicle, or a junkage or dead storage for more than ten consecutive hours;

D. Upon any parkway except where specifically authorized;

E. On private property not his own without the express or implied consent of the person in charge of the private property. When any express or implied consent has been given, the posting, in a conspicuous place on the property by the person in charge of the property, of a printed or written notice stating the name of the person in charge and specifying the parking limitations, shall be prima facie evidence of the withdrawal of such consent under the terms of the limitations. (Ord. 621 § 1, 1979; Ord. 333 § 13, 1967)

10.24.040**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 unloading and delivery or pickup and loading of materials, freight or passengers in any place designated as a loading zone during the hours when the provisions applicable to loading zones are in effect. In no case shall the stop in unmetered loading zone for loading and unloading of passengers and personal baggage exceed five minutes, nor the loading or unloading of materials exceed fifteen (15) minutes. (Ord. 333 § 14, 1967)

10.24.050**Use of 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 any place designated as a passenger loading zone during the hours when the provisions applicable to passenger loading zones are in effect. (Ord. 333 § 15, 1967)

10.24.060

10.24.060

Stopping, standing or parking of buses and taxicabs regulated.

The driver of a bus or taxicab shall not stand or park such vehicle upon any street in any business district at any place other than at a bus stand or taxicab stand, respectively, except that this provision shall not prevent the driver of any taxicab from temporarily stopping for the purpose of and while actually engaged in the loading or unloading of passengers. (Ord. 333 § 16, 1967)

10.24.070

Restricted use of bus and taxicab stands.

A. Except as provided in subsection B of this section no person may stop, stand or park a vehicle other than a bus in a bus stand or other than a taxicab in a taxicab stand, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab about to enter or using such zone.

B. A driver of a vehicle may stop, stand or park in a bus stand during the hours when buses are not using bus stands. (Ord. 333 § 17, 1967)

10.24.080

Exemption.

The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work on the street or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail. (Ord. 333 § 19, 1967)

10.24.090

Prohibited parking or storing of recreational vehicles.

A. No person shall park or store any trailer, camper, mobile home, motor home, trailer house, boat, boat trailer or other motorized, towable or mountable recreational vehicle on any street, alley or highway, except as provided herein.

B. Emergency or temporary parking of a recreational vehicle is permitted on any street or highway for not longer than 24 hours, subject to any other prohibitions, regulations or limitations imposed by the traffic and parking regulations for that street, alley or highway. (Ord. 997 § 1, 2009)

Chapter 10.28

TRUCK PARKING

Sections:

10.28.010 Definitions.

10.28.020 Prohibited parking.

10.28.010

Definitions.

As used in this chapter:

“City” means the city of Sutherlin.

“Person” means every natural person, firm, corporation, partnership or association.

“Street” means all publicly owned streets and alleys within the incorporated limits of the city.

“Truck” means any motor truck as defined in ORS 801.355 which has six or more wheels, any semitrailer as defined in ORS 801.475, any truck tractor as defined in ORS 801.575, or a truck trailer as defined in ORS 801.508. (Ord. 880 § 3, 1997)

10.28.020

Prohibited parking.

No person shall park a truck, or allow a truck to stand, on any street within the incorporated boundaries of the city except for a reasonable period of time while in the process of picking up or delivering goods, services or equipment. (Ord. 880 § 4, 1997)

Chapter 10.32

SIZE AND WEIGHT LIMITS

Sections:

- 10.32.010** **Definitions.**
- 10.32.020** **Powers of city council.**
- 10.32.030** **Authority of the city manager.**
- 10.32.040** **Procedures for granting permits.**
- 10.32.050** **Appeal from city manager's denial.**
- 10.32.060** **Violations—Penalties.**

10.32.010

Definitions.

As used in this chapter:

“City” means the city of Sutherlin.

“Council” means the governing body of the city.

“Manager” means the city manager or the manager’s designee.

“Person” means every natural person, firm, corporation, partnership or association.

“Size limit” means any limitation on the length or width of any vehicle, measured from the points creating the greatest length or breadth of the vehicle.

“Truck” means any motor truck as defined in ORS 801.355 which has six or more wheels, any semitrailer as defined in ORS 801.475, any truck tractor as defined in ORS 801.575, or a truck trailer as defined in ORS 801.508.

“Vehicle” means every vehicle subject to the Oregon Vehicle Code.

