

Title 10

VEHICLES AND TRAFFIC

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Chapter 10.04

GENERAL PROVISIONS, ADMINISTRATION AND ENFORCEMENT

Sections:

- 10.04.010 Title.**
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10.04.010 Title

This title may be cited as the Wood Village traffic control ordinance. (Ord. 2-1988 § 1)

10.04.020 Definitions

In addition to those definitions contained in the Oregon Vehicle Code, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

“Bus stop” means a roadway space designated by sign for use by buses loading or unloading passengers.

“Holiday” means 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” means a roadway space designated by sign for the purpose of loading or unloading passengers or

materials during specified hours of specified days.

“Motor vehicle” means 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.

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

“Street” means highway, road or street as defined in ORS 801.110, 801.305, 801.450 and 801.535 including the entire width of the right-of-way.

“Taxicab stand” means a roadway space designated by sign for use by taxicabs.

“Traffic lane” means that area of the roadway used for the movement of a single line of traffic.

“Vehicle” means as used in subsequent sections of this title, includes bicycles. (Ord. 2-1988 § 3)

10.04.030 Powers of the City Council

A. Subject to state laws, the City Council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance.

B. The powers of the Council shall include, but not be limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking meter zones;

5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;

6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;

7. Initiation of proceedings to change speed zones;

8. Revision of speed limits in parks;

9. Temporary blocking or closing of streets for public purpose;

10. Establishment of bicycle lanes and paths and traffic controls for such facilities;

11. Establishment, removal or alteration of traffic control devices including but not limited to:

a. Safety zones and traffic lanes,

b. Intersection channeling and areas where drivers of vehicles shall not make right, left or U-turns and the time when such prohibition applies,

c. Parking areas and time limitations including permissible parking manner,

d. Loading zones and stops for vehicles,

e. Traffic control signals. (Ord. 2-1988 § 4)

10.04.040 Implementation of ordinance requirements/traffic regulations

To the extent permissible by law the powers of the Council as hereinabove set forth may be delegated to a Council committee, the City Administrator or other officer designated by the Council to perform such function. The installation, maintenance, removal and altering of traffic control devices shall be based on standards contained in the

Oregon Manual on Uniform Traffic Control Devices for streets and highways and as supplemented from time to time. (Ord. 2-1988 § 5)

10.04.050 Public danger

Under conditions constituting a danger to the public, the Mayor or his or her designee may install temporary traffic control devices. (Ord. 2-1988 § 6)

10.04.060 Standards

The regulations of the Mayor or his traffic control designee shall be based on:

A. Traffic engineering principles and traffic investigations;

B. Standards, limitations and rules promulgated by the Oregon Transportation Commission;

C. Other recognized traffic control standards. (Ord. 2-1988 § 7)

10.04.070 Authority of police and fire officers

A. It shall be the duty of city police officers and so designated by the City Council and other police officers performing duties within the city, to enforce the provisions of this title.

B. 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 title.

C. In each instance in this title where reference is made to an officer and/or a fire department or the city fire department, such term shall designate and apply to the fire district servicing the

City or its designated agents. (Ord. 2-1988 § 8)

Chapter 10.08

GENERAL TRAFFIC RULES

Sections:

- 10.08.010 Applicability to state traffic laws (code).**
- 10.08.020 Crossing private property.**
- 10.08.030 Unlawful riding.**
- 10.08.040 Sleds, roller skates, etc. on streets.**
- 10.08.050 Damaging sidewalks and curbs.**
- 10.08.060 Removing glass and debris.**
- 10.08.070 Storage of motor vehicles on streets.**
- 10.08.080 Pedestrians.**
- 10.08.090 Brakes.**
- 10.08.100 Violation—Penalty.**

10.08.010 Applicability to state traffic laws (code)

To the extent required or permitted, the City, unless otherwise stated herein or unless otherwise set forth in City ordinance as authorized or allowed by pertinent state statutes, does adopt and incorporate herein by reference all pertinent and applicable provisions of the State Traffic Acts (Code) and particularly ORS Chapter 811 of the Oregon Vehicle Code and ORS Chapter 153. (Ord. 2-1988 § 2)

10.08.020 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. (Ord. 2-1988 § 9(1))

