

**ORDINANCE NO. 1497**

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 10.04 CITY TRAFFIC CODE**

**WHEREAS**, the City of Canby currently has a City Traffic Code ordinance that deals with parking, storage, and abandoning of vehicles on streets and public rights of way; and

**WHEREAS**, the City of Canby desires to amend the ordinance to add Section 10.04.145 and supporting Definitions for appropriate traffic signing on restricted streets and truck routes.  
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**NOW, THEREFORE, THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** The Canby Municipal Code (CMC) Chapter 10.04.100 is hereby amended to read as follows:

**CHAPTER 10.04: CITY TRAFFIC CODE**

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Section

10.04.010	Applicability of state traffic laws.
10.04.020	Definitions.
10.04.030	U-turns.
10.04.040	Sleds behind cars.
10.04.050	Removing glass and debris after accidents.
10.04.060	Parades and processions.
10.04.070	Method of parking.
10.04.075	Parking time limits.
10.04.080	Prohibited parking; failure to pay fines and post bail.
10.04.085	Failure to pay; notice of hearing; order to immobilize vehicle.
10.04.090	Boot installation.
10.04.095	Boot removal.
10.04.100	Storage or abandoning of vehicles on streets.
10.04.125	Penalty.
10.04.130	Public Works Director; duties.
10.04.140	Existing signs.
<b>10.04.145</b>	<b>Trucks prohibited on restricted streets.</b>

**§ 10.04.010 Applicability of state traffic laws.**

A. Violations of provisions in O.R.S. Chapters 153, 743 and 801 through 823, inclusive as now constituted, is an offense against the city.

B. If an ordinance or provision thereof of the city is in conflict with the motor vehicle laws of the state, the motor vehicle laws of the state shall prevail.

C. Violation of a provision identical to a state statute is punishable by a fine or imprisonment not to exceed the penalty prescribed by the state statute.

**§ 10.04.020 Definitions.**

In addition to the definitions contained in the Oregon Revised Statutes, including all amendments, the following words and phrases, when used in this chapter, shall have the following meaning, except where the context clearly indicates a different meaning:

Highway, as used in this chapter and in the sections of the state motor vehicle laws, includes all streets and alleys in the city.

Loading Zone, means that space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Local Delivery Only, means Truck deliveries permitted only to on street adjacent properties or properties connected by a driveway access.

Local Truck, means any Truck that begins or ends a trip within the City limits of the City of Canby.

Parking means to stop and stand, with or without a driver, or to leave a motor vehicle upon any street, alley or public place in the city.

Truck, means any Commercial Motor Vehicle with a gross combination weight rating over 26,001 pounds or more, and as defined in ORS 801.208.

Truck route, means any street as designated by signing upon which the unrestricted use of trucks is permitted

**§ 10.04.030 U-turns.**

It shall be unlawful for any person to reverse the direction of any motor vehicle by making a U- turn upon any street in the city except at street intersections; provided, however, that no reverse turns shall be made by the driver of any vehicle at any street intersection where any type of sign or marker is erected prohibiting any such reverse turn.

**§ 10.04.040 Sleds behind cars.**

It shall be unlawful for any person to tie to any motor vehicle which is operated on the streets of the city any sled, toboggan or similar contrivance or thing; and it shall be unlawful for the operator of any motor vehicle to permit any sled, toboggan or similar contrivance or thing to be attached or tied to any motor vehicle being driven by the operator; provided, that the provisions of this section shall not apply to trailers, bus trailers or pole or pipe dolly, nor to cars being towed, when the same are attached or towed in accordance with this chapter.

**§ 10.04.050 Removing glass and debris after accidents.**

Any party to a collision or other motor vehicle accident upon any street, alley or public place in this city shall immediately remove or cause to be removed from the street, alley or public place all glass and foreign substance resulting from the collision or accident, as well as the motor vehicle which the party was driving at the time of the collision or accident.

**§ 10.04.060 Parades and processions.**

A. During parades, the police may clear the streets and prohibit vehicles and pedestrians from crossing the streets.

B. No pedestrian or vehicle shall break through the line of a funeral procession.



**§ 10.04.070 Method of parking.**

A. Whenever any motor vehicle is parked upon any street in the city, it shall be headed as though proceeding upon the right side of the street.

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

C. Where no mode of parking is indicated by a painted stripe or other marking, any and all vehicles parked in any unmarked area shall be parked parallel with the street curb, and with the tires or wheels on the right-hand side of the vehicle within 12 inches of the curb.

D. Whenever the operator of a vehicle discovers that his or her vehicle is parked close to a building to which the Fire Department or ambulance service has been summoned, the operator shall immediately remove the vehicle from the area unless otherwise directed by police, ambulance or fire officers.