“Weight limit” means any limitation on the total gross vehicular weight of a vehicle, or on the gross vehicular weight of a vehicle divided proportionately among the load bearing axles of the vehicle.

As used in this chapter, the singular includes the plural and the masculine includes the feminine. (Ord. 864 § 1, 1989)

10.32.020

Powers of city council.

A. The council may designate by resolution the following traffic controls which shall become effective upon installation of appropriate traffic signs, signals, markings or devices:

1. Parking meter zones, denomination of coins for deposit in parking meters, the parking time permitted for the deposit of coin and the hours during which the deposit of coin is required;
2. Through streets;
3. One-way streets;
4. Truck routes.

B. Except where contrary to state law, if it appears that public safety or welfare does not require the installation or maintenance of a traffic sign, signal, marking or device, or is better served by the removal or alteration thereof, the council by resolution may forbid the installation or order the removal or alteration of any traffic sign, signal, marking or device that is proposed or installed under this section. Such traffic controls shall become inoperative only when removed or altered.

C. Except on state highways subject to regulation by the state of Oregon, the council by resolution may designate specific weight limits for trucks and all other vehicles traveling on any bridge, street or streets within the corporate limits of the city. In determining the weight limits the council may consider:

1. The physical design and structure of the street or bridge;
2. The expected frequency of loads at or above the recommended weight capacity of the street or bridge;
3. The recommendation of the manager; and
4. Additional factors that the council may consider relevant to the designation of weight limits.

D. The council by resolution may designate several streets as having the same weight limits. The council may by resolution establish weight limits for:

1. Arterial/collector streets;
2. Primary streets;
3. Secondary streets.

Nothing in this section shall prevent the council from establishing different weight limits for any portion of a street.

E. Where the council finds that the interest and safety of the general public require such limits, the council by resolution may establish maximum size limitations on trucks and all other vehicles for any street within the corporate limits of the city.

F. The weight and size limitations imposed by the council shall become effective when appropriate signs giving notice of the limitations are erected.

G. Vehicles which would otherwise be subject to the limitations imposed by the council shall not be required to obtain a permit for the use of any street when that use is limited to picking up goods from or delivering goods to a specific location within a residential area, or when the use is limited to traveling the shortest practical route to make such a pickup or delivery. For purposes of this section, a residential area shall be a block where more than half the buildings are used as single-family or multifamily residences. (Ord. 864 § 2, 1989)

10.32.030

Authority of the city manager.

A. The manager shall determine the location of notices of weight and size limitations in compliance with the requirements of state law.

B. The manager may grant a permit to any person to exceed the posted weight or size limits on any street.

10.32.040

1. The manager shall grant a permit only where the manager finds that there are special circumstances which justify the permit and that the needs of the city for well maintained and safe streets are adequately protected.

2. The manager may impose requirements and conditions on any permit. These requirements and conditions may include, but are not limited to the following:

a. The payment of fees adequate to cover the cost of administering the permit program and the cost of continued inspection to discover the existence of any damage caused by permitted activity;

b. A permit may limit the applicant's operations to a portion of any street or to a particular route within the city;

c. A permit may be valid for a single trip, a number of trips or for continuous operation;

d. A permit may establish limitations on the hours, day or season of operation;

e. The manager may require the applicant to furnish public liability and property damage insurance in an amount fixed by the manager.

f. The manager may require the applicant to furnish indemnity insurance or an indemnity bond sufficient to indemnify the city for any damage to the streets where the applicant is authorized to operate and sufficient to indemnify the city, the manager and any city employee from any claim that might arise out of the granting of the permit and the use of the streets under the permit; and

g. The manager may require any additional terms, limits or conditions that are necessary or desirable for the protection of the streets and the public interest.

3. Where the manager finds that an applicant seeks a permit to make a specific pick-up or delivery of items to any location within the city, or to carry on a general service of such character, the manager may waive any requirement otherwise imposed on applicants, except the manager shall not issue any permit not in compliance with ORS 818.220.

C. The manager shall establish by rule all fees necessary to provide for the costs of administering a permit program for size and weight limitations and all other rules necessary for the implementation of a permit system. (Ord. 864 § 3, 1989)

10.32.040

Procedures for granting permits.

