

## **CHAPTER 6 TRAFFIC**

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## CHAPTER 6 TRAFFIC

*[Chapter 6 entirely repealed and replaced by Ordinance No. 81-20, enacted December 21, 1981.]*

### **GENERAL TRAFFIC CONTROL**

**6.000**    **Short Title.** Sections 6.005 to 6.320 may be cited as "Astoria Traffic Code."

**6.005**    **Applicability of State Traffic Laws.** The provisions of the Oregon Vehicle Code, ORS Chapters 801 through 826, are hereby adopted, and a violation of a provision of those chapters is an offense against the city. *[Section 6.005 amended by Ordinance 86-05, passed March 3, 1986; Ordinance 86-26, passed December 15, 1986; Ordinance No. 87-06, passed May 4, 1987; and Ordinance No. 98-17, passed December 7, 1998.]*

**6.010**    **Definitions.**

- (1) In addition to those definitions contained in the Oregon Vehicle Code, the following mean:

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

Holiday. New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the council to be a holiday.

Loading zone. A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

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.

No parking zone. A space on the edge of a roadway designated by yellow paint or signed "No Parking."

Parkway. That portion of a street not used as a roadway or as a sidewalk.

Street. Highway, road, street or alley, as defined in ORS 801.110 and 801.305. *[Definition amended by Ordinance No. 06-02, passed March 6, 2006.]*

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

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 code, includes bicycles. *[Subsection (1) amended by Ordinance No. 92-01, Section I, passed January 21, 1992.]*

- (2) As used in this code, the singular includes the plural, and the masculine includes the feminine.

### Administration

#### **6.025 Powers of the Council.**

- (1) Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated in this code or any other section of the Astoria Code.
- (2) The powers of the council shall include, but not be limited to, designation of:
  - (a) Parking meter zones, denomination of coins for deposit in parking meters, the parking time permitted for the deposit of the coin, and the hours during which the deposit of coin is required.
  - (b) Through streets.
  - (c) One-way streets.
  - (d) Truck routes.

- (e) Streets where trucks, machinery, or any other large or heavy vehicles exceeding specified weights are prohibited, except for delivering or picking up materials or merchandise, but then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.
- (3) Except when 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 its removal or alteration, the city 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 code. Such traffic controls shall become inoperative only when removed or altered.

**6.030 Duties of the City Manager.**

- (1) In making the best use of streets and sidewalks for vehicle traffic, parking, pedestrian traffic, and community activities, the city manager is authorized to provide appropriate and reasonable regulation of the classes of traffic signs, signals, markings and devices described in subsection (2) for the streets, sidewalks and other public property of the city, including authorizing temporary street closures, as are found appropriate for public safety, convenience and welfare. The city manager shall base his determinations on:
  - (a) Traffic engineering principles and traffic investigations;
  - (b) Standards, limitations and rules promulgated by the State Department of Transportation; and
  - (c) Community activity needs in furtherance of city goals and policies, including economic development.
- (2) Pursuant to subsection (1), the city manager may establish, maintain, remove or alter the following classes of traffic controls:
  - (a) 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.
  - (b) Parking meters within the zone provided for parking meters.
  - (c) The location and the time of operation of traffic control signals.

- (d) Bus stands, taxicab stands, and stands for other passenger common carrier vehicles.
  - (e) The location of passenger loading zones for use in connection with a hotel, auditorium, theater, church, school or public building.
  - (f) Loading zones for commercial purposes.
  - (g) Intersections or areas where drivers of vehicles shall not make right, left or U-turns and the time when the prohibition applies.
  - (h) 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.
  - (i) Temporary street closures for community activities.
  - (j) Crosswalks, safety zones, traffic lanes and other symbols.
  - (k) Traffic control signs.
  - (l) All other signs, signals, marking and devices required to implement traffic and parking controls enacted by the council or required by state law or regulation.
- (3) Pursuant to subsection (1), the city manager may provide for experimental or emergency traffic regulation of a temporary nature that shall not remain in effect more than 30 days. No experimental or emergency regulation is effective until adequate traffic signs, signals, markings or devices are erected, clearly indicating the regulation.
- (4) The city manager shall maintain a current record of all action taken by the city council and by the city manager under this section.
- (5) 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 code. If a traffic sign, signal, marking or device is installed under authority of a resolution of the city council, the city council shall first approve any change or alteration by the city manager.
- (6) 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 object endangers the public. A parking strip is that space between the sidewalk and the curb or curblineline of all dedicated streets.

- (7) If the city manager determines that an object is a danger to the public, he shall notify the abutting property owner to remove the object within 10 days after notice is given. If the abutting property owner fails to remove the hazard, the city manager shall cause the tree, shrub, article or other object to be removed. *[Section 6.030 amended by Ordinance No. 06-06, passed September 5, 2006.]*

### **6.035 Authority of Police and Fire Officers.**

- (1) It is the duty of the police department through its officers to enforce the provisions of this code relating to traffic control.
- (2) 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 require, notwithstanding the provisions of this code.
- (3) When at the scene of a fire, members of the fire department may direct or assist the police in directing traffic.

## **Parking Regulations**

### **6.050 Method of Parking.**

- (1) Where parking space markings are placed on a street, city owned parking lot or city owned parking area, no person may 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. *[Section 6.050 amended by Ordinance No. 09-05, passed October 5, 2009.]*
- (2) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street has priority to park in that space, and no other vehicle operator shall attempt to interfere.
- (3) When the operator of a vehicle discovers that the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless otherwise directed by police or fire officers.

**6.055 Double Parking.**

- (1) Double parking for certain vehicles may be permitted in the area designated in this section and under the following conditions:
  - (a) A space is unavailable;
  - (b) The vehicle is on a street bounded by the Columbia River on the north, 8th Street on the west, Franklin Street on the south, and 15th Street on the east;
  - (c) The vehicle is double parked no later than 11 a.m.; and
  - (d) The vehicle is a truck or other vehicle used for commercial purposes.
- (2) A police officer may require a vehicle so parked to move at any time for the purpose of emergency traffic control and regulation.
- (3) Parking for other than routine normal pickup or delivery is permitted for a specific period of time only by special authorization of the police department.

