

## **Title 10**

### **VEHICLES AND TRAFFIC**

#### Chapters:

10.04 Traffic

10.08 Administration and Enforcement

10.12 Stopping, Standing and Parking

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10.16 Truck Routes

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Ordinance History: No. 1224, 1369, 1402, 1513, 1542, 1620

## Chapter 10.04

### TRAFFIC

#### Sections:

- 10.04.010 Short title.
- 10.04.020 Applicability of state traffic laws.
- 10.04.030 Definitions.
- 10.04.040 Crossing private or public property.
- 10.04.050 Unlawful riding.
- 10.04.070 Removing glass and debris.
- 10.04.080 Damaging sidewalks and curbs.
- 10.04.090 Storing motor vehicles on streets

Ordinance History: #1224, 1369, 1513

#### 10.04.010 Short title.

This title may be cited as the "city of Bandon traffic ordinance."

#### 10.04.020 Applicability of state traffic laws.

Violation of provisions in Oregon Revised Statutes, Chapters 153, 743, and 801 through 823, inclusive, as now constituted, is an offense against the city.

#### 10.04.030 Definitions.

In addition to definitions in the Oregon Vehicle Code, the following mean:

"Bus stop" means a street space designated by sign for use by buses to load or unload passengers.

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

"Loading zone" means a street space designated by sign for loading or unloading passengers or materials during specified hours of specified days.

"Motor truck" means a motor vehicle with a maximum combined vehicle and load weight over eight thousand (8,000) pounds that is designed or used to carry freight, property, articles or things.

"Motor vehicle" also includes anything that can be attached to a licensed motor vehicle and towed or pulled behind such vehicle, including a trailer.

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

"Street" means highway, roadway, street, alley, thoroughway as defined in ORS 801.110, 801.305, 801.450 and 801.524, including the entire width of the right-of-way. (Editorially amended.)

"Taxicab stand" means a street space designated by sign for taxicab use.

"Traffic lane" means that area of the street used for a single line of traffic movement. (Editorially amended during 2000 codification.)

#### 10.04.040 Crossing private or public property.

The operator of a vehicle shall not proceed from one street to an intersecting street by leaving the roadway and crossing private or public property. This provision does not apply to the operator of a vehicle who stops on the property to procure or provide goods or services.

#### 10.04.050 Unlawful riding.

- A. The operator of a vehicle shall not permit a passenger to, and no passenger shall, ride on a vehicle on a street except within a part of the vehicle designed or intended for the use of passengers. This provision does not apply to an employee engaged in the 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 on a street.

10.04.070 Removing glass and debris.

A party to a vehicle accident or a person causing broken glass or other debris upon a street shall remove the glass and other debris from the street.

10.04.080 Damaging sidewalks and curbs.

- A. The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at an authorized permanent or temporary driveway.
- B. No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization and posting bond, if required by ordinance. A person who causes damage shall be responsible for the cost of repair.

10.04.090 Storing motor vehicles on streets.

No person shall store, or permit to be stored, a motor vehicle or personal property on a street or other public property where temporary vehicle parking is authorized in excess of seventy-two (72) hours without permission of the governing body. Failure to move a motor vehicle or other personal property for seventy-two (72) hours constitutes prima facie evidence of storage.

## Chapter 10.08

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

- 10.08.010 Powers of the governing body.
- 10.08.020 Duties of the superintendent of public works.
- 10.08.030 Public danger.
- 10.08.040 Standards.
- 10.08.050 Authority of law enforcement and fire officers.
- 10.08.060 Impoundment of vehicles.
- 10.08.070 Applicability of state traffic law fines.
- 10.08.080 Violation--Penalty.

Ordinance History: #1224

#### 10.08.010 Powers of the governing body.

- A. Subject to state laws, the governing body shall exercise all local traffic authority for the city except those powers expressly delegated by this title or another ordinance.
- B. The powers of the governing body include, but are not 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 or excess traffic;
  - 6. Authorization, by resolution, of greater maximum weights or lengths than specified by state law for vehicles using city streets;
  - 7. Initiation of proceedings to change speed zones;
  - 8. Revision of speed limits in parks;
  - 9. Temporary closure or blocking of streets.
- C. Any of the powers listed in this section may be exercised by resolution of the council.