Within ten days after an application is filed on a form provided by the city and all required application fees are paid, the manager shall:

A. Issue a permit allowing any person exceed the posted size or weight limitations on any street or streets within the city if the manager determines that the issuance of the permit is in the public interest and is consistent with the criteria set forth in Section 10.32.030 or in any rule issued in accordance with Section 10.32.030.

B. Deny a permit and provide the applicant a written statement containing the basis of the denial. Any permit not granted within ten days shall be deemed denied. (Ord. 864 § 4, 1989)

10.32.050

Appeal from city manager's denial.

A. An applicant may appeal the city manager's permit denial to the city council by filing a written notice of appeal with the city manager within thirty (30) business days from the date of the denial.

B. The council shall hear and determine the appeal at its first regularly scheduled meeting occurring after receipt of the notice of appeal. The decision of the council shall be final.

C. The appellant shall carry the burden of proving the proposed use of the city streets is consistent with the criteria of Section 10.32.030 and wherein the city manager erred in his or her denial. (Ord. 864 § 5, 1989)

10.32.060

Violations—Penalties.

A. Any person who exceeds the posted weight or size limits, except where authorized by a permit issued by the manager, and any person who violates the conditions of a permit issued by the manager under the authority granted by this chapter shall be civilly liable to the city for all damage done as a result of the violation.

B. Any person who exceeds the posted weight or size limits, except where authorized by a permit issued by the manager, and any person who violates the conditions of a permit issued by the manager under the authority granted by this chapter shall be subject to the penalties fixed by state law, including ORS 818.040 and ORS 818.130. Pursuant to ORS 809.120, the municipal court may recommend a suspension of the driving privileges of the operator of any vehicle used to violate the posted weight limits, or a suspension of the registration of the vehicle.

C. Except where state law provides a different penalty, a person who violates any provision of this chapter or a permit issued pursuant to this chapter commits a violation, and upon conviction thereof shall be fined in an amount not exceeding three hundred dollars (\$300.00). (Ord. 864 § 6, 1989)

10.36.010

Chapter 10.36

UNATTENDED VEHICLES

Sections:

- 10.36.010** Leaving unattended vehicle.
- 10.36.020** Action by police officer.
- 10.36.030** Presumption of owner responsibility.
- 10.36.040** Violation—Penalty.

10.36.010

Leaving unattended vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the ignition key from the vehicle, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. (Ord. 374 § 1, 1969)

10.36.020

Action by police officer.

Whenever any police officer shall find a motor vehicle standing unattended with the ignition key in the vehicle, in violation of this section, such police officer is authorized to remove such key from such vehicle and to deliver such key to the police officer in charge of the Sutherlin police department. (Ord. 374 § 2, 1969)

10.36.030

Presumption of owner responsibility.

The registered owner of a vehicle found in violation of this section shall be held prima facie responsible for any such violation. (Ord. 374 § 3, 1969)

10.36.040

Violation—Penalty.

The penalty for violation of this chapter shall be a fine not to exceed twenty-five dollars (\$25.00). (Ord. 374 § 4, 1969)

Chapter 10.40

IMPOUNDMENT OF VEHICLES

Sections:

10.40.010 Impounding of vehicles—Redemption—Sale.

10.40.020 Inventory procedure.

10.40.010

Impounding of vehicles—Redemption—Sale.

Whenever a citation is issued for violation of any city traffic regulation or whenever the police chief determines that a vehicle shall be impounded to protect the vehicle or to provide for public safety the police department may impound the vehicle involved and remove it to a garage, parking lot or other suitable storage place. The owner of the impounded vehicle or his authorized agent may redeem such vehicle upon the payment of the towing and storage charges. If redemption is not made within thirty (30) days after the vehicle is impounded, then such vehicle shall be disposed of in accordance with the procedure provided by ordinance for the disposal of abandoned vehicles. (Ord. 333 § 64, 1967)

10.40.020

Inventory procedure.

A. Establishment. There is created and established an inventory procedure for impounded vehicles.

B. Purpose and Limits.

1. When a vehicle has been lawfully impounded by the city, the contents shall be inventoried.

2. An inventory conducted pursuant to this section shall be made for the following purposes:

a. To ensure the protection of the owner's property while it is impounded;

b. To reduce the potential assertion of false claims against the city or other persons for lost, stolen or damage property; and

c. To reduce the danger of police officers and others from the impoundment of uninventoried property.