10.08.030 Unlawful riding

A. 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.

B. No person shall board or alight from a vehicle while the vehicle is in motion upon a street. (Ord. 2-1988 § 9(2))

10.08.040 Sleds, roller skates, etc. on streets

A. No person shall use the streets for traveling on skis, toboggans, sleds or similar devices, except where authorized.

B. No person upon roller skates or riding in or by means of a coaster, skateboard, toy vehicle or similar device shall use the streets except while crossing at a crosswalk or in an authorized area. (Ord. 2-1988 § 9(3))

10.08.050 Damaging sidewalks and curbs

A. The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

B. 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.

C. 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. (Ord. 2-1988 § 9(4))

10.08.060 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. (Ord. 2-1988 § 9(5))

10.08.070 Storage of motor vehicles on streets

No person shall 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 forty-eight (48) hours. Failure to move, by a minimum distance of five-hundred (500) feet, a motor vehicle or other personal property for a period of forty-eight (48) hours shall constitute prima facie evidence of storage thereof. (Ord. 2-1988 § 9(6), Ord. 2-2008)

10.08.080 Pedestrians

No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within one hundred fifty (150) feet of a marked crosswalk. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk. (Ord. 2-1988 § 12)

10.08.090 Brakes

A. All motor vehicles or bicycles operated through or on public streets and ways in the city shall conform to the requirements of applicable state law and shall be equipped with brakes adequate to control their movement and to stop and to hold such vehicles.

B. Brakes of a mechanical or hydraulic nature operated by compressed air, steam or otherwise, must be effectively muffled to avoid loud, disturbing or unnecessary noises in the operation thereof. This section shall apply to the use of “exhaust” brakes or “jake” brakes. The discharge in the open air of the exhaust of a motor vehicle or the “exhaust” brakes or braking system of a motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and/or emission of annoying smoke, shall be considered a violation of this title. (Ord. 2-1988 § 17)

10.08.100 Violation—Penalty

A. Violation of Sections 10.08.020 through 10.08.090 is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 14; Ord. 2-1988 § 18(1), (2) (part), (3))

CHAPTER 10.10

STREET RACING PROHIBITION

Sections:

- 10.10.010 Title.**
- 10.10.020 Definitions.**
- 10.10.030 Purpose.**
- 10.10.040 Administration – Enforcement.**
- 10.10.050 Administration – Rules and Regulations.**
- 10.10.060 Prohibited Activities.**
- 10.10.070 Violation – Penalties**
- 10.10.080 Violation - Impoundment**

10.10.010 Title.

This chapter shall be known as "The City of Wood Village Street Racing Prohibition Ordinance," and may be so pleaded.

10.10.020 Definitions.

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

A. "Speed racing" is defined as set forth in ORS 811.125.

B. "Spectator" means a person who attends a speed racing activity for the purpose of encouraging such activity.

10.10.030 Purpose.

In order to protect the health, safety and welfare of the people of the City, the Council has determined it necessary to establish and maintain regulations to prevent high speed racing on roadways within the City. This chapter shall be

liberally construed to accomplish this purpose.

10.10.040 Administration – Enforcement.

The Administrator or Sheriff shall be responsible for the administration and enforcement of this chapter.

10.10.050 Administration – Rules and Regulations.

The Administrator may adopt rules necessary for the administration and enforcement of this chapter.

10.10.060 Prohibited Activities.

A. It is unlawful for any person to participate in speed racing upon any street, public or private, or any premise open to the public, within the City limits.

B. It is unlawful for any person to be a spectator of speed racing within the City limits.

C. Any vehicle utilized within the City limits in violation of this chapter, including vehicles belonging to, or under the control of, spectators may be towed without notice as provided by Section 10.10.080, and all passengers and occupants promoting or encouraging may be cited as provided by Section 10.10.070.

10.10.070 Violation – Penalties

Violation of Section 10.10.060 is punishable by a fine of not more than the amount provided by state law for a Class A violation.

10.10.080 Violation - Impoundment

A. Whenever a vehicle is found standing or parking in or upon any street, road or highway or parking area of the City in violation of Section 10.10.060 prohibiting speed racing, the owner or person entitled to possession of the motor vehicle or a spectator as defined in Section 10.10.020, may be issued a citation and the vehicle removed or caused to be removed by the Sheriff and held at the expense of the owner or person entitled to possession.

B. If a vehicle is so removed and held, the provisions relating to notice to owner, appraisal of value and owner reclaiming vehicle shall be followed in ORS 809.725 and ORS Chapter 819. If the vehicle is not redeemed within 30 days it will be disposed of as prescribed in ORS Chapter 819.

