

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 Traffic Regulations Generally

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Chapter 10.04

TRAFFIC REGULATIONS GENERALLY

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- 10.04.010** Conformity to state standards affecting the operation of motor vehicles.
 - 10.04.020** Definitions.
 - 10.04.030** U-turns.
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- 10.04.010** Conformity to state standards affecting the operation of motor vehicles.

The policy of the city is that city ordinances pertaining to the operation of motor vehicles shall be in conformance with state motor vehicles laws and amendments. Notwithstanding any provision contained in a city ordinance, any provisions in the state motor vehicles laws applies in the same manner that the law is applied by the state of Oregon.

The city adopts the State Vehicle Code, ORS Chapter 801-826 by this reference to regulate the operation of motor vehicles in

the city to be administered in conjunction with city ordinances. (Ord. 426 § 9(A), 2003; Ord. 285 § 1, 1984)

10.04.020 Definitions.

In addition to the definitions contained in the Oregon Revised Statutes, the following words and phrases when used in this chapter shall have the following meaning except where the context clearly indicates a different meaning:

"Loading zone" means that space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

"Parking" means to stop and stand, with or without a driver, or to leave a motor vehicle upon any street, alley, or public place in the city.

"Highway," as used in this chapter and in the sections of the state motor vehicle laws adopted by reference in this chapter, shall be deemed to include all streets and alleys in the city. (Ord. 285 § 2, 1984)

10.04.030 U-turns.

It is unlawful for any person to reverse the direction of any motor vehicle by making a U-turn upon any street in the city except at street intersections; provided, however, that no reverse turns shall be made by the driver of any vehicle at any street intersection where any type of sign or marker is erected prohibiting any such reverse turn. (Ord. 285 § 4, 1984)

10.04.040 Sleds behind cars.

It is unlawful for any person to tie to any motor vehicle which is operated on the streets of the city any sled, toboggan, or similar contrivance or thing, and it is unlawful for the operator of any motor vehicle to

permit any sled, toboggan, or similar contrivance or thing to be attached or tied to any motor vehicle being driven by such operator; provided, that the provisions of this section shall not apply to trailers, bus trailers, or pole or pipe dolly, not to cars being towed, when the same are attached or towed in accordance with this chapter. (Ord. 285 § 5, 1984)

10.04.050 Driving on sidewalks.

It is unlawful for any person to drive, propel, or otherwise move any horse, cattle, or other livestock or any bicycle, motorcycle, wagon, wood saw, truck, automobile, or other motor vehicle of any description upon, over, or across any sidewalk, except where a proper incline or crossing is provided for that purpose. (Ord. 285 § 6, 1984)

10.04.060 Removing glass and debris after accidents.

Any party to a collision or other motor vehicle accident upon any street, alley, or public place in this city shall immediately remove or cause to be removed from the street, alley, or public place all glass and foreign substance resulting from such collision or accident as well as the motor vehicle which the party was driving at the time of such collision or accident. (Ord. 285 § 7, 1984)

10.04.070 Logs and poles.

A. No logs or piling shall be moved over or upon the streets of this city unless written permission from the superintendent of public works has been obtained.

B. No logs, poles, piling, or other things shall be dragged upon or over the surface of any street. (Ord. 285 § 8, 1984)

10.04.080 Damaging curbs.

A. It is unlawful for any person to place any dirt, wood, or other material in the gutter or space next to the curb of any street with the intention of using the same as a driveway.

B. It is unlawful for any person to remove or damage in any way any portion of any street curb without first obtaining written permission from the superintendent of public works.

C. Any person wishing to move any heavy thing such as a building, excavating machine, or well-drilling equipment over or upon a street curb shall first obtain a written permit from the superintendent of public works and shall be held responsible for any and all damage to the same. (Ord. 285 § 9, 1984)

10.04.090 Parades and processions.

During parades the police may clear the streets and prohibit vehicles and pedestrians from crossing the streets. No pedestrian or vehicle shall break through the line of a funeral procession. (Ord. 285 § 10, 1984)

10.04.100 Obstructing streets.

Except as otherwise provided in this chapter, it is unlawful for any person, firm, or corporation, unless he or she first obtains written permission from the city police department, to park, place, or leave any motor vehicle or any part thereof, or any trailer, box, ware, or merchandise or any description, or any other thing that in any way impedes the traffic, or obstructs the view, upon any street, alley, parking strip, sidewalk, or curb of the city. (Ord. 285 § 11, 1984)

10.04.110 Storing vehicles on streets.

No person, firm or corporation shall store on any street or alley any wagon, automobile, farming implement, traction engine, machinery, or vehicle; provided, however, that mechanics may repair such machinery or vehicles while temporarily on the streets for that purpose if traffic is not thereby obstructed. This section shall not apply to machinery or vehicles owned by or in the employ of the city and used in working on the streets. (Ord. 285 § 16, 1984)

10.04.120 Street commissioner.

Subject to the approval of the city council by resolution, or motion, the street commissioner shall:

- A. Designate stop streets;
- B. Designate one-way streets;
- C. Designate crosswalks, safety zones and traffic lanes;
- D. Designate areas in which no parking shall be permitted and areas in which the time of parking is to be limited;
- E. Direct the placing and maintenance of such traffic signs markers and signals as may be reasonably necessary to carry the above powers into effect and for the regulation and safety of traffic;
- F. Exercise a general supervision over the administration and enforcement of all traffic ordinances;
- G. Require the pruning or trimming of trees and shrubs along streets and highways so that they will not obstruct the view of traffic, and order the removal or alteration of any signs, fences or other objects along streets and highways that are an obstruction of the view for traffic. (Ord. 285 § 17, 1984)

10.04.130 One-way streets.

It is unlawful for the operator of any vehicle to drive or operate the same on any street designated and marked as a one-way street except in the direction provided in such designation or on such markers. (Ord. 285 § 18, 1984)

10.04.140 Existing signs.

All official traffic signs, signals, and markers existing at the time of the adoption of the ordinance codified in this chapter shall be considered official under the provisions of this chapter; provided, however, that the common council may by resolution or motion at any time have such official traffic signs, signals, or markers removed or changed; or the same may be done at the direction of the street commissioner; and provided further, that any additional official traffic signs, signals, or markers erected, installed, or painted shall first be authorized by resolution or motion of the city council or by order of the street commissioner. (Ord. 285 § 19, 1984)

10.04.150 Violations--Penalties.

- A. It is unlawful for any person to violate any of the provisions of this chapter.
- B. Except as otherwise provided in the State Vehicle Code, as amended, every person convicted of violating parking regulations in the city shall be punished by a fine of not less than ten dollars (\$10.00), or more than fifty dollars (\$50.00) for the first conviction. For second and subsequent convictions, such person shall be punished by a fine of not less than twenty dollars (\$20.00) or more than one hundred dollars (\$100.00). The penalty for any violation of the parking regulations shall be a fine only.

