

Title 10 VEHICLES, TRAFFIC, PARKING, AND PUBLIC SAFETY

Chapter 10.04 GENERAL PROVISIONS

10.04.010 Short title.

The ordinance codified in this chapter and Title may be cited as the Boardman Uniform Vehicle, Traffic, Parking, and Public Safety Ordinance.

(Ord. 2-2008 § 3 (part), 2007: Ord. 191-1998 § 1)

10.04.020 Applicability of state traffic laws.

ORS Chapter 153 and the Oregon Vehicle Code, ORS Chapters 801, 819, and 822, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city.

10.04.030 Definitions.

In addition to definitions in the Oregon Vehicle Code, the following as used in this Title mean:

"Abandoned vehicle" means a vehicle that remains parked or kept on a public right-of-way for more than 24 hours, and one or more of the following conditions exist:

1. The vehicle does not have a lawfully affixed, unexpired registration plate or fails to display current registration
2. The vehicle fails to have vehicle insurance as required by the state of Oregon
3. The vehicle appears to be inoperative or disabled or
4. The vehicle appears to be wrecked, partially dismantled or junked.

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

"Discarded vehicles" means major parts of vehicles, including but not limited to bodies, engines, transmissions and rear ends and any other motor vehicle parts.

"Fees" means storage fees and administrative fees that shall be established by the city council by resolution.

"Hazard or obstruction to traffic" means a vehicle left in a location or condition such as to constitute an immediate and continuous hazard to the safety of the persons using the streets or alleys of the city. For example, and not by limitation, leaving:

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

"Holiday" means New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the council to be a holiday when city hall is closed.

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

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

"Public property" means all property, real or personal, used by the public and which is either owned by a public entity or local authority, leased by a public entity or local authority, or over which a public entity or local authority has a superior property right over private owners.

"Public safety officer" means a peace officer, Morrow County code enforcement officer, fire prevention inspector, fire service professional, or any person who, during an emergency formally declared by the Morrow County Board of Commissioners, has been deputized by and is acting pursuant to the orders of the Morrow County sheriff.

"Street" means alley, highway, road, roadway, throughway or street as defined in ORS 801.110, 801.305, 801.450 and 801.524, including the entire width of the right-of-way.

~~"Traffic control device" means all signs, signals, markings, and devices not inconsistent with this title and ORS Chapter 810, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding or directing, warning or regulating traffic.~~

"Traffic lane" means that area of the roadway used for a single line of traffic movement.

"Unregistered vehicle" means a vehicle that is operated upon a public highway when one or more of the following conditions exist:

1. The vehicle license plate or registration sticker has expired or has been cancelled;
2. The vehicle has no license plate;
3. No registration certificate is provided by the driver of the vehicle upon request.

"Uninsured Vehicle" means a vehicle that is operated upon a public highway when the driver is unable to produce a certificate demonstrating proof of insurance which insures either the vehicle being driven or the driver operating the vehicle.

"Unlicensed Driver" means a driver who, while operating a motor vehicle upon a public highway, does not have in the driver's possession a valid operator's license, and while a standard driver's license check performed by a public safety officer indicates that the identified driver does not hold a current, valid Oregon driver's license.

"Vehicle owner" means an individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership of record or any interest, legal or equitable, in a vehicle.

(Ord. 2-2008 § 3 (part), 2007: amended during 2001 codification; Ord. 191-1998 § 3)

10.04.040 Powers of the council.

- A. Subject to state laws, the city council shall exercise all local traffic authority for the city, except those powers expressly delegated by this or another chapter or ordinance.
- B. The powers of the city council include, but are not limited to:
 1. Designation of through streets;
 2. Designation of one-way streets;
 3. Designation of truck routes;
 4. Designation of parking zones and parking control devices;
 5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage or excess traffic;
 6. Authorization, by resolution, of greater maximum weights or lengths than specified by state law for vehicles using city streets;
 7. Initiation of proceedings to change speed zones;

8. Revision of speed limits in parks;
9. Temporary closure or blocking of streets;
10. Establishment of bicycle lanes and paths and traffic controls for such facilities.
11. Establishment, removal or alteration of the following classes of traffic controls:
 - a. Crosswalks, traffic calming devices, safety zones and traffic lanes.
 - b. Intersection channelization and areas where drivers of vehicles shall be prohibited from making right, left or U-turns, and the times when the prohibitions apply.
 - c. Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
 - d. Loading zones and temporary stops for vehicles.
 - e. Traffic control devices including stop, yield, and other traffic control signs.

(Ord. 191-1998 § 4)

10.04.050 Implementation of regulations.

The city manager or his or her designee shall implement the ordinances of the council, or orders of the commission, by installing, maintaining, revolving and altering traffic control devices. The installation shall be based on the standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways."

10.04.060 Public danger.

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

10.04.070 Standards.

The regulations of the city manager or his or her designee shall be based on:

- A. Traffic engineering principles and traffic investigations.
- B. Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
- C. Other recognized traffic control standards.