C. The Sheriff may authorize another police agency to remove and hold motor vehicles that are found in violation of this chapter, and may also define the geographical area within which the agency may order such removal. If a vehicle is so removed and held by another police agency, that agency shall provide notice to the owner of the removal in accordance with the procedures of the removing agency.
(Ord. 3-2002 § 1 New)

Chapter 10.12

STOPPING, STANDING AND PARKING

Sections:

- 10.12.010 Method of parking.**
- 10.12.020 Prohibited stopping, standing and parking.**
- 10.12.030 Prohibited practices.**
- 10.12.040 Use of loading zone.**
- 10.12.050 Unattended vehicles.**
- 10.12.060 Standing or parking of buses and taxicabs.**
- 10.12.070 Restricted use of bus and taxicab stands.**
- 10.12.080 Extension of parking time.**
- 10.12.090 Exemption.**
- 10.12.100 Emergency vehicles.**
- 10.12.110 Violation of Sections 10.12.010 through 10.12.100—Penalty.**
- 10.12.120 Parking citations and owner responsibility.**
- 10.12.130 Impoundment of vehicles.**

10.12.010 Method of parking

A. Where parking spaces are designated on a street or public lot, no person shall stand or park a vehicle other than in the direction of the traffic flow with the curbside wheel(s) of the vehicle within twelve (12) inches of the edge of the curb and within a single marked space and, unless the size and shape of the vehicle makes compliance impossible.

B. The operator who first begins maneuvering a 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 interfere.

C. Whenever the operator of a vehicle discovers 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. (Ord. 2-1988 § 10(1))

10.12.020 Prohibited stopping, standing and parking

A. It is unlawful for the driver of a vehicle to stop, stand or park such vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control signal, in any of the following places:

1. Within an intersection;
2. On a crosswalk;
3. Between a safety zone and the adjacent curb or within thirty (30) feet of points of the curb immediately opposite the ends of a safety zone, unless local or traffic authorities shall indicate a different length by signs or markings;
4. Within twenty-five (25) feet from the intersection of curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection within a business or residence district, except at alleys;
5. Within thirty (30) feet upon the approach to any official flashing beacon, stop sign or traffic control signal located at the side of the roadway;
6. Within fifteen (15) feet of the driveway entrance to any fire station;
7. Within ten feet of a fire hydrant;
8. In front of a private driveway;
9. On a sidewalk;

10. Alongside or opposite any street or highway excavation or obstruction when such stopping, standing or parking would obstruct traffic, unless the vehicle so stopped or parked is being used in connection with the maintenance or repair of public or private utility service, above, below or upon the surface of the street or highway and the location of such vehicle is necessary in connection with such maintenance or repair;

11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street or highway;

12. At any place where official traffic signs have been erected prohibiting standing and parking;

13. Within a twenty-five (25) foot radius of the intersection of the centerlines of a street or highway;

14. In front of the entrance, or other place where mail is received, of any post office or postal station;

15. In any street so as to prevent the free passage of other vehicles in both directions at the same time, or so as to prevent any vehicle from turning from one street into another street;

16. In any street, alley, lane, sidewalk or parking strip for the storage of any vehicle in lieu of a garage or barn;

17. In any streets of the city for the purpose of displaying the same for sale or exchange;

18. In the city at any time of day for the purpose of vending merchandise;

19. In any emergency zone;

20. In any entrance except to load or unload passengers for a period of time not to exceed one minute;

21. In any loading zone except as to a commercial vehicle when actually engaged in loading or unloading goods, wares, merchandise or material, for a

period of time not to exceed twenty (20) minutes;

22. In any bus loading zone except a motor bus actually engaged in loading or unloading passengers;

23. On private property without the consent of the owner of such private property;

24. In any construction zone except by such vehicles as are actually necessary to the construction work being carried on.

B. Any person found guilty of violating any of the provisions of subsection A of this section, or who fails to comply with any of the requirements thereof, shall be punished by a fine of not to exceed fifty dollars (\$50.00).

