CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 16-08

AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE TO UPDATE SECTION 10.32 DELEGATING CERTAIN POWERS RELATED TO PARKING AND TRAFFIC CONTROL ON PUBLIC STREETS TO THE CITY MANAGER

WHEREAS, the Tigard City Council is the road authority for all public streets, except state highways; and

WHEREAS, the Tigard City Council may delegate certain powers to provide for a more efficient process; and

WHEREAS, the Tigard City Council wishes to delegate certain decisions related to parking and standing of vehicles and traffic control to the City Manager or their designee; and

WHEREAS, the Tigard City Council retains the power to act as the final road authority in all decisions.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Section 10.32 of the Tigard Municipal Code is hereby amended as provided in Exhibit A (additional language *italicized* and deleted language ~~stricken~~).

SECTION 2: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 3: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By unanimous vote of all council members present after being read by number and title only, this 5th day of April, 2016.

Carol A Krager
Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this 5th day of April, 2016.

John L. Cook, Mayor

Approved as to form:

Date April 5, 2016 City Attorney

Chapter 10.32 MISCELLANEOUS PROVISIONS.

Sections:

10.32.010 Powers Of The City Council.
10.32.015 Powers Delegated
10.32.016 Review or Appeal of Decision or Action of City Manager
10.32.017 Standards
~~10.32.020 Authority Of City Manager To Have Traffic Control Signs, Markings And Signals Installed.~~
~~10.32.025 Authority Of City Engineer And City Police Chief To Have "No Parking" Signs Temporarily Installed.~~
~~10.32.026 Authority Of The City Engineer To Designate Areas Where Parking Is Prohibited.~~
10.32.030 Authority Of Police And Fire Officers.
10.32.040 Stop When Traffic Obstructed.
10.32.050 Unlawful Marking.
10.32.060 Use Of Sidewalks.
10.32.070 Permits Required For Parades.
10.32.080 Funeral Procession.
10.32.090 Drivers In Procession.
10.32.100 Driving Through Procession.
10.32.110 Emerging From Vehicle.
10.32.120 Boarding Or Alighting From Vehicles.
10.32.130 Riding On Motorcycles.
10.32.140 Unlawful Riding.
10.32.150 Clinging To Vehicles.
10.32.160 Use Of Roller Skates Restricted.
10.32.170 Skis On Streets.
10.32.175 Operation Of Golf Carts And City Of Tigard-Owned All-Terrain Vehicles (ATVs).
10.32.180 Trains Not To Block Streets. (Repealed by 09-06)
10.32.190 Damaging Sidewalks And Curbs.
10.32.200 Obstructing Streets.
10.32.205 Physical Erosion.
10.32.210 Removing Glass And Debris.
10.32.220 Illegal Cancellation Of Traffic Citations.
10.32.230 Tampering With Odometers Prohibited-Penalty.
10.32.235 Use of Crosswalks (Jaywalking)
10.32.240 Existing Traffic Signs.
10.32.245 Crossing Private Property.
10.32.250 Penalties.

10.32.010 Powers Of The City Council.

The Council, *as the City's elected body, is the road authority for all public streets, except state highways, as designated by state law.*~~, provided that where required by the Motor Vehicle Laws of Oregon, approval of the State Highway Commission has first been obtained,~~ *Council* may, by resolution, establish traffic controls which shall become effective upon the installation of appropriate signs, signals or other markings. Such traffic controls ~~may designate and regulate:~~ *include, but are not limited to, regulation of:*

~~(1)~~*(A)* The parking and standing of vehicles by designating areas within which, or streets or portions of streets along which, parking meters will be installed;

~~(A) Classifying portions of streets upon which either parking or standing, or both, shall be prohibited, or prohibited during certain hours,~~

~~(B) Establishing the time limit for legal parking in limited parking areas,~~

~~(C) Designating the angle of parking if other than parallel to the curb,~~

~~(D) Designating City-owned or leased property on which public parking will be permitted,~~