10.04.080 Authority of police and Boardman Fire Rescue District.

- A. It is the duty of police officers to enforce the provisions of this chapter, unless otherwise specified.
- B. In the event of a fire or other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this chapter.

Chapter 10.08 GENERAL REGULATIONS

10.08.010 Crossing private or public property.

No operator of a vehicle shall proceed from one street to an intersecting street by leaving the roadway and crossing private property or premises open to the public. This provision does not apply to the operator of a vehicle who stops on the property to procure or provide goods or services.

(Ord. 191-1998 § 9)

10.08.020 Unlawful riding.

- A. The operator of a vehicle shall not permit a passenger to, and no passenger shall, ride on a vehicle on a street except within a part of the vehicle designed or intended for the use of passengers. This provision does not apply to an employee engaged in the discharge of a duty or to a person riding within a truck body in space intended for merchandise.
- B. No person shall board or alight from a vehicle while the vehicle is in motion on a street.

(Ord. 191-1998 § 10)

10.08.030 Roller skates, roller blades, skateboards, sleds, bicycles, e-bikes, and similar devices.

- A. A person may ride a bicycle or e-bike upon a street in compliance with ORS Chapters 814 and 807.
- B. No person shall ride roller skates, roller blades, a sled, a skateboard, or a related device, upon a street, except while crossing at a crosswalk, or in specifically designated areas such as a skateboard park, or in specifically permitted situations, such as a permitted parade.
 - 1. The use of such devices shall be in a considerate, reasonable, nonreckless manner, not exposing a hazard or nuisance to property or persons; and such use shall not be allowed on private property without permission of the property owner, and otherwise will constitute trespassing thereon.
 - 2. Such devices may be used in the manner described in subsection B(1) of this section on bicycle paths, sidewalks, streets, and crosswalks, where such persons with devices shall give right-of-way to pedestrians, and shall otherwise have all rights and be subject to all duties applicable to pedestrians.

(Ord. 191-1998 § 11)

10.08.040 Damaging sidewalks and curbs.

- A. The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at an authorized permanent or temporary driveway.
- B. No unauthorized person shall place dirt, wood, or other material that could serve as a ramp or temporary driveway, in the gutter or space next to the curb of a street.
- C. No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization and posting bond, if required by ordinance. A person who causes damage shall be responsible for the cost of repair.

(Ord. 191-1998 § 12)

10.08.050 Removing glass and debris.

A party to a vehicle accident causing broken glass or other debris to be on a street shall be responsible for removing the glass or other debris from the street.

(Ord. 191-1998 § 13)

10.08.060 Storing vehicles or other personal property on streets.

No person shall store or permit to be stored on a street or other public property, without permission of the city manager, motor vehicles, recreation vehicles, boat trailers, horse trailers, storage trailers, or other similar devices,

or other types of personal property, for a period in excess of 72 hours. In order to avoid a violation of this chapter, vehicles, or other similar devices, or personal property shall be moved no less than 1,000 feet from the original location in one direction and can only be at this new location for a period not greater than 72 hours. Failure to move vehicles or other similar devices or personal property shall constitute prima facie evidence of storage of a vehicle or other property.

(Ord. 191-1998 § 14)

10.08.070 Obstructing streets.

No person shall park or leave on a street, including an alley, parking strip, sidewalk or curb, a vehicle part, trailer, box, ware, merchandise of any description, or any other thing that impedes traffic or obstructs the view, except as is allowed by this chapter or other ordinances of the city.

(Ord. 191-1998 § 15)

10.08.080 Unnecessary vehicle noise.

No person shall operate a motor vehicle in the city in such a manner as to create or cause excessive noise. The operation of compression brakes, commonly known as "Jacob" brakes, in a manner that creates unnecessary noise is prohibited.

(Ord. 191-1998 § 16)

10.08.090 Requirements to operate a vehicle.

No person shall operate a vehicle upon a public highway, or upon premises open to the public, which are located within Morrow County, unless the person has in their possession the following:

- A. A valid operator's license;
- B. A certificate indicating proof of a current insurance policy which meets the minimum requirements under Oregon State Statute; and
- C. A valid vehicle registration card.

Chapter 10.12 PARKING REGULATIONS

10.12.010 Method of parking.

- A. When parking spaces are designated on a street or public lot, no person shall park or stand a vehicle other than in the direction of the traffic flow and in such a manner that the front vehicle tire closest to the curb is located within twelve (12) inches of the curb and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.
- B. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator shall attempt to interfere.
- C. When the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police or fire officers.
- D. No person shall improperly park a vehicle on a highway, road or street. Improper parking includes parking on a sidewalk, safety zone, yellow parking zone or similar area designated by traffic control device.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 17)

10.12.020 Prohibited parking.

No person shall park or stand:

- A. A vehicle in violation of the Oregon Vehicle Code or in violation of a parking limitation device, or curb painting;
- B. A vehicle in an alley, except for a stop of not more than thirty (30) consecutive minutes in any two-hour period for loading or unloading persons or material;
- C. A motor truck as defined in Municipal Code Section 10.04.030, on a street or private property in any residential zone except for loading and unloading purposes or in a dedicated parking location approved by the council or their designee;
- D. A motor truck as defined in Municipal Code Section 10.04.030, with the motor or refrigeration units running and audible to persons in a residence, motel, apartment house, hotel, or other sleeping accommodation, for more than five consecutive minutes between the hours of nine p.m. and seven a.m. on a street in front of or adjacent to, in a residence, motel, apartment house, hotel, or other sleeping accommodation;
- E. Parking a vehicle in a residential zone on or in front yard setbacks, as defined in the Boardman Development Code Chapter 2.0, other than in accordance with the Boardman Development Code Chapter 3.2.200 related to driveways.
- F. A vehicle of any kind along an Arterial street as defined in the Boardman Transportation System Plan and depicted in Figure 4-2 Roadway Functional Classification System.
- G. A vehicle of any kind along a Collector street as defined in the [current Boardman Transportation System Plan \(TSP\)](#) and depicted in the [Roadway Functional Classification System map in the TSP](#), when it is signed as a No Parking Area based on traffic engineering, safety considerations, emergency access, or freight movement considerations, as determined by the City Manager.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 18)

10.12.030 Prohibited practices.

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

- A. Displaying the vehicle for sale at a location other than in front of the owner's primary residence;
- B. Displaying a vehicle for sale at a location other than owner's primary residence for longer than four hours;
- C. Repairing or servicing the vehicle, except while making repairs necessitated by an emergency;
- D. Displaying advertising from the vehicle;
- E. Selling merchandise from the vehicle, except when authorized.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 19)

10.12.040 Parking of motor trucks.

No person shall park a motor truck upon SE Front Street from the Main Street "Stop Bar" to a point two hundred (200) feet East.

(Ord. 4-2003 § 2)

10.12.050 Use of loading zone.

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

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 20)

10.12.060 Passenger loading zone.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in a place designated as a passenger loading zone when the hours applicable to that zone are in effect.

10.12.070 Standing or parking of buses and taxicabs.

The operator of a bus or taxicab shall not stop, stand or park the vehicle on a street in a business district other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

10.12.080 Restricted use of bus and taxicab stands.

No person shall stop, stand, or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

10.12.090 Authorized emergency vehicles.

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from, a fire alarm, may park or stand irrespective of the provisions of this chapter.
- B. This section shall not relieve drivers of authorized emergency vehicles from the duty to park or stand with regard for the safety of all persons.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 21)

10.12.100 Lights on parked vehicle.

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

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 22)

10.12.110 Extension of parking time.

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

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 23)

10.12.120 Exemptions.

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

- A. A city, county, state, or public or private utility vehicle being used for public works maintenance, construction or repair work;
- B. A vehicle owned by the United States being used for collection, transportation or delivery of mail;
- C. A vehicle of a disabled person who complies with the provisions of ORS 811.602 to 811.637.
- D. A motor truck while in use to pick up property for transport or to deliver property in transport.

(Ord. 3-2008 § 3 (part), 2007: amended during 2001 codification; Ord. 191-1998 § 24)

Chapter 10.16 PARKING CITATIONS AND OWNER RESPONSIBILITY

10.16.010 Citation on illegally parked vehicle.

When a vehicle without an operator is found parked in violation of a restriction imposed by this Title or state law, a citation may be issued in accordance with the penalties prescribed by this Title or the applicable state statute.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 32)

10.16.020 Owner responsibility.

The owner of the vehicle that is in violation of a parking restriction shall be responsible for the offense unless the operator used the vehicle without the owner's consent.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 33)

10.16.030 Registered owner presumption.

In a proceeding charging violation of a parking restriction against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation constitutes a presumption that the defendant was the owner.

(Ord. 3-2008 § 3 (part), 2007: Ord. 191-1998 § 34)

Chapter 10.20 PARADES AND FUNERAL PROCESSIONS

10.20.010 Prohibited activity.

No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people using the public right-of-way that consists of twenty (20) or more persons or five or more vehicles.

(Ord. 191-1998 § 25)

10.20.020 Parade permit.

- A. Application for a parade permit shall be made to the city manager at least ten (60) days before the date of the parade unless the time limit is waived by the city manager because review of the application will not unduly burden City staff time and resources.
- B. The application shall be signed by the person designated as chairperson and shall include the following:
 - 1. The name and address of the person responsible for the parade;
 - 2. The date of the proposed parade;
 - 3. The desired route, including assembling and dispersal points;
 - 4. The number of persons, vehicles, and animals that will participate; and
 - 5. The proposed starting and ending time.

(Ord. 191-1998 § 26)

10.20.030 Issuance and denial of permit.

- A. If on receipt of the application, the city manager determines that the parade can be conducted without endangering public safety or seriously inconveniencing the general public, the route shall be approved and the permit issued.
- B. Parade sponsors may be required to post a bond, in an amount required by the city, and "hold" the city "harmless" against any and all claims for damage arising out of the act of staging a parade.
- C. If the city manager determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, the city manager may:
 - 1. Require an alternate route;
 - 2. Require an alternate date;
 - 3. Restrict the size of the parade; or
 - 4. Refuse to issue a permit.
- D. The city manager shall notify the applicant of the decision within five days of receipt of the application.
- E. If the city manager proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the city council.
- F. If the city manager determines that the police department is required to carry out traffic control, parade organizers may be charged an appropriate fee for costs.