C. In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

1. A vehicle in violation of the Oregon Vehicle Code or in violation of a parking limitation device;

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 twenty (20) consecutive minutes in any two-hour period;

3. A motor truck on a street between the hours of nine p.m. and seven a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation in a residential zone. (Ord. 2-1988 § 10(2); Ord. 8 §§ 1, 2, 1952)

10.12.030 Prohibited practices

No operator shall park and no owner shall allow a vehicle to be parked upon a street or other public property for the principal purpose of:

- A. Displaying the vehicle for sale;
- B. Repairing or servicing the vehicle, except repairs necessitated by an emergency;
- C. Displaying advertising from the vehicle;
- D. Selling merchandise from the vehicle, except when authorized. (Ord. 2-1988 § 10(3))

10.12.040 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 thirty (30) minutes. (Ord. 2-1988 § 10(4))

10.12.050 Unattended vehicles

Whenever a police officer shall find a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station (City Hall). (Ord. 2-1988 § 10(5))

10.12.060 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 the taxicab outside a traffic lane while loading or unloading passengers. (Ord. 2-1988 § 10(6))

10.12.070 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. (Ord. 2-1988 § 10(7))

10.12.080 Extension of parking time

Where maximum parking time limits are designed by sign, movement of a vehicle within a block shall not extend the time limits for parking. (Ord. 2-1988 § 10(8))

10.12.090 Exemption

The provisions of this title 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 U.S. Postal Service while in use for the collection, transportation or delivery of mail. (Ord. 2-1988 § 10(9))

10.12.100 Emergency vehicles

The driver of an authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not returning from a fire alarm may park or stand irrespective of the provisions of this title. However, this provision shall not relieve drivers of emergency vehicles from the duty to park or stand with regard to the safety of all persons. (Ord. 2-1988 § 10(10))

10.12.110 Violation of Sections 10.12.010 through 10.12.100—Penalty

Violation of Sections 10.12.010 through 10.12.100 is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 15; Ord. 2-1988 § 18(2) (part))

10.12.120 Parking citations and owner responsibility

A. Citation on Illegally Parked Vehicle. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this title 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 her or pay the penalty within seven days during the hours and at a place specified in the citation.

B. 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 seven days, the City Recorder or municipal court clerk may 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 or her that in the event that the letter is disregarded for a period of ten days the fine will be doubled and the vehicle cited will be subject to impoundment and may be sold if not redeemed.

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

D. 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 thereof. (Ord. 2-1988 § 15)

10.12.130 Impoundment of vehicles

A. 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 storage, 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.

B. The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of the ordinance of the city relating to impoundment and disposition of vehicles abandoned on the city streets.

C. The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this title.

D. Whenever a police officer observes a vehicle parked in violation of a provision of this title or state law, 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 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 is provided in subsection B of this section.

E. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner. (Ord. 2-1988 § 16)

Chapter 10.16

BICYCLES

Sections:

- 10.16.010 Bicycle operating rules.**
- 10.16.020 Impounding of bicycles.**
- 10.16.030 Violation—Penalty.**

10.16.010 Bicycle operating rules

In addition to observing all other applicable provisions of this title and state law pertaining to bicycles, a person shall:

A. Not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the provisions relating to the parking of motor vehicles;

B. Not ride a bicycle upon a sidewalk within the city;

C. No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof. (Ord. 2-1988 § 11(1))

10.16.020 Impounding of bicycles

A. A bicycle left on a street or other public property for more than twenty-four (24) hours may be impounded by the police department.

B. If a bicycle impounded under this title 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.

C. A bicycle impounded under this title which remains unclaimed shall be

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

D. Except as provided in subsection B of this section, a fee of five dollars (\$5.00) shall be charged to the owner of a bicycle impounded under this section. (Ord. 2-1988 § 11(2))

10.16.030 Violation—Penalty

Violation of this chapter is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 16; Ord. 2-1988 § 18(2) (part))

Chapter 10.20

PARADES AND PROCESSIONS

Sections:

10.20.010 Parades.

10.20.020 Funeral processions.

10.20.030 Violation—Penalty.

10.20.010 Parades

A. No person shall organize or participate in a parade upon a public street or property without first obtaining a permit. A procession shall be considered a parade unless otherwise specified herein and a permit shall be required of any such procession of people consisting of fifty (50) or more persons or five or more vehicles.

B. Parade Permit.

1. Application for parade permit shall be made to the City Administrator's office at least seven days prior to the intended date of the parade unless the time is waived by the City Administrator or recorder for good reason.

2. Parade permit application shall include the following information: name and address of person responsible for parade; date of parade; desired route including assembly and disbursal points; number of persons, vehicles and animals that will participate; proposed starting and ending time. The application shall be signed by the responsible person.

3. The parade permit shall be granted unless the city finds that the parade will unreasonably disrupt traffic movement; require supervision that the city is unable to supply with its regular staff; applicant refuses to abide or comply with permit conditions.