#### 10.08.020 Duties of the superintendent of public works.

- The superintendent or his or her designee shall exercise the following duties:
- A. Implement ordinances, resolutions and motions of the governing body and the superintendent of public works orders by installing, maintaining, removing and altering traffic control devices. Installation shall be based on standards contained in the Manual on Uniform Traffic Control Devices for Streets and Highways and the Oregon Supplements;
  - B. Establish, remove or alter the following classes of traffic controls:
    - 1. Crosswalks, safety zones and traffic lanes,
    - 2. Intersection channelization and areas where vehicle drivers shall not make right, left or U-turns and the time when the prohibition applies,
    - 3. Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal);
  - C. Issue oversize or overweight vehicle permits;
  - D. Temporarily close or block streets.

10.08.030     Public danger.

- A.     Under conditions constituting a danger to the public, the superintendent of public works or his or her designee may install temporary traffic control devices.
- B.     Non-functioning traffic control devices shall be treated as an all-way stop by vehicle operators on all affected streets.

10.08.040     Standards.

The regulations of the superintendent of public works or his or her 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.

10.08.050     Authority of law enforcement and fire officers.

If a fire or other public emergency occurs, officers of the law enforcement and fire departments may direct traffic as conditions require, notwithstanding the provisions of this title.

10.08.060     Impoundment of vehicles.

- A.     Disposition of a vehicle towed and stored under provisions of state law for the removal of hazardous vehicles shall be in accordance with provisions of state law Chapter 8.16 of this code on impoundment and disposition of abandoned vehicles.
- B.     Impoundment of a vehicle does not preclude issuance of a citation for violation of a provision of this title.
- C.     Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

10.08.070     Applicability of state traffic law fines.

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

10.08.080     Violation--Penalty.

Violation of the provisions of this title not covered by Section 10.08.070 are punishable by a fine not to exceed one hundred dollars (\$100.00).

## Chapter 10.12

### STOPPING, STANDING AND PARKING

#### Sections:

- 10.12.010 Method of parking.
- 10.12.020 Prohibited parking or standing.
- 10.12.030 Prohibited practices.
- 10.12.040 Use of loading zone.
- 10.12.050 Authorized emergency vehicles.
- 10.12.060 Lights on parked vehicle.
- 10.12.070 Extension of parking time.
- 10.12.080 Exemptions.
- 10.12.090 Citation on illegally parked vehicle.
- 10.12.100 Failure to comply with parking citation.
- 10.12.110 Owner responsibility--Presumption.

Ordinance History: #1224

#### 10.12.010 Method of parking.

- A. When parking spaces are designated on a street or public lot, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a manner that the front vehicle tire closest to the curb is located within twelve (12) inches of the curb and within a single marked space, unless the size or 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 or public lot has priority to park in that space, and no other vehicle operator shall attempt to interfere.
- C. When 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 directed otherwise by police or fire officers.

#### 10.12.020 Prohibited parking or standing.

No person shall park or stand:

- A. A vehicle in violation of the Oregon Vehicle Code or in violation of a parking limitation device;
- B. A vehicle in an alley, except for a stop of not more than thirty (30) consecutive minutes for loading or unloading persons or material;
- C. A motor truck on a street in front of, or adjacent to, a residence, motel, apartment house, hotel, or other sleeping accommodation in a residential zone between the hours of nine p.m. and seven a.m.

#### 10.12.030 Prohibited practices.

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

- A. Displaying the vehicle for sale;
- B. Repairing or servicing the vehicle, except while making repairs necessitated by an emergency;
- C. Displaying temporary advertising from the vehicle;

D. Selling merchandise from the vehicle, except when authorized.

10.12.040 Use of loading zone.

No person shall park or stand a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect for any purpose other than loading or unloading persons or material. Such a stop shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed thirty (30) minutes.