(Ord. 191-1998 § 27)

10.20.040 Appeal to council.

- A. An applicant for a special event permit may appeal its denial or conditional approval by filing an appeal which must:
 - 1. Be written;
 - 2. Include a copy of the city manager's decision;
 - 3. Include a short statement why the decision is illegal, erroneous or otherwise improper;

4. Be addressed to the council; and
 5. Be filed with the city recorder within 7 business days of the date the city manager's decision is mailed.
- B. Upon receipt of a properly filed appeal of an application for a special event permit, the council will:
1. Consider the appeal within 21 days;
 2. If deemed appropriate by the council, hear argument and consider new evidence from the applicant as well as from city staff or interested persons;
 3. Issue a decision either orally or in writing to affirm, reverse or modify the manager's decision.
- C. The decision of the council is final and may only be reconsidered by writ of review.
- (Ord. 191-1998 § 28)

10.20.050 Offenses against parade.

- A. No person shall unreasonably interfere with a parade or a parade participant.
 - B. No person shall operate a vehicle that is not part of a parade between the vehicles or persons in the parade.
- (Ord. 191-1998 § 29)

10.20.060 Permit revocable.

The city manager may revoke a parade permit if circumstances show that the parade can no longer be conducted consistent with public safety.

(Ord. 191-1998 § 30)

10.20.070 Funeral processions.

- A. No permit shall be required for a funeral procession.
- B. A funeral procession shall proceed to the place of internment by the most direct route that is both legal and practical.
- C. The procession shall be accompanied by an adequate number of escort vehicles for traffic control.
- D. All motor vehicles in the procession shall be operated with their lights on.
- E. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.
- F. Each driver in the process shall follow the vehicle ahead as closely as is practical and safe.

(Ord. 191-1998 § 31)

10.20.080 Offenses against funeral.

No person shall operate a vehicle that is not a part of a funeral procession between the vehicles comprising the procession.

Chapter 10.24 ABANDONED VEHICLES

10.28.010 Introductory provisions.

Pursuant to ORS 801.040 and 819.140, as now constituted, the impoundment of an abandoned or hazardous vehicle shall be governed by the provisions of the Oregon Vehicle Code, and by the procedures adopted by the city police department relating to impoundment of abandoned and hazardous vehicles.

When a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, even if the vehicle was parked by another or if the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

The impoundment of a vehicle will not preclude the issuance of a citation for a violation of a provision of this chapter.

Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(Ord. 190-1998 § 1)

10.24.020 Police duty.

Whenever a discarded vehicle is found upon private or public property, the public safety officer shall:

- A. Make an investigation to discover the owner of the vehicle and/or the person in charge of the property upon which the vehicle is located. The public safety officer shall give notice by affixing a notice to the vehicle at least one hundred twenty (120) hours (five days) before taking the vehicle into custody. The one hundred twenty (120) hour (five-day) period includes holidays, Saturdays, and Sundays. The officer should give city hall a list of vehicles towed and where they were towed.
- B. After the vehicle has been taken into custody the public safety officer shall give, within forty-eight (48) hours of the vehicle's removal, by certified mail, written notice. This notice shall state that the vehicle has been taken into custody and give the location of the vehicle, and describe procedures for release of the vehicle, and procedures for obtaining a hearing to contest removal and custody. This forty-eight (48) hours does not include holidays, Saturdays and Sundays. Any notice given after a vehicle is taken into custody and removed shall state all of the following:
 1. That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle and the statute (ordinance) under which the vehicle was taken into custody and removed;
 2. The location of the vehicle or the phone number and address of the appropriate authority that will provide the information;
 3. That the vehicle is subject to towing and storage charges;
 4. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority;
 5. That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it, and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested;
 6. That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or deposit of cash security or a bond equal to the charges with appropriate authority.

(Ord. 190-1998 § 3)

10.24.030 Hearing.

The owner of the vehicle taken into custody must request a hearing within five calendar days after receipt of the notice. The request may be made in person or in writing to the hearings officer. Failure to make a timely request for a hearing shall constitute of a waiver of the right to a hearing. Hearing to contest validity of removal and custody will be conducted as prescribed in ORS 819.190.

(Ord. 190-1998 § 4)

10.24.040 Public sale.

- A. If the owner cannot be identified or no claim is made by a notified owner as required by Section 10.52.050, the chief of police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:
 - 1. The sale is of abandoned property in the possession of the city;
 - 2. A description of the vehicle, including the type, make, motor number, serial number and any other information which would aid and accurately identify the vehicle;
 - 3. The terms of the sale; and
 - 4. The date and time and place of the sale.
- B. The vehicle shall be sold to the highest and best bidder, providing that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the chief of police may enter a bid on behalf of the city in an amount equal to such costs.
- C. At the time of payment of the purchase price, the chief of police 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 recorder of the city.
- D. The certificate of sale shall be substantially as follows:

"CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No _____ entitled, 'An Ordinance for the Impounding and Disposition of Abandoned Vehicles' and pursuant to due notice of the 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 and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(Brief description of the property)

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

Dated this _____ day of _____, 20_____."