4. Applicant may appeal decision of the Administrator/Recorder by filing

written request with the recorder within seventy-two (72) hours of denial of permit or granting the same with conditions believed by applicant to be unreasonable. If appeal be filed the governing body shall schedule hearing which shall be not later than seven days following the filing of the appeal. Applicant shall be notified of the date and time to appear.

C. No person shall unreasonably interfere with a parade or parade participant or operate a vehicle that is not part of a parade between the vehicles or persons comprising the parade.

D. The City may revoke a parade permit if circumstances clearly show that the parade is being conducted in a fashion that endangers the well being or safety of the public. (Ord. 2-1988 § 13)

10.20.020 Funeral processions

A. No permit is required for a funeral procession.

B. A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

C. The procession shall be accompanied by adequate escort vehicles for traffic control purposes.

D. All motor vehicles in the procession shall be operated with their lights turned on.

E. No person shall unreasonably interfere with a funeral procession.

F. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession. (Ord. 2-1988 § 14)

10.20.030 Violation—Penalty

Violation of this chapter is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 4-2006 § 16; Ord. 2-1988 § 18(2) (part))

Chapter 10.24

ABANDONED VEHICLES

Sections:

- 10.24.010 Definitions.**
- 10.24.020 Investigation—Notice.**
- 10.24.030 Nuisance—Removal—Storage.**
- 10.24.040 Inquiry and examination.**
- 10.24.050 Notice to owner—Redemption, auction or disposal of vehicle.**
- 10.24.060 Notice of sale.**
- 10.24.070 Redemption procedure.**
- 10.24.080 Sale procedure.**
- 10.24.090 Certificate of sale.**
- 10.24.100 Delivery of vehicle and certificate.**
- 10.24.110 Applicability.**
- 10.24.120 Charges.**
- 10.24.130 Storage in private garage—Conditions.**

10.24.010 Definitions

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

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

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

“City” means the City of Wood Village.

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

“Owner” means any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or

any interest, legal or equitable, in a vehicle.

“Private garage” means a reputable private storage yard, garage or other storage place selected by the City Council or by an officer of the city designated by the Council to make such selection.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. 4-1963 § 1)

10.24.020 Investigation—Notice

A. It shall be the duty of the police department, whenever a vehicle is found abandoned upon the streets or alleys in the same position for a period of forty-eight (48) hours or more, to:

1. Make a routine investigation to discover the owner and request removal of the vehicle;

2. If the owner is not found, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.

B. Such notice shall state that the police department will remove and impound the vehicle under the provisions of this chapter, within twenty-four (24) hours of the day and time of the posting, unless:

1. The owner removes the vehicle; or

2. Good cause is shown, satisfactory to the chief of police, why such vehicle should not be removed by the owner or removed and impounded by the city. (Ord. 4-1963 § 2)

**10.24.030 Nuisance—Removal—
Storage**

A. An abandoned vehicle which remains in the same position for a period of twenty-four (24) hours after notice to remove has, been posted upon such vehicle, and no person has appeared to show good cause why such vehicle should not be moved, shall constitute a nuisance.

B. It shall be the duty of the police department to remove any vehicle which shall constitute a nuisance, under the provisions of this chapter, and store such vehicle upon city property or in or upon a private garage designated by the City pending investigation into the ownership of such vehicle. (Ord. 4-1963 § 3)

10.24.040 Inquiry and examination

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

A. Make a diligent inquiry as to the name and address of the owner of the vehicle;

B. Examine such vehicle for license number, motor number, serial number, make, style, and any other information which will aid in the identification of the ownership of the vehicle; and

C. Thereafter, immediately transmit all available information pertaining to such vehicle to the Oregon Department of Transportation, with an inquiry for the name and address of the owner, whenever such vehicle is required by law to be registered therewith. (Ord. 5-1996 § 1 (part); Ord. 4-1963 § 4)

**10.24.050 Notice to owner—
Redemption, auction or
disposal of vehicle**

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

A. The reason for impounding the vehicle;

B. The existing costs charged against the vehicle;

C. An estimate of future costs, including the cost of advertising the vehicle for sale; and

D. That unless the owner redeems the vehicle, within ten days from the day of mailing the notice if the address of the owner is within the state of Oregon, or within twenty (20) days of the day of mailing the notice if the address of the owner is without the state of Oregon, and pays all the costs, the vehicle:

1. Will be advertised for sale, in accordance with Section 10.24.060, and

2. Will be sold at a public auction, at a definite time and place within the city to the highest and best bidder for cash, or otherwise disposed of as by law provided. (Ord. 4-1963 § 5)

10.24.060 Notice of sale

If the owner cannot be identified after compliance with Section 10.24.040, or no claim is made by a notified owner within the time specified by Section 10.24.050D, the Chief of Police or City Recorder shall cause to be posted a notice of sale of said vehicle; said notice of sale shall be posted in at least three conspicuous public places within the city for a continuous period of not less than ten days preceding said sale; said notice of sale may also be published in a newspaper circulated within the city if in the discretion of the officer posting said

notice such publication would be advisable. The notice of said sale shall state:

A. The sale is of abandoned property in possession of the City;

B. A description of the vehicle, including the type, make, motor number, serial number, and any other information which will aid in accurately identifying the vehicle;

C. The terms of the sale; and

D. The date, time and place of the sale. (Ord. 4-1963 § 6)

10.24.070 Redemption procedure

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

1. Submit evidence of his ownership or interest in the vehicle, satisfactory to the chief of police, that such claim is rightful; and

2. Pay the costs due and owing at the time the application to redeem is made, including a reasonable cost for the preparation of notices and posting the same and the costs of any publication of notice made.

B. Upon compliance with subsection A of this section, the chief of police shall execute a receipt for the owner and cause the vehicle to be returned to him. (Ord. 4-1963 § 7)

10.24.080 Sale procedure

A. If no claim shall have been made to redeem an impounded vehicle, the chief of police or other officer

designated by the City Council shall hold a sale at the time and place stated in Section 10.24.060. This sale need not be held within the view of the vehicle to be sold if adequate and reasonable opportunity to view the same has been previously given.

B. The vehicle shall be sold to the highest and best bidder, providing further that if no bids be entered or such bids as entered are less than the cost incurred by the City, that the city may enter a bid on its own behalf; any and all bids received by the city may be rejected for cause.

C. The proceeds of such sale shall be applied:

1. To the payment of costs incurred by the city, including expenses incurred by storage of said vehicle in a private garage;

2. The balance, if any, shall be transferred to the city and be credited to the general fund unless otherwise ordered by resolution of the City Council. (Ord. 1-1969 § 1; Ord. 4-1963 § 8)

10.24.090 Certificate of sale

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

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

CERTIFICATE OF SALE
WITHIN THE CITY
OF WOOD VILLAGE

This is to certify that under the provisions of Ordinance No. 4-1963 entitled "An Ordinance for the Impounding and Disposition of Abandoned Vehicles" and pursuant to due notice of the time and place of sale, I did on the ___ day of ____, 19__ sell at public auction to for the sum of \$_____ cash he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to wit:

(brief description of the property)

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

Dated this ___ day of ____, 19__.

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

(Ord. 4-1963 § 9)

10.24.100 Delivery of vehicle and certificate

Upon such sale being consummated the chief of police or other appropriate city official shall deliver the vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption. (Ord. 4-1963 § 10)

10.24.110 Applicability

This chapter shall apply to all abandoned vehicles now in the possession of the City as well as to all such vehicles as may hereafter be impounded. (Ord. 4-1963 § 11)

10.24.120 Charges

In the enforcement and execution of the provisions of this chapter, the Chief of Police shall charge and collect the actual expense of the City for towing and storage charges plus an administrative fee that covers the City's actual cost of enforcement and execution of this Chapter. (Ord. 4-2006 § 17; Ord. 5-1996 § 1 (part); Ord. 4-1963 § 12)

10.24.130 Storage in private garage—Conditions

Where a private garage is selected for the storage of a motor vehicle impounded under the terms of this chapter, the following conditions shall apply:

A. Private garage and the City shall agree in writing in advance of said storage as to the charges for such storage.

B. The operator of said private storage facilities shall agree in writing that no lien shall be created in favor of said garage upon the vehicle so stored and that the City shall not be liable for services rendered by said garage except those of actual storage.

C. The City shall not be liable for any services rendered by a private garage from any source other than such amounts as may be collected from owner on redemption, or from a purchaser upon sale, after the city shall have deducted its expenses, unless the City be the purchaser of the vehicle.

D. The vehicle stored shall not be released from the garage except upon receipt signed by the chief of police or other appropriate official of the City.
(Ord. 4-1963 § 13)