~~(E) *(1)* designating areas within which, or streets or portions of streets along which, parking meters will be installed; and the denomination of coins to be used or deposited in parking meters,~~

~~(F) *(2)* Establishing residential parking zones;~~

~~(2)~~ *(B)* Through streets and one-way streets;

~~(3)~~ *(C)* For trucks exceeding specified weights, streets to which they shall be restricted and streets on which they are prohibited;

~~(4) *(B)* Traffic control signals and the time of their operation;~~

~~(5) *(C)* Bus stops, bus stands, taxicab stands and stands for other passenger common carrier vehicles;~~

~~(6)~~ *(D)* Loading zones;

~~(7)~~ *(E)* Turn regulations at intersections;

~~(8) Marked pedestrian crosswalks and safety zones;~~

~~(9)~~ *(F)* Special speed regulations in City parks;

~~(10)~~ *(G)* Bicycle paths.-(Ord. 91-26 §2, 1991; Ord. 78-70 §2, 1978; Ord. 70-41 Ch. 8 §1, 1970).

10.32.015 Powers Delegated

(A) The City Manager is delegated the authority to take the following actions on a permanent or temporary basis and may further delegate the authority:

(1) Regulate the parking and standing of vehicles by:

(a) Classifying portions of streets upon which either parking or standing, or both, shall be prohibited, or prohibited during certain hours,

(b) Establishing the time limit for legal parking in limited parking areas,

(c) Designating the angle of parking if other than parallel to the curb,

(d) Designating City-owned or leased property on which public parking will be permitted,

(2) Setting the charge for City parking meters;

(3) Regulating traffic control signals and the time of their operation;

(4) Regulating bus stops, bus stands, taxicab stands and stands for other passenger common carrier vehicles;

(5) Designating marked pedestrian crosswalks and safety zones; and

(6) Designating locations for traffic control devices, markings, and signs.

(B) The delegation of road authority to the City Manager does not deprive the City Council of its power to act as the City's final road authority.

(C) The Council may on its own initiative or at the request of the City Manager make an initial decision on a matter within the road authority of the City.

10.32.016 Review or Appeal of Decision or Action of City Manager

(A) Any decision or action of the City Manager or designee in this chapter is subject to appeal to or review by the City Council.

(B) Any person affected by a decision or action of the City Manager or designee under this chapter may appeal the decision or action to the City Council by filing a written appeal with the City Recorder within 10 calendar days of the decision or action or 10 calendar days of the date the person knew or should have known of the decision or action.

(C) The City Manager or any City Council member may initiate a review of any proposed decision or final decision by the City Manager by

filing a written request at any time.

10.32.017 Standards

City traffic regulations 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, including the Manual of Uniform Traffic Control Devices; and

(D) The professional judgment and discretion of the City Manager or designee, including prioritization of city resources.

~~10.32.020 Authority Of City Manager To Have Traffic Control Signs, Markings And Signals Installed.~~

~~Subject to authority vested in the State Highway Commission and subject to the provisions of the laws of the State of Oregon, the City Manager shall cause to have erected, installed and maintained appropriate signs, markings and traffic control signals as may be deemed necessary to direct and regulate traffic and carry out the provisions of Chapters 10.16 through 10.32, including such signs as may be appropriate to give notice of local parking and other special regulations.~~

~~The erection and maintenance of such signs, markings and signals within the City by direction of the City Manager shall be deemed an administrative act to be performed under the authority granted by state law and the provisions of Chapters 10.16 through 10.32. (Ord. 03-08, Ord. 78-3 §7(a), 1978: Ord. 70-41 Ch. 8 §2, 1970).~~

~~10.32.025 Authority Of City Engineer And City Police Chief To Have "No Parking" Signs Temporarily Installed.~~

~~(a) Subject to authority vested in the State Highway Commission and subject to the provisions of the laws of the state of Oregon, the City Engineer and/or City Police Chief may cause to have erected, installed or maintained appropriate "no parking" signs as may be deemed necessary to direct and regulate traffic for a period not to exceed six months, and subject to the limitations set forth in this section.~~