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

10.24.050 Exceptions—Emergency vehicles.

The provisions of this chapter regulating the operation, parking and standing vehicles, shall apply to authorized emergency vehicles, except as follows:

- A. A driver, when operating an emergency vehicle in an emergency, except when otherwise directed by a police officer or other authorized person, may park or stand, notwithstanding the provisions of this chapter.
- B. A driver of a police vehicle or fire department engine, when operating such vehicle in an emergency, may disregard regulations governing turning in specified directions and operation as long as the driver does not endanger life or property.

The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of the driver's reckless disregard for the safety of others.

(Ord. 190-1998 § 5)

10.24.060 Penalties.

Violation of this chapter is punishable by a fine not to exceed two hundred fifty dollars (\$250.00).

(Ord. 190-1998 § 6)

Chapter 10.28 IMPOUNDMENT OF VEHICLES

10.28.010 Impound.

A vehicle may be towed without prior notice when a public safety officer has probable cause to believe that a motor vehicle is being operated upon a public highway or premises open to the public within Morrow County and the driver thereof does not possess a valid operator's license and either:

- A. Cannot produce proof of insurance which meets the minimum requirements under Oregon State Statute; or
- B. Cannot produce a valid registration card for the vehicle being operated.

(Ord. 178 § 1 (part), 1996)

10.28.020 Impound procedures.

A public safety officer, upon discovering that a vehicle may be impounded under Section 10.28.010, shall:

- A. Contact the Morrow County sheriff's department dispatch to arrange for impound for the vehicle; and
- B. Provide the operator of the vehicle with notice of impound by delivering to the operator a copy of a completed vehicle tow information report. A vehicle tow information report shall contain at least the following information: the date of impound, the location where the violation resulting in the impound occurred, identification of the operator of the vehicle (if available), the name of the vehicle's registered owner (if available), a description of the reason(s) for impound, an explanation of the procedure for retrieval of the vehicle, and a statement of the rights of the legal owner(s) of the vehicle or person(s) entitled to possession to a hearing in order to contest the validity of impound.

(Ord. 178 § 1 (part), 1996)

10.28.030 Notice.

- A. Notice is given when:
 - 1. At the scene of a tow resulting from a determination of probable cause under Section 10.28.010, the public safety officer shall complete the vehicle tow information report and deliver a copy thereof to the operator of the vehicle, who is also the vehicle's legal owner of record; or
 - 2. When the operator is not the legal owner, notice is deemed given when a certified letter addressed to the registered owner of the vehicle and the legal owner, if any, return receipt requested and postage prepaid, is mailed within forty-eight (48) hours after the vehicle is taken into possession by, or at the direction of a public safety officer.
- B. If the vehicle is registered with the Motor Vehicles Division of the State of Oregon, notice may be addressed to the registered owner, and the legal owner, if any, at the last respective address of each as shown by the records of the Motor Vehicles Division. If the vehicle is not so registered, reasonable efforts shall be made to ascertain the name and address of the legal owner or person entitled to possession of the vehicle so that notice may be mailed, if reasonably possible, within forty-eight (48) hours of impound.
- C. The notice required by this section shall state the following:
 - 1. The name and title of the officer, or identification of other authorized personnel issuing the notice;
 - 2. That any person who, at the request of a public safety officer, impounds a vehicle, 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; and
 - 3. That a hearing on the validity of the proposed impound may be held, if requested within five calendar days of receipt of notice by the owner.
- D. After a vehicle has been impounded pursuant to Section 10.32.010 notice must be provided to the registered owner, if known, indicating:
 - 1. The location of the vehicle;
 - 2. That a lien has arisen on the vehicle in favor of the person who towed and is storing the vehicle; and
 - 3. That the vehicle may be sold at public auction to satisfy the lien; and
 - 4. That a hearing on the validity of the tow may be held, if requested within five calendar days of receipt of notice by the owner.

(Ord. 178 § 1 (part), 1996)

10.28.040 Hearing.

- A. Request for Hearing. The owner must request a hearing within five calendar days after receipt of the notice. The request may be made in person or in writing to the Morrow County sheriff's office. Failure to make a timely request for a hearing shall constitute a waiver of the right to a hearing.
- B. Hearing Procedures.
 - 1. When timely request for a hearing is made, a hearing shall be held before a hearings officer, who shall be appointed by the Morrow County court.
 - 2. The hearing shall be set and conducted within four calendar days of receipt of the request, excluding holidays, Saturdays and Sundays. The hearing can be set for a later date if the owner or person entitled to possession so requests.