**6.060 Prohibited Parking or Standing.** No person may park or stand:

- (1) A vehicle in violation of state motor vehicle laws or in violation of a lawfully erected parking limitation sign except:
  - (a) A vehicle may park in an inactive driveway, in the Downtown Parking Area, as defined in Section 6.355(6), if the property owner has on file with the city of Astoria Finance Department written authorization permitting such use.
- (2) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.
- (3) A vehicle on any parkway except where specifically authorized.
- (4) A vehicle in any No Parking Zone, including areas where the adjacent curbing has been painted yellow. *[Section 6.060 amended by Ordinance No. 92-01, Section II, passed January 21, 1992.]*

**6.065 Prohibited Parking.** No operator may park and no owner may allow a vehicle to be parked on the street or other public property 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 or selling merchandise from the vehicle, except when authorized. *[Section 6.065 amended by Ordinance No. 86-16, passed October 20, 1986.]*

**6.070 Storage of Motor Vehicles on Streets.** No person may store or permit to be stored on a street or other public property, without permission of the council, a motor vehicle or personal property for a period in excess of 24 hours. Failure to move a motor vehicle or other personal property for a period of 24 hours shall constitute prima facie evidence of storage of a motor vehicle.

**6.075 Use of Loading Zones.**

- (1) No person may 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 persons or property in any place designated as a loading zone during the hours when the provisions applicable to loading zones are in effect. The use of the loading zone shall not exceed 15 minutes.
- (2) No person may 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. The use of the zone shall not exceed five minutes. *[Section 6.075 amended by Ordinance No. 86-20, passed November 17, 1986.]*

**6.080 Stopping, Standing or Parking of Buses and Taxicabs.** The driver of a bus or taxicab may not stand or park the vehicle on any street in a business district at a place other than a bus stand or taxicab stand, respectively; except that this provision shall not prevent the driver of a taxicab from temporarily stopping for the purpose of and while actually engaged in loading or unloading passengers.

**6.085 Restricted Use of Bus and Taxicab Stands.**

- (1) Except as provided in subsection (3), 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 stands except that the driver of a vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading persons or property, in places that are also designated as loading zones during the times the loading zones are in effect. If no loading zone times are posted,

the stop must not interfere with a bus or taxicab about to enter or using the zone.

- (2) Except as provided in subsection (3), use of the bus zones shall not exceed 15 minutes.
- (3) A driver of a vehicle may stop, stand or park in a bus stand between the hours of 8:00 PM and 6:00 AM when the buses are not scheduled to run and are not using the bus stands.
- (4) The city manager, by written rules and regulations, may allow other uses of bus stands at times when they are not required for bus use. *[Section 6.085 amended by Ordinance No. 86-21, passed November 17, 1986.]*

**6.090** **Lights on Parked Vehicles.** No lights need be displayed on a vehicle parked in accordance with this code that is on a street where there is sufficient light to reveal a person or object on the street within a distance of 500 feet.

**6.095** **Exemption.** The provisions of this code regulating 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.

**6.100** **Vision Clearance Area.**

- (1) Definitions.

As used in this ordinance or in the interpretation of this ordinance, the following terms will have the meanings indicated:

Central Business District: An area bounded to the west by 7th Street, on the east by 16th Street, on the north by the Columbia River and on the south by properties abutting Exchange Street.

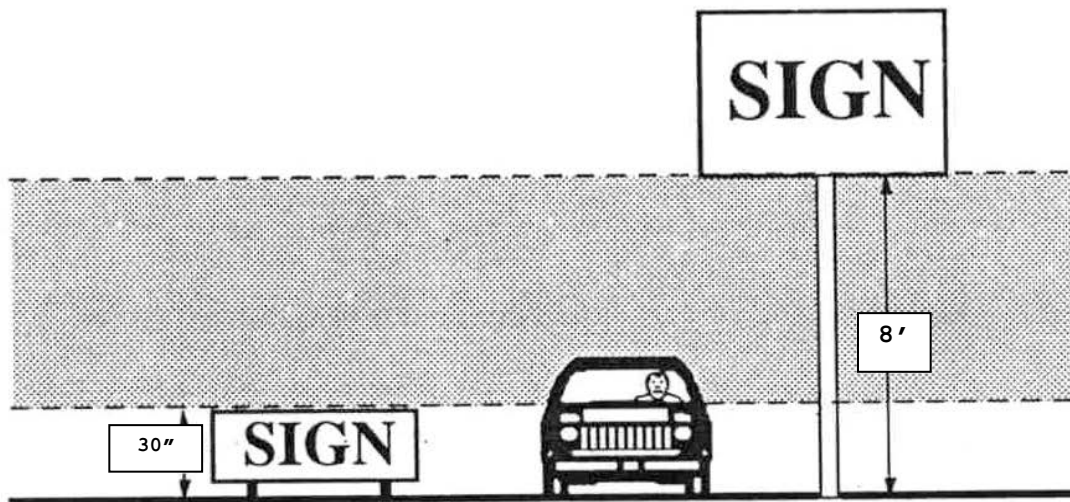
Non-Residential Zones: All zones other than the R-1 Zone (Low Density Residential), R-2 Zone (Medium Density Residential), and R-3 Zone (High Density Residential).

- (2) Clearance Area.

The vision clearance area shall not contain any plantings, walls, structures or temporary or permanent obstructions to vision between thirty (30) inches and eight (8) feet in height above the street (Figure 1) except as follows:

- a. Supporting pillar, post, or trunk not greater than twelve (12) inches in diameter or twelve (12) inches on the diagonal of a rectangular pillar or post.
- b. Posts or supporting members of street signs, street lights, and traffic control signs installed as directed by the Department of Public Works or any other sign erected for public safety.
- c. Sign portion of traffic control signs installed by the Department of Public Works or Oregon Department of Transportation in compliance with the Manual on Uniform Traffic Control Devices.