C. Except as otherwise provided in the State Vehicle Code, as amended, every person convicted of violating any other city traffic regulations shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than ninety (90) days, or both, for the first conviction. For second and subsequent convictions, such person shall be punished by a fine of not more than two thousand dollars (\$2,000.00), or by imprisonment for not more than one hundred eighty (180) days, or both. (Ord. 426 § 9(B) and (C), 2003; Ord. 285 § 20, 1984)

Chapter 10.08

TRUCK TRAFFIC AND PARKING

Sections:

- 10.08.010** Definitions
- 10.08.020** Truck routes and truck ways established.
- 10.08.030** Commercial truck traffic restrictions.
- 10.08.040** Bus, camper, motor home, recreational vehicle and boat restrictions.
- 10.08.050** General parking requirements.
- 10.08.060** Parallel parking requirements.
- 10.08.070** Space markings
- 10.08.080** Exemption permits.
- 10.08.090** Parking for certain purposes prohibited.
- 10.08.100** Storage prohibited.
- 10.08.110** Vehicle sales on private property.
- 10.08.120** Obstructing of fire fighting.
- 10.08.130** Truck routes.
- 10.08.140** Towing of vehicles.
- 10.08.150** Appeal procedure.
- 10.08.160** Violation penalty.
- 10.08.170** Effective date.

10.08.010 Definitions

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the text, words in the present tense include the future, words in the plural number include the singular number, and vice versa. The word “shall” is

always mandatory and not merely directory or discretionary.

“Parking” or “parked” means the stopping or standing of any vehicle upon any public way, street or highway within the city, for the purpose of and while actually engaged in loading or unloading people or freight, or in obedience to traffic regulations or traffic signs or signals.

“Parking time limit” includes the aggregate of time of all stopping or standing of the same vehicle on the same side of the street within a space of three hundred lineal feet measured along the curb line and between intersections; and the parking, standing, or stopping of any vehicle within such expanse shall not exceed the designated time limit during any three-hour period.

“Agricultural Vehicle” means any motor vehicle controlled or operated by any farmer or farm employee when used in the transportation of agricultural commodities, products, and supplies; such vehicles are exempt from the Federal Motor Carrier Act; and motor vehicles controlled and operated by cooperative associations, as defined in the Agricultural Marketing Act, or by a federation or such associations.

“Commercial truck” for this ordinance means every motor vehicle used or maintained primarily for the transportation of property and having a gross weight in excess of 22,000 pounds. Commercial truck does not include recreational vehicles, emergency governmental vehicles, up to one-ton pickups, tow trucks, busses, agricultural vehicles and City franchise vehicles.

“Traffic Control Device” means a device to direct vehicular or pedestrian traffic or parking, including but not limited to a sign, signaling mechanism, barricade, button or

street or curb marking installed by the city or other authority.

“Truck Route” means a street, alley, or other public right-of-way, which has been designed by this ordinance as an acceptable roadway for the transportation of motor trucks, truck trailers, and truck tractors.

“Truck Trailer” means every vehicle without motive power which:

1. Has a combined weight of vehicle and maximum load to be carried thereon of more than 22,000 pounds.

2. Is designated for carrying property and for being drawn by a motor vehicle.

“Truck Tractor” means any motor vehicle used or designed for use within a semi-trailer for carrying, conveying, or moving over the highways any freight, property, article or thing, and having combined weight of vehicle and maximum load to be carried thereon of more than 22,000 pounds.

“Truck Way” means a street, alley, or other public right-of-way, which has been designed by this ordinance as an acceptable roadway for the commercial operation of motor trucks, truck trailers, and truck tractors, but does not constitute a through-city route necessary for specialized traffic directional control signs.

For purposes of this chapter, the definitions of the following terms as used herein shall also conform to the following ORS sections which by reference herein are made a part of this chapter:

“Camper” is defined as set forth in ORS Section 801.180.

“Highway” or “street” is defined as set forth in ORS Section 801.305.

“Mobile home” is defined as set forth in ORS Section 801.340.

“Motorbus” is defined as a Commercial Bus as set forth in ORS Section 801.200.

“Motor home” is defined as set forth in ORS Section 801.350.

“Motor truck” is defined as set forth in ORS Section 801.355.

“Recreational Vehicle” is defined as set forth in ORS Section 446.003.

“Trailer” is defined as set forth in ORS Section 801.560.

“Truck Trailer” is defined as set forth in ORS Section 801.565.

“Truck Tractor” is defined as set forth in ORS Section 801.575. (As amended by Ord. 431, 2004; repealing Ord. 352)

10.08.020 Truck routes and truck ways established.

A. Those streets, roads, and highways located within the limits of the City of Aurora, as enumerated in Section 10.08.130, are hereby designated as truck routes.

B. The Public Works Director is hereby authorized and directed to erect and maintain specialized traffic directional control signs on designated truck routes in a conspicuous manner and place at each end of the roadway or section thereof in order to give notice of such regulation. (As amended by Ord. 431, 2004; repealing Ord. 352)

10.08.030 Commercial truck traffic restrictions.

A. Except as provided in subsection B of this section, no person shall operate any commercial truck upon any public street, alley or public right-of-way within the City unless such street, alley or other right-of-way has been designated as a truck route. Owner/operators of commercial trucks that reside within the City and which residence is not located on a truck route must apply to

the Police Department for an exception permit.

B. Commercial trucks being operated on a public street, alley, or other public right-of-way for the following specific purposes are exempt from the restriction imposed by Section 1 above.

1. Receiving or discharging goods at any location in the City, except that home occupation business deliveries are not exempt if deliveries are made by a commercial truck, in excess of 22,000 pounds. If commercial trucks in excess of 22,000 pounds are used, the home occupation business Owner must apply for a exception permit with the Police Department. If a permit is denied, another authorized location must be found to unload goods.

2. Going to or from a business or residence in the City for the purpose of fuel, service, or repair.

3. Servicing utility facilities or construction sites in the City.

C. It is unlawful for any person to park or stop any vehicle for a longer period of time than that designated by official signs, parking meters or other markings placed under authority of the City, except that no person shall at any time park or leave standing a truck trailer or tractor trailer vehicle, or trailer, as defined in Section 10.08.010, whether attended or unattended, on any improved public highway, public street or any other public way within the city limits, for a period greater than thirty (30) minutes, between the hours of 12:01 a.m. and 6:00 a.m. (Ord. 431, 2004; repealing Ord. 352)

10.08.040 Bus, camper, motor home recreational vehicle and boat restrictions.

A. No person shall at any time park or leave standing a camper, house trailer, motor bus, motor truck, motor home, boat trailer, vehicle with camper, or recreational vehicle, whether attended or unattended, on any public highway, public street or other public way within the city limits, for a period greater than thirty (30) minutes, between the hours of 12:01 a.m. and 6:00 a.m.

