

## Chapter 6

# VEHICLES AND TRAFFIC

### UNIFORM TRAFFIC ORDINANCE

#### General Provisions

**6.000 Short Title.** Sections 6.000 to 6.230 may be cited as "Lafayette uniform traffic ordinance."

**6.005 Applicability of State Traffic Laws.** Violation of Oregon Revised Statutes, Chapters 153 and 801 through 823, inclusive, as now constituted, is an offense against the city.

**6.010 Definitions.** In addition to those definitions contained in the state laws enumerated in section 6.005, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

Bicycle. A non-motorized vehicle designated to be ridden, propelled by human power, and having one or more wheels the diameter of which are in excess of ten inches or having two or more wheels where any one wheel has a diameter in excess of fifteen inches.

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

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 or specified days.

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.

Park or parking. The condition of:

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

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

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

(a) The operator or passenger of a motor vehicle or bicycle;

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

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

Stop. Complete cessation of movement.

Street and other property open to public travel shall have the following meanings:

(a) Street. The terms "highway," "road," and "street," when used in this ordinance or in the Oregon Revised Statutes chapters incorporated herein, shall be considered synonymous, unless the context precludes such construction. "Street", as defined in this ordinance and the Oregon Revised Statutes chapters incorporated by reference herein, includes alleys, sidewalks, and parking areas and access ways owned or maintained by the city.

(b) Other Property Open to Public Travel. Property whether publicly or privately owned and whether publicly or privately maintained, upon which the public operates motor vehicles either by

express or implied invitation other than streets as defined in this section. Other property open to public travel shall include but not be limited to parking lots, service station lots, shopping center and supermarket parking lots, and other access ways and parking areas open to general vehicular traffic, whether or not periodically closed to public use.

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

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

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

Vehicle. As used in subsequent sections of this section includes bicycles.

## **Administration**

### **6.015 Powers of the Council.**

(1) Subject to state laws, the city council shall, by resolution, 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;
- (d) Designation of parking meter zones;
- (e) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
- (f) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;

(g) Initiation of proceedings to change speed zones;

(h) Revision of speed limits in parks.

(i) Establishing residential parking zones.

### **(3) Residential Parking Zones**

(a) The city council, pursuant to Code Section 6.015(2) may establish residential parking zones. The purpose of residential parking zones during specific time periods within specific geographic areas used predominately for residential purposes. The city council resolution which establishes the residential parking zone may obtain a permit from the city administrator pursuant to subsection (b) of this section to allow for the parking of vehicles within the zone during the restricted hours.

(b) The city administrator shall establish procedures and standards for the issuance of permanent and temporary permits to residents that will allow the residents and their guests to park their vehicles within residential parking zones during the restricted hours. At a minimum, the administrator shall establish rules which establish the criteria for issuance, surrender and revocation of permits, evidence of proof residence and vehicle ownership, terms of the permit, standards for display of permit, and allow for the issuance of temporary permits to residents for the parking of non-resident vehicles for temporary periods upon a showing of reasonable need for such permits.

(c) The city administrator may cause to be installed and maintained, pursuant to Lafayette Code 6.020, official signs for residential parking zones which clearly identify the parking restrictions for non-residents and the ex-

ception to those restrictions for permit holders within the residential parking zones.

(d) It shall be unlawful for any person to:

i. Provide false information in connection with an application for a permanent or temporary permit.

ii. Fail to surrender a permit, when requested to do so, when the person is no longer entitled to the permit.

iii. Use a permit when the permit holder is no longer entitled to the permit.

iv. Use, or allow the use of a permit in conjunction with a vehicle other than the vehicle for which the permit was issued.

v. Use, or allow the use of a temporary permit in a manner inconsistent with the terms and limitation of the permit.

(e) The city administrator is authorized to revoke any permit when the permit holder is found to be in violation of the provisions of this section, and, upon written notification thereof, the permit holder shall surrender the permit to the administrator. Failure to do so shall constitute a violation of this section.

(4) The city council may delegate the powers set forth herein (with such limitations as it determines appropriate) to the Traffic Safety Commission or city administrator provided any rule or regulation adopted may be appealed to the city council within 30 days of its adoption.