3. An inventory conducted pursuant to this section shall be carried out in accordance with an administrative program adopted under the auspices of this section.

C. Procedures. The city manager or his designee shall establish an administrative program designed and administered so that the inventory conducted for the purposes set forth in this section are implemented under specific guidelines which ensure that the inventory procedures involve no exercise of discretion by the person conducting the inventory. (Ord. 836 §§ 1—3, 1994)

Chapter 10.42

PRIVATE VEHICLE TOWING POLICY

Sections:

- 10.42.005 Definitions.**
- 10.42.010 List maintenance.**
- 10.42.020 Qualifications for list placement.**
- 10.42.030 Suspension or removal from list.**

10.42.005

Definitions.

As used in this chapter, the following words and phrases mean:

“Nonpreference tow” refers to towing services for private citizens who do not choose a specific business to tow a privately owned vehicle.

“Towing service operator” means a firm or individual qualified to provide towing services. (Ord. 913 § 1 (part), 1999)

10.42.010

List maintenance.

The city manager shall maintain, or cause to be maintained by contract, a list of all towing services operators which are now or will be qualified to tow privately owned vehicles at the request of the city, and to offer the work, or cause by contract to have the work offered, to those towing service operators in rotation, one tow per towing service operator. A towing service operator that refuses the offer or does not comply with its terms shall lose this place on the rotation and may be suspended or removed from the listing, as further provided in this chapter. (Ord. 913 § 1 (part), 1999)

10.42.020

Qualifications for list placement.

To be qualified to respond to the city’s request for towing of privately owned vehicles and be placed on the city’s nonpreference tow list, a towing service operator must meet the following minimum qualifications:

A. The towing service operator office and storage yard shall be located within the city limits, and reasonably secure against loss by theft or casualty. The office and yard each shall be legally and physically distinct from any other towing service operator office and storage yard, and shall be located not less than three hundred (300) feet from any other office, or yard, and shall not share the same tax lot with another towing service operator (as shown on the records of the Douglas County assessor), and shall employ no person employed by any other towing service operator in Douglas County.

B. The towing service operator at all times shall possess a current, valid state permit for towing and recovery. The towing service operator shall carry Workers' Compensation Insurance in the form required by the state. The towing service operator shall carry liability insurance in amounts pursuant to applicable statutory tort limits. A firm doing business as a towing service operator under an assumed business name or as a partnership or corporation shall furnish the city evidence of registration of the business with the Oregon Corporation of the business with the Oregon Corporation Commissioner and the name of the agent for service of legal process for the business.

C. The towing service operator shall be on call twenty-four (24) hours a day, three hundred sixty-five (365) days per year for city-ordered tows. The towing service operator may impose a surcharge for retrieval of vehicles after regular business hours. The towing service operator shall respond to the location of the work in not more than twenty (20) minutes from the time of call by city to any locations within the city.

D. All vehicles used by the towing service operator shall be registered to the towing service operator or its owner and shall not be used by any other person or towing service operator. Each vehicle shall be prominently and permanently marked with the name, address and phone number of the towing service operator. If a person owns more than one towing service operation, only one of the towing service operations will be considered qualified for placement on the city's nonpreference tow list. (Ord. 913 § 1 (part), 1999)

10.42.030

Suspension or removal from list.

A. If at any time, a towing service operator fails to meet the minimum qualifications of this chapter, or fails to comply with any requirement of this chapter or with any general ordinance of the city applicable to the towing service operator, such towing service operator shall be considered disqualified, and the city manager may suspend or remove such towing service operator from the nonpreference tow list.

B. In the event of such suspension or removal, the towing service operator shall be served with a written order stating the reasons therefor and the effective date thereof. A suspension or removal shall become effective immediately if personally served or forty-eight (48) hours after it has been deposited with the United States Postal Service for delivery by mail. (Ord. 913 § 1 (part), 1999)

10.44.010

Chapter 10.44

BICYCLES

Sections:

- 10.44.010** Effect of regulations.
- 10.44.020** Inspection of bicycle.
- 10.44.030** Transfer of ownership.
- 10.44.040** Bicycle dealers.
- 10.44.050** Brakes.
- 10.44.060** Rental agencies.
- 10.44.070** Riding on bicycles.
- 10.44.080** Riding on streets and bicycle paths.
- 10.44.090** Speed.
- 10.44.100** Racing.
- 10.44.110** Emerging from alley or driveway.
- 10.44.120** Carrying articles.
- 10.44.130** Riding on sidewalks.
- 10.44.140** Parking.
- 10.44.150** Examination.
- 10.44.160** Violation—Bicycle to be taken into custody.