10.12.050 Authorized emergency vehicles.

- A. 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.
- B. This section shall not relieve drivers of authorized vehicles from the duty to park or stand with regard for the safety of all persons.

10.12.060 Lights on parked vehicle.

No lights need be displayed on a vehicle that is parked in accordance with this title on a street where there is sufficient light to reveal a person or object at a distance of at least five hundred (500) feet from the vehicle.

10.12.070 Extension of parking time.

Where maximum parking time limits are designated, moving a vehicle to another parking space within the same block shall not extend the time limits for parking.

10.12.080 Exemptions.

The provisions of this title that regulate the parking or standing of vehicles do not apply to:

- A. A city, county, state or public utility vehicle being used for public works maintenance, construction or repair work;
- B. A vehicle owned by the United States, or being used by a postal employee and being used for collection, transportation or delivery of mail;
- C. A vehicle of a disabled person who complies with the provisions of ORS 801.235 and ORS 811.602 to 811.640. *(Editorially amended during 2000 codification.)*

10.12.090 Citation on illegally parked vehicle.

When 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 note the license number and any other information displayed on the vehicle that may identify the owner and shall attach a parking citation to the vehicle. The citation shall instruct the operator to answer to the charge or pay the penalty imposed within five days, during specific hours, and at a specific place.

10.12.100 Failure to comply with parking citation.

If the operator does not respond to a parking citation attached to the vehicle within ten (10) working days, the police department shall send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of thirty (30) days:

- A. The fine will be doubled; and
- B. If the vehicle has five or more outstanding citations or twenty-five dollars (\$25.00) or more

in unpaid fines, it may be impounded, and an impounded vehicle shall not be released until all outstanding fines and charges are paid.

10.12.110 Owner responsibility--Presumption.

- A. The owner of a vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.
- B. In a proceeding charging violation of a parking restriction against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner.



## CHAPTER 10.14

### ABANDONED/JUNK VEHICLES

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| 10.14.010 | Definitions                              |
| 10.14.020 | Prohibition of Abandoned/Junk Vehicles   |
| 10.14.030 | Accumulation of Declared Nuisance        |
| 10.14.040 | Notice to Abate                          |
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| 10.14.060 | Abatement by the City                    |
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| 10.14.100 | Vehicle Repairs on Public a Thoroughfare |
| 10.14.110 | Disabled Vehicles                        |
| 10.14.120 | Emergency Clause                         |

#### Ordinance History #1542

##### 10.14.010 Definitions

- A. Vehicle: Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.
- B. Abandoned/Junk Vehicle: A vehicle which is rusted or wrecked or junked or partially dismantled or inoperative or in an abandoned condition, whether attended or not, upon any public or private property within the City.

##### 10.14.020 Prohibition of Abandoned/Junk Vehicles

It is unlawful to park, store, leave, or permit the parking or storing of any licensed or unlicensed abandoned/junk vehicle of any kind for a period of time in excess of forty-eight (48) hours unless the same is completely enclosed within a building.

##### 10.14.030 Accumulation of Declared Nuisance

The accumulation and storage of one or more of such vehicles, as herein before defined, on public or private property shall constitute a nuisance, detrimental to the health, safety and welfare of the inhabitants of the City. It shall be the duty of the registered owner of such vehicle, and it shall also be the duty of the owner of the private property, or the lessee or other person in possession of the private property upon which vehicle(s) is located, to remove the same from the City or to have the same housed in a building where it will not be visible from the street.

##### 10.14.040 Notice to Abate

- A. The Code Compliance Officer or any police officer of the City shall give written notice by personal service or certified mail to the registered owner of any motor vehicle which is in violation of this chapter, or give such notice to the owner or lessee or other person in possession of the private property upon which such motor vehicle is situated. Written notice sent to the last known address of the registered owner of a vehicle or the owner or lessee of real property shall be sufficient.

