

TITLE IX

VEHICLES AND TRAFFIC

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100.010. Definitions. The definitions of terms provided in ORS 801.010 to 801.610 (1995) are hereby adopted by reference and made a part of this chapter. In addition, the following words and phrases, when used in this chapter, shall have the following meanings, except where the context clearly indicates a different meaning.

- (a) **Highway.** The word "highway" shall be deemed to include all streets and alleys in the city.
- (b) **Interurban stage.** The term "interurban stage" shall mean any motor vehicle used for the purpose of transportation of passengers for hire on the streets of the city and operated between points, one or more of which are within the city, and one or more of which are three miles or more outside the city limits.

- (c) **Light delivery vehicle.** The term "light delivery vehicle" shall mean every motor vehicle designed for carrying, conveying, or removing any article or thing and use for general delivery purposes and recognizable by the name of the owner and the nature of the business being plainly visible upon the body of such vehicle, and which has a total overall width of less than six feet six inches, and a total overall length of less than eighteen feet, including all bumpers, fenders, load and the like, but it shall not include any vehicle designed or used for carrying passengers.
- (d) **Loading zone.** That space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials shall constitute a "loading zone."
- (e) **Motorcycle parking zone.** That space adjacent to the curb reserved for two-wheeled self-propelled cycles including mopeds.
- (f) **Off-highway area.** Any area that is not a highway, or a highway which is closed to off-highway vehicles and posted as such, except that area as commonly held open to vehicular use, such as parking lots and automobile service stations, shall not be considered off-highway areas.
- (g) **Off-highway vehicle.** Every self-propelling motor vehicle designed or capable of transversing on or over natural terrain, including but not limited to motorcycles, minibikes, motor scooters, dune buggies, and jeeps.
- (h) **Small car parking zone.** That space adjacent to the curb with a maximum width of 8.5 feet and a maximum length of 14.5 feet reserved for small or compact type vehicles.
- (i) **Terminal.** The word "terminal" means every place in the city where any interurban stage regularly stops for the purpose of taking on or discharging passengers, baggage, or express. (Ord No. 3401; Ord No. 147-73; Ord No. 85-76; Ord No. 167-80; Ord No. 150-81; Ord No. 37-86; Ord No. 46-94; Ord No. 30-97)

100.025. Traffic Offense Procedure. Offenses under SRC 100 through 105 shall be subject to the procedures specified in ORS 133.310, ORS 221.333 and ORS Chapter 153. (Ord No. 130-71; Ord No. 96-91; Ord No. 46-94; Ord No. 30-97; Ord No. 21-08)

100.030. Delegation of Traffic Authority to Director of Public Works.

- (a) The Director of Public Works shall have the authority to adopt administrative orders:
 - (1) Designating stop signs;
 - (2) Designating crosswalks, safety zones, and traffic lanes;
 - (3) Designating truck routes and bus routes;
 - (4) Closing pedestrian crosswalks;
 - (5) Designating the striping and marking of streets and the turning movements thereon;:-
 - (6) Directing the placement and maintenance of such other traffic signs as may be reasonable or necessary for the regulation and safety of traffic. Notwithstanding SRC 5.030, the Director of Public Works may cause the placement of temporary signs and barriers necessary to protect the public in emergency situations without obtaining a recommendation from the Citizens Advisory Traffic Commission; and
 - (7) Designating speeds for vehicles upon any portion of a street or alley upon which temporary conditions constituting a danger to the public exist or above, below, or upon which construction or maintenance work is being carried on so close to the street or alley as to be a danger to passing traffic or to be endangered by passing traffic. Notwithstanding SRC 5.030, the Director of Public Works may designate speeds pursuant to this subsection without obtaining a recommendation from a Citizens Advisory Traffic Commission.
- (b) Any administrative order issued by the Director of Public Works pursuant to this section shall be in writing, and shall contain a clear statement of the regulation and identify the street or streets subject to the order. Administrative orders shall be filed with the City Recorder, and a copy provided to the Chief of Police. No administrative order issued pursuant to this section shall be effective until the order has been filed with the City Recorder and all necessary steps have been taken to implement the order, including, but not limited to, the installation, removal, or modification of any signs, signals, parking meters, or other traffic devices. Adoption of an

administrative order pursuant to this section shall not be deemed rulemaking under SRC Chapter 20J.