10.44.010

Effect of regulations.

A. No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate Sections 10.44.010 through 10.44.140.

B. Except as otherwise provided in this chapter, every person riding or operating a bicycle upon any street or other public place shall be subject to all the provisions of this chapter and the laws of the state of Oregon applicable to the drivers of vehicles, except those provisions which by their very nature can have no application. (Ord. 333 § 47, 1967)

10.44.020

Inspection of bicycle.

The chief of police shall inspect each bicycle before licensing and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition. (Ord. 333 § 49, 1967)

10.44.030

10.44.030

Transfer of ownership.

Upon the sale or other transfer of a licensed bicycle the licensee may upon proper application but without payment of additional fee have the license assigned to the purchaser or to another bicycle owned by the applicant. (Ord. 333 § 50, 1967)

10.44.040

Bicycle dealers.

Every person engaged in the business of buying second-hand bicycles shall maintain a record of every bicycle purchased, giving the name and address of the person from whom purchased, a description of such bicycle by name or make, the frame thereof, and the license number, if any, found thereon. (Ord. 333 § 51, 1967)

10.44.050

Brakes.

Every bicycle operated upon a street or other public place shall be equipped with brakes adequate to control the movement of and to stop and to hold the bicycle. (Ord. 333 § 52, 1967)

10.44.060

Rental agencies.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is equipped with all equipment required by the Motor Vehicles Laws of the state of Oregon and this chapter. (Ord. 333 § 53, 1967)

10.44.070

Riding on bicycles.

A. A person propelling a bicycle shall not ride other than with his feet on the pedals and facing the front of the bicycle.

B. No bicycle may be used to carry more persons at one time than the number for which it is designed and equipped. (Ord. 333 § 54, 1967)

10.44.080

Riding on streets and bicycle paths.

A. A person operating a bicycle upon a street or other public place shall ride as near to the right-hand side of the street except on one-way streets as practicable, exercising due care when passing a pedestrian or standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles upon a street or other public place shall not ride more than two abreast. (Ord. 333 § 55, 1967)

10.44.090

Speed.

No person may operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Ord. 333 § 56, 1967)

10.44.100

Racing.

No person may engage in or cause others to be engaged in bicycle racing upon a street or other public place. (Ord. 333 § 57, 1967)

10.44.110

Emerging from alley or driveway.

The operator of a bicycle entering or emerging from an alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. (Ord. 333 § 58, 1967)

10.44.120

Carrying articles.

No person operating a bicycle may carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars and in full control of such bicycle. (Ord. 333 § 59, 1967)

10.44.130

10.44.130

Riding on sidewalks.

No person may ride or operate a bicycle upon a sidewalk in a business district. A person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. 333 § 60, 1967)

10.44.140

Parking.

No person may park a bicycle upon a street or upon a sidewalk except in a rack to support it or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic. (Ord. 333 § 61, 1967)

10.44.150

Examination.

The chief of police shall have the right to examine any bicycle at any time to see if the bicycle is mechanically safe for operation. (Ord. 333 § 63, 1967)

10.44.160

Violation—Bicycle to be taken into custody.

In the event the operator of a bicycle is found to have violated any of the provisions of this chapter applicable to bicycles, the police officer shall have the right to take the bicycle into his custody and hold the same until it is released by the city judge on a hearing on the offense. (Ord. 333 § 62, 1967)

10.48.010

Chapter 10.48

ABANDONED BICYCLES

Sections:

- 10.48.010** Definitions.
- 10.48.020** Impoundment procedure.
- 10.48.030** Notice to owner.
- 10.48.040** Owner not identified—Notice of sale.
- 10.48.050** Redemption by owner.
- 10.48.060** Sale.
- 10.48.070** Certificate of sale.
- 10.48.080** Conveyance to buyer.
- 10.48.090** Applicability.

10.48.010

Definitions.

As used in this chapter, unless the context requires otherwise:

“Abandoned” means left unoccupied and unclaimed or any damaged or dismantled condition upon the streets or alleys of the city.

“City” means the city of Sutherlin.