- B. The notice shall state (1) that the vehicle is subject to being taken into custody and removed, (2) the Bandon Municipal Code (BMC) section under which the vehicle is to be removed, (3) the location where the vehicle and its contents will be towed and stored, (4) that the vehicle may be sold to satisfy the costs of towing and storage if the charges are not paid, (5) that the owner, possessor or person having an interest in the vehicle is entitled to a hearing before the City Manager before the vehicle is impounded to contest the proposed custody and removal.
- C. The notice to abate shall demand that said vehicle be removed from the City within forty-eight (48) hours, or that within forty-eight (48) hours the same be housed in a building where it will not be visible from the street.
- D. The hearing before the City manager must be requested in writing within forty-eight (48) hours of receipt of notice. The decision is appealable to the City Council by presenting a request in writing to the City Recorder within 24 hours after the City Manager's decision.

10.14.050 Failure to Abate

If notice is given, as provided, and the person receiving said notice fails to remove the vehicle or vehicles, or fails to cause the same to be housed in a building where it will not be visible from the street, and fails to request a hearing, then such person shall be in violation of the BMC.

10.14.060 Abatement by the City

- A. The Code Compliance Officer or police officer, after giving the required notice to abate, and after waiting forty-eight (48) hours, may cause the vehicle or vehicles to be removed by a commercial tow truck to a commercial garage, an automobile wrecking yard, or any other suitable place for storage of the vehicle as may be designated by the City.
- B. After the abatement by the City, a notice shall be sent to the registered owner of such vehicle, and the owner of the private property, or the lessee or other person in possession of the private property upon which the vehicle(s) is located, which shall include the location of the place where the vehicle or vehicles is stored, costs incurred for removal and towing, citation of the BMC under which the vehicle was removed, the location and phone number where the vehicle has been towed, the amount of charges accrued as of the date of the notice and the daily storage charge.
- C. A hearing by the City Manager must be requested in writing by the recipient not more than five (5) days from the mailing date of the notice. The request shall state grounds upon which the person requesting the hearing believes that the custody and removal of the vehicle was not justified. A hearing date shall be set within 72 hours of the date of the request. The City is only required to provide one hearing each time it takes a vehicle into custody and removes the vehicle, or proposes to do so. The hearing may be informal in nature, but presentation of evidence shall be considered. The determination of the City Manager under this section is final and is not subject to appeal. (ORS 189.190)
- D. Charges incurred by the City and/or the towing company must be paid in full within ten (10) days immediately following the towing of the vehicle or said vehicle or vehicles shall be deemed to have been abandoned and will thereafter be discarded as junk or may, at the discretion of the City, be sold, unless a hearing has been requested.

10.14.070 Notice of Sale

- A. If the vehicle is to be sold and if no claim is made by an owner within the time specified, the City Recorder shall cause to be published in a newspaper of general circulation within the City a notice of sale. The notice shall state:
- 1) The sale is abandoned property in possession of the City.
  - 2) 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.
  - 3) The terms of the sale.
  - 4) The date, time and place of the sale.
- B. The notice of sale shall be published one time, not less than seven (7) days prior to the date of the proposed sale.

10.14.080 Reclamation by Owner

- A. An owner or the authorized agent of an owner may redeem a vehicle impounded from the towing company and/or the city, before a sale takes place. The owner must:
- 1) Submit evidence of ownership or interest in the vehicle that such claim is rightful.
  - 2) Pay the costs due and owing at the time the application to redeem is made.

10.14.090 Certificate of Sale

At the time of payment of the purchase price, the City Recorder shall execute a certificate of sale in duplicate. The original shall be delivered to the purchaser and the copy filed with the City. Such sale and conveyance shall be without redemption. The certificate of sale shall note that "The City of Bandon 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."