**§ 10.04.075 Parking time limits.**

A. 1. The lawful time allowed for parking vehicles other than motor trucks engaged in the actual loading or unloading of freight or merchandise shall, in any section of any street, be as indicated by lettering upon the face of painted signs placed at the top of standards placed along the curblines of any section of any street or by parking meters. The time limits and the indication thereof may be changed from time to time by the City Administrator. The time limits shall mean the continuous aggregate of time of all parking of any 1 vehicle within any 1 block or any blocks adjacent thereto within the daily time limits.

2. This shall not prohibit removing a vehicle from the above designated area and returning the vehicle to the area after expiration of 1 hour.

B. Time limits shall be applicable between the hours of 8:00 a.m. and 6:00 p.m. These time limits shall not apply on Sundays, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving or Christmas.

C. It is unlawful to erase, remove or obliterate any marking that has been placed on a vehicle for the purpose of monitoring parking time limits.

**§ 10.04.080 Prohibited parking; failure to pay fines and post bail.**

No operator shall stand or park a vehicle and no owner shall allow a vehicle to stand or park on a street, city property, property controlled by the city or property for which the city is contracted to enforce parking regulations, when there are 3 or more unpaid parking violations of this code and the time for appearing or posting bail in Municipal Court specified on the citation(s) has passed or the time for payment of the fine has passed.

**§ 10.04.085 Failure to pay; notice of hearing; order to immobilize vehicle.**

A. Upon the failure of the owner or operator of a vehicle to pay unpaid bail, fines or a combination of bail or fines for 3 or more parking violation(s) under this chapter, notice of the delinquency shall be given to the registered owner of the vehicle as shown by the Department of Motor Vehicles by certified mail. The registered owner will be given 15 days from the date of the notice to either post the bail, pay the fine(s), or request a hearing before the Municipal Judge to contest the parking citation(s) received.

B. Upon failure of the registered owner to post bail, pay the fine(s), or request a hearing within 15 days, the Municipal Judge shall issue an order directing the parking control

officer or any other police officer so designated to immobilize the vehicle should the vehicle be found on a city street, city property, property controlled by the city, or property for which the city is contracted to enforce parking regulations as provided in this chapter.

**§ 10.04.090 Boot installation.**

A. When a driver, owner or person in charge of a vehicle is cited for violation of § 10.04.080, fails to respond to notice given as required above, and an order authorizing immobilization has been signed by the Municipal Judge, the parking officer or any police officer so designated shall:

1. Immobilize the vehicle temporarily until 11:00 a.m. of the following day by installing on or attaching to the vehicle a device designed to restrict the normal movement of the vehicle;

2. Conspicuously affix to the vehicle the written notice prescribed in division B. of this section; and

3. Unless release of the vehicle is arranged by 11:00 a.m. of the following day, remove the vehicle from the street or other public property as provided in this chapter.

B. The notice required by division A. of this section shall contain:

1. The name of the Municipal Judge ordering the temporary immobilization;

2. A description of the vehicle and its location;

3. A statement of the reason for the temporary immobilization of the vehicle, including a reference to the section of this chapter violated;

4. Where to go and how to obtain release of the vehicle;

5. The date and time when the city will have the vehicle towed and stored at the owner's expense, resulting in the sale of the vehicle to satisfy these expenses and unpaid bail and fines if the owner fails to redeem the vehicle; and

6. The statement that attempting to remove the immobilization device or removing it, or attempting to remove or removing the vehicle before it is released as authorized by this chapter, is an offense.

C. The parking restrictions of the city shall not apply to a vehicle that has been temporarily immobilized as provided in this section.

D. There shall be assessed a charge for booting a vehicle in addition to any outstanding fines or other expenses assessed against the vehicle. This fee shall be set forth by resolution. (Am. Ord. 1327, passed 5-19-2010)

**§ 10.04.095 Boot removal.**

A. No person other than an officer of the city may remove or attempt to remove a temporary immobilization device, or move or attempt to move the vehicle, before it is released by the Police Department or the Clerk of the Municipal Court in accordance with this section.

B. A vehicle shall be released and the temporary immobilization device removed when the owner, operator or person in charge of the vehicle either:

1. a. Posts bail and pays all fines and bail for parking citations issued against the vehicle, its operator or owner; and

b. Pays the booting charge.

2. Presents clear and convincing information to any employee of the city designated by the Municipal Judge to receive the information, that the present owner of the vehicle did not own the immobilized vehicle at the time the parking citations were issued that established the violation of § 10.04.080, or that the bail and fines for parking citations that



establish the violation of § 10.04.080 have been paid before the vehicle was temporarily immobilized.

C. The city employee designated by the Municipal Judge as provided in division B. of this section may for good cause extend the time limit the temporary immobilization device is left attached to a vehicle before it is towed and stored, provided the owner, in writing, assumes all risk of damage to the vehicle while it remains immobilized. The extension of the time limit shall not exceed an additional 24 hours, excluding Sundays and holidays.