**Figure 1: Vision Clearance Area Height**



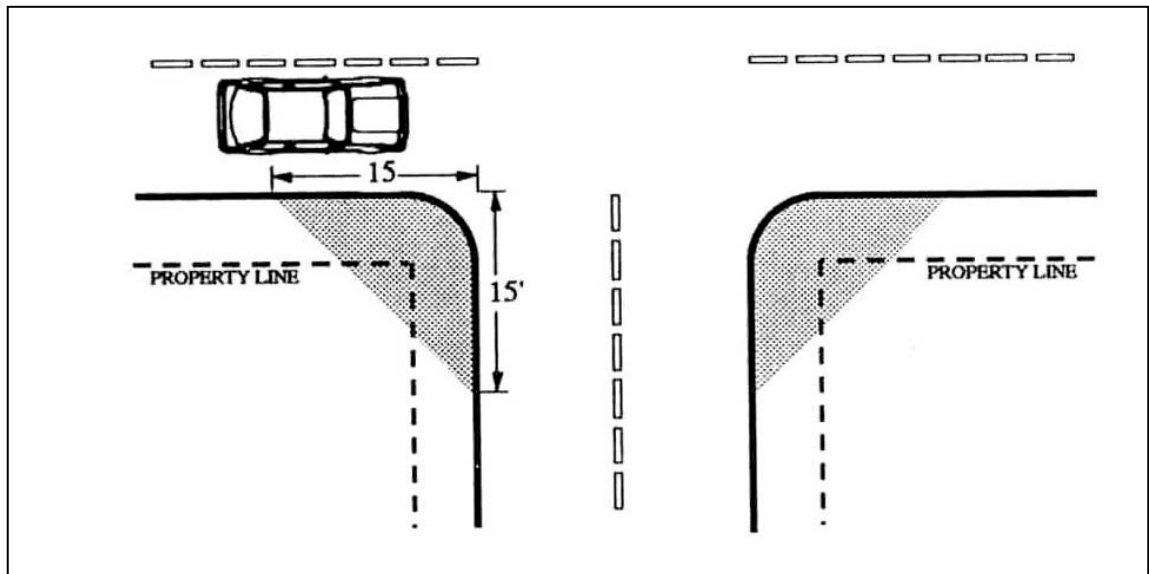
Vision clearance shall not be required at a height of eight (8) feet or more above the street or on hills above opposing drivers' eye level.

The City Engineer may adjust vision clearance area requirements as needed for safety, depending on intersection angle, topography, or other conditions, including the clustering of poles in an area.

(3) Streets and railroads.

A vision clearance area shall consist of a triangular area, two sides of which are 25-foot lengths along the outside curb edges of streets, or the paved area of a street without a curb, and/or edges of gravel beds of railroads and the third side of which is a line across the corner of the lot connecting the ends of the other two sides (Figure 2).

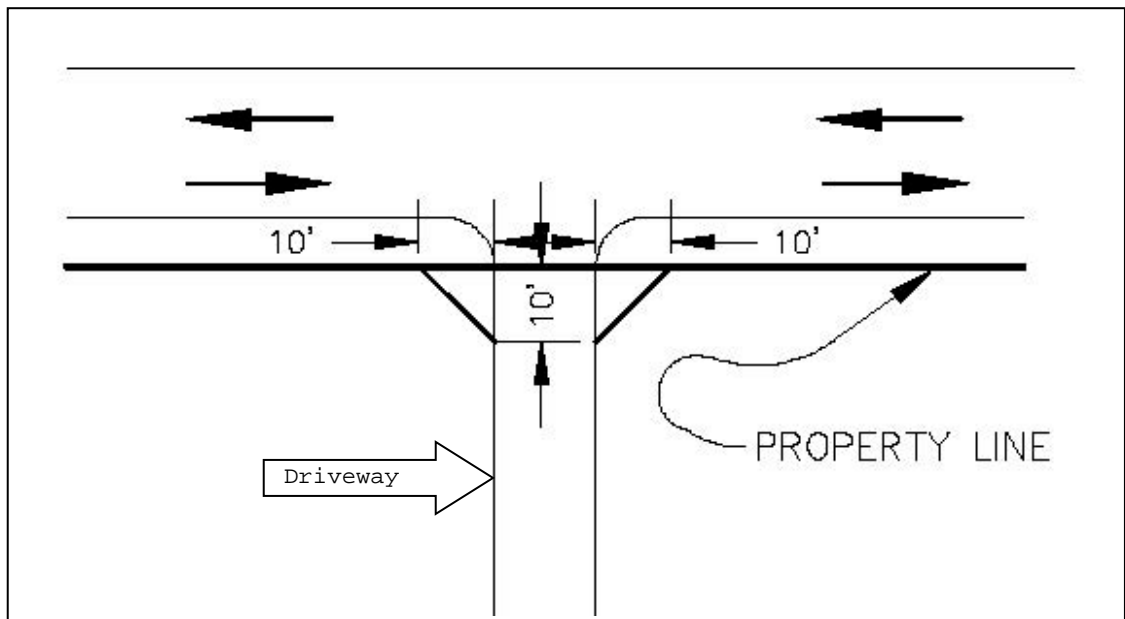
Figure 2: Vision Clearance Area for Streets and Railroads



(4) Alleys and residential driveways.

A vision clearance area shall consist of a triangular area, two sides of which are 10-foot lengths along the property line and edge of the driveway or alley and the third side of which is a line across the corner of the lot connecting the ends of the other two sides (Figure 3).