10.14.100 Vehicle Repairs on a Public Thoroughfare

- A. It is unlawful to disassemble, construct, reconstruct, repair and/or service motor vehicles of any kind in or upon any street, road, alley or public thoroughfare in the City or in the yard of any resident, except for emergency service.
- B. Such emergency service shall not extend over a period of two (2) hours and shall not interfere with or impede the flow of traffic. Violation of this section shall constitute a misdemeanor.

10.14.110 Disabled Vehicles

- A. It is unlawful for any person to park or to permit a motor vehicle that is dismantled or partially dismantled or in an inoperable condition on the public streets of the City for more than twenty-four (24) hours. The fact that such motor vehicle has been moved from one location on a public street in the City to another location on the same or different public street in the City shall not be a defense to a prosecution under this chapter.
- B. It is presumed that the registered owner of a motor vehicle which is parked or permitted to remain in violation of the provisions of this section was parked or permitted to remain on the public streets by the registered owner of such motor vehicle.

10.14.120     Emergency Clause

It is necessary for the preservation of the public health, welfare and safety that this ordinance shall become effective immediately upon its passage by the City Council.

## Chapter 10.16

### TRUCK ROUTES

#### Sections:

- 10.16.010 Applicability.
- 10.16.020 Definitions.
- 10.16.030 Truck route designations.
- 10.16.040 Restrictions on truck travel.
- 10.16.050 Exceptions.
- 10.16.060 Truck parking.
- 10.16.070 Violation and penalty.

Ordinance History: #1402, 1620

#### 10.16.010 Applicability.

The provisions of this chapter shall apply to all streets within the Bandon city limits, except as otherwise precluded by Oregon Revised Statutes.

#### 10.16.020 Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Combination vehicle" means two or more vehicles coupled together.

"Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle or combination vehicle.

"Motor vehicle" means a vehicle which is self-propelled or designed for self-propulsion.

"Street" means any highway, road, street, alley, or other route within the Bandon city limits, whether opened or unopened, which is used, or intended for use of the general public, for vehicles or vehicular traffic, including the entire width of the right-of-way.

"Trailer" means a vehicle without motive power designed to be drawn by another vehicle, and designed and used primarily for carrying loads other than passengers.

"Truck" means a motor vehicle designed and used primarily for carrying loads other than passengers, or for drawing trailers or other vehicles.

"Truck route" means a street designated as a truck route, designed and intended for heavy truck traffic in accordance with the provisions of this chapter.

"Vehicle" means any device in, upon, or by which any person or property is or may be transported upon a street, and includes vehicles that are drawn, propelled, or powered by any means.

#### 10.16.030 Truck route designations.

The following streets are designated as truck routes:

- A. U.S. Highway 101--entire length through the city;
- B. State Route 42S--entire length through the city;
- C. 11th Street SE--from U.S. Highway 101 to Klamath Avenue (new hospital site);
- D. Harlem Avenue--from 11th Street SE to city limits at Bill Creek Road;
- E. Fillmore Avenue--from 1st Street SE to city limits at Rosa Road;
- F. Elmira Avenue--from U.S. Highway 101 to 4th Street SE;
- G. 3rd Street SE--from Fillmore Avenue to Grand Avenue;
- H. 4th Street SE--from Elmira Avenue to Grand Avenue;

- I. Grand Avenue--from U.S. Highway 101 to 4th Street SE (including the 3rd Street bridge at Ferry Creek);
- J. Riverside Drive--from 1st Street SE to city limits.

10.16.040 Restrictions on truck travel.

Except as otherwise specifically provided herein, no truck or trailer with a gross vehicle weight rating of eight thousand (8,000) pounds or greater shall travel or be moved over, across, or upon any street within the Bandon city limits other than those streets designated as truck routes.