(c) It shall be unlawful for any person to violate any administrative order issued by the Director of Public Works pursuant to this section. (Ord No. 183-66; Ord No. 44-72; Ord No. 15-73; Ord No. 167-80; Ord No. 150-81; Ord No. 50-82; Ord No. 42-88; Ord No. 51-96; Ord No. 21-08)

100.060. Closing of Streets to Traffic. The chief of police may temporarily close any street, alley, or sidewalk to traffic and may direct traffic in such a manner as he thinks necessary for traffic regulation and traffic safety. (Ord No. 3401)

100.070. Traffic Signs and Signals.

(a) All official traffic signs and signals existing at the time of the adoption of this section, such as stop signs, caution signs, slow signs, no-reverse-turn signs, signs designating time limits for parking, lines painted or marked on streets or curbs designating parking areas, markers designating loading zones or no-parking areas, and all other official traffic signs or signals erected, installed, or painted for the purpose of directing, controlling, and regulating traffic, shall be considered official under the provisions of this chapter; provided, however, that the council may, by resolution, at any time have any such official traffic signs or signals removed or changed.

(b) Any additional official traffic signs or signals erected, installed, painted, or marked shall first be authorized by resolution by the council, except that traffic signs, signals, or barriers placed pursuant to SRC 100.030 or 100.060 need not have council authorization. (Ord No. 3401; Ord No. 50-82; Ord No. 21-83)

100.080. Obstructing Traffic. It shall be unlawful for any person to park, place, or leave any motor vehicle, or any part thereof, or any trailer, box, ware, or merchandise of any description, or any other thing that in any way impedes the traffic or obstructs the view upon any street, alley, bike lane, parking strip, sidewalk, or curb of the City, except such lawful use and parking of vehicles upon streets and alleys as is allowed in this Chapter, without first having obtained the written permission of the Chief of Police. This section shall not apply to any tree regulated by SRC Chapter 86. (Ord No. 3401; Ord No. 91-99; Ord No. 42-09)

100.140. Use of Streets by Interurban Stages. It shall be unlawful for any person to use any street as a terminal for interurban stages. For the purpose of occasionally receiving or discharging passengers, any such interurban stage may be stopped at street intersections only and shall be stopped on such portion of the street or in the manner provided in SRC 100.150 for the stopping of motorbuses. All the provisions of SRC 100.150 shall be applicable to interurban stages when occasionally stopping for the purpose of receiving or discharging passengers; provided, however, that interurban stages shall not regularly stop in the city for the purpose of receiving or discharging passengers, excepting at terminals. (Ord No. 3401)

100.150. Use of Streets by Buses. Any person operating or in charge of a motorbus shall stop such motorbus pulled in as close to the curb as possible and shall not have any part of such vehicle projecting into or over a pedestrian lane, whether such pedestrian lane is marked or unmarked, and no part of such vehicle shall project toward or into the main vehicular traffic lane farther than is absolutely necessary. The stopping of one motorbus behind another motorbus which is within a loading zone and the standing of the same at an angle toward the street curb line shall constitute a violation of this section. There shall be but one motorbus stopped at any corner of any intersection at any one time, unless all such vehicles are wholly within the area of the loading zone as indicated. It shall be unlawful for any person to stop or double park any motorbus behind parked vehicles within the following boundaries. From the north curb line of Chemeketa Street on the north to the north curb line of Trade Street on the south and from the alley

running north and south between High and Church Streets on the east to the west curb of Commercial Street on the west. (Ord No. 3401; Ord No. 91-99)