**6.020 Duties of the City Administrator.** The city administrator shall exercise the following duties:

(1) Implement the ordinances, resolutions and motions of the council and his own orders by installing traffic control devices. The city admin-

istrator may authorize the placement of traffic control devices. Such installation shall be based on the standards contained in the manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration 1978, to and include the Oregon supplements thereto concerning standard practices and interpretations and additional traffic signs as they are now constituted.

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

(a) Crosswalks, safety zones and traffic lanes;

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

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

(3) Issue oversize or overweight vehicle permits.

**6.025 Public Danger.** Under conditions constituting a danger to the public, the city administrator may install temporary traffic control devices deemed by him to be necessary.

**6.030 Standards.** The regulations of the city manager shall be based upon:

(1) Traffic engineering principles and traffic investigations;

(2) Standards, limitations, and rules promulgated by the State Highway Commission;

(3) Other recognized traffic-control standards.

**6.035 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.

## **Traffic Control Devices**

### **6.040 Obedience to and Alteration of Control Devices.**

(1) No person shall disobey the instructions 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.

**6.045 Control Devices--Evidence of Lawful Installation.** The existence of a traffic-control device shall be prima facie evidence that the device was lawfully authorized and installed.

**6.050 Existing Control Devices.** Traffic control devices installed prior to the adoption of the ordinance codified in this ordinance are lawfully authorized.

## **General Regulations**

**6.055 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: when the vehicle involved is a truck, then in addition to the foregoing a person acting as a traffic controller shall be present for the purpose of controlling vehicular traffic.

(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.

(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:

(a) 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.

(b) No operator of a vehicle shall enter a marked crosswalk, whether or not at an intersection, unless there is sufficient space on the opposite side of the crosswalk to accommodate his vehicle without obstructing the passage of pedestrians.

**6.060 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.

**6.065 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.

### **6.070 Unlawful Riding.**

(1) No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person

riding within a truck body in space intended for merchandise.

(2) No person shall alight from a vehicle while the vehicle is in motion upon a street.

**6.075 Clinging to Vehicles.** No person riding upon a bicycle, motorcycle, coaster, roller skates, sled, skateboard or other device shall attach the device or himself to a moving vehicle upon a street. Nor shall the operator of a vehicle upon a street knowingly allow a person riding on any of the above vehicles or devices to attach himself, the vehicle, or the device to his vehicle. Exceptions may be made to this section, upon authorization of the police officer, for the purpose of conducting parades or displays.

**6.080 Sled and Skateboard Prohibition.** No person shall use the streets or bicycle paths or lanes or sidewalks on 3<sup>rd</sup> Street, Bridge Street, or Madison Street for traveling on skis, toboggans, sleds, skateboards, soapbox racers, roller skates, in-line skates, or similar devices, except where authorized. *[Amended by Ord 499 on Sep 10, 1998]*

**6.081 Skateboard and In-Line Skate Operating Rules.** In addition to observing all other applicable provisions of this code and state law, a person using a skateboard or in-line skates shall:

(1) Not skate upon a sidewalk in front of any business or commercial establishment;

(2) Not skate upon any private property without the knowledge and consent of the owner;

(3) Not skate upon any travel portion of any street or road if there is a paved sidewalk or pedestrian path;

(4) Yield the right-of-way to pedestrians on sidewalks or paths;

(5) On a two-way street with no sidewalk, skate to the extreme right. On a one-way street with no sidewalk, ride to the extreme curbside of the traffic lane and with the direction of travel designated for that lane. On the traffic lane of any street, yield the right-of-way to all motor

vehicles and immediately take whatever steps are necessary, including stopping and moving out of the traffic lane, to avoid interfering in any way with motor vehicle traffic or creating a dangerous situation;

(6) Not ride abreast of another skater or bicycle or in any manner other than single file when on any street, road or sidewalk;

(7) Not skate in a careless or reckless manner which endangers, or would be likely to endanger, himself, another, or any property;

(8) Not skate on any city park property or other public property except when using areas or facilities specifically designated for or approved for skateboarding and/or in-line skating. When using any such facility, skaters shall strictly comply with any and all posted rules for the facility. The city administrator and any other officer or official of the city shall have the authority to exclude, either permanently or for a specific period of time, any individual or individuals who fail to follow these rules and failure to obey any such order to stop using the facility and/or leave the park shall constitute another and separate offense. *[Added by Ord 499 on Sep 10, 1998]*

**6.085 Damaging or Obstructing Public Ways.**

(1) The operator of a 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.