10.16.050 Exceptions.

- A. Public Service Vehicles. The travel restrictions imposed by this chapter shall not apply to vehicles which primarily provide a public service, including but not limited to: fire trucks, garbage trucks, and public utility vehicles such as electric, telephone, and street maintenance vehicles.
- B. Delivery Vehicles. The travel restrictions imposed by this chapter shall not apply to bona fide delivery vehicles, including but not limited to moving vans making deliveries and vehicles distributing goods to established businesses, provided such vehicles shall be required to utilize the shortest route between the point of delivery and the nearest truck route.
- C. Unloaded Trucks without Trailers Traveling to and from the Operator's Residence. The travel restrictions imposed by this chapter shall not apply to unloaded trucks without trailers when such trucks are being used exclusively to transport the operator directly to or from a designated truck route to the operator's residence, provided said trucks shall not be allowed to idle for longer than five minutes before leaving or after arriving at that residence.
- D. Detours. The travel restrictions imposed by this chapter shall not apply to officially designated temporary detour routes.
- E. Special Permits. In certain individual cases such as large construction projects, hauling and earth-moving projects, or heavy equipment moving projects, special permits may be issued by the city manager or designee for the operation of vehicles not in compliance with the travel restrictions of this chapter. Application and approval shall be made on the public works permit form, and shall be subject to the public works permit requirements for fees, plan submission, bonding, liability insurance, and damage repair.

10.16.060 Truck parking.

The parking of trucks on or off of public streets shall be governed by other ordinances and regulations. Nothing in this chapter shall be construed to permit any truck parking which is contrary to, or in violation of, any other ordinances or regulations.

10.16.070 Violation and penalty.

Persons violating the provisions of this chapter shall upon conviction be punished by a fine not to exceed seven hundred fifty dollars (\$750.00). Each day the violation continues shall be deemed a separate offense. Any person violating the provisions of this chapter shall also become liable to the city for any expense, loss or damage caused to the city or to city streets by reason of such violation.

## Chapter 10.20

### BICYCLES

#### Sections:

- 10.20.010 License required.
- 10.20.020 Renting bicycles.
- 10.20.030 Bicycle operating rules.
- 10.20.040 Impounding bicycles.

Ordinance History: #1224

#### 10.20.010 License required.

- A. No person shall ride a bicycle on the streets unless the bicycle is licensed in accordance with this section.
- B. The owner of a bicycle shall obtain a license from the police department.
- C. A bicycle, whether or not licensed under regulations of another jurisdiction, shall be licensed in accordance with this section within thirty (30) days after being brought into the city of Bandon.
- D. No bicycle shall be licensed unless it is equipped as required by state law.
- E. The police department shall:
  - 1. Obtain the name and address of a person purchasing a license;
  - 2. Record the make, model, size, color and serial number of the bicycle; and
  - 3. Issue a license.
- F. A number shall be assigned to each bicycle and a record of the license issued shall be maintained as a part of the law enforcement records. The name of the city of Bandon and the license number assigned shall be attached to the frame of the bicycle.
- G. The fee for a bicycle license is five dollars (\$5.00), which fee may be changed by resolution of the council. Bicycle licenses shall be permanent and renewed only on change of ownership.
- H. All license fees shall be deposited in the general fund.

#### 10.20.020 Renting bicycles.

No person shall rent a bicycle to another person unless the bicycle is licensed and equipped as required by this chapter.

#### 10.20.030 Bicycle operating rules.

In addition to observing other applicable provisions of this title and state law pertaining to bicycles, no person shall:

- A. Leave a bicycle other than in a bicycle rack. If no rack is provided, the person shall leave the bicycle so that it does not obstruct a roadway, sidewalk, driveway, or building entrance. A bicycle shall not be left in violation of motor vehicle parking provisions;
- B. Leave a bicycle secured to a tree, fire hydrant, or police or fire call box;
- C. Leave a bicycle in violation of a motor vehicle parking provision;
- D. Leave a bicycle on private property without consent of the owner or person in charge. Consent is implied on private business property unless bicycle parking is expressly prohibited;
- E. Leave a bicycle on a stand or other public property for more than twenty-four (24) hours.