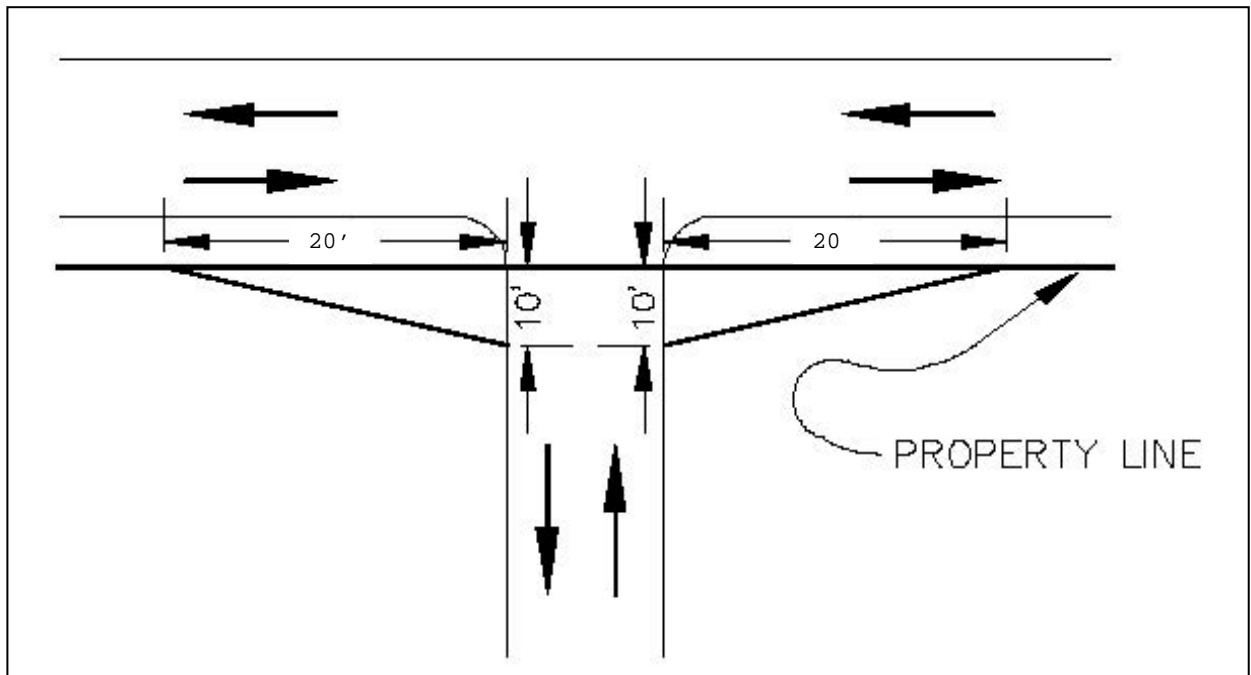
Figure 3: Vision Clearance Area for Alleys and Residential Driveways



## (5) Non-residential driveways.

A vision clearance area shall consist of a triangular area, two sides of which are 20-foot and 10-foot lengths along the property line and edge of the driveway, respectively, and the third side of which is a line across the corner of the lot connecting the ends of the other two sides (Figure 4).

**Figure 4: Vision Clearance Area for Non-Residential Driveways**

(6) Intersection Parking.

In the Central Business District and Non-Residential Zones, no vehicle over five (5) feet in height, with shaded windows, blocked windows, or no windows shall park or stand in a marked parking space within twenty-(20) feet of the intersection, unless the intersection is controlled by a traffic signal or the parking stall is located on the departing leg of a one-way street.

(7) The above sections shall not be construed as a waiving or altering of any yard requirements or setback requirements that may be required by this or any other ordinance. *[Section 6.100 amended by Ordinance No. 14-04, passed April 21, 2014.]*

### Parking Meters

- 6.105** Deposit of Coins. Except as otherwise permitted by this code, no person may park a vehicle in a metered parking space without immediately depositing in the parking meter adjacent to the space such lawful coin or coins of the United States required by the meter, as designated by directions on the meter, and when required by the directions on the meter, unless the parking meter indicates at the time the vehicle is parked that an unexpired portion remains of the period for which a coin or coins had been deposited previously.
- 6.110** Legal Time Limit. No person, except as otherwise permitted by this code, may permit a vehicle parked by him to remain parked in a metered parking space during a time when the parking meter adjacent to the space indicates that no portion remains of the period for which the last previous coin or coins had been deposited, or beyond the time limit for parking in the space. Continued parking beyond the single time limit for any metered parking space is a separate offense for each period or portion of a single time limit for the metered parking space during which the vehicle remains so parked.
- 6.115** Extension of Parking Time. No person may deposit or cause to be deposited in a parking meter a coin or coins for the purpose of extending the parking time beyond the time limit for parking in a metered parking space.
- 6.120** Mechanical Defect. An unintentional violation of sections 6.105 to 6.115 of this code by reason a mechanical failure of a parking meter is not an offense.
- 6.125** Collections. It is the duty of the finance director to direct the collection of all coins deposited in parking meters. *[Section 6.125 amended by Ordinance No. 90-36, section 2, passed October 1, 1990.]*
- 6.130** Parking Meter Hoods and "No Parking" Blocks. The finance director may issue parking meter hoods and "No Parking" BLOCKS in accordance with rules and regulations adopted by the city council by resolution. *[Section 6.130 amended by Ordinance No. 90-36, section 3, passed October 1, 1990; and Ordinance No. 96-02, passed February 20, 1996.]*
- 6.135** Special Police Officers.
- (1) Persons appointed by the City Manager shall be special police officers of the City and shall serve under the direction and control of the City Manager or designee. Special police officers may be employees of the City or may be volunteers. The following categories of special police officers are established.

- (a) Parking control officers. Parking control officers shall have authority to issue citations for violations of parking and nonmoving traffic violations, as defined in Chapter 6 of the Astoria Code, or pertinent sections of the Oregon Revised Statutes, incorporated by reference into the City code, and to this extent they shall exercise full police authority. The City manager may exempt parking control officers, while in the performance of their duties, from the application of Astoria Code sections 6.215, 6.225, and 6.260 and any other provision of the Astoria Code restricting the use or operation of vehicles, skateboards or similar devices in the central business district.
  - (b) Adjunct police officers. Adjunct police officers may be appointed to enforce City ordinances related to abandoned vehicles, parking and nonmoving vehicle violations, handicapped parking, nuisance violations, bicycle and skateboard violations and animal control violations.
  - (c) Watershed protection officers. Watershed protection officers may be appointed in accordance with Oregon Revised Statutes 448.315 to enforce Oregon Revised Statutes 448.295 and any ordinances the City may adopt under the authority of ORS 448.295-.325.
- (2) The City Council may by resolution provide that other ordinances be enforced by parking control officers or adjunct police officers.
  - (3) Special police officers shall have listed on their document of appointment those ordinances, by reference to general categories, which they are empowered to enforce and shall thereafter have the power to issue citations for violations of those ordinances and in all respects exercise full police power and authority in relation thereto. The document of appointment shall be on file in the Human Resources Department special police officer personnel file. An appointment may be amended by the City Manager as to the ordinances the officer may enforce.
  - (4) Special police officers appointed under this section shall be issued an identification card by the City Manager or designee and such other indicia of office as may be deemed appropriate by the City Manager. *[Section 6.135 amended by Ordinance No. 86-14, passed July 7, 1986; and Ordinance No. 94-16, passed October 17, 1994; Ordinance No. 18-07, passed 6-18-2018; Section amended by Ordinance No. 18-12, passed Dec. 17, 2018]*

### Pedestrians

**6.150 Crossing at Right Angles.** No pedestrian may cross a street at a 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.