B. A recreational vehicle, house trailer, or motor home may be parked on a public street longer then the period allowed in Section 10.08.040 (A) if;

1. It is owned by the resident or guest of the resident of the property in front of which it is parked, and

2. It is parked on the public street no longer than ten (10) days in any calendar year, and

3. Such vehicle is parked in a manner, which does not interfere with traffic or create a hazard by obstructing the view of drivers. (Ord. 431, 2004; repealing Ord. 352)

10.08.050 General parking requirements.

No person having control or charge of a motor vehicle shall allow it to stand on any public highway, public street or other public way unattended without first fully setting its parking brakes, stopping its motor and removing the ignition key and, when standing on any precipitous grade, the front wheels of the vehicle shall be angled into the curb. The City Council may establish specific parking designations on any public highway or street, or any other public way at any time by resolution. (Ord. 431, 2004; repealing Ord. 352)

10.08.060 Parallel parking requirements.

No person shall stand or park a vehicle in a public highway, public street or other public way other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within eighteen inches of the curb, except where the street is marked or signed for angled parking. (Ord. 431, 2004; repealing Ord. 352)

10.08.070 Space markings.

Where parking space markings are placed on a public highway, public street or other public way, no person shall stand or park a vehicle other than at the indicated direction and within a singled marked space. (Ord. 431, 2004; repealing Ord. 352)

10.08.080 Exemption permits.

A. A commercial truck, owner, operator, or authorized agent may request an exemption permit from the City Police Department during normal business hours.

1. A revocable permit (on a form approved by the City) can be obtained from the City Police Department.

2. When a exemption permit is granted, the permit may be issued and valid for a single trip or for a number of trips, for a continuous operation, seasonal, or with other time limitations. The permit may establish any additional terms, limits, or conditions that are necessary or desirable for the protections of the streets and the public interest. Permits will not exceed twelve (12) months, but are renewable.

3. In the event a complaint(s) is received from a residence in the area of the parked truck, or the parked truck violates state laws

or City ordinances, the City Police Department is authorized to revoke the permit if necessary.

B. The City Police Department decision of denial or revocation of an exemption permit, may be appealed to the City Council by the person named on the permit or permit application.

C. Approved permits will list the name of the person to whom the permit is issued, and the description of the vehicle (including, but not limited to, make, model, license number, PUC number, color of vehicle, weight, company name, and address where the vehicle will be located in the City. Two identical original permits will be issued – one for display in the commercial vehicle, and the other original for filing in the Police Department files.

D. Any person, corporation, or other entity operating a vehicle under a exemption permit granted hereunder shall at all times make certain that the driver of each exempted vehicle using the public highway, public streets or other public ways within the City of Aurora, which are not designated a truck route, has in the driver's possession and in the truck being driven an original permit and shall be prepared to show same upon request to a police officer or authorized agent. All City Police officers are hereby given the authority to stop any vehicle, which is or may be subject to the provisions of this Title, at any time for purposes of inspecting the exemption permit. (Ord. 431, 2004; repealing Ord. 352)

10.08.090 Parking for certain purposes prohibited.

No person shall park a vehicle and no owner of a vehicle shall allow a vehicle to be parked on the right-of-way of any highway, or upon any public street or public way within the City limits for any of the following purposes:

A. Selling or offering to merchandise of any kind without a City permit and City business license. The City permit is obtained at the City Police Department.

B. Repairing or servicing the vehicle except while making repairs necessitated by an emergency.

C. Displaying temporary advertising from the vehicle, subject to the applicable regulations of Title 16 and 17 herein.

D. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle on any public highway, public street or other public way:

1. Within fifty (50) feet of any intersection (measured from the point of intersection of the centerlines of two public ways) if:

a. Any part of the vehicle is over seven (7) feet in height; or

b. The vehicle, by manufacture or modification, obscures the vision of:

i. Any official traffic control sign or signal.

ii. Intersection traffic.

iii. Any pedestrian in a crosswalk,

c. This prohibition is subject to individual street prohibitions contained for those designated truck routes contained in Section 10.08.130. (Ord. 431, 2004; repealing Ord. 352)

10.08.100 Storage prohibited.

Storage of any vehicle on a highway, or upon any public street or public way within

the City is prohibited. Parking, for any period of more than seventy-two hours after a complaint is received by the Police Department, except that this subsection shall be subject to the limits elsewhere prescribed in the city motor vehicle regulations or as may be prescribed by the Oregon State Motor Vehicle Code. It shall constitute prima facie evidence of storage of a vehicle if the same is not moved for a period of seventy-two (72) hours. The continuity of the time shall not be deemed broken by movement of the vehicle when the vehicle leaves the block where it was located. Any vehicle mentioned in this subsection parked on the right-of-way of any highway, or upon any public street or public way within the City in violation of this subsection may be treated as an abandoned vehicle. (Ord. 431, 2004; repealing Ord. 352)

10.08.110 Vehicle sales on private property.

A. No Property owner, unless in compliance with all of the applicable provisions of the Aurora Municipal Code, shall allow more than one vehicle to be displayed for sale on his or her property.

B. Violation of this section shall be a (Class 1 infraction) and shall be subject to the provisions of the civil infractions ordinance. (Ord. 431, 2004; repealing Ord. 352)

10.08.120 Obstructing of fire fighting.

Whenever the operator/owner of a vehicle discovers the vehicle is parked within 25 feet of a building to which the police or fire department has been summoned, the operator/owner shall immediately remove the vehicle from the area unless otherwise directed by Police or Fire officials, or design-

nated personnel. (Ord. 431, 2004; repealing Ord. 352)

10.08.130 Truck routes.

A. Highway 99E from North City Limits to South City Limits.

B. Ehlen Road from North City Limits to Hwy 99E.

C. Liberty Street from First Street to Second Street.

D. Martin Street from Second Street to Third Street.

E. Third Street from Martin Street to Highway 99E.

F. Second Street from Liberty Street to Martin Street.

G. Ottaway Road West to Highway 99E.

H. Airport Road from City Limits to Ehlen Road.

I. First Street. (Ord. 431, 2004; repealing Ord. 352)

10.08.140 Towing of vehicles.

The Police Department or its designated agent is authorized to tow any vehicle that is in violation of any section of this Chapter. (Ord. 431, 2004; repealing Ord. 352)

10.08.150 Appeal procedure.

A. Any person, whether an owner/operator of a vehicle or living in an effected area of concern, shall have the right to appeal a permit, the denial of a permit or the towing of a vehicle, or any action taken by the City under this Chapter to the City Council.

B. An appeal of a permit, the denial or revocation of permit or citation issued must be made in writing by the person effected or having concern and filed with the City Recorder.

C. The City Council will review the appeal at its next regular scheduled meeting. The City Council decision is final. (Ord. 431, 2004; repealing Ord. 352)

10.08.060 Violation penalty.

A. Each day or period of violation as defined in this Chapter that a violation of this Chapter is committed or permitted to continue shall constitute a separate offense with a maximum penalty of \$500.00 per offense, subject to the applicable sections of the Oregon Vehicle Code, and as modified by resolution of the City Council.