~~(b) The City Engineer and/or Police Chief may erect or cause to have erected "no parking" signs where they have made a finding that a temporary obstruction or event would cause traffic and parking circulation to be impeded absent the placement of the temporary "no parking" signs.~~

~~(c) The erection and maintenance of such signs within the City by direction of the City Engineer and/or Police Chief shall be deemed an administrative act to be performed under the authority granted by state law and provisions of Chapters 10.16. through 10.32. (Ord. 86-61 §1(Exhibit A), 1986).~~

~~10.32.026 Authority Of The City Engineer To Designate Areas Where Parking Is Prohibited.~~

~~(a) Subject to authority vested in the Oregon Transportation Commission and subject to the provisions of the laws of the state of Oregon, the City Engineer may designate areas, not to exceed 100 feet in length, where parking is prohibited, if the City Engineer determines the parking restrictions to be necessary for traffic safety or for the orderly movement of traffic.~~

~~(a) The City Engineer may install or cause to have installed signing and markings as necessary to give notice of the areas where parking is prohibited and the times when parking is prohibited. The installation and maintenance of such signs within the City by direction of the City Engineer shall be~~

~~deemed an administrative act to be performed under the authority granted by state law and provisions of Chapters 10.16 through 10.32. (Ord. 94-08).~~

10.32.030 Authority Of Police And Fire Officers.

~~(a)~~ *(A)* It shall be the duty of the police department through its officers to enforce the provisions of Chapters 10.16 through 10.32.

~~(b)~~ *(B)* In the event of a fire or other emergency, or to expedite traffic, ~~or to~~ safeguard pedestrians, *or prevent the impediment of traffic or parking circulation,* officers of the police department may direct traffic~~,~~ *or impose temporary, emergency "no parking" zones* as conditions may require, notwithstanding the provisions of Chapters 10.16 through 10.32. *Temporary measures may not exceed 24 hours or the duration of the emergency, whichever is longer.*

~~(c)~~ *(C)* Members of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

~~(d)~~ *(D)* Officers of the police department may issue citations for violations of Chapters 10.16 through 10.32 and Chapter 7.60. For the purposes of this section, "officers" includes Police Officers, Reserve Officers, Non-sworn Officers and Community Service Officers. (Ord. 05-08, Ord. 78-3 §7(b)(part), 1978; Ord. 70-41 Ch. 8 §3, 1970).

10.32.040 Stop When Traffic Obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the opposite side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord. 70-41 Ch. 8 §4, 1970).

10.32.050 Unlawful Marking.

Except as provided by Chapters 10.16 through 10.32, it is unlawful for any person to letter, mark, or paint in any manner any letters, marks, or signs on any sidewalk, curb or other portion of any street, or to post anything designed or intended to prohibit or restrict parking on any street. (Ord. 78-3 §7(b), 1978; Ord. 70-41 Ch. 8 §5, 1970).

10.32.060 Use Of Sidewalks.

Pedestrians shall not use any roadway for travel when abutting sidewalks are available. (Ord. 70-41 Ch. 8 §6, 1970).

10.32.070 Permits Required For Parades.

No procession or parade, except a funeral procession, the forces of the United States armed forces and the military forces of this state, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police. Such permit may be granted where it is found that such parade is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace, cause damage or unreasonably interfere with the public use of the streets or the peace and quiet of the inhabitants of this city. (Ord. 70-41 Ch. 8 §7, 1970).

10.32.080 Funeral Procession.

Vehicles in a funeral procession shall be escorted by at least one person authorized by the Chief of Police to direct traffic for such purposes and shall follow routes established by the Chief of Police. (Ord. 70-41 Ch. 8 §8, 1970).

10.32.090 Drivers In Procession.

Except when approaching a left turn, each driver in a funeral or other procession shall drive along the right-hand traffic lane and shall follow the vehicle ahead as closely as is practical and safe. (Ord. 70-41 Ch. 8 §9, 1970).