100.180. Entering or Leaving Alleys, Driveways, Etc. It shall be unlawful for any person to drive a motor vehicle across any street from the alley in one block to the alley in another block within that area of the City bounded on the north by the north line of Marion Street, on the south by the south line of Trade Street, on the east by the west line of Cottage Street and on the west by the east line of Front Street. (Ord No. 4894; Ord No. 5127; Ord No. 85-76; Ord No. 66-83; Ord No. 14-93)

100.200. Operation of Vehicles with Flame-Throwing Devices. It shall be unlawful for any person to operate any motor vehicle in the city which is equipped with any device designed to expel flame to gaseous substance capable of combustion from the exhaust pipe or any other part of such vehicle, where such flame or combustible gas is or may be propelled beyond the frame or body of such motor vehicle. The prohibition contained in this section shall apply to motor vehicles in motion or parked upon any street, avenue, alley, or other public way or place in the city and shall be equally applicable whether such device is operated by the motor of such motor vehicle or by a separate machine, engine, or other device. (Ord No. 4307)

100.202. Golf Carts Permitted on Certain Streets.

(a) As used in this section:

(1) "Real estate development" means an area of single family or multifamily residences, the owners or occupants of which are eligible for membership in, or the use of, one or more golf courses within the development by virtue of their ownership or occupancy of a residential dwelling unit in the development.

(2) "Golf cart" means a motor vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15 miles per hour and designed to carry golf equipment and not more than two persons, including the driver, and has affixed thereto a sign indicating a slow moving vehicle.

(b) The operation of golf carts is hereby permitted during daylight hours on any public street which is located adjacent to a golf course and between the golf course and the place where golf carts are parked or stored or located within or bounded by a real estate development provided the provisions of this section are complied with and appropriate signs giving notice thereof are posted along the street affected.

(c) Every person operating a golf cart upon a designated public street permitted by this section shall be at least 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.

(d) No person shall operate a golf cart at a greater speed than is reasonable and prudent under the conditions then existing.

(e) Every person operating a golf cart upon a designated public street shall drive as near to the right-hand side of the street as practicable. (Ord No. 156-75)

100.203. Appropriate Signs to be Erected.

(a) Any owner or occupant of a real estate development as defined in SRC 101.202 may request the director of public works to designate a public street for operation of golf carts. If the public works director determines the street meets the requirements of SRC 101.202 he shall cause to have erected on said street appropriate signs giving notice that golf carts are permitted.

(b) In no event shall a public street be designated for combined operation of motor vehicles and golf carts for a distance of more than one-half mile from the golf course if the street is not

located within a real estate development or beyond the area of the development if the street is located within a real estate development. (Ord No. 156-75; Ord No. 30-97)

100.205. Declared Policy on Off-Highway Vehicles. The council hereby determines that off-highway vehicles can provide appropriate, useful, and energy-efficient alternatives to automobiles when properly operated, but that the unregulated use of such vehicles is a public nuisance to the people of the City of Salem and causes damage to and deterioration of the environment, detrimental to the health, safety, and welfare of the people. (Ord No. 67-76)

100.206. Operation of Off-Highway Vehicles.

(a) It shall be unlawful for any person to operate an off-highway vehicle on any off-highway area between the hours of 9:00 p.m. and 9:00 a.m.

(b) It shall be unlawful for any person to operate an off-highway vehicle on any off-highway area which the operator does not own between the hours of 9:00 a.m. and 9:00 p.m. unless:

(1) The operator possesses written permission from the owner, contract purchaser, or lessee of the off-highway area; or

(2) The operator possesses written evidence of membership in a club or association to which the owner, contract purchaser, or lessee of the off-highway area has given written permission and a copy of which has been filed with the chief of police; or

(3) The owner, contract purchaser, or lessee has designated the off-highway area as being open to off-highway vehicle use by posting notice thereof in a form and manner prescribed by the chief of police.