B. Any owner, driver, or chauffeur of any vehicle or combination of vehicles using streets in violation of this Chapter shall be jointly and severally liable to the City of Aurora for all damage done to the streets as a result of the any such violation. (Ord. 431, 2004; repealing Ord. 352)

10.08.170 Effective Date.

A. The effective date of this Ordinance is on the day that it is signed and entered by the City Recorder, however, the designation of truck routes in the City shall not be effective until the City erects signs in a conspicuous manner and placed at the end of each highway or section of highway where there is a designation imposed by this Ordinance. (Ord. 431, 2004; repealing Ord. 352)

Chapter 10.12

ABANDONED VEHICLES

Sections:

- 10.12.010 Definitions.**
- 10.12.020 Abandoned vehicles prohibited.**
- 10.12.030 Declaration of a public nuisance.**
- 10.12.040 Prohibited action.**
- 10.12.050 Impounding hazardous vehicles.**
- 10.12.060 Towing and storage liens.**
- 10.12.070 Police investigation and notice.**
- 10.12.080 Entry upon private property.**
- 10.12.090 Towing of vehicles.**
- 10.12.100 Towing and storage charges--Redemption of vehicles.**
- 10.12.110 Notice to interested parties of vehicle towing.**
- 10.12.120 Hearing available to contest validity of vehicle tow or nuisance abatement.**
- 10.12.130 Abatement by city and appraisal.**
- 10.12.140 Disposition of abandoned vehicles.**
- 10.12.150 Right to sell abandoned or towed vehicles.**

10.12.010 Definitions.

As used in this chapter, unless the context requires otherwise, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

"Abandoned vehicle" means any vehicle that has been deserted or relinquished without claim of ownership. A vehicle shall be considered abandoned if it has remained in the same location for more than twenty-four hours and one or more of the following conditions exist:

1. The vehicle does not have an unexpired license plate lawfully affixed to it;
2. The vehicle appears to be inoperative or disabled; or
3. The vehicle appears to be wrecked, partially dismantled or junked.

"Chief of police" means any authorized law enforcement officer of the city, or other city employee authorized to enforce this chapter.

"City" means the city of Aurora, Oregon.

"City council" means the city council of the city of Aurora, Oregon.

"Discarded vehicle" means any vehicle or part thereof which is in one or more of the following conditions:

1. Inoperative;
2. Wrecked;
3. Dismantled;
4. Partially dismantled;
5. Junked.

Discarded vehicles may be deemed to include major parts thereof including but not limited to bodies, engines, transmissions and rear ends.

"Hazardous vehicle" means a vehicle left in a location or condition such as to constitute an immediate and continuous hazard to the safety of persons using the streets or alleys of the city. For example, but not by limitation, the following are hazardous vehicles:

1. Vehicles blocking public or private rights of way;
2. Vehicles with leaks in gas tanks;

3. Vehicles blocking fire hydrants.

"Inoperative" means damaged, dismantled, nonoperative, wrecked or junked.

"Owner" means a person with a claim, either individually or jointly, or ownership of any interest, legal or equitable, in a vehicle.

"Storage" means the holding of a vehicle, with the attendant fees for such holding, at an appropriate facility.

"Towing" means the taking of possession of a vehicle and removing it to a storage facility at the request of a city officer or employee.

"Vehicle" means any device, licensed or not, in, upon or by which a person or property is or may be transported or drawn upon a public highway, except devices moved exclusively upon stationary rails or tracks. (Ord. 289 § 1, 1985)

10.12.020 Abandoned vehicles prohibited.

A. No vehicle which the law enforcement officer has reason to believe is disabled or abandoned shall be parked or left standing upon the right-of-way of any city street or alley or upon any city property for a period in excess of two days.

B. A vehicle so parked or left standing may be taken into custody by the law enforcement officer and shall be held at the expense of the owner or person entitled to possession of the vehicle. The law enforcement officer may use department personnel, equipment and facilities for the removal and preservation of the vehicle, or may hire other personnel, equipment and facilities for that purpose. (Ord. 289 § 2, 1985)

10.12.030 Declaration of a public nuisance.

The open accumulation and storage of a discarded vehicle is found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of a discarded vehicle on private or public property is declared to constitute a public nuisance which may be abated in accordance with the provisions of this chapter. (Ord. 289 § 3, 1985)

10.12.040 Prohibited action.

It is unlawful to store, or permit the storing of, a discarded vehicle upon any private property within the city unless the vehicle is:

A. Completely enclosed within a building;

B. Stored in connection with a business enterprise dealing in discarded vehicles lawfully conducted; or

C. Screened to prevent visibility from the street or other public or private property by an approved fence of solid material or by natural foliage that screens the area all year. (Ord. 289 § 4, 1985)

10.12.050 Impounding hazardous vehicles.

It is the duty of the law enforcement officer, upon discovering a hazardous vehicle, to immediately cause the vehicle to be towed and impounded. The owner of the vehicle shall be responsible for the cost of towing and storing the vehicle. (Ord. 289 § 5, 1985)

10.12.060 Towing and storage liens.

A person who, at the request of the law enforcement officer, takes a vehicle into custody under the provisions of this chapter shall have a lien on the vehicle for the just and reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be a possessory chattel lien in accordance with ORS 87.152 and shall be foreclosed in the manner provided in ORS 87.152 to 87.212. If the appraised value of the vehicle is seven hundred fifty dollars (\$750.00) or less, the vehicle shall be disposed of in the manner provided in ORS 483.395. If the vehicle is taken into custody under the provisions of this chapter and held by the law enforcement officer rather than by a private garage at his or her request, the vehicle shall be disposed of in the manner provided in ORS 483.386 to 483.394. (Ord. 289 § 6, 1985)

10.12.070 Police investigation and notice.

A. It shall be the duty of the police department whenever a discarded vehicle is found upon private property to:

1. Make an investigation to discover the owner of the vehicle, any other persons who reasonably appear to have an interest in the vehicle, and the person in charge of the property upon which such vehicle is located and give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this chapter;

2. If the owner of the vehicle is not found, to place a notice upon the windshield, or some other part of the vehicle where it can be easily seen.

B. The notice shall state that a certain discarded vehicle is in violation of this chapter and that within five days of the receiving or posting of the notice, the vehicle must be removed.

C. The notice shall also state that the alternative to compliance with subsection B of this section is to petition the city council and request within five days of receiving or posting of the notice and show cause why such vehicle should not be immediately abated as provided in this chapter.

D. The notice shall also state that failure to comply with this chapter authorizes the city to remove the vehicle and charge the costs of removing, storing or selling the vehicle. (Ord. 289 § 7, 1985)

10.12.080 Entry upon private property.

A. The police are authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the police shall obtain the consent of an occupant thereof or a warrant authorizing his or her entry for the purpose of inspection, except when an emergency exists.