(4) No person shall place or deposit, or allow to be placed or deposited, any dirt, gravel, mud, junk, debris, or tree, grass or shrubbery clippings, or other unauthorized material, on any

street, parking area or sidewalk area. (This includes the operation of any kind of vehicle or equipment that results in the placing, depositing, or allowing said materials to be placed on a street, parking area, or sidewalk area.)

**6.090 Obstructing Streets.**

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

(2) No person shall park or stand a vehicle in such a manner or location that it constitutes a hazard to public safety or an obstruction on the street.

**6.095 Removing Glass and Debris.** A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street.

**Parking Regulations**

**6.100 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, upon the authority of the city administrator, where the street is marked or signed for angle parking. *[Amended by Ord 499 on Sep 10, 1998]*

(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 or 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.

**6.105 Prohibited Parking and Standing.** In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

(1) A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel unless authorized;

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

(3) A motor truck as defined by ORS 801.355, a truck tractor as defined by ORS 801.575, and/or a semi-trailer as defined in ORS 801.475, which semi-trailer is equipped with an on-board refrigeration device, on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front or adjacent to a residence, hotel, or other sleeping accommodation;

(4) A vehicle upon a parkway or freeway, except as authorized;

(5) No trailer or semi-trailer with a bed or box in excess of five feet in width and eight feet in length shall be parked upon any residential public street for a period longer than four hours unless it is loading or unloading except with the express written permission of the city administrator or his designee. This prohibition shall not apply to trailers or semi-trailers owned or operated by governmental units or public or private utility companies;

(6) An unlicensed motor vehicle or trailer on any public street or right-of-way;

(7) An unmounted camper on any public street or right-of-way;

(8) A vehicle in a designated fire lane.

(9) A vehicle for more than 72 hours in one location on a public street or for more than 72 hours within the same block or for more than

72 hours within 200 feet of any one parking location, except

- (a) A Recreational Vehicle is limited to a maximum of 24 hours.

(10) A vehicle within fifteen (15') feet of a United States Postal Service Neighborhood Delivery Station between the hours of 8:00 a.m. and 4:00 p.m., Monday through Saturday.

[Amended by Ord. 569 on March 11, 2004]

**6.110 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.

**6.115 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.

**6.120 Leaving Unattended Vehicle.** No operator or person in charge of a motor vehicle shall park it or allow it to be parked on a street, or other property open to public travel, or on a new or used car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed.

**6.125 Action by Police Officer.** Whenever a police officer finds a motor vehicle unattended with the ignition key in the vehicle in violation of section 6.120, the police officer is authorized to remove the key from vehicle and deliver the key to the city administrator.

**6.130 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.

**6.135 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.

**6.140 Extension of Parking Time.** Where maximum parking limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

**6.145 Exemptions.** The provisions of sections 6.100 through 6.140, 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.

**Parking Violations - Schedule of Fines**

**6.146 Schedule of Parking Fines.**

The schedule of fines for certain violations of the provisions of this Code shall be as follows:

- (1) Parking in violation of Section 6.100 (1) or (2): \$15
- (2) Parking in violation of Section 6.040: \$20
- (3) Parking in violation of Section 6.115: \$30
- (4) Illegal parking in a designated handicap space: \$150
- (5) All other parking violations in the Code: \$50.

[Added by Ord 515 on July 8, 1999]

### **Bicycles**

**6.150 Bicycle Equipment.** A bicycle operated upon the streets shall be equipped as required by state law. In addition, a bicycle shall be equipped with a brake capable of sliding at least one tire when applied on dry, level, clean pavement. No bicycle shall be equipped with a siren or whistle.

**6.155 Bicycle Operating Rules.** In addition to observing all other applicable provisions of this ordinance and state law, a rider of a bicycle upon a street shall:

- (1) Not ride upon a sidewalk within a business district;
- (2) Yield the right-of-way to pedestrians on sidewalks;
- (3) On a two-way street, ride to the extreme right except when preparing for a left turn. On a one-way street, ride to the extreme curbside of the traffic lane and with the direction of travel designated for that lane. If the curb lane is designated for "left turn" or "right turn" only, and the operator is not intending to turn, he shall operate in the through lane;
- (4) Not carry a package, bundle, or article which prohibits him from having full control of the bicycle and unhindered vision;
- (5) Not ride abreast of another bicycle or in any manner other than single file, except on designated bicycle paths;

(6) Not operate a bicycle in a careless or reckless manner which endangers or would be likely to endanger himself, another, or any property. Racing or trick riding shall be included in this offense;

(7) Not leave a bicycle, except in a bicycle rack. If no rack is provided, he shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway, or building entrance. Nor shall he leave the bicycle in violation of the provisions relating to the parking of motor vehicles.