- 6.155 Pedestrians Must Use Crosswalks.** In blocks where marked crosswalks are established, no pedestrian may cross the street other than within a marked crosswalk.

### **Parades and Processions**

- 6.170 Prohibited Activity.** No person may organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit.

**6.175 Parade Permits.**

- (1) Application for parade permits shall be made to the police chief at least 10 days prior to the intended date of the parade, unless the time is waived by him.
- (2) Applications shall include the following information:
  - (a) The name and address of the person responsible for the proposed parade.
  - (b) The date of the proposed parade.
  - (c) The desired route, including assembling points.
  - (d) The number of persons, vehicles and animals which will be participating in the parade.
  - (e) The proposed starting and ending time.
- (3) The application shall be signed by the person designated as chairman.
- (4) If the police chief, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he shall approve the route and issue the permit.
- (5) If the police chief determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he may:
  - (a) Propose an alternate route.
  - (b) Propose an alternate date.

- (c) Refuse to issue a parade permit.
- (6) The police chief shall notify the applicant of his decision within five days of receipt of the application.
- (7) If the police chief proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the city council.
- 6.180** **Appeal to Council.** An applicant may appeal the decision of the police chief, following the procedure provided by section 1.070 of this code.
- 6.185** **Offenses Against Parade.**
- (1) No person may unreasonably interfere with a parade or parade participant.
- (2) No person may operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.
- 6.190** **Permit Revocation.** The council may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.
- 6.195** **Funeral Processions.**
- (1) No permit shall be required for a funeral procession.
- (2) A funeral 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.

### **General Regulations**

- 6.205** **Boarding or Alighting From Vehicles.** No person may board or alight from a vehicle while the vehicle is in motion.
- 6.210** **Unlawful Riding.** No person may ride on a vehicle on a portion 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 a truck body in space intended for merchandise.

**6.215 Roller skates, Skateboards, Coasters and Similar Devices.**

- (1) No person may ride on, in or by means of roller skates, a skateboard, coaster, toy vehicle or similar device, on a sidewalk in the central business district; and no person may ride such a device on a street anywhere in the city, except to cross at a crosswalk.
- (2) Definition. As used in this ordinance or in the interpretation of this ordinance, the following term shall have the meaning indicated. Central Business District: An area bounded to the west by 7th Street, on the east by 16th Street, on the north by Columbia River and on the south by Exchange Street. *[Section 6.215 amended by Ordinance No. 87-12, passed June 15, 1987.]*

**6.220 Oversize Vehicles; Permits.** When a written application is made, the city manager, in accordance with applicable provisions of the state motor vehicle laws, may grant permits for the use of the streets by vehicles, combinations of vehicles or other property which are prohibited by state law from using the streets because of excessive weight, length or width. He may include in the permit such conditions, regulations and restrictions as the public interest may require, and which shall be sufficient to prevent injury or damage to streets, sidewalks and all other improvements or private property and to protect the public. The permit may be canceled at any time by the city manager upon satisfactory proof that the permittee has violated any of the terms of the permit, or when in the judgment of the city manager the public interest requires cancellation.

**6.225 Damaging Sidewalks and Curbs.**

- (1) The driver of a vehicle may not drive on or within a sidewalk or parkway area except to cross at a permanent driveway.
- (2) A person who damages or causes to be damaged a public improvement within the street by driving a vehicle on or within a sidewalk or parkway area shall be liable for the damage.

**6.230 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 or other debris from the street.

**6.235 Compression Brake (Jake Brake) Use - Nuisance**

- (1) The use of compression or jake brakes within the corporate limits of the City disturbs the peace and quiet and disturbs the residents of the City in

their rest and in the enjoyment of their property, and, by reason thereof, the City Council finds that the use of such brakes is a public nuisance.

- (2) The use of compression (jake) brakes within the corporate limits of the City is prohibited, except in the case of an emergency when use of said compression brakes is necessary to safely stop the subject motor vehicle.
- (3) Any person or persons who violate the provisions of this Section is subject to a fine not to exceed two hundred fifty dollars (\$250.00). *[Section 6.235 added by Ordinance No. 95-08, passed May 15, 1995.]*

**6.250 Applicability of State Law to Bicycles.** Every person riding or operating a bicycle on any street or other public place is subject to all the provisions of this code and state law pertaining to bicycles.

**6.255 Rental Agencies.** A rental agency may not rent or offer any bicycle for rent unless the bicycle is equipped with all equipment required by the state motor vehicle laws and this code.

**6.260 Riding on Sidewalks.** No person may ride a bicycle on a sidewalk in a business district. A person riding a bicycle on a sidewalk shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

**6.265 Parking.** No person may park a bicycle on a street or a sidewalk except in a rack to support it or against a building or at the curb in a manner that affords the least obstruction to pedestrian traffic.

**6.270 Impoundment of Bicycles.**

- (1) No person may leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.
- (2) A bicycle left on public property for a period in excess of 24 hours may be impounded by the police department.
- (3) In addition to any citation issued, a bicycle parked in violation of this code may be immediately impounded by the police department.
- (4) If a bicycle impounded under this code is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.
- (5) A bicycle impounded under this code which remains unclaimed shall be

disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

- (6) Except as provided in subsection (4), a fee of \$5.00 shall be charged to the owner of a bicycle impounded under this section.

### **Impoundment**

#### **6.280 Impoundment of Vehicles.**

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

### **Traffic Citations and Owner Responsibility**

**6.300 Cancellation of Traffic Citations.** No person may cancel or solicit the cancellation of any traffic citation in any manner except when approved by the municipal judge.