B. No search warrant shall be issued under the terms of this chapter until an affidavit has been filed showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this chapter as the basis for such inspection, whether it is an inspection instituted by complaint, or other specific or general information concerning the vehicle in question or the property on which it is situated. (Ord. 289 § 8, 1985)

10.12.090 Towing of vehicles.

A. Authority to Tow. Any vehicle found on any street, alley, lane, sidewalk, parking strip, on private property without the permission of the person in control of such property, in a public park or other public place or property may be towed, upon the order of a city officer or employee, and taken to a storage area designated by the city, and held at the expense of the owner or person entitled to possession thereof, when:

1. The vehicle is parked in violation of a temporary or permanent parking restriction;
2. The vehicle is parked unlawfully or in a manner that may be hazardous to traffic;
3. The vehicle is parked on city owned or operated property without express city permission;
4. The vehicle was used in committing a traffic or parking violation for which an unserved warrant or citation is on file with the clerk of the district court;
5. The vehicle has been reported stolen;
6. The vehicle or its contents is to be used as evidence in traffic or criminal prosecutions;
7. The vehicle is in possession of a person taken into custody by a law enforcement agency;
8. The vehicle is parked in a space that is marked as reserved for disabled persons, unless such vehicle conspicuously displays appropriate decals, insignia or license plates as required by State Statutes.

B. Towing Without Prior Notice. Vehicles may be towed, pursuant to subsection A of this section, without prior notice, only under one or more of the following circumstances:

1. The vehicle is impeding, or likely to impede the normal flow of vehicular or pedestrian traffic;

2. The vehicle is illegally parked in a conspicuously posted restricted space, zone or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours or on designated days, or at any time and where the vehicle is interfering or reasonably likely to interfere with the intended use of such space, zone or traffic lane;

3. The vehicle poses an immediate danger to the public safety;

4. A police officer reasonably believes that the vehicle is stolen;

5. A police officer reasonably believes that the vehicle or its contents constitute evidence of an offense, if such towing is reasonably necessary to obtain or preserve such evidence; or

6. The vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle was available.

C. Towing After Notice. Vehicles may be towed, pursuant to subsection A of this section, only after notice has been provided, as required in Section 10.12.110 prior to the towing of the vehicle, under the following circumstances:

1. A city officer or employee reasonably believes that the vehicle is abandoned; or

2. Any other circumstances involving the violation of a temporary or permanent parking restriction where there is no reasonable need to immediately remove the vehicle.

3. Vehicles subject to towing under this subsection shall not be towed prior to the conducting of a hearing, if one has been requested, pursuant to Section 10.12.120.

D. Towing Upon Order of Municipal Court. Vehicles that have been used in the

commission of a traffic or parking violation, for which an unserved warrant or citation is on file with the municipal court clerk, may be towed upon order of the municipal court. (Ord. 289 § 9, 1985)

10.12.100 Towing and storage charges--Redemption of vehicles.

A. The towing and storage charges that shall be paid before release of a vehicle towed under this chapter, if towed by a private company at the request of a city officer or employee, shall be the charges fixed by the city contract for private towing and storage, and if towed by city equipment and personnel, shall be the charges fixed by a schedule approved by the council. Any private company, who tows and stores any vehicle pursuant to this chapter, shall have a lien on the vehicle, in accordance with ORS 87.152, for the just and reasonable charges for the tow and storage services performed, and may retain possession of that vehicle, as is consistent with this chapter, until such charges have been paid.

B. The accrued towing and storage charges assessed under subsection A of this section, shall be waived by the city council if the towing is found to be invalid or for any other reason not justified, after a hearing has been held pursuant to Section 10.12.120. A person's inability to pay the towing and storage charges, in and of itself, is not a sufficient basis for the waiving of such charges. If these charges are owed to a private company, the city shall pay same, if, after a hearing, the towing is found to be invalid or for any other reason not justified and the charges have not previously been paid. Provided further, the city shall pay all storage charges that accrue as a result of the

hearings process, and a determination that the tow is invalid, per Section 10.12.120.

C. If the required towing and storage charges have been paid, then the vehicle shall be immediately released to the person(s) entitled to lawful possession.

D. If subsection C of this section, has not been complied with, then the vehicle shall not be released, except upon the order of the city council.

E. A vehicle towed pursuant to this chapter may only be released to the owner, or to the person who was lawfully in possession or control of the vehicle at the time it was towed, or to a person who purchased the vehicle from the owner and who produces written proof of ownership. In all cases, adequate evidence of the right to possession of the vehicle, as determined by the towing company, must be presented prior to the release of the vehicle. (Ord. 289 § 10, 1985)

10.12.110 Notice to interested parties of vehicle towing.

A. After a vehicle has been towed pursuant to the authority granted in Section 10.12.090, notice shall be provided to the registered owner(s), and any other persons who reasonably appear to have an interest in the vehicle of the towing and the procedures available for obtaining a hearing, by mailing a notice, within forty-eight (48) hours after the towing, excluding holidays, Saturdays and Sundays. If a vehicle has been released prior to the mailing of such notice, then notice need not be mailed. Provided that, in those situations, in which the mailing of such notice can be reasonably anticipated to hinder the apprehension of a suspect in an ongoing criminal investigation, the mailing of such notice can be delayed until such time as will not so prejudice that investigation.

B. Prior to towing a vehicle pursuant to Section 10.12.090, notice shall be provided, to the registered owner (s), and any other persons who reasonably appear to have an interest in the vehicle, of the intended towing and the procedures available for obtaining a hearing, by:

1. Affixing a towing citation to the vehicle, which shall state that such persons may obtain a hearing to contest the validity of the intended towing by filing a written request with the city recorder, prior to the towing of the vehicle; and

2. By mailing a notice, at least five days prior to the towing, excluding holidays, Saturdays and Sundays, to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle, stating that a hearing may be requested to contest the validity of the intended towing by filing a written request with the city recorder within the five-day period, holidays, Saturdays and Sundays not included, from the mailing date of the notice. If a timely request for a hearing is made pursuant to this subsection, then the involved vehicle shall not be towed until the city council makes its determination in the case pursuant to Section 10.12.120.

C. Written notice, of the opportunity for a hearing to contest the validity of the towing of a vehicle, shall be given by the towing company to each person who seeks to redeem a vehicle towed pursuant to this chapter. (Ord. 289 § 11, 1985)

10.12.120 Hearing available to contest validity of vehicle tow or nuisance abatement.

A. After a vehicle has received notice pursuant to Section 10.12.070 or has been towed pursuant to Section 10.12.060 or prior

to towing pursuant to Section 10.12.090, the owner(s), or any other persons who reasonably appear to have interest in the vehicle, shall, upon timely request filed with the city recorder, be entitled to request a hearing to contest the validity of the towing of such vehicle. A timely request shall be five working days from the receipt of the notice of towing or nuisance abatement. The city council may waive this five-day requirement for good cause shown.