### **6.160 Impounding of Bicycles.**

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

(2) A bicycle left on public property may be impounded by a police officer.

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

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

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

### **Pedestrians**

**6.165 Pedestrians--Use of Sidewalks.** A pedestrian shall not use a roadway for travel when a sidewalk is available.

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

**6.175 Obedience to Traffic Lights.** 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.

### **Funeral Processions**

#### **6.180 Funeral Procession.**

- (1) A permit shall not be required to conduct a funeral procession.
- (2) The procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
- (3) The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
- (4) All motor vehicles in the procession shall be operated with their lights turned on.
- (5) No person shall unreasonably interfere with a funeral procession.
- (6) No person shall operate a vehicle that is not part of the procession between the vehicles of a funeral procession.

### **Offenses on Other Property Open to Public Travel**

**6.185 Careless Driving.** No person shall operate a motor vehicle on other property open to public travel in a careless manner. As used in this section, "a careless manner" means in a manner that endangers or would be likely to endanger any person or property.

### **Parking Citations—Impoundment.**

#### **6.210 Citation on Illegally Parked Vehicle.**

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a

traffic citation for the operator to answer to the charge against him or pay the penalty imposed within five days during the hours and at a place specified in the citation.

#### **6.215 Failure to Comply with Traffic Citation.**

If the operator does not respond to a traffic citation affixed to such vehicle within a period of five days, the court clerk may send to the owner of the vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event the letter is disregarded for a period of five days, a warrant for his arrest will be issued.

#### **6.220 Owner Responsibility.**

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

#### **6.225 Registered Owner Presumption.**

In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he was then the owner in fact.

#### **6.230 Impoundment of Vehicles.**

(1) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner, but subsequently became an obstruction or hazard.

(2) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of state law,

relating to impoundment and disposition of vehicles abandoned on the city streets.

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

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

(5) 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.

(6) (a) Whenever a motor vehicle, two-wheel trailer, utility trailer, mobile trailer, camper trailer, camper, or recreation vehicle is found to have been parked upon a street within the city for more than 72 consecutive hours, it shall be the responsibility of the police department to make diligent inquiry to determine the ownership of said vehicle or trailer.

(b) If ownership cannot be determined by routine inquiry in the neighborhood where such vehicle or trailer is found, the police department shall examine said vehicle or trailer for its license number, motor number, serial number, make and style and any other information which could aid in the identification of the owner of said vehicle or trailer. This information shall be conveyed, for purposes of identifying, to the Department of Motor Vehicles of the State for registration of said vehicle or trailer, if any.

(c) If the owner of such vehicle or trailer is identified, the owner thereof shall be notified by personal service or

certified mail that said vehicle or trailer will be impounded by the police department 24 hours after the receipt by the owner of said notice unless the vehicle is removed by the owner within that period. It shall be presumed that the owner has received notification when a period of seven days expires from the date of mailing of said notice by certified mail. In addition to said notification by personal service or certified mail, notification shall be placed by the police department on said vehicle or trailer.

(d) If ownership of such vehicle or trailer cannot be determined after the accomplishment of the steps set out in subsection (6) (c), the police shall place upon said vehicle a notice visible to the public stating that said vehicle or trailer shall be removed and impounded by the city after the expiration of 24 hours from the time of posting of said notice unless said vehicle or trailer is removed.

#### **6.231 Immobilizer (Boot) Installation.**

(1) Any police or code enforcement officer of the city is authorized to immobilize a motor vehicle located upon a public street, on city off-street property, or on public property by installing on or attaching to the vehicle a device designated to restrict the normal movement of the vehicle if:

(a) The vehicle is parked in violation of any of the provisions of this chapter and at the time displays no license plate; or

(b) The owner of the motor vehicle has bails, fines, or bail forfeitures resulting from the use or misuse of a motor vehicle of not less than \$54.00 outstanding for more than 30 days.