**6.305 Citation on Illegally Parked Vehicle.** Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this code or state law, the officer finding the vehicle shall take its license number, and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing 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.

**6.310 Failure to Comply With Traffic Citation Attached to Parked Vehicle.**

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

**6.315 Responsibility for Parking Citations.**

- (1) The legal owner, as shown on the records of the Motor Vehicles Division at the time of a violation of the laws governing parking a motor vehicle, is responsible for payment of all parking citations issued for the violation; or
- (2) If a transfer of title to a new owner has occurred and the transfer has not been recorded with the Motor Vehicles Division, the new owner is responsible for payment of a parking violation. The name and address of the new owner is to be supplied in writing to the Astoria Police Department by the record owner or owners.

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

**ASTORIA DOWNTOWN PARKING DISTRICT**

**6.350 Purpose.** The purpose of Sections 6.355 to 6.370 is to establish a Parking District in the downtown core area in which business owners, employees, students and residents in the Parking Area are prohibited from parking within the District during Saturdays and weekday working hours, in order to manage on-street parking more efficiently, make parking available for customers, clients and other visitors and to preserve the core area as a viable business and service district.

**6.355 Definitions.**

- (1) "Business" refers to a commercial, professional, or service enterprise or establishment.
- (2) "Hotel," for the purpose of this chapter, means any structure or any portion of any structure which is occupied or intended or designed for transient occupancy for dwelling, lodging or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, and also means space in recreational vehicle parks, or similar structure or space or

portions thereof so occupied, provided such occupancy is allowed for less than a 30-day period.

- (3) "Housing unit" is described as any permanent place of residence where a person resides.
- (4) "Loading and unloading" refers to the physical act of carrying items to and from a place of business.
- (5) "Motor vehicle" shall have that definition as in Section 6.010 of the Astoria Municipal Code.
- (6) "Parking Area" is described as the area bounded on the east by 16th Street, on the south by Exchange Street, on the west by 8th Street, and on the north by the Columbia River.
- (7) "Parking District". The area marked "Parking District" on the map dated 2/1/99 and found on page 6-18a of the Astoria City Code. *[Subsection (7) amended by Ordinance No. 89-17, passed August 7, 1989; Ordinance No. 90-30, passed August 20, 1990; Ordinance No. 99-03, passed February 1, 1999; and Ordinance No. 04-03, passed May 3, 2004.]*
- (8) "Person" means any individual in the Parking Area who is working, whether paid or unpaid, attending school in the Parking Area, or residing as a guest or resident, in a housing unit.
- (9) "School" is a building or group of buildings in which instruction is given.

#### **6.360 Prohibited Parking.**

- (1) Notwithstanding any other provisions in this code, no person shall, while engaged at a place of business, or attending school, when such business establishment or school is physically located within the defined Parking Area, cause, allow, suffer or permit any motor vehicle owned, operated or controlled by the person to be parked in any metered or signed space or spaces of a limitation of two (2) hours or less, within the Parking District between the hours of 10:00 a.m. and 4:30 p.m. on any day. *[Subsection (1) amended by Ordinance No. 89-17, passed August 7, 1989; and Ordinance No. 90-30, passed August 20, 1990.]*
- (2) Notwithstanding any other provisions in this code, no person shall, while residing as a guest or resident, in a housing unit or hotel, when such establishment is physically located within the Parking Area, cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked in any metered or signed space or spaces of a

limitation of two (2) hours or less, in the Parking District between the hours of 10:00 a.m. and 4:30 p.m. on any day. *[Subsection (2) amended by Ordinance No. 89-17, passed August 7, 1989; and Ordinance No. 90-30, passed August 20, 1990.]*

- (3) This section shall not apply to:
- (a) Sundays or holidays.
  - (b) Temporary loading and unloading of any vehicle for a period not to exceed twenty minutes anywhere within the District.
  - (c) Long-term loading and unloading, refer to Resolution 86-35 of the Astoria Municipal Code.
  - (d) Construction vehicles, refer to Resolution 86-5 of the Astoria Municipal Code.
  - (e) Vehicles which legally display a State Handicap Parking Permit issued by the Department of Motor Vehicles.
  - (f) Vehicles which legally display a city of Astoria Courtesy Permit issued by the city of Astoria. *[Paragraph (f) added by Ordinance No. 90-36, section 4, passed October 1, 1990.]*

**6.365 Information Required of Businesses, Hotels, Schools and Housing Units.**

- (1) For the initial enforcement of this Ordinance, each business, hotel, housing unit, or school within the Parking Area is required to furnish the information as set out in Subsection (a) below by December 9, 1988, and thereafter a complete list shall be submitted annually with business license renewal.
- (a) All businesses, housing units, and schools located within the Parking Area shall furnish the city with the full name of the persons working within the business, attending school or persons occupying the housing unit and the license number of vehicles owned, operated or controlled by those persons. A hotel located within the Parking Area shall furnish to the city the full names of persons residing as guests or residents and the license number of vehicles owned, operated or controlled by those persons.
  - (b) Business or school owners shall notify the city within ten days when, at any other time than specified in Section 6.365(1), a person begins working at a business, or attending school, is no longer working at