(c) It shall be unlawful for any person to:

(1) Falsify the written permission required by subsection (a)(1) of this section; or

(2) Falsify the evidence of a club or association membership or the written permission required by subsection (a)(2) of this section; or

(3) Post the notice or remove the posted notice required by subsection (a)(3) of this section without the consent of the owner, contract purchaser, or lessee. (Ord No. 67-76; Ord No. 193-79)

100.207. Exemptions. The provisions of SRC 100.205 and 100.206 shall not apply to implements of husbandry, public owned vehicles, authorized emergency vehicles used for legal purposes, or non-highway vehicles legally operated on licensed automobile race tracks. (Ord No. 67-76)

100.208. Conformance with Law. SRC 100.206 shall not be a substitute for or eliminate the necessity of conformity with any and all state laws, rules, and regulations, and any other provisions of this Code which are now or may be in the future in effect which relate to the activities herein regulated. (Ord No. 67-76)

100.210. Vehicles on Sidewalks Generally. It shall be unlawful for any person to drive, propel, or otherwise move any wagon, wood saw, truck, automobile, or vehicle of any description upon or across any sidewalk; provided, however, that it shall not be unlawful to drive, propel, or otherwise move any automobile or auto truck upon or across any sidewalk leading into a private or public garage, or upon or across any sidewalk into an open alley. (Ord No. 3401)

100.211. Riding Motorcycles on Sidewalks or in Parks. It shall be unlawful for any person to ride a motorcycle upon any sidewalk or in any public park in the city; provided, that this section shall not apply to paths duly constructed for that purpose. (Ord No. 3401; Ord No. 183-71; Ord No. 91-99)

100.212. Motorcycles not to be Left on Sidewalks. It shall be unlawful for any person to leave a

motorcycle either standing or lying down upon any sidewalk. (Ord No. 3401; Ord No. 183-71; Ord No. 91-99)

100.220. Carts, Wagons, etc., Prohibited on Sidewalks. It shall be unlawful for any person to drive, wheel, draw, or otherwise propel or move any handcart, handtruck, handwagon, papercart, or wheelbarrow exceeding twenty-four inches in width upon or along any sidewalk except street vendors operating licensed carts meeting the requirements of SRC 31.1055. (Ord No. 3401; Ord No. 10-80)

100.230. Roller Skates and Skateboards Prohibited in Certain Areas.

(a) It shall be unlawful for any person to operate or ride upon roller skates, skateboards, or other similar devices upon any of the streets, alleys or sidewalks within the area bounded on the north by Union Street, on the south by the south line of Trade Street, on the east by Cottage Street and on the west by Front Street; in or upon the Salem Civic Center described in SRC 102.005

(b)(22); or in or upon any City public parking structure.

(b) It shall be unlawful for any person to operate or ride upon roller skates, skateboards, or other similar devices in or upon the premises of the Salem Senior Center, Center 50+, more particularly described as Lot 1, Hollywood Station No. 2, in the City of Salem, recorded August 30, 2007, in Volume 46, Page 49, Marion County, Oregon, Record of Subdivision Plats.

(c) The limitations set forth in subsection (a) of this section do not apply to Marion Square Park, its walkways and contiguous sidewalks.

(d) Any roller skates, skateboards, or other similar devices used in violation of this section by a person previously cited for a violation of this section shall be impounded by the police officer and held until released by order of the Municipal Court or other court of competent jurisdiction.

(e) In addition to any other penalty or fine, roller skates or skateboards used in violation of this section may be impounded by the police officer for a period not to exceed ninety days.