(2) If the vehicle is so immobilized, the officer who installs or attaches the device shall conspicuously affix to the vehicle a written notice on a form provided by the city administrator, ad-

vising the owner, driver, or person in charge of the vehicle that it has been immobilized by the city for violation of this chapter and that release of the vehicle may be obtained at a place designated on the notice. Unless release of the vehicle is so arranged by 12:00 pm of the following day, the vehicle shall be removed, at the owner's expense, from the street or lot at the direction of any law enforcement or traffic enforcement officer. The notice shall contain whatever additional information the city administrator deems necessary. [Added by Ord 509 on Feb 11, 1999]

**6.232 Immobilizer Removal.** No person other than a law enforcement officer or code enforcement officer of the city may remove or attempt to remove an immobilizer (the "device") and no person shall move or attempt to move the vehicle it is attached to until the device is removed by an officer of the city. [Added by Ord 509 on Feb 11, 1999]

**6.233 Hearing on Immobilization.**

(1) At the time of the release of the vehicle immobilized pursuant to Section 6.231, notice shall be given to the person entitled to possession thereof that a hearing on the validity of the immobilization may be had if requested in writing within 5 days of such notice.

(2) If a written request for a hearing is filed, the applicable provisions for a hearing in the municipal court for impounding certain vehicles contained in Section 6.235 shall be followed. At that hearing, the city shall have the burden of proving by a preponderance of evidence that the city had reasonable grounds to believe that the vehicle was subject to immobilization pursuant to Section 6.231. [Added by Ord No 509 on Feb 11, 1999]

**6.234 Immobilizer fees, charges and impounding.**

(1) When a motor vehicle is immobilized in accordance with Section 6.231, a penalty of \$50 shall be charged by the city in addition to all

other amounts lack of payment of which has led to the impoundment of the vehicle. The penalty and all the other amounts shall be paid before the vehicle is released.

(2) To a vehicle so immobilized, the parking restrictions of the city shall not apply. If the vehicle is not released by 12:00 p.m. of the day following its impoundment, a law enforcement or code enforcement officer shall have it impounded, after which it shall be subject to the provisions of Section 6.235 (5). [Added by Ord No 509 on Feb 11, 1999]

**Impounding Certain Vehicles.**

**6.235 Impounding of Vehicles Operated by Drivers Who Are Intoxicated, Unlicensed, or Uninsured.**

(1) A police officer who reasonably believes that a person:

(a) is driving an uninsured vehicle in violation of ORS 806.010 (10/996); or

(b) is driving while his or her driver's license is suspended in violation of ORS 811.175 and ORS 811.182 (1996); or

(c) is operating a motor vehicle without driving privileges in violation of ORS 807.010(1) or (2) (1996); or

(d) is driving a motor vehicle without a license or driver's permit in their possession in violation of ORS 807.570(1) (a) (1996); or

(e) is operating a motor vehicle while under the influence of intoxicants in violation of ORS 813.010(1996),

may, without prior notice, impound said vehicle until such time as a person with a right of possession to the vehicle lawfully claims it and is able to have it lawfully removed from the City's custody.

(2) In the event a police officer impounds a vehicle pursuant to the provision of section (1)

above, notice consistent with the provision of ORS 819.180(2) (1996) shall be sent within 48 hours (excluding weekends and holidays) to any owner(s), lessor, or security interest holder(s) as shown by the records of the appropriate Department of Motor Vehicle.

(3) Any person seeking the release of a vehicle impounded pursuant to the provision of section (1) above shall provide the city with proof of insurance and licensure. In addition, except as provided in section (4) below, any person lawfully entitled to the release of the vehicle shall pay, prior to release of said vehicle, any and all accrued towing and storage charges as well as an administrative fee to the city of Lafayette in the amount of \$75 to cover the administrative costs of this program.

(4) (a) In the event a person wishes to contest the impoundment of a vehicle seized pursuant to Section 1 above, they must file a request for a hearing within 48 hours of their receipt of notice of the impoundment. A hearing shall thereafter be scheduled within 72 hours (not including weekends or holidays) of the receipt of the request by the city. Notice of the hearing shall be sent to the city to all owner(s), lessors, or security interest holders as they appeared in the records of the appropriate Department of Motor Vehicles.

(b) At the time of the hearing, the city shall have the burden of proving by a preponderance of evidence that the city had reasonable grounds to believe that the vehicles was subject to impoundment for violation of ORS 806.010, ORS 811.175, ORS 811.182, ORS 807.010(1) and (2), ORS 807.570(1)(a) and/or ORS 813.010 (1996).

