

ORDINANCE NO. 819

AN ORDINANCE ADOPTING STREET RESTRICTIONS AND PENALTIES FOR VIOLATION THEREOF, AMENDING SECTIONS 11.04.040 AND 11.04.290 AND ADDING A NEW SECTION 11.04.045 OF THE SCAPPOOSE MUNICIPAL CODE

WHEREAS, 49 USC § 14501(C) generally prohibits states and cities from regulating prices, routes or services of any motor carrier with respect to the transportation of property, except for public safety reasons, and

WHEREAS, there are certain locations within the City of Scappoose with narrow streets or other conditions where large vehicles can cause dangerous situations for themselves, other automobiles, and pedestrians traveling in those areas, and

WHEREAS, the City wishes to establish a procedure that would address the rights-of-way where large vehicle traffic conflicts with public safety by limiting access of those larger vehicles on those streets; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Section 11.04.040 of the Scappoose Municipal Code is hereby amended to read as follows: *(Omitted language is ~~strikethrough~~, proposed language is double underlined)*

“11.04.040. Powers of the council. A. The city council shall be the road authority as defined in ORS 810.010 for all highways, roads, streets and alleys, other ~~that~~ than state highways, within the corporate limits of the city.

B. The powers of the council shall include those granted by ORS 810.010 to 810.250.

C. If the council determines that certain sizes or configurations of motor vehicles jeopardize the public’s safety when those vehicles travel on a particular street, road or intersection, the council may restrict that street and prohibit such vehicles on said street or road. Council may base its findings on evidence including but not limited to:

1. The turning radius and other geometrics of an intersection;
2. The width of the street or roadway;
3. The maximum length and/or width of vehicle that can safely maneuver the intersection or area of right-of-way without leaving the paved driving area and lane of travel;
4. The speed limit in the area;
5. The character of the location of the roadway; or
6. Any other condition or situation that tends to cause the public safety to be jeopardized.

~~C.—D.~~ All actions involving the implementation of the foregoing powers of council shall may be by resolution or ordinance, and shall upon passage, become part of this chapter.

~~D.~~E. All prior actions of the council in the exercise of its jurisdiction and power as road authority are hereby ratified and retained.

Section 2. A new section, Section 11.04.045, of the Scappoose Municipal Code is hereby adopted, which shall read as follows:

“11.04.045 Streets Where Certain Vehicles are Prohibited for Public Safety Reasons. A. Unless exempted by subsection B. herein, the City Council has determined that it is necessary for public safety reasons to prohibit vehicles larger than eight feet wide and 30 feet long and any vehicle with an extended trailer from using the following streets for through traffic purposes:

1. NE 2nd Street from NE Williams Street to NE Crown Zellerbach Road.

B. Nothing in this section shall prohibit the following from traveling on a street restricted in subsection A, above:

1. School buses;
2. Trucks collecting solid waste, recyclables, or yard waste;
3. Emergency vehicles;
4. Municipal or utility vehicles while engaged in constructing, maintaining or repairing streets or utilities;
5. Motor homes or recreational vehicles;
6. Motor vehicles that are picking up, delivering, or servicing a location in the area, so long as the vehicle uses the collector or arterial closest to the pick-up, delivery, or service and utilizes the shortest route available, and travels on the restricted street or road for the shortest distance possible.”

Section 3. Section 11.04.290 of the Scappoose Municipal Code is hereby amended as follows: *(Omitted language is ~~strikethrough~~, proposed language is double underlined)*

11.04.290 Classifications of offenses and penalties. A. Except as may be limited by Charter and except for parking violations, violations of the Oregon Vehicle Code made offenses against the city shall carry the same classifications and punishments provided therein.

B. Except for parking violations, violations of other offenses against the city as described in this chapter shall be traffic infractions, and shall be classified and punished, and otherwise be subject to, the provisions of ORS Chapter 153, except as may be specifically provided in this chapter.

C. Violations of the following sections of this chapter shall be classified as follows:

Section	Classification
<u>11.04.045</u>	<u>Class C violation</u>
11.04.090	Class B violation
11.04.100	Class B violation
11.04.110	Class B violation
11.04.120	Class C violation

11.04.130	Class C violation
11.04.140	Class C violation
11.04.160	Class C violation
11.04.180	Class C violation
11.04.190	Class C violation
11.04.220	Class D violation
11.04.230	Class D violation
11.04.240	Class D violation
11.04.250	Class D violation
11.04.260	Class D violation


D. Violations of the parking sections of this chapter (sections 11.04.160 through 11.04.200 and 11.04.270) shall be punishable by a fine in an amount set by resolution of City Council. The municipal court violations fee shall not be applicable to parking violations. Each day or any portion thereof a violation of the parking sections of this chapter is allowed to continue shall constitute a separate offense and may be prosecuted accordingly. If the fine ordered to be paid by the municipal court judge is not fully paid on or before the 30th calendar day after adjudication, the original fine amount shall double without need for further adjudication or order, unless the 30-day deadline is extended by further order of the municipal court judge.

PASSED AND ADOPTED by the City Council this 6th day of February, 2012, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


 Scott Burge, Mayor

First Reading: January 3, 2012
 Second Reading: February 6, 2012

Attest: 
 Susan M. Reeves, CMC
 City Recorder