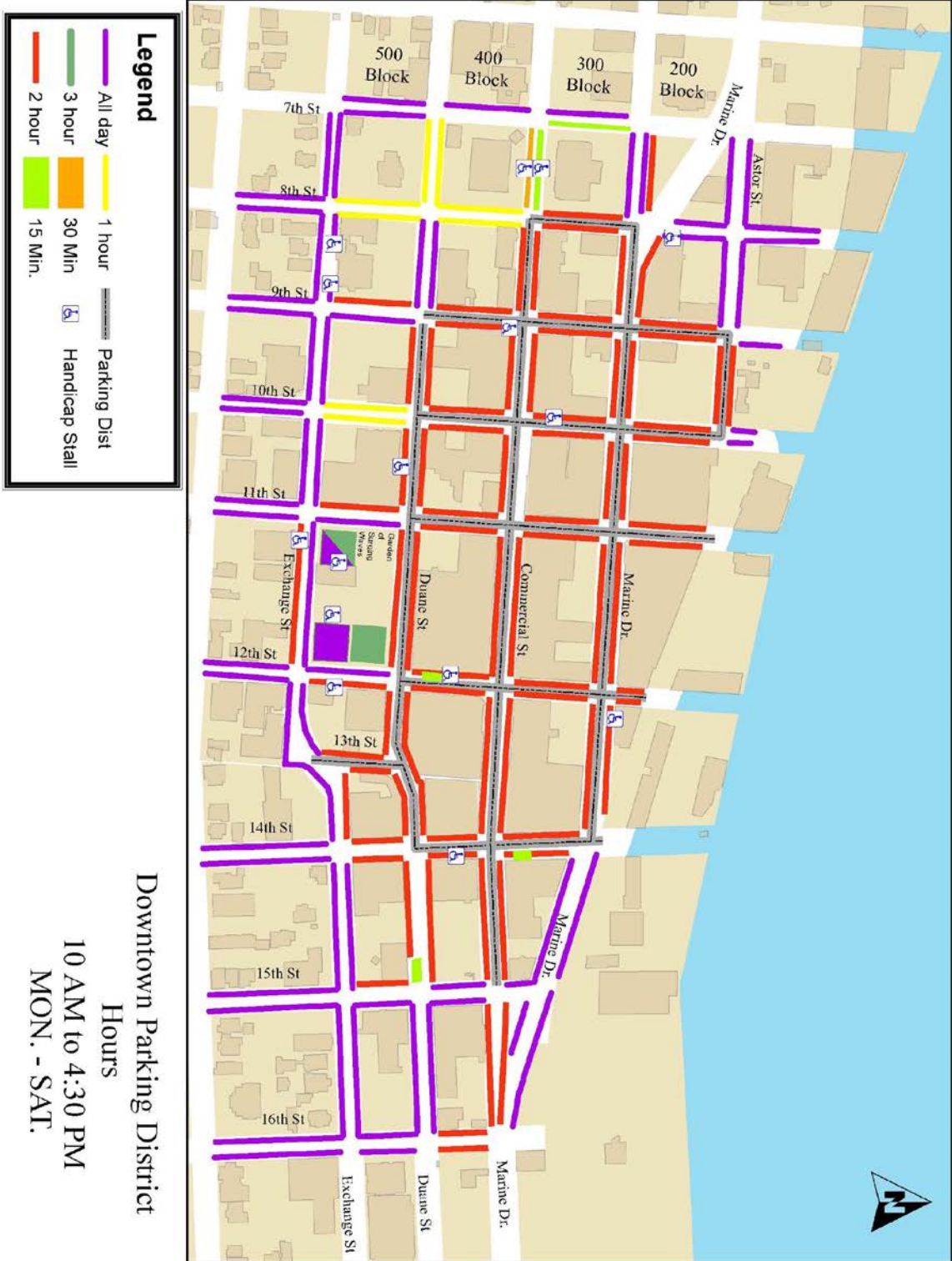
that business, is no longer attending school, or changes vehicles.

- (c) A hotel owner shall update guest information as set out in Section 1 on a daily basis. This information shall be made available to public safety officers of the city of Astoria or a designee, on request.
  - (d) Housing unit owners shall notify the city within 10 days when, at any other time other than specified in Section 6.365(1), any vehicle or occupancy changes occur in said housing unit.
  - (e) The city manager may designate other information to be required in order to carry out the terms and conditions of this ordinance.
- (2) The information required by this section shall be supplied in a manner and on forms prescribed by the city manager or his/her designee.
  - (3) No person who receives or has knowledge or possession of information required by this section may divulge in any manner such information to any person not associated with the administration of this chapter.
  - (4) No person shall intentionally furnish false or inaccurate information as required under section 6.365(1).
  - (5) Business, hotel, school or housing unit owners failing to furnish required information within specified times as prescribed by this Ordinance, or providing false information, may be subject to a fine as set out in Section 1.010 of the Astoria Code.

**6.370 Penalties.**

- (1) All public safety officers of the city of Astoria are authorized to place upon any vehicle found in alleged violation of Section 6.360 or deliver to the driver or owner of the vehicle, a parking notice pertaining to the alleged violation.
- (2) Any person accused, by the aforesaid delivery of parking notice, upon first offense of a violation of Section 6.360 shall receive a warning notice and a record shall be kept of such a notice at city hall.
- (3) Any person accused, by the aforesaid delivery of parking notice, upon second offense of a violation of this code within a two-year period, may settle the claim against him or her for such illegal parking by paying a fine in accordance with Section 1.010(4).

*[Sections 6.350 through 6.370 added by Ordinance No. 88-27, passed November 7, 1988.]*



**ENHANCED FINE ZONES**

- 6.380 Enhanced Fine Zones.** Certain streets or parking lots may be designated as “Enhanced Fine Zones” where current prohibitions have had minimal effect or where a greater traffic hazard may be present. “Enhanced Fine Zones” shall be designated by the City Manager pursuant to Astoria City Code Section 6.030(2)(a) and shall be marked with additional signage to indicate: “Enhanced Fine Zone” “\$100 Fine” “Astoria City Code Section 6.380” as per example. *[Section 6.380 added by Ordinance No. 18-09, passed November 5, 2018]*

**6.390 Unlawful Transfer on vehicular portion of the right-of-way.**

- (1) A person commits the offense of unlawful transfer under this section if the person:
- (a) While a driver or passenger in a vehicle on the vehicular portion of a highway, road or street within the boundaries of the City of Astoria, gives or relinquishes possession of, or control of, or allows another person in the vehicle to give or relinquish possession or control of any item of property to a pedestrian; or
  - (b) While a pedestrian, accepts, receives or retains possession or control of any item of property from a driver or passenger in a vehicle on the vehicular portion of a highway, road or street within the boundaries of the City of Astoria.
- (2) For purposes of Astoria City Code 6.390, the phrase “on the vehicular portion of a highway, road or street” means located in the vehicular travel or turning lane or any associated shoulder, driveway or traffic divider area within the right-of-way where vehicles are reasonably expected to be encountered. The prohibitions of the section do not apply if the vehicle is parked in a legal parking space located on or off the right-of-way or during a law enforcement stop or action.
- (3) The prohibitions of Astoria City Code 6.390 do not apply to persons participating in a “Pedestrian Activity” as defined on Oregon Administrative Rules, Chapter 734, Division 58, for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of the permit have been met.