(c) In the event the municipal court determines that the city had reasonable grounds to impound the vehicle, the court will require that all costs associated with the towing and storage of the vehicle

(including the administrative fee set out above) to be paid prior to the release of said vehicle.

(d) In the event the municipal court finds that the seizure of the vehicle was improper, the court shall order the immediate release of the vehicle to the owner or other person with a right of possession, with the costs associated with the towing and impoundment of the vehicle being borne by the city.

(5) In the event a vehicle seized pursuant to section (1) above is not reclaimed by a party entitled to its possession within thirty (30) days of its seizure, the city may thereafter dispose of the vehicle consistent with the terms of ORS 819.210 to ORS 819.260 (1996), as applicable.

## **PROHIBITED PARKING**

### **6.250 Unlawful Parking--Towing Authorized.**

Any vehicle found on any street, avenue, public place, city-owned or city-operated property, parked unlawfully or in such a manner as to be a traffic hazard under conditions then existing, or left on any street, avenue, public place, city-owned or city-operated property indefinitely by reason of wreckage, damage, theft, abandonment or neglect, may be towed to such storage area as the police may direct.

**6.255 Placement of Citations.** If no person is in charge of such vehicle, but if the vehicle is not in a position as to be hazardous to traffic or as to prevent the proper parking of another vehicle, the police officer may place a traffic citation in or on the vehicle or have the vehicle towed as provided for in section 6.265. If the vehicle is occupied the citation shall be served upon the occupant.

**6.260 Outstanding Warrants--Impound or Arrest.** In cases where a warrant is on file charging a traffic violation, the vehicle involved in such violation shall, if unoccupied, be impounded

and a citation applied as hereinabove provided; but if the owner or person lawfully in possession is present, the officer shall place that person under arrest. The owner or person entitled to possession shall obtain a clearance from the city administrator of such warrant before obtaining possession of the vehicle.

**6.265 Illegal Stopping, Standing or Parking.**

In the event any vehicle shall be found standing, stopped or parked in or upon any street, avenue, public place, city-owned or city-operated property in violation of and contrary to any of the provisions of this ordinance applicable to standing, stopping or parking of vehicles, such vehicle shall be given a traffic citation and be removed by the police department to such place as may be designated by the police department and there kept until application for its redemption shall be made by the owner or his duly authorized agent.

**6.270 Registration Search--Notice to Owner.**

If within three days after impoundment no one appears to claim the establish ownership or the right to possession of the vehicle, the police department shall search the motor vehicle registration records and the vehicle for the name and address of the owner or person entitled to possession and send notice to such person if the name and address are discovered. Notice shall disclose the whereabouts of the vehicle and the reason for its impoundment.

**6.275 Claiming Vehicles.** When any vehicle has been towed, the owner or person entitled to possession thereof may obtain possession upon showing adequate evidence of a right to its possession and paying the charges due for towing and storage, and a fine in the amount of not less than \$7.00 in any case where a vehicle was parked in a hazardous manner, and a fine in the amount of not less than \$2.00 in all other cases.

**OFF-ROAD VEHICLES**

**6.300 Definitions.** As used in sections 6.300 to 6.305, the following words shall have the meanings given to them in this section:

Non-road areas. Any area that is not a road, or a road which is closed to off-road vehicles and posted as such; except that areas commonly held open to vehicular use, such as parking lots and race tracks, shall not be considered off-road areas.

Off-road vehicles. Every self-propelled motor vehicle designed or capable of traversing on or over natural terrain including but not limited to snowmobiles, mini-bikes, motorcycles, four-wheel drive trucks, pickups, all terrain vehicles, jeeps, half-tracks, and helicopters. The definition of off-road vehicles does not include, unless used for purposes prohibited by sections 6.300 to 6.305, implements of husbandry; nor does it include military, fire, emergency or law enforcement vehicles used for legal purposes.