3. At the hearing, the owner may contest the validity of the impound.
 4. The county shall have the burden of proving by a preponderance of the evidence the validity of the impound. The county may present evidence either by testimony of the police officer, traffic officer or code enforcement officer, or by written report of the officer. If the county's evidence is presented only by written report and hearings officer cannot resolve a question by information contained in the report, the hearing may be held open for reasonable time to complete the record.
- C. Decision of the Hearings Officer. If the hearings officer finds that:
1. Impound of the vehicle was proper, the hearings officer:
 - a. Shall enter an order supporting the removal; and
 - b. Shall find that the owner or person entitled to possession is liable for any towing and storage charges resulting from the impound; and
 - c. May find that the owner or person entitled to possession is liable for the costs of the tow hearing, including costs of the hearings officer and any witnesses.
 2. Impound of the vehicle was improper, the hearings officer shall:
 - a. Order the vehicle released to the owner or person entitled to possession;
 - b. Find that the owner or person entitled to possession is not liable for any towing or storage charges resulting from the impound; and
 - c. Order the county to satisfy the towing and storage lien.
- D. The decision of the hearings officer is final.
- E. If the person requesting the hearing does not appear at the scheduled hearing, the hearings officer may enter an order supporting the impound and assessment of towing and storage costs, and shall add an assessment for the costs of the hearings officer and any witnesses who appeared at the time set for hearing.
- (Ord. 178 § 1 (part), 1996)

10.28.050 Release of vehicle.

- A. A vehicle which has been impounded under Section 10.32.010 may be released to the registered owner or legal owner, if different, if the owner or person entitled to possession has paid all of the accrued towing and storage costs, unless otherwise ordered by the hearings officer, and shows:
1. Proof of ownership of the vehicle;
 2. Proof of insurance coverage for the vehicle which satisfies the minimum requirements under Oregon State Statute; and
 3. A release from the Morrow County sheriff's department which indicates that a valid vehicle registration has been established.
- B. If the vehicle is to be driven, the driver must also present a valid driver's license.
- (Ord. 178 § 1 (part), 1996)

10.28.060 Towing and storage liens.

A person who, at the request of a public safety officer takes a vehicle into custody under the provisions of Section 10.32.010 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 87.142 and shall be foreclosed in the manner provided in ORS 87.152 to 87.212. If the appraised value of the vehicle is one thousand dollars (\$1,000.00) or less, the vehicle shall be disposed of in the manner provided in ORS 819.280. Evidence regarding market value from any person who deals, trades, buys, or disposes of such vehicles in the ordinary course of such person's business shall be sufficient to establish market value.

(Ord. 178 § 1 (part), 1996)

10.28.070 Suspension of notice and hearing requirements.

In all cases where removal, towing or impoundment of any vehicle has been performed by persons engaged in emergency operations after formal declaration of emergency by the Morrow County court, all notice and hearing requirements contained herein shall be suspended and held in abeyance until abatement of the conditions creating the emergency reasonably allow for providing notice and hearing.

(Ord. 178 § 1 (part), 1996)

10. 28.080 Civil penalties.

Any person who violates the provisions of Section 10.08.090 of this chapter shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00).

(Ord. 178 § 1 (part), 1996)

10.28.090 Jurisdiction.

The chapter shall apply within the unincorporated areas of Morrow County and within the boundaries of incorporated cities which have consented to application of this chapter within their boundaries pursuant to the provisions of ORS 203.040. The Circuit, District and Justice Courts for the State of Oregon for the county of Morrow have concurrent jurisdiction over any and all violations of this chapter. In all cases where civil penalty is sought to be imposed as provided in Section 10.32.110 of this chapter, a complaint, signed by the Morrow County district attorney, or the Morrow County counsel, shall be filed in the Morrow County justice court, which shall have original jurisdiction over the proceedings. The proceedings shall thereafter be conducted in accordance with the laws of the state of Oregon and the rules of the Morrow County justice court, including any right of appeal therefrom.

(Ord. 178 § 1 (part), 1996)

Chapter 10.32 MOTOR TRUCK ROUTES

10.32.010 Purpose

The establishment of Motor Truck Routes is to protect the investment in city streets by the taxpayers of the City of Boardman. The focus of this regulation is to limit the size and weight of tractors and trailers to protect city streets from premature degradation from excessive truck traffic.

10.32.020 Operation of motor trucks.

No person shall drive a motor truck upon or across a street which is not designated as a truck route within the limits of the city of Boardman, except when the street intersects with a street designated as a truck route.

(Ord. 4-2001 § 2)

10.32.020-030 Establishment of truck routes.

- A. Truck routes are established in the current City of Boardman Transportation System Plan and are depicted in Figure 4-4 the Truck Freight System map in that TSP, which identifies regional freight routes, local freight routes, and established high, wide, and heavy freight routes used by the Oregon Department of Transportation and the Port of Morrow.