“Costs” means the expense of removing, storing or selling an impounded vehicle.

“Chief of police” includes any authorized law enforcement officer of the city.

“Owner” means any individual firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

“Vehicle” means any bicycle or other device moved by human power. (Ord. 482 § 1, 1974)

10.48.020

Impoundment procedure.

A. It shall be the duty of the police department whenever a vehicle is found abandoned upon the streets or alleys to:

1. Make a routine investigation to discover the owner and request removal of the vehicle; and
2. If the owner is not found, to impound the vehicle.

B. The police department, after impounding any vehicle in accordance with the provisions of this chapter, shall:

1. Make a diligent inquiry as to the name and address of the owner of the vehicle;
2. Examine such vehicle for license number or other information which will aid in the identification of the ownership of the vehicle. (Ord. 482 §§ 2, 3, 1974)

10.48.030

10.48.030

Notice to owner.

If the owner is identified, he shall be notified immediately by registered mail that such vehicle is held by the police department of the city. The notice to the owner shall also state:

- A. The reason for impounding the vehicle;
- B. The existing costs, if any, charged against the vehicle;
- C. An estimate of future costs, including costs of advertising the vehicle for sale; and
- D. Unless the owner redeems the vehicle within ninety (90) days from the day of mailing the notice, the vehicle:
 - 1. Will be advertised for sale in accordance with Section 10.48.050, and
 - 2. Will be sold at public auction at a definite time and place within the city to the highest and best bidder for cash. (Ord. 482 § 4, 1974)

10.48.040

Owner not identified—Notice of sale.

A. If the owner cannot be identified after compliance with Section 10.48.020(B), or no claim is made by a notified owner within the time specified by Section 10.48.030, the chief of police shall cause to be posted in three public places within the city a notice of sale. The notice of sale shall state:

- 1. The sale is of abandoned property in possession of the city;
 - 2. description of the vehicle, including any type, make, and any other information that will aid in accurately identifying the vehicle;
 - 3. Terms of sale; and
 - 4. The date, time and place of the sale.
- B. The notice of sale shall be posted in not less than three public places within the city and at least ten days prior to the date of the proposed sale. (Ord. 482 § 5, 1974)

10.48.050

Redemption by owner.

A. An owner may redeem a vehicle impounded under the provisions of this chapter before the sale has taken place by applying to the police department, whereupon he shall:

- 1. Submit evidence of his ownership or interest in the vehicle satisfactory to the chief of police that such claim is rightful; and
- 2. Pay the costs due and owing at the time the application to redeem is made.

B. Upon compliance with subsection A of this section, the chief of police shall execute a receipt for the owner and cause the vehicle to return to him. (Ord. 482 § 6, 1974)

10.48.060

Sale.

A. If no claim shall have been made to redeem an impounded vehicle before the time set for the sale of such vehicle, the chief of police shall hold a sale at the time and place appointed within the view of the vehicle to be sold.

B. The vehicle shall be sold to the highest and best bidder, providing that if no bids are entered or those bids which are entered are less than the costs incurred by the city, the chief of police shall enter a bid on behalf of the city in an amount equal to such costs.

C. Proceeds of such sale shall be applied:

1. To the payment of costs incurred by the city; and
2. The balance, if any, shall be transferred to the city recorder of the city, to be credited to the general fund. (Ord. 482 § 7, 1974)

10.48.070

Certificate of sale.

A. At the time of payment of the purchase price, the chief of police shall execute a certificate of sale in duplicate, the original of which shall be delivered to the purchaser and the copy thereof filed with the city recorder of the city.

B. The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provision of Ordinance No. 482 entitled "An Ordinance for the Impounding and Disposition of Bicycles" and pursuant to due notice of the time and place of sale, I did on the ____ day of _____, 19____, sell at public auction to for the sum of \$_____ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(brief description of property)

And in consideration of the payment of said sum of \$_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this ____ day of _____, 19____.

Note: The City of Sutherlin assumes no responsibility as to the condition of the title of the above described property. In case this sale shall for any reason be invalid, the liability of the city is limited to the return of the purchase price.

(Ord. 482 § 8, 1974)

10.48.080

Conveyance to buyer.

Upon such sale being consummated the chief of police shall deliver the vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption. (Ord. 482 § 9, 1974)

10.48.090

Applicability.