**6.305 Operation of Off-Road Vehicles.**

(1) It is unlawful for any person to operate an off-road vehicle on any nonroad area which the operator does not own, unless:

(a) The operator possesses written permission from the owner, contract purchaser or lessee of the non-road area; or

(b) The operator possesses written evidence of membership in a club or association to which the owner, contract purchaser or lessee of the nonroad area has given written permission and a copy of which has been filed with the city administrator; or

(c) The owner, contract purchaser or lessee of the non-road area has designated the nonroad area as open for recreational purposes in accordance with ORS 105.655 to 105.680 by filing such consent and other information necessary to identify the area with the city administrator; or

(d) The owner, contract purchaser or lessee has designated the nonroad area as being open to off-road vehicle use by posting notice thereof in a form and manner prescribed by the city administrator.

(2) It is unlawful for any person to:

(a) Falsify the written permission required by subsection (1)(a) of this section;

(b) Falsify the evidence of club or association membership or the written permission required by subsection (1)(b) of this section;

(c) Falsify the filing or consent required by subsection (1)(c) of this section;

(d) Post the notice or remove the posted notice required by subsection (1)(d) of this section without the consent of the owner, contract purchaser or lessee.

(3) All off-road vehicles must be equipped with spark arrestor and muffler system which must be sufficient so as not to create unreasonable noise which will likely interfere with the reasonable enjoyment of neighboring properties.

## **BICYCLE TRAIL AND FOOTPATH REGULATIONS**

**6.400 Operating Vehicles.** No person shall drive a motor vehicle upon or across a bicycle trail or footpath, except to enter or exit a driveway, intersecting street, or in case of an emergency, state, county, or city workmen repairing, replacing, or improving the streets, or mailmen delivering mail by carrier. No person shall drive a motor vehicle, upon or across except after yielding right-of-way to all bicycles and/or pedestrians in the trail or path.

**6.405 Parking Vehicles.** No person shall stand or park a motor vehicle upon a bicycle trail or

foot path except in case of an emergency, or except as stated in section 6.400.

## **PROHIBITED OCCUPANCY OF MOBILE HOMES**

**6.510 Occupancy Unlawful.** No individual may sleep in a mobile home or recreational vehicle unless the vehicle is parked in a designated recreational vehicle park, the home or vehicle has been sited pursuant to a duly issued building permit, or the individual has obtained a temporary occupancy permit from the city.

**6.515 Temporary Occupancy Permit.** The city administrator is authorized to issue a temporary occupancy permit for up to four weeks, allowing an individual(s) to occupy and sleep in a mobile home or recreational vehicle, temporarily parked in the yard of a residence, in which the individual has access to sanitation and kitchen facilities. No more than two temporary occupancy permits within a twelve-month period may be issued by the city administrator for the temporary occupancy on property to the same real property owner.

**6.520 Interpretation.** In the event this section of the Lafayette code conflicts with another section of the Lafayette code or city ordinance, the other section of the Lafayette code or city ordinance shall control.

**6.525 Violation.** A violation of any provision of this section of the Lafayette code is a Class B infraction.

## **TRAVEL TRAILERS - TEMPORARY OCCUPANCY**

**6.600 Definition.** For purposes of human occupancy, a travel trailer includes all vehicles or modular units originally having wheels for trans-

porting, used for living or sleeping purposes except those which qualify for or having obtained a mobile home placement permit for permanent occupancy.

**6.605 Occupancy Permit.** The city administrator is authorized to issue a temporary occupancy permit for up to four weeks allowing a travel trailer, where there is adequate access to sanitation and kitchen facilities, to be temporarily parked on residential property not within a recreational vehicle park within the city of Lafayette. Any such occupancy permit is revocable by the city council without hearing. The revocation shall give the occupant a minimum of 24 hours to vacate the travel trailer or move the travel trailer. The occupancy permit shall be on a form approved by the city council. No more than two such permits per owner shall be issued by the city administrator in any one calendar year for property belonging to the same real property owner. If an individual desires to obtain additional occupancy permits, he or she must petition the city council to authorize the city administrator to issue the additional permits. The city council shall only authorize additional permits following an open hearing at which the council finds that such additional permits would not create a health or safety danger to the applicant or neighbors, that a temporary emergency exists, and that the additional permit will not create a public nuisance. The council shall continue to have the additional authority prescribed in this ordinance. Any permit issued pursuant to the terms of this section may be revoked on 24 hours' notice if, upon inspection by the city council or city health authorities, it is determined that such inhabited travel trailer is lacking in proper sanitary facilities, is a menace to public health, or is causing or creating a public nuisance. The occupancy permit allowed in this ordinance shall be in addition to any time allowed in a recreational vehicle park by separate ordinance.