B. The request for a hearing shall be in writing and shall state the grounds upon which the person believes the tow or nuisance abatement notice to be invalid, or, for any other reason, not justified, and shall also state such other information, relating to the purposes of this chapter, as may be required by the city council.

C. The city recorder shall set a hearing before the city council on the matter within seventy-two (72) hours, not including holidays, Saturdays or Sundays, on receipt of a proper request filed pursuant to this section.

D. The hearing shall afford a reasonable opportunity for the person(s) requesting it to demonstrate by the statement of witnesses and other evidence, that the tow and/or storage of the vehicle was invalid, or for any other reason not justified.

E. In all public hearings the following procedures for the conduct of the hearings are prescribed:

1. All interested persons in attendance shall be heard on the matter for hearing and this fact shall be communicated to those in attendance.

2. A summary of the application or other matter for hearing shall be given by the presiding officer or someone else appointed by him or her.

3. The staff report shall be made.

4. Questions, if any, by the hearing body or the staff.

5. The public hearing shall be open and persons who testify will stand and give their name and address. Testimony shall be received in the following order: applicant, proponents, opponents, rebuttal by proponents or applicant. The public hearing shall be closed (no more testimony).

6. Questions, if any, by the hearing body.

7. Discussion by the hearing body.

8. A decision shall be made by the hearing body, except, however, that further discussion and/or decision by the hearing body may be postponed to another meeting, the time, date and place of which shall be announced before adjournment.

F. If the city council finds, by substantial evidence based upon the record as a whole, that the tow and/or storage or nuisance abatement notice was invalid, or, for any other reason, not justified, the council shall order that the vehicle, if still held, be immediately released, find that the owner(s), or any other person who has an interest in the vehicle are not liable for the tow and/or storage charges, and order the return of any money paid for tow and/or storage charges, as appropriate, to the person who paid such charges. If such vehicle is about to be towed or removed, he or she shall order that such vehicle shall not be towed. In any case where the city council orders the vehicle to be released, the vehicle must be picked up by the person entitled to possession within twenty-four (24) hours to avoid further storage charges. If the vehicle is not claimed within this time period, then it will not be released until the additionally accruing storage charges, if any, are paid by the person entitled to possession of the vehicle.

G. If the city council finds, by substantial evidence, based upon the record as a whole, that the towing and/or storage was valid, they shall order that the vehicle, if still held, continue to be held until all tow and storage charges are paid. If such vehicle is about to be towed or removed, they shall order that such vehicle shall be towed and impounded if the traffic violation or nuisance involving that vehicle has not been completely corrected. Provided, however, that the city shall be responsible in all cases in which a hearing has been requested and held, and the tow and/or storage found to be valid for those storage charges that have accrued from the date that the hearing was requested through the first available hearing date. The vehicle must be picked up by the person entitled to possession within twenty-four (24) hours after the decision of the city council to avoid further storage charges. If the vehicle is not claimed within this time period, then it will not be released until the additionally accruing charges, if any, are paid, by the person entitled to possession of the vehicle.

H. The decision of the city council is a quasi-judicial decision and is final, and shall not be appealable.

I. Any person who has a hearing scheduled pursuant to this section and, without good cause shown, as determined by the city council fails to appear at such hearing, shall not be entitled to have such hearing rescheduled.

J. The owner and any other person who has an interest in the vehicle shall be entitled to only one hearing for each tow of that vehicle. (Ord. 289 § 12, 1985)

10.12.130 Abatement by city and appraisal.

A. Five days after the receipt of notice required in Section 10.12.070 or after the decision of the city council declaring a vehicle to be a public nuisance as set forth in Section 10.12.120, the city shall be deemed to have acquired jurisdiction to abate the nuisance and may remove the vehicle by use of city employees or duly authorized independent contractors. It is unlawful for any person to interfere with, hinder or refuse to allow such persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

B. After removing the vehicle, the city shall cause it to be appraised. If the vehicle is appraised at seven hundred fifty dollars (\$750.00) or less, the police shall file with the Division of Motor Vehicles an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, that the vehicle will be junked or dismantled, and that:

1. Notice of intent to junk or dismantle the vehicle has been sent with notification of the location of the vehicle to the legal owner and owner or person entitled to possession as provided by ORS 483.384; or

2. The owner has signed a release, under oath, disclaiming any future interest in the vehicle, which release shall be forwarded to the Division with the affidavit.

C. If either the legal owner, owner or person entitled to possession has not signed a release and has not, within fifteen (15) days after the date of notification is mailed, reclaimed the vehicle, such action shall constitute a waiver of the interest of such person.

D. Upon completion and forwarding of the affidavit, the police may, without notice

and public auction, dispose of the vehicle and execute a certificate of sale as provided by ORS 483.390.

E. The certificate of sale shall be substantially the same as that described in Section 10.12.150. (Ord. 289 § 13, 1985)

10.12.140 Disposition of abandoned vehicles.

If a towed vehicle is not claimed within fifteen (15) days after it is towed and placed in storage under provisions of this chapter, such vehicle shall be deemed to be abandoned, and a reasonable effort shall be made, by mail, to notify the owner(s), and any other persons who reasonably appear to have an interest in the vehicle, of the following:

A. The location of the vehicle and that it may be recovered only upon evidence that the claimant is the owner or person entitled to possession;

B. The address and telephone number of the person or facility, or any combination thereof that may be contacted for information as to the charges that must be paid or deposited before the vehicle will be released;

C. That the vehicle, if not claimed within fifteen (15) days after the mailing of such notice, will be subject to sale by the city or by the tow and storage facility where the vehicle is located, and that such failure to reclaim the vehicle shall constitute a waiver of the interest of such person(s). (Ord. 289 § 14, 1985)

10.12.150 Right to sell abandoned or towed vehicles.

A. Whenever any vehicle shall be taken into custody pursuant to this chapter, the

same shall be held at the expense and risk of the owner or person lawfully entitled to possession.

B. At any time within fifteen (15) days after any such notice, as required in Section 10.12.110 has been sent, the owner or person lawfully entitled to possession of any such vehicle may claim the same by presenting satisfactory proof of ownership or right to possession, and by paying the charges and expenses, if any, incurred in the preservation and custody of the vehicle.

C. As often as is necessary, the city recorder shall be provided with a list of all unclaimed vehicles which have been towed by or for the city, and have been in storage for thirty (30) days or longer; the city recorder shall, as soon as convenient, authorize the sale of, or sell such vehicles in accordance with the provisions of any contract authorized by the council and pertaining thereto, or if there is no such contract, the purchasing agent shall sell such vehicle at public auction.

In the event a vehicle is sold in accordance with the provisions of a contract, the purchasing agent shall ensure that, at the time of the sale, a certificate of sale in substantially the following form is issued to the purchaser:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. _____, I did on the _____ day of _____, 20__ sell to _____ of _____ the consideration _____ Dollars (\$_____) the following described personal property.