This chapter shall apply to all abandoned vehicles now in the possession of the city as well as to all such vehicles as may hereafter be impounded. (Ord. 482 § 10, 1974)

Chapter 10.52**SKATEBOARDS, ROLLER SKATES AND SIMILAR DEVICES****Sections:**

- 10.52.010 Commercial downtown zone defined.**
- 10.52.020 Riding on sidewalks restricted.**
- 10.52.030 Creation of hazard prohibited.**
- 10.52.040 Attachment to moving vehicles prohibited.**
- 10.52.050 Liability for damage.**
- 10.52.060 Parent and guardian responsibility.**
- 10.52.070 Enforcement.**
- 10.52.080 Violation—Penalty.**

10.52.010**Commercial downtown zone defined.**

“Commercial downtown zone” is defined for purposes of this chapter as that area between Umatilla Street and Front Street and that area within one block north and south of Central Avenue within this boundary. (Ord. 776 § 1, 1990)

10.52.020**Riding on sidewalks restricted.**

No person may ride or operate a device commonly called or known as a skateboard, roller skates, coaster, scooter or other toy vehicle, or similar device, upon a sidewalk in the commercial downtown zone, as defined herein, or upon Central Avenue. A person riding a skateboard upon a sidewalk or street outside of the described commercial downtown zone, shall yield the right-of-way to any pedestrian and vehicle traffic and shall give audible signal before overtaking and passing any pedestrian. (Ord. 776 § 2, 1990)

10.52.030**Creation of hazard prohibited.**

No person shall ride or operate a device commonly called or known as a skateboard, roller skates, coaster, scooter or other toy vehicle, or similar device, upon any street or sidewalk within the city limits in such manner as to create a hazard to pedestrians, vehicle traffic, or other persons lawfully using the streets or sidewalks. (Ord. 776 § 3, 1990)

10.52.040

10.52.040

Attachment to moving vehicles prohibited.

No person riding upon any device commonly called or known as a skateboard, roller skates, coaster, scooter or other toy vehicle, or similar device, may attach the same or himself to any moving vehicle upon the streets or sidewalks. (Ord. 776 § 4, 1990)

10.52.050

Liability for damage.

Any person riding upon or operating any device commonly called or known as a skateboard, roller skates, coaster, scooter or other toy vehicle, or similar device, who damages or causes to be damaged any property, whether publicly or privately owned, through the riding or operation of any such device shall be liable for such damage; the liability shall extend to parent or guardian in the case of a juvenile being in violation of this section. (Ord. 776 § 5, 1990)

10.52.060

Parent and guardian responsibility.

No parent of any minor child and no guardian of any minor ward may authorize or knowingly permit any such minor child or ward to violate the provisions of this chapter. (Ord. 776 § 6, 1990)

10.52.070

Enforcement.

It is the duty of the police department through its officers to enforce the provisions of this chapter. (Ord. 776 § 7, 1990)

10.52.080

Violation—Penalty.

In the event a person is found to have violated any of the provisions of this chapter, the police officer shall have the right to take such device into his custody and hold the same until it is released by the court having jurisdiction in the matter.

Any person violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine of not to exceed fifty dollars (\$50.00), forfeiture of the device, or both. (Ord. 776 §§ 8, 9, 1990)

10.56.010

Chapter 10.56

ENFORCEMENT

Sections:

- 10.56.010 Illegal cancellation of traffic citations.**
- 10.56.020 Citation.**
- 10.56.030 When warrant to be issued.**
- 10.56.040 Violations—Penalties.**

10.56.010

Illegal cancellation of traffic citations.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner except where approved by the municipal judge. (Ord. 333 § 67, 1967)

10.56.020

Citation.

For the violation of any provisions of this chapter, any police officer may issue a citation which shall be in the nature of a notice to appear at a time and place certain. (Ord. 333 § 68, 1967)

10.56.030

When warrant to be issued.

In the event any person fails to comply with the terms of a traffic citation the chief of police shall forthwith secure and have served a warrant for the arrest of such person. (Ord. 333 § 69, 1967)

10.56.040

Violations—Penalties.

In addition to any other provisions and penalties provided in this title, any person violating any of the provisions of this title may upon conviction thereof be punished by imprisonment in the county jail for not to exceed thirty (30) days or by a fine not to exceed five hundred dollars (\$500.00) or both. (Ord. 1053 § 1, 2016)