(Ord No. 3401; Ord No. 124-81; Ord No. 170-81; Ord No. 74-87; Ord No.134-87; Ord No. 72-96; Ord No. 73-2002; Ord No. 14-11)

100.240. Sleds, Toboggans, etc., not to be Attached to Vehicles. It shall be unlawful for any person to attach or tie to any motor vehicle which is operated on the streets of the city any sled, toboggan, or similar contrivance or thing and it shall be 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 dollies, nor to cars being towed, when the same are attached or towed in accordance with this chapter. (Ord No. 3401)

100.250. Removal of Vehicles, Glass, etc., after Accidents. Any party to a collision or other motor vehicle accident upon any street, alley or public place in the city shall immediately remove or cause to be removed from such street, alley, or public place all glass and foreign substance resulting from such collision or accident as well as the motor vehicle which such party was driving at the time of such collision or accident. (Ord No. 3401)

100.260. Unauthorized Entering, Maneuvering, Tampering with, etc., Motor Vehicle. It shall be unlawful for any person, except an authorized officer, marshal, constable, or policeman, without the consent of the owner or person lawfully in charge of a motor vehicle to climb upon or into such motor vehicle, whether it is at rest or in motion, or, while it is at rest or unattended, to attempt to maneuver any of the levers, the starting crank or other device, brake or mechanism, or to start the vehicle in motion. (Ord No. 5742)

100.270. Injuring, Defacing, Etc., Motor Vehicle. It shall be unlawful for any person who, individually

or in association with one or more others and against the will or without the consent of the owner of any motor vehicle, to willfully break, injure, tamper with, or remove any part of such vehicle for the purpose of injuring, defacing, or destroying it or temporarily or permanently preventing its useful operation for any purpose, or to in any manner willfully or maliciously interfere with, or prevent the running or operation of such motor vehicle. (Ord No. 5742)

100.310. Prohibited Tire Noise. It shall be unlawful for the driver of any motor vehicle on any public street or other property open to public travel to cause any squealing or screeching noise from the tires thereof as a result of unnecessary rapid acceleration, whether or not the production of such noise was an intended result of such an acceleration. Noise resulting from emergency action to avoid imminent danger to a person or property is exempt from this prohibition. (Ord No. 82-72; Ord No. 179-82)

100.320. Bicycle Trails; Motor Vehicles Prohibited; Exceptions.

(a) As used in this section, "bicycle trail" means any such trail described in ORS 366.514 (1993).

(b) It shall be unlawful for any person to operate or park any motor vehicle on, over, along, or across any bicycle trail except:

(1) Where necessary to cross such trail in making a turn from one public street to another at an intersection or from a public street to a private road or drive at the place where such private road or drive joins the public street; and in either case such crossing shall be made as nearly at a right angle as possible.

(2) In circumstances necessitating emergency action or stopping.

(3) When so directed by any police or traffic officer. (Ord No. 176-72; Ord No. 30- 97)

100.331. Adoption of State Traffic Offenses.

(a) The following sections of the Oregon Revised Statutes are hereby adopted by reference:

(1) ORS 807.570 "Fail to Carry or Present License; Penalty"

(2) ORS 807.620 "Giving False Information to Police Officer; Penalty"

(3) ORS 811.135 "Careless Driving; Penalty"

(4) ORS 811.140 "Reckless Driving; Penalty"

(5) ORS 811.175 "Violation Driving while Suspended or Revoked; Penalties"

(6) ORS 811.180 "Affirmative Defenses"

(7) ORS 811.182(1), (2) and (4) "Criminal Driving while Suspended or Revoked; Penalties"

(8) ORS 811.540 "Fleeing or Attempting to Elude Police Officer; Penalty"

(9) ORS 811.700 "Failure to Perform Duties of Driver When Property is Damaged; Penalty", and

(10) ORS 813.010 "Driving Under the Influence of Intoxicants; Penalty".

(b) The penalty for offenses established by this section shall be as provided in ORS 161.615(1) and ORS 161.635(1)(a). (Ord No. 86-82; Ord No. 40-85; Ord No. 108-85; Ord No. 138-85; Ord No.37-86; Ord No. 8-88; Ord No. 46-94; Ord No. 30-97; Ord No. 21-08)

100.340. Declaration of Purpose. It is hereby found and declared that:

(a) The repeated driving of a motor vehicle, commonly referred to as "cruising," along or across one portion of a public street or highway contributes to vehicle congestion, obstruction of streets, sidewalks and parking lots, impediment of access to retail businesses or other buildings open to the public, or interference with the use of property or conduct of business in the area adjacent thereto; and

(b) The continued occurrence of such "cruising" activity is detrimental to the health, safety and welfare of the people of the City of Salem and the businesses and residences thereof.