The City of Boardman Transportation System Plan provides the following definitions for truck routes:

- Regional Truck Route - Regional Truck Routes accommodate the continuous and regional flow of truck freight through the city. These routes serve as the primary travel routes for regionally oriented truck freight, connecting freight-generating land uses to the state highway network. They are consistent with the National Highway System Intermodal Connectors.
- Local Truck Route - Local Truck Routes serve local truck circulation and access and provide for goods and service delivery to individual commercial, employment, and residential land uses outside of industrial areas.

- B. The City Manager is authorized to post streets with No Through Trucks signage to emphasize the established truck routes.

10.32.030-040 Exemptions.

The provisions of this chapter regulating truck traffic shall not apply to a motor truck of the city, county, or state or public or private utility company while necessarily in use for construction or repair work or a motor truck while in use to pick up property for transport or deliver property in transport.

(Ord. 4-2001 § 3)

10.32.040-050 Penalty.

Violation of this chapter is a violation punishable by fine not to exceed five hundred dollars (\$500).

(Ord. 4-2001 § 4)

Chapter 10.36 PUBLIC SAFETY

10.36.010 Offensive Littering.

- A. A person commits the crime of offensive littering if he or she creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:
1. Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way; or
 2. Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank, or other contaminated source, upon the land of another without permission of the owner, or upon public ways; or
 3. Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle which he or she is operating; except that this subsection shall not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Public Utility Commissioner of Oregon or a person operating a school bus subject to Oregon Administrative Rules Pertaining to Pupil Transportation.

- B. As used in this section, "public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, county or a local municipality, for use by the general public.

10.36.020 Excessive and Unreasonable Noise.

A. Purpose and Legislative Findings.

The City Council finds that excessive and unreasonable noise may adversely affect the public health, safety, welfare, comfort, repose, and quality of life of the residents of the City of Boardman.

The City further finds that residents have the right to peacefully enjoy their homes and property while also recognizing the rights of others to reasonably use their own property for lawful activities, family gatherings, celebrations, recreation, and community events.

The purpose of this section is to establish reasonable standards that balance these interests, encourage voluntary compliance, provide objective guidance for enforcement, and preserve the peaceful character of the community.

B. Definitions.

For purposes of this section:

Amplified Sound means sound increased by electrical, mechanical, or electronic equipment, including radios, stereos, loudspeakers, public address systems, televisions, musical instruments connected to amplifiers, Bluetooth speakers, karaoke equipment, and similar devices.

Plainly Audible means sound that can be clearly heard by a person of ordinary hearing using no hearing enhancement devices.

Residential Property means property used primarily for residential occupancy.

Responsible Person means any person who creates, causes, controls, permits, sponsors, organizes, hosts, or knowingly allows the continuation of the noise-producing activity.

C. General Prohibition.

No person shall make, create, continue, permit, or cause any loud, raucous, excessive, or unreasonable noise that would unreasonably disturb the peace, comfort, repose, health, safety, or quiet enjoyment of a reasonable person of ordinary sensitivity.

The determination of whether noise is unreasonable shall be based upon the totality of the circumstances.

D. Factors Considered.

In determining whether noise is unreasonable, an enforcement officer may consider, among other relevant factors:

- Time of day.
- Duration.
- Frequency or repetition.
- Volume and intensity.
- Whether the noise is plainly audible beyond the property from which it originates.
- Whether the noise is audible within neighboring residences.
- Character of the neighborhood.
- Nature and purpose of the activity.
- Reasonable efforts made to reduce the noise.
- Effect upon surrounding residents.
- Previous complaints or warnings regarding the same activity.

No single factor shall be controlling.

E. Specific Acts Constituting Evidence of Unreasonable Noise.

The following activities may constitute evidence of unreasonable noise when considered under the totality of the circumstances:

1. Amplified Music. Operating any radio, stereo, television, musical instrument, loudspeaker, outdoor speaker, karaoke system, or other sound-producing device at a volume that unreasonably disturbs neighboring persons or properties.
2. Residential Gatherings. Operating amplified sound or permitting excessive shouting, yelling, singing, or similar noise associated with parties, gatherings, celebrations, or other events in a manner that unreasonably disturbs neighboring properties.
Nothing in this section shall be interpreted to prohibit family gatherings, cultural celebrations, neighborhood events, holiday celebrations, birthday parties, barbecues, or similar lawful activities conducted with reasonable consideration for surrounding residents.
3. Vehicle Noise. Operating a motor vehicle in a manner that creates unreasonable noise through:
 - Amplified sound systems;
 - Unnecessary horn use;
 - Excessive engine revving;
 - Tire spinning;
 - Defective or modified exhaust systems.
4. Animals. Keeping an animal that habitually or continuously creates noise that unreasonably disturbs neighboring properties.
5. Construction Activities. Construction, demolition, excavation, remodeling, or similar work between the hours of 7:00 p.m. and 7:00 a.m., except:
 - Emergency repairs;
 - Public utility emergencies;
 - Activities authorized by City permit.
6. Mechanical Equipment. Operating generators, compressors, power equipment, machinery, or similar devices without reasonable noise suppression.
7. Commercial Activities. Commercial loading, unloading, deliveries, or business operations adjacent to residential property in a manner that unreasonably disturbs nearby residents.