Dated this _____ day of _____, 20_____.

City Recorder

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

If the city recorder decides to sell any vehicles held pursuant to this chapter, at public auction, then he or she shall ensure that notice of the time and place of such auction sale shall be given by publication in a paper of general circulation within the city for a period of at least ten (10) days prior to the date of such sale, and that such vehicles shall be sold to the highest bidder for cash. The proceeds of such sale shall first be applied to payment of the cost of such sale and expense incurred in the preservation and custody of such vehicles and the balance, if any, shall be credited to the general fund of the city. At the time of payment of the purchase price of a vehicle purchased at auction, the purchasing agent 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, which certificate of sale shall be in substantially in the following form:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinances of the City and pursuant to due notice of time and place of sale I did on the

_____ day of _____,
20_____, sell at public auction to

_____ for the sum of \$_____ cash, he being the highest bidder, and that being the highest sum bid therefor, the following described personal property; to-wit:

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

Dated this _____ day of _____, 20_____.

City Recorder

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

D. This section shall apply to all vehicles now in possession of the city or, at the city's direction, a private tow company, as well as to all such as may hereafter be taken into possession. (Ord. 289 § 15, 1985)

Chapter 10.16

GOLF CARTS

Sections:

10.16.010 Golf cart defined.

10.16.020 Exemption from registration and licensing.

10.16.030 Operation regulations.

10.16.040 Highway operation.

10.16.050 Risk and responsibility.

10.16.010 Golf cart defined.

"Golf cart," also known as a "golf car," means a motor vehicle that:

A. Has not less than three wheels in contact with the ground;

B. Has an unloaded weight less than one thousand three hundred (1,300) pounds;

C. Is designed to be and is operated at not more than fifteen (15) miles per hour; and

D. Is designed to carry golf equipment and not more than two persons, including the driver. (Ord. 353 § 1, 1992)

10.16.020 Exemption from registration and licensing.

Golf carts operated pursuant to this chapter shall be exempt from registration and licensing as provided in ORS 803.030. (Ord. 353 § 2, 1992)

10.16.030 Operation regulations.

A. Golf carts, as the term is defined in ORS Section 801.295, not licensed by the state, shall be permitted the use of public roads in the city, with the exception in Section 10.16.040, during daylight hours only. No permission is intended or implied for any public way other than those within the boundaries of the city.

B. Every person operating a golf cart upon a designated public street permitted by this section shall be at least sixteen (16) years of age and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state or by the traffic laws of this city applicable to the driver of a vehicle, except those provisions of the law with respect to vehicle licensing, registration, equipment, or condition.

C. No person shall operate a golf cart at a greater speed than is reasonable and prudent under the conditions existing. Such conveyances shall at all times be operated in a safe and prudent manner, obeying the basic rules of traffic and keeping to the right in the regular traffic pattern as a slow moving vehicle. The conveyance shall also display the emblem denoting a slow moving vehicle. (Ord. 353 § 3, 1992)

10.16.040 Highway operation.

The operation of golf carts shall not be allowed on any main portion of the public highway known as Oregon Highway 99E, except to the far right side of the fog line, and the crossing of the highway at designated crosswalks. (Ord. 353 § 4, 1992)

10.16.050 Risk and responsibility.

Operation of those conveyances shall be totally the risk and responsibility of the operator. The city, by the ordinance codified in this title of permission and designation, shall assume no responsibility for the operation of the vehicle, and shall be held harmless in any action arising from the operation of such conveyances on or off any public way in the city. (Ord. 353 § 5, 1992)

Chapter 10.18

TRAFFIC SAFETY COMMISSION

Sections:

- 10.18.010** **Membership**
- 10.18.020** **Term of Office**
- 10.18.030** **Elections**
- 10.18.040** **Duties and responsibilities of officers**
- 10.18.050** **Duties and Responsibilities of traffic safety commissioners**
- 10.18.060** **Powers and authority of Traffic Safety Commission**
- 10.18.070** **Attendance, removal and vacancies**
- 10.18.080** **Expenses**
- 10.18.090** **Quorum**
- 10.18.100** **Minutes**
- 10.18.110** **Conduct of business**
- 10.18.120** **Ethics Code**
(Appendix)

10.18.010 **Membership**

A. The Traffic Safety Commission of the City shall consist of five members and shall be appointed by the City Council. Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses. One of the five members may reside outside the city limits but within the Urban Growth Boundary. (Ord. 428 § 1, 2003)

10.18.020 **Term of Office**

A. Each position on the Traffic Safety Commission shall be for a term of four

years. Any vacancy in a position shall be filled by the City Council for a term of four years. (Ord. 428 § 2, 2003)

10.18.030 **Elections**

A. The chairperson and vice-chairperson shall be elected at the first meeting of the calendar year for a term of one calendar year, and shall serve until their successors are elected. The term shall start upon election.

B. If the office of the chairman becomes vacant, the vice-chairperson shall succeed as the chairperson for the remainder of the year. A vice-chairperson shall then be elected from the membership who shall serve the unexpired term of the vice-chairperson.

C. Nominations shall be by oral motion. At the close of nominations, the commission shall vote by voice vote upon the names nominated for the office. If requested by any commissioners, written ballots shall be used for voting purposes. (Ord. 428 § 3, 2003)

10.18.040 **Duties and responsibilities of officers**

A. Chairperson Except as otherwise provided, the chairperson shall have the duties and powers to:

1. Preside over all deliberations and meetings of the commission;
2. Make motions, second motions and vote on all questions before the commission;
3. Call special meetings of the commission in accordance with this ordinance;
4. Sign all documents pertaining to commission action promptly after approval by the commission. The power to sign documents may be delegated in writing, to the vice-chairperson;

5. Authorize expenditures within the current approved Traffic Safety Commission budget.

B. Vice Chairperson During the absence, disability, or disqualification of the chairperson, the vice-chairperson shall exercise or perform all of the duties and be subject to all the responsibilities of the chairperson.

C. Secretary The secretary shall;

1. maintain an accurate, permanent, and complete record of all proceedings conducted before the Commission;

2. Prepare the agenda and minutes for all commission meetings;

3. give all notices required by law;

4. Inform the commission of correspondence relating to the commission business and conduct all correspondence of the commission;

5. Attend all meetings and hearings of the commission or send a designee;

6. Compile all required records and maintain the necessary files, indexes, maps and plans,

7. Perform such other duties for the commission as are customary in that role or as may, from time to time, be required by the commission,

8. Notify commission of expenditures from the commission's fiscal budgeted amount.

D. Chief of Police The Chief of Police shall:

1. Shall be an ex-officio non-voting member of the commission;

2. Act as the liaison to the alliance for the Community Traffic Safety (ACTS) for the Traffic Safety Commission, announcing programs and safety grants available to the commission;

3. Prepare responses to Traffic Safety Commission questions, correspondence to

citizen inquirers, and other documents as may be required by the commission from time to time;

4. Attend all meetings and hearings of the commission.

E. Fire Chief The Fire Chief shall:

1. be an ex-officio non-voting member of the commission;

2. Attend all meetings and hearings of the commission or send a designee,

3. May prepare documents memorializing commission act. (Ord. 428 § 4, 2003)

10.18.050 Duties and responsibilities of Traffic Safety Commissioners

A. Traffic Safety Commissioner Training. All newly appointed commissioners are strongly recommended to attend a training session by an agency specifically designed for Traffic Safety commissioners within 180 days.