(c) The purpose of SRC 100.340 to 100.420 is to prohibit the repeated driving of a motor vehicle along and across one portion of a congested public street or highway, which shall constitute a strict liability violation without any requirement of culpable mental state, all as described in said sections. (Ord No. 29-88)

100.350. Traffic Congested Street Defined. For the purposes of SRC 100.340 to 100.420 a public street shall be defined to be a traffic congested street when a public street, or portion thereof, because of the repeated driving of the same motor vehicle thereon, becomes so congested with traffic as to cause obstruction of streets, sidewalks or parking lots, impediment of access to retail businesses or other buildings open to the public, or interference with the use of property or conduct of business in the area adjacent thereto or that emergency vehicles cannot respond in that area within a reasonable period of time. (Ord No. 29- 88)

100.360. Declaration of Traffic Congested Street. When a public street becomes a traffic congested street, the Chief of Police, or his or her designee, may make such a declaration and cause signs to be erected as provided in SRC 100.370 notifying of that designation. (Ord No. 29-88)

100.370. Signs; Erection and Content. Signs, as provided in SRC 100.360, shall be erected notifying vehicle operators that they are entering a traffic congested street; that repeated passage of a motor vehicle through or across the traffic congested street is a violation of SRC 100.380, and that for a subsequent violation the vehicle will be towed. (Ord No. 29-88)

100.380. Acts Prohibited. No vehicle shall pass along or across the same point on a traffic congested street, designated as such by signs as described in SRC 100.370, four or more times in any direction within a two hour period and after a police officer has given written notice to the person operating the vehicle passing the same point the third time that passing said point by said vehicle a fourth time shall constitute a violation of this code. The fact that the operator of the vehicle which has passed the same point the fourth time did not get said written notice shall be no defense to a charge of a violation of this section. (Ord No. 29-88)

100.390. Penalty. Violation of SRC 100.380 shall be an infraction, the penalty for which shall be a fine not to exceed the sum of \$150. (Ord No. 29-88)

100.400. Subsequent Violation. If a vehicle passes along or across a traffic congested street as designated by signs referred to in SRC 100.370, in violation of SRC 100.380, any single subsequent drive-through of that traffic congested street by that vehicle within a period ending at 5:00 a.m. the following morning shall constitute a separate violation of SRC 100.380, punishable as provided in SRC 100.390; and the vehicle may be towed and taken to a storage area designated by the city and may be held for not more than 24 hours, all at the expense of the owner or person entitled to possession. (Ord No. 29-88)

100.410. Notice of Towing for Subsequent Violations. Upon issuing a citation for a violation of SRC 100.380, the officer shall give the person to whom the citation is issued a written notice which shall state:

NOTICE

You have been cited for violation of SRC 100.380 for repeated passage of a motor vehicle on or across a traffic congested street. If the vehicle you are driving is again driven along or across this traffic congested street before 5:00 a.m. the morning following the violation, the driver will be cited for violation of SRC 100.380 and this vehicle shall be impounded and towed in accordance with SRC 100.400.

Chief of Police

(Ord No. 29-88)

100.420. Exemptions. SRC 100.340 to 100.410 shall not apply to:

- (a) Any publicly owned vehicle of any city, county, public district, state or federal agency;
- (b) Any vehicle licensed for public transportation;
- (c) Any other vehicle granted an exemption by the Chief of Police because passage of the vehicle along or across the traffic congested street is necessary for commercial or medical reasons. (Ord No. 29-88)

100.990. Violations.

- (a) Violation of SRC 100.206(c), 100.260, or 100.270 is a misdemeanor.
- (b) Violation of any other provision of this chapter is an infraction. (Ord No. 193-79)