F. Nighttime Amplified Sound.

Between the hours of 10:00 p.m. and 7:00 a.m., amplified sound that is plainly audible within another residence or beyond the property from which it originates may constitute evidence that the noise is unreasonable.

This subsection shall not be interpreted to prohibit enforcement during other hours when circumstances otherwise establish unreasonable noise.

G. Exemptions.

This section shall not apply to:

- Police, fire, ambulance, and other emergency vehicles.
- Emergency warning systems.
- Emergency utility repairs.
- City-authorized public works projects.
- Lawfully permitted public events.
- School activities.
- City-sponsored events.
- Agricultural activities conducted in accordance with applicable law.
- Sounds regulated by federal law, including, but not limited to, sounds caused by railroads and aircraft.

H. Temporary Noise Permits.

The City Manager or designee may issue temporary permits authorizing community groups and activities that would otherwise violate this section.

Permit conditions may include:

- Hours of operation including the following limitations:
 - Fifty minutes of each hour;
 - Four hours of any 8-hour block of time during weekends; and
 - Three hours between 4:00 p.m. and 9:00 p.m. on weekdays.
- Sound mitigation requirements;
- Speaker placement;
- Other reasonable conditions necessary to minimize impacts.

Permits may be suspended or revoked for noncompliance or where necessary to protect public safety.

I. Enforcement.

This section may be enforced by the Boardman Police Department or other persons authorized by the City.

An enforcement officer may rely upon personal observations, witness statements, audio or video recordings, sound measurements when available, or other competent evidence.

A sound level meter shall not be required to establish a violation.

Whenever practical, officers are encouraged to seek voluntary compliance before initiating enforcement. Nothing in this section requires an officer to issue a warning before taking enforcement action.

J. Relationship to State Law.

Nothing in this section limits enforcement under Oregon Revised Statutes, including but not limited to ORS 166.025 Disorderly Conduct in the Second Degree, whenever the facts independently establish a violation of state law.

K. Penalties>

A violation of this section constitutes a municipal violation and shall be punishable and may be appealed as provided elsewhere in the Boardman Municipal Code.

Each specific incident and each day of noncompliance will be considered a separate violation of this Title.

~~10.36.020 Unnecessary noise.~~

~~A. No person may make, assist in making, continue, or cause to be made any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.~~

~~B. Loud, disturbing, and unnecessary noises in violation of this section include, but are not limited to the following:~~

- ~~1. The keeping of any bird or animal which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;~~
- ~~2. The attaching of a bell to an animal or allowing a bell to remain on an animal;~~
- ~~3. The use of a vehicle or engine, either stationary or moving, so out of repair, loaded, or operated as to create any loud or unnecessary grating, grinding, rattling, or other noise;~~
- ~~4. The sounding of a horn or signaling device on a vehicle on a street, public place, or private place, except as a necessary warning of danger;~~
- ~~5. The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper city authorities;~~
- ~~6. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled;~~
- ~~7. The erection, including excavation, demolition, alteration, or repair of a building in residential districts, other than between the hours of seven a.m. and six p.m., except in case of urgent necessity in the interest of the public welfare and safety and then only with a permit granted by the city clerk for a period not to exceed ten (10) days. Such permit may be renewed for periods of five days while such emergency continues to exist. If the council determines that the public health, safety, and welfare will not be impaired by the erection, demolition, alteration, or repair of any building between the hours of six p.m. and seven a.m. and if the council shall further determine that loss or inconvenience would result to any person unless such work were permitted within those hours, the council may grant permission for such work to be done within the hours of six p.m. and seven a.m. upon application therefor being made at the time the permit for the work is awarded or during the progress of the work.~~

~~The actual owner of property may do work on property actually occupied by him or her between the hours of six p.m. and ten p.m. without obtaining a permit as herein required;~~
- ~~8. The use of a gong or siren upon a vehicle, other than police, fire, or other emergency vehicle;~~
- ~~9. The creation of excessive noise on a street adjacent to a school, institution of learning, church, or court of justice, while the same are in use, or on a street adjacent to a hospital, nursing home, or other institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution or disturbs or unduly annoys patients;~~

- ~~10.—The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;~~
- ~~11.—The use or operation of an automatic or electric piano, phonograph, gramophone, victrola, radio, television, loudspeaker, or any instrument for sound producing or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance. However, upon application to the council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general entertainment as a part of a national, state, or city event, public festivals, or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than one thousand (1,000) feet from the instrument, speaker, or amplifier and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result;~~
- ~~12.—The making of a noise by crying, calling, or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares, or merchandise, attracting attention, or inviting patronage of a person to a business. However, news sellers may sell newspapers and magazines by public outcry;~~
- ~~13.—The conducting, operating, or maintaining of a garage within one hundred (100) feet of a private residence, apartment, rooming house, or hotel in such manner as to cause loud or disturbing noises to be emitted therefrom between the hours of eleven p.m. and seven a.m.~~

10.36.030 Penalty.

Violation of this chapter is a violation punishable by fine not to exceed five hundred dollars (\$500).