10.32.100 Driving Through Procession.

No driver of a vehicle shall cross through a procession except where traffic is controlled by traffic-control signals or when so directed by a Police Officer. This provision shall not apply to authorized emergency vehicles. (Ord. 70-41 Ch. 8 §10, 1970).

10.32.110 Emerging From Vehicle.

No person shall open the door of, or enter or emerge from any vehicle into the path of any approaching vehicle. (Ord. 70-41 Ch. 8 §11, 1970).

10.32.120 Boarding Or Alighting From Vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion. (Ord. 70- 41 Ch. 8 §12, 1970).

10.32.130 Riding On Motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is equipped to carry more than one person. (Ord. 70-41 Ch. 8 §13, 1970).

10.32.140 Unlawful Riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person or persons riding within truck bodies in space intended for merchandise. (Ord. 70-41 Ch. 8 §14, 1970).

10.32.150 Clinging To Vehicles.

~~(a)~~ *(A)* No person riding upon any bicycle, motorcycle, coaster, roller skates, sled or any toy vehicle shall attach the same or himself to any moving vehicle upon the streets.

~~(b)~~ *(B)* No person driving any vehicle shall permit any of the articles listed in subsection (a) to be attached to the vehicle for the purpose of pulling along the streets. (Ord. 70-41 Ch. 8 §15, 1970).

10.32.160 Use Of Roller Skates Restricted.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any street except to cross at a crosswalk. (Ord. 70-41 Ch. 8 §16, 1970).

10.32.170 Skis On Streets.

No person on skis, toboggans, sleds or similar devices shall travel on any street. (Ord. 70- 41 Ch. 8 §17, 1970).

10.32.175 Operation Of Golf Carts And City Of Tigard-Owned All-Terrain Vehicles (ATVs).

~~(a)~~ *(A)* The Tigard City Council acknowledges that the use of golf carts on certain streets within Summerfield would be beneficial to the residents of Summerfield and would create no significant hazard to either the users of the golf carts or other traffic on the streets within Summerfield.

~~(b)~~ *(B)* Chapter 271, Section 4, of Oregon Laws 1975 authorizes the City Council of the City of Tigard to permit the operation of golf carts on public streets within the City of Tigard and to prescribe such rules and regulations for the operation of golf carts as may be necessary. Chapter 271, Oregon Laws of 1975, further defines golf carts, exempts them from registration and license as a motor vehicle, and sets forth certain limitations regarding the areas in which they can be used.

~~(c)~~ *(C)* Summerfield is a planned residential area qualifying as a real estate development under the terms of Chapter 271, Oregon Laws of 1975.

~~(d)~~ *(D)* Golf carts may be driven upon the streets in Summerfield during daylight hours for the purpose of moving the carts between the residences

of their owners and operators and the recreational areas within Summerfield. Golf carts shall at all times be operated in a prudent manner, and shall be subject to the statutory laws of the State of Oregon and the ordinances of the City of Tigard with regard to the operation of vehicles, except such statutes and ordinances as cannot be complied with on account of differences in equipment required on golf carts as compared with ordinary passenger vehicles and trucks.

~~(e)~~ *(E)* Operation of golf carts shall be undertaken at the risk and responsibility of the owners and operators, and the City of Tigard by this section assumes no responsibility for the operation of the vehicles, and shall be held harmless in any action arising from the operation of golf carts on or off of any public way in Summerfield.

~~(f)~~ *(F)* Operation of City of Tigard-owned Class I all-terrain vehicles (ATVs) shall be allowed upon public roadways, streets, highways, parks, park trails and pathways and other related areas within the City of Tigard by the police and public works departments of the City. The operation of a Class I ATV is only permitted for on-duty City of Tigard personnel in the performance of their assigned duties.

~~(g)~~ *(G)* A City of Tigard-owned all-terrain vehicle (ATV) shall be defined as any Class I all-terrain vehicle as defined by ORS 801.190, and which is operated by on-duty Police or Public Works Personnel in the performance of their assigned duties.