D. In lieu of proceeding under divisions B. and C. of this section, the owner, operator or person in charge of the vehicle may request that the Municipal Judge rather than his or her designee conduct a hearing in regard to the relevant issues contained in divisions B. and C. hereof. The hearing shall be conducted in an informal manner and as promptly as the court's docket permits.(Am. Ord. 1327, passed 5-19-2010)

**§ 10.04.100 Parking, storage or abandoning of vehicles on streets.**

A. 1. No person, firm or corporation shall park, store or permit to be stored on a street or other public property, without the permission of the City Police Department, a vehicle or personal property therein, for a period in excess of 72 hours. The continuity of the time shall not be deemed broken by movement of the vehicle elsewhere on the block unless the movement removes the vehicle from the block where it is located before it is returned.

2. No person, firm or corporation shall abandon a vehicle upon a street or upon any other public or private property.

B. When a vehicle is found in violation of division A. of this section, the officer responsible for the enforcement of this section shall follow the procedures provided in O.R.S. Chapter 819 dealing with the custody, removal and disposal of vehicles. (Am. Ord. 1485, passed 7-18-2018)

**§ 10.04.125 Penalty.**

A. Violation of any provision of this chapter shall be punishable by a fine not to exceed \$500 for each violation.

B. For a second or subsequent conviction within 1 year, a person shall be punished by a fine of not more than \$750.

C. Violation of a provision identical to state statute is punishable by a fine not to exceed the penalty prescribed by the state statute.

**§ 10.04.130 Public Works Director; duties.**

Subject to the approval of the City Council by resolution or motion, the Public Works Director shall:

A. Designate stop streets;

B. Designate 1-way streets;

C. Designate crosswalks, safety zones and traffic lanes;

D. Designate areas in which no parking shall be permitted and areas in which the time of parking is to be limited;

E. Direct the placing and maintenance of those traffic signs, markers and signals as may be reasonably necessary to carry the above powers into effect and for the regulation and safety of traffic;

F. Exercise a general supervision over the administration and enforcement of all traffic ordinances; and

G. Require the pruning or trimming of trees and shrubs along streets and highways so that they will not obstruct the view for traffic; and order the removal or alteration of any signs, fences or other objects along streets and highways that are an obstruction of the view for traffic.

**§ 10.04.140 Existing signs.**

All official traffic signs, signals and markers existing at the time of the adoption of this chapter shall be considered official under the provisions of this chapter; provided, however, that the City Council may by resolution or motion at any time have the official traffic signs, signals or markers removed or changed, or the same may be done at the direction of the Public Works Director; and provided further, that any additional official traffic signs, signals or markers erected, installed or painted shall first be authorized by resolution or motion of the City Council or by order of the Public Works Director.

**§ 10.04.145 Trucks Prohibited on Restricted Streets.**

A. Streets or parts of streets in the City that are appropriately signed for no truck, local delivery only, local truck only, or with a gross vehicle weight restriction are designated as restricted streets.

B. When appropriate signs are erected on streets establishing a truck route, no person shall operate, drive or cause or permit to be operated or be driven, any truck not otherwise exempted under paragraph A of this Section, on any restricted street.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 5, 2018; ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, January 2, 2019, commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor Canby, Oregon.


  
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Kimberly Scheafer, MMC  
City Recorder

**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on January 2, 2019 by the following vote:

YEAS 5 NAYS 0

  
\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

**AFFIDAVIT OF POSTING**

STATE OF OREGON        )  
  )  
County of Clackamas    )        ss:  
  )  
CITY OF CANBY            )

I, Kimberly Scheafer, being first duly sworn, depose and say that I am the City Recorder for the City of Canby, Clackamas County, Oregon, a City duly incorporated under and by virtue of the laws of the State of Oregon.

That on the 5<sup>th</sup> day of December 2018 the Council for said City of Canby held a Regular City Council Meeting, at which meeting Ordinance No. 1497 was read for the first time and passed by the vote of said Council and was then and there ordered posted in at least three (3) public and conspicuous places in said City for a period of five (5) days prior to the second reading and final vote on said Ordinance, as provided in Section 2 of Chapter 8 of the Charter of the City of Canby, and

Thereafter, on the 6<sup>th</sup> day of December 2018, I personally posted said Ordinance in the following three (3) conspicuous places, all within the said City of Canby, to wit:

- 1. Canby Civic Building Bulletin Board (Upstairs)
- 2. Canby Civic Building Bulletin Board (Downstairs)
- 3. Canby Post Office
- 4. City of Canby Web Page

That since said posting on the date aforesaid, the said Ordinance will remain posted in the said three (3) public and conspicuous places continuously for the period of five (5) days and until the very 2<sup>nd</sup> day of January 2019.

*Kimberly Scheafer*  
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Kimberly Scheafer, MMC  
City Recorder

Subscribed and sworn to before me this 6<sup>th</sup> day of December 2018.

*Erin Elizabeth Burckhard*  
\_\_\_\_\_  
Notary Public For Oregon  
My Commission Expires: 9/4/2022