*[Section 6.390 added by Ordinance No. 19-04, passed April 1, 2019;*

**ABANDONED VEHICLES****6.400 Abandoned Vehicles.**

- (1) Abandoned vehicles and disabled vehicles shall be governed, impounded and disposed of as provided by Oregon Revised Statutes (ORS) 819.100 to 819.215.
- (2) Exception: Downtown Parking Area. An exception to subsection (1) shall be vehicles which are abandoned, disabled, parked or left standing in the downtown parking area, as defined in City Code 6.355, and located at signed or metered parking spaces which have been designated for two (20) hours parking time or less. Such vehicles may be taken into custody and removed from the location after twenty-four (24) hours. A notice of intent to tow shall be affixed to a vehicle after a parking citation has been issued for "Over 24 hours at one location." This section specifically exempts the provision for mailing a notice of intent to tow. Authority for ordering the removal of the vehicles in violation of this section shall be vested in the parking control officer(s) and/or law enforcement officials. Notice after removal, vehicle redemption, and disposal of vehicles shall be governed by ORS 819.180.

*[Section 6.400 amended by Ordinance No. 89-15, passed July 5, 1989; Ordinance No. 92-13, passed November 2, 1992; and Ordinance No. 17-09, passed May 15, 2017; Ordinance No. 18-12, passed December 17, 2018.]*

**VEHICLE SEIZURE AND FORFEITURE****6.500 Seizure and Forfeiture.** The following vehicles are declared to be nuisances and are subject to seizure and forfeiture:

- A. A motor vehicle operated by a person who is criminally driving while suspended or revoked or in violation of a permit, in violation of ORS 811.182;
- B. A motor vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010, where the person has:
  1. Participated in a driving while under the influence of intoxicants diversion program as provided for by the Oregon Revised Statutes, or its statutory counterparts in any jurisdiction within the previous ten years, or
  2. Been convicted of or has forfeited bail or security for any of the following violations within the previous ten years:

- a. Driving under the influence of intoxicants under ORS 813.010 or its statutory counterpart in any jurisdiction, or
- b. Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle, or statutory counterparts in any jurisdiction, or
- c. Any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle, or statutory counterparts in any jurisdiction, or
- d. Failure to perform the duties of a driver under ORS 811.705 or its statutory counterparts in any jurisdiction, or
- e. Reckless driving under ORS 811.140 or its statutory counterparts in any jurisdiction, or
- f. Fleeing or attempting to elude a police officer under ORS 811.540 or its statutory counterparts in any jurisdiction, or
- g. Any degree of recklessly endangering another person, menacing or criminal mischief resulting from the operation of a motor vehicle or its statutory counterparts in any jurisdiction, or
- h. Failure to perform the duties of a driver under ORS 811.700 while driving a commercial motor vehicle or its statutory counterpart in any jurisdiction, or
- i. Has a habitual offender status under ORS 809.640 or its statutory counterpart in any jurisdiction.

**6.510**

**Seizure and Impoundment.** The following motor vehicles are declared nuisances and are subject to seizure and impoundment

- A. Motor vehicles operated by a person who is in violation of ORS 813.010, driving while under the influence of intoxicants; or
- B. Motor vehicles operated by a person who is without driving privileges in violation of ORS 807.010 (Driving without a drivers license), or his/her driving privileges have been canceled, suspended or revoked under provisions of Chapter 809 or the Oregon Vehicle Code or ORS 811.175; or

- C. Motor vehicles operated by a person in violation of the Oregon Financial Responsibility Laws, as described in ORS 806.010 and 806.012.
- D. Motor Vehicles within which an alarm device or horn is activated continuously, intermittently or repeatedly and a police officer is unable to locate the owner of the vehicle within 20 minutes from the time of arrival at the vehicle's location.

*[Section 6.530 amended by Ordinance No. 17-13, passed Dec. 18, 2017]*

**6.520**     **Forfeiture Proceedings.** All forfeiture proceedings pursuant to this chapter shall be conducted in accordance with ORS Section 131A.020 or as such laws may be hereafter amended.

*[Section amended by Ordinance No. 18-12, passed Dec. 17, 2018]*

**6.530**     **Impoundment.**

- A. Notice that a vehicle has been impounded shall be given by Astoria Police Department to the owners, lessors and security interest holders as shown in the records of the Department of Transportation, in the same manner and within the same time limits as provided in ORS 819.180. The notice shall include a copy of this code section.
- B. A seized vehicle shall be released to an owner, lessor or security interest holder upon proof of compliance with financial responsibility requirements, proper vehicle registration, a driver's license valid in the state of Oregon, and payment of all administrative fees associated with the impoundment, towing and storage of the vehicle and its contents. Proof shall be presented to the Astoria Police Department which shall authorize the person storing the vehicle to release it.
- C. A person entitled to lawful possession of an impounded vehicle may request a hearing to contest the validity of the impoundment. The request must be made within the time limits provided in ORS 809.716, and the hearing shall be conducted in the manner set forth in that statute. *[Section 6.530C amended by Ordinance No. 99-18, passed September 21, 1999.]*
- D. If the vehicle is not reclaimed within thirty (30) days after impoundment, it may be disposed of by the City or its contract agents pursuant to the provisions of ORS 819.210.

*[Section 6.530 amended by Ordinance No. 17-09, passed May 15, 2017.]*

- 6.540** **Authority.** The Astoria Police Department shall be responsible for enforcing this ordinance for the City of Astoria.
- 6.550** **Conformance with State Law.** This ordinance shall in no way be a substitute for, nor eliminate the necessity of conforming with any and all laws and rules of the State of Oregon, or its agencies, or any ordinance, rule or regulation of the City of Astoria.
- 6.560** **Inconsistent Provisions.** This ordinance shall supersede, control and repeal any inconsistent provisions of any City ordinance as amended or any other regulation made by the City of Astoria.
- 6.570** **Separability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this ordinance.

*[Sections 6.500 through 6.570 added by Ordinance No. 97-06, passed August 18, 1997.]*