~~(h)~~ *(H)* The City of Tigard shall post appropriate signage on City streets, highways, roadways or other points within the City limits, as now constituted or hereafter changed, to give notice to all persons that the operation of Class I ATVs is permitted within the City for on-duty Police and Public Works personnel in the performance of their assigned duties. (Ord. 09-06 §1; Ord. 76-42 §§1--5, 1976).

10.32.180 Trains Not To Block Streets.

Repealed by 09-06.

10.32.190 Damaging Sidewalks And Curbs.

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

~~(b)~~ *(B)* A temporary driveway may be used only after first obtaining a written permit therefor from the City, who may impose such requirements as are necessary to protect the public improvements within the street at the temporary driveway.

~~(c)~~ *(C)* Any person who damages or causes to be damaged any public improvement within the street by driving a vehicle upon or within any sidewalk or parkway area shall be liable for such damage regardless of whether or not the damage resulted from the authorized use of a temporary driveway. (Ord. 70-41 Ch. 8 §19, 1970).

10.32.200 Obstructing Streets.

Except as provided by Chapters 10.16 through 10.32, or any other City ordinance, no person shall place, park, deposit or leave upon any street or other public way, sidewalk or curb, any article or thing or material which in any way prevents, interrupts, or obstructs the free passage of pedestrian or vehicular traffic, or obstructs a driver's view of traffic-control signs and signals. (Ord. 78-3 §7(b), 1978; Ord. 70-41 Ch. 8 §20, 1970).

10.32.205 Physical Erosion.

No person shall drag, drop, track or otherwise place or deposit, or permit to be deposited, mud, dirt, rock or other such debris upon a public street or into any part of the public storm and surface water system. Any such deposit of material shall be immediately removed using hand labor or mechanical means. No material shall be washed or flushed into any part of the storm and surface water system and any such action shall be an additional violation. (Ord. 91-34 Exh. A(part), 1991)

10.32.210 Removing Glass And Debris.

Any party to a collision or other vehicular accident, or any other person causing glass or other material or substance likely to injure any person, animal or vehicle to be upon any street in this city, shall as soon as possible remove or cause to be removed from such street all such glass or other material or substance. (Ord. 70-41 Ch. 8 §21, 1970).

10.32.220 Illegal Cancellation Of Traffic Citations.

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner except where approved by the Municipal Judge. (Ord. 70-41 Ch. 8 §22, 1970).

10.32.230 Tampering With Odometers Prohibited-Penalty.

Any person found guilty of violation of the provisions of ORS Section 646.860 shall be subject to the penalties prescribed by ORS Section 646.990, and said sections are by reference herein made a part hereof. (Ord. 72-22 §2, 1972: Ord. 70-41 Ch. 8 §24, 1970).

10.32.235 Use of Crosswalks (Jaywalking).

~~(a)~~ *(A)* No pedestrian may cross the street or roadway other than within a crosswalk if they are within 100 feet of a crosswalk.

~~(b)~~ *(B)* A pedestrian shall cross a street or a roadway at a right angle unless crossing within a crosswalk.

~~(c)~~ For purposes of this section, "crosswalk" has the same meaning as found in Oregon Revised Statutes.

~~(d)~~ A violation of any provision of this section is a Class D violation notwithstanding any other provision in this chapter. (Ord. 07-02)

10.32.240 Existing Traffic Signs.

Except as the Council may by resolution or ordinance change the traffic control regulations in accordance with the provisions of the ordinance codified in Chapters 10.16 through 10.32, all official traffic signs, signals and markers existing October 12, 1970, shall be considered official under the provisions of Chapters 10.16 through 10.32. (Ord. 78-3 §7(b), 1978; Ord. 70-41 Ch. 8 §47, 1970).

10.32.245 Crossing Private Property.

No operator of a vehicle shall proceed from one street to another 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. 84-07 §1, 1984: Ord. 83-49 §2, 1983).

10.32.250 Penalties.

Violations of any provision of this chapter are a class B traffic infraction. (Ord. 78-3 §7(c), 1978: Ord. 70-41 Ch. 8 §49, 1970). .