10.20.040     Impounding 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.     A bicycle parked in violation of this title that also obstructs or impedes pedestrian or vehicle traffic or otherwise endangers the public may be immediately impounded by a law enforcement officer, in addition to any citation issued.
- C.     If a bicycle impounded under this title is licensed, or other means of identifying its ownership exist, the police department shall make reasonable efforts to notify the owner. No impoundment fee shall be charged to the owner of a stolen bicycle that has been impounded.
- D.     Except as provided in subsection E of this section, a fee of five dollars (\$5.00) shall be charged to the owner of a bicycle impounded under this section.
- E.     A bicycle impounded under this title that remains unclaimed after six months shall be disposed of in accordance with city procedures for disposal of abandoned or lost personal property.



## Chapter 10.24

### SKATEBOARDS

#### Sections

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| 10.24.010 | Short Title            |
| 10.24.020 | Definitions            |
| 10.24.030 | Property Rights        |
| 10.24.040 | Unlawful/Unsafe Riding |
| 10.24.050 | Helmets                |
| 10.24.060 | Restricted Area        |
| 10.24.070 | Violation - Penalty    |

Ordinance History: #1513

#### 10.24.010 Short Title

This title may be cited as the City of Bandon Skateboard Ordinance

#### 10.24.020 Definitions

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section.

- A. "Sidewalk" means a walking surface, generally located adjacent to a street, which provides pedestrian access.
- B. "Street" means a public or private way that is created to provide ingress and egress for persons to one or more lots, parcels, areas or tracts of land and includes "roads."
- C. "Coaster" means a foot board mounted upon two or more wheels and controlled by an upright steering handle. This device is propelled by the user in usually an upright position.
- D. "Roller Skates" means pair of shoes, mounted upon wheels, and is most often propelled by the user in an upright, standing position or kneeling, including in-line skates.
- E. "Skateboard" means a foot board mounted upon four or more wheels which is usually propelled by the user who sometimes stands, sits, kneels or lays upon the device while it is in motion.

#### 10.24.030 Property Rights

Skateboards, coasters and roller skates shall not be used on private property without the express consent of the owner of the property.

Skateboards, coasters and roller skates shall not be used on public property when the property is posted "no skateboarding."

A person on a skateboard, coaster or roller skates on a sidewalk or in a crosswalk has the same rights and duties as a pedestrian on a sidewalk or in a crosswalk.

#### 10.24.040 Unlawful/Unsafe Riding

No person shall operate a skateboard, coaster or roller skates in a negligent manner meaning operating in such a manner as to endanger or likely endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, the following:

- A. Operating a skateboard, coaster or roller skates so as to suddenly leave a curb or other

place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard;

- B. Operating a skateboard, coaster or roller skates upon a sidewalk and not giving an audible warning before overtaking and passing a pedestrian, and not yielding the right-of-way to all pedestrians on the sidewalk;
- C. Operating a skateboard, coaster or roller skates on a sidewalk in a careless manner that endangers or would be likely to endanger any person or property;
- D. Operating a skateboard, coaster or roller skates at a speed greater than an ordinary walk when approaching or entering a crosswalk, approaching or crossing a driveway or crossing a curb cut or pedestrian ramp, and a motor vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp.

This paragraph does not require reduced speeds for skateboards either:

- A. At places on sidewalks or other pedestrian ways other than places where the path for pedestrians or skateboard, coaster or roller skate traffic approaches or crosses that for motor vehicle traffic, or
- B. When motor vehicles are not present.

#### 10.24.050 Helmets

Helmets are required to be worn when operating skateboards, coaster or roller skates at the City Park Skateboard Park.

#### 10.24.060 Restricted Area

No person shall operate a skateboard, coaster or roller skates in the area known as Old Town from Fillmore to Alabama Avenues between and including 1<sup>st</sup> and 2<sup>nd</sup> Streets

#### 10.24.070 Violation - Penalty

In the event a person is found to have violated any of the provisions of this chapter, the police officer shall have the right to take such device (the skateboard, coaster or roller skates) into custody and hold the same until it is released by the court having jurisdiction in the matter.

Violations of this chapter shall be punishable, upon conviction, of a fine not less than one hundred dollars (\$100.00).