B. Authority. The Commission shall have the powers and duties that are assigned to it by charter, ordinances, or resolutions to the city.

C. Recommendations. All recommendations made by the Traffic Safety Commission to the Council or Historic Review Board shall be in writing. (Ord. 428 § 5, 2003)

10.18.060 Powers and authority of Traffic Safety Commission

A. The commission shall have all powers that are now or hereafter granted to it by ordinances and the resolutions of the City of Aurora or by the general laws of the State of Oregon.

B. The commission may make recommendations:

- To the City Council, public officials and employees, and to individuals regarding street use;
- Regarding the location of street signage, street marking, parking limits/prohibitions;
- Regarding any other traffic matter related to the planning and development of the City;
- Regarding traffic flow and relief of congestions.

C. The Commission may make studies, hold hearings, prepare reports, and recommendations on its own initiative or at the request of the City Council.

D. Prior to submitting recommendation and/or considering any proposal that is located within the Historic district; the Traffic Safety Commission shall first receive comments and recommendations from the Historic Review Board. (Ord. 428 § 6, 2003)

10.18.070 Attendance, removal and vacancies.

A. If a commissioner is unable to attend a meeting, he or she is expected to notify the chairperson or secretary not later than 4 hours before the meeting.

B. Three consecutive unexcused absences without reasonable cause shall constitute grounds for Council removal of a Commissioner. The Commission will forward their action to the Mayor, who shall fill the vacant position.

C. A position shall be deemed vacant upon the incumbent's death or resignation.

D. A member may be removed from office after a City Council hearing and upon their approval, for incompetence, conviction of a felony, or nonperformance of duty. (Ord. 428 § 7, 2003)

10.18.080 Expenses.

A. The Traffic Safety Commission has the authority to delegate expenditure of funds that are in the Traffic Safety Commission's budget and have been approved in the City's budget. The Traffic Safety Commission has no authority to make any other expenditure or otherwise obligation the city for payment of any sums of money except as provided within this ordinance.

B. Commission approved expense reimbursement for Commissioner training, mileage, dues, ect. Will be processed through City administration for reimbursement. (Ord. 428 § 8, 2003)

10.18.090 Quorum

A. At any meeting of the Commission, a quorum shall consist of three commissioners. No action shall be taken in the absence of a quorum except to adjourn the meeting and continue public hearings to a time and place certain. For the purpose of forming a quorum, commissioners who have disqualified or excused themselves from participation in any matter shall be counted as present despite their inability to vote.

B. In the event a quorum will not be present at any meeting, the Secretary shall notify the commissioners in advance of that fact if possible. All items scheduled before the meeting shall be automatically continued to the next regularly scheduled meeting. The Secretary shall post notice of the continuance on the door of the Council Chambers notifying the public of the continuance and specifying the date and time when the matters will come before the Commission. (Ord. 428 § 9, 2003)

10.18.100 Minutes

A. The secretary shall prepare written minutes of all open regular and special meetings, which shall be approved by the Traffic Safety Commission and made available for public inspection. All meetings shall be tape recorded for the benefit of the city in preparation of the minutes. Such tapes shall be retained for one year and may then be re-used.

B. Written minutes shall include:

1. The names of all Commissioners, staff members, and general public present;
2. All motions, orders and other decisions proposed and their disposition;
3. The results of votes with the vote of each commissioner by name unless the vote is unanimous;
4. The brief substance of the discussion of any matter and reference to any documents discussed.

C. The presiding officer and secretary shall sign minutes after adoption.

D. An un-adopted draft of the minutes shall be available to the public, upon request, within one week after a meeting. Reasonable fees may be charged (per City for schedule) for copies of minutes and other material relating to Commission matters.

E. Any Commissioner not present at a meeting must abstain from voting upon approval of the minutes of that meeting. (Ord. 428 § 10, 2003)

10.18.110 Conduct of business

A. Presiding Officer. The chairperson shall preside at all meetings of the commission. In the absence of the chairperson, the vice-chairperson presides.

B. Absence of Presiding Officer. In the absence of the chairperson and vice-chairperson, the Commission shall elect a

commissioner to serve as presiding officer as its first order of business. Any commissioner may call a meeting to order for the purpose of electing a presiding officer.

C. Substitution of Presiding Officer. The presiding officer may appoint a temporary presiding officer to cover his or her temporary absence from the meeting by handling the gavel to the vice-chairperson or in the vice-chairperson's absence, to any other commissioner.

D. Motion Procedure. Agenda decision items will be accompanied by verbal or written explanation in packets. By parliamentary procedure, motions precede debate and discussion. When a motion is moved and seconded, the presiding officer for debate shall state it. No commissioner should speak more than once on the question (unless recognized by the presiding officer) to allow every other commissioner an opportunity to do so.

E. Motion to postpone or Table. A motion to postpone, specifying a time and date when the issue will be considered, may be debated and amended.

A motion to table without specifying a time and date when the issue will be reconsidered, precludes all amendments or debate of the issue. If the motion is approved, consideration of the question may be resumed only upon a motion of a commissioner voting with the majority.

F. Continuations. Any item before the Commission may be continued to a subsequent meeting. A motion to continue an item shall specify the date or event upon which continuation is to be based. If a matter which originally required public notices is continued without setting a time and place certain, the public notification must repeat when time and place are made certain. A

list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.

G. Remands by City Council. Unless otherwise provided by the City Council upon remand, any item may be remanded by the City Council for reconsideration by the Commission shall be treated as a new item and proceedings shall be provided for as if the matter were initially before the Commission.

H. Absence of Commissioners during Evidentiary Hearing. A commissioner absent during the presentation of any evidence in a hearing may not participate in the deliberations or final determination regarding the matter of the hearing, unless he or she has reviewed the evidence received.

I. Point of Order. Any commissioner may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any commissioner to appeal the decision of the Full Traffic Safety Commission.

J. Motions, points of order or any other procedural process are not subject to audience input, approval or comment. Audience members are ruled out of order when unrecognized comments or questions arise.

K. Traffic safety Commission meeting packets will be available for review one week prior to the Commission meeting. (Ord. 428 § 11, 2003)

of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, commissioners shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Traffic Safety Commission. (Ord. 428 § 12, 2003)

10.18.120 Ethics Code

Commissioners shall review and be bound by the requirements of the State Ethics law dealing with the use of the public office for private financial gain. Commissioners shall give public notice of any potential conflict