

SECTION 25
Amended by
Ord. 1663
As amended by Ord. 422

Amending Ord. 2006

Amending Ord. 2532
Sec. 25 Ord. 2007 - Sub-sec. (2)
Amending Ord. - 2162
" " - 2158
" " - 2009

Amending Ord. 2553 Section 14.6
Amending Ord. 2553 Section 25
as amended by Ord. No. 2007
Sub-sec. (2)
Repealed Ord. 2532 by 2553
Sub-section 12 - Sec. 37 Amended
By Ord. 1886

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ORDINANCE NO. 1422

AN ORDINANCE regulating traffic on the Streets and public ways of the City of Albany, Oregon; providing for traffic signs, markers and signals; providing penalties for violations hereof; repealing all ordinance and parts of ordinances in conflict herewith and declaring an emergency.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Definition of Terms:

The following words and phrases when used in this ordinance shall, for the purpose of this ordinance the meaning respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

- (a) "VEHICLE" Every device in, upon, or by which any property is or may be transported or drawn upon a public street, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- (b) "MOTOR VEHICLE." Every vehicle as herein defined, which is self propelled.
- (c) "PERSON" Every natural person, firm, co-partnership, association or corporation.
- (d) "OWNER." A person who holds the legal title of a vehicle or in the event the vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or mortgagor shall be deemed the owner for the purpose of this ordinance.
- (e) "OPERATOR." Every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway, street, alley or public place.
- (f) "CHAUFFEUR." Any person who operates a motor vehicle in the transportation of persons or property and who receives any compensation for such services in wages, commission or otherwise, paid directly or indirectly, or who as owner or employee, operates a motor vehicle carrying passengers or property for hire.
- (g) "STREET". Every way or place of whatever nature open as a matter of right to the use of the public for purposes of vehicular traffic. The term "STREET" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges or other institutions.
- (h) "INTERSECTION." The area embraced within the prolongation or connection of the lateral curb lines, whether or not one street crosses another.
- (i) "SAFETY ZONE." The area or space officially set apart within the boundary of a street for the exclusive use of pedestrians and which is protected or so marked or indicated as to be plainly visible at all times while set apart as a safety zone.
- (j) "LOADING ZONE." The area or space officially set apart within the boundary of a street, beginning at the curb line and extending toward the center of the street. Such "Loading Zone" may be indicated by painted yellow or orange stripes upon the curb and pavement or upon the curb only.
- (k) "RIGHT-OF-WAY." The privilege of the immediate use of the proper portion of a street or intersection.
- (l) "TRAFFIC." Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street, alley or public place for purposes of travel.
- (m) "AUTHORIZED EMERGENCY VEHICLE." Vehicles of the fire department, fire patrol, police vehicles and such ambulances and emergency vehicles as are designated or authorized by the COMMON COUNCIL of this City.
- (n) "OFFICIAL TRAFFIC SIGNS AND SIGNALS." All signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.
- (o) "TRAFFIC CONTROL SIGNAL." Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- (p) "MOTORCYCLE." Every motor vehicle designed to travel on not more than three wheels in contact with the ground.
- (q) "MOTOR TRUCK." Shall mean every motor vehicle designed and/or used for carrying, conveying or moving any freight, property, article or thing, and which has a maximum load carrying capacity (factory rating) of one and one-half tons or more (except as provided in -r- of this section), but it shall not include any motor vehicle designed and/or used for carrying passengers.
- (r) "LIGHT DELIVERY VEHICLE." Shall mean every motor vehicle designed and/or used for carrying, conveying or moving any article or thing and used for general delivery purposes and recognizable as such 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 6 feet 6 inches and a total overall length of less than 18 feet (all bumpers, fenders, load, etc., included), but it shall not include any vehicle designed and/or used for carrying passengers.
- (s) "MOTOR BUS." Except where the context indicates a different meaning shall mean every motor vehicle designed and/or used for carrying passengers for compensation, except that the term "Motor Bus" shall not be construed to mean or include taxicabs designed and/or constructed to accommodate and transport not more than five passengers exclusive of the driver.
- (t) "INTERURBAN STAGE." Shall mean any motor vehicle used for the purpose of transportation of passengers for hire on the streets of the City of Albany and operated between points, one or more of which are three miles or outside of the City limits of said City.

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- (u) "TERMINAL," Shall mean every place in the City of Albany where any interurban stage or stages regularly stop on the street for the purpose of taking on or discharging passengers, baggage and/or express.
- (v) "TRAILERS." Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.
- (w) "BUS TRAILER." Shall mean any trailer designed and/or used for carrying human beings.
- (x) "POLE OR PIPE DOLLY." Shall mean every vehicle of the trailer type having one or more axles not more than forty-eight (48) inches apart and two or more wheels and used in connection with a motor vehicle solely for the purpose of transporting logs, poles or pipes, and connected with the towing vehicle either by tongue, rope, chain or by the load, without any part of the weight of said dolly resting upon the towing vehicle.
- (y) "PARKING." To stop and stand (with or without driver) or to leave a motor vehicle upon any street, alley, or public place in this city shall, for the purpose of this ordinance, be deemed as the parking of such motor vehicle.
- (z) "CROSSWALK OR PEDESTRIAN LANE." Shall mean the elongation of any sidewalk or walkway at the intersection of two or more streets or the elongation of any public walk or walkway where there is no street intersection. Such crosswalks or pedestrian lanes shall be bounded on the side nearest the middle of the block by the elongation of the property lines on either side of the street and for crosswalks or pedestrian lanes not indicated by markings, measuring toward the street intersection from the elongation of the property lines above mentioned. Crosswalks or pedestrian lanes where indicated by any system of marking shall be as indicated.
- (aa) "JAY-WALKER." Shall mean any person in the act of walking or running across any street at any point other than within the boundaries of a crosswalk or pedestrian lane as herein defined.

SECTION 2.- OBEDIENCE TO TRAFFIC REGULATIONS:

- (a) It shall be unlawful and, unless otherwise declared herein with respect to particular offenses, it shall constitute a violation of this ordinance for any person to fail or neglect to comply with any rule or regulation declared in this ordinance.
- (b) "OFFENSES BY OWNERS." It shall be unlawful for the owner, lessor, or lessee of a motor vehicle or for any person employing or otherwise directing the driver of a motor vehicle to knowingly permit or require the operation of a motor vehicle upon a public street when such vehicle is equipped otherwise than as required or permitted by law, or the operation of any vehicle in any manner contrary to law.

SECTION 3. OBEDIENCE TO TRAFFIC SIGNS AND SIGNALS:

It shall be unlawful for the driver of any vehicle to disobey the instructions of any official traffic sign or signal placed in accordance with the provisions of this ordinance, unless otherwise directed by a police officer.

SECTION 4. OBEDIENCE TO TRAFFIC AND POLICE OFFICERS:

- (a) It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any traffic or police officer displaying his star or badge and invested by law with authority to direct, control or regulate traffic.
- (b) It shall be the duty of every officer seeking to enforce the laws of this ordinance to be in uniform or to have conspicuously displayed upon his person a conspicuous badge indicating his official authority.

SECTION 5. PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS:

The provisions of this ordinance applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this ordinance with reference to authorized emergency vehicles. The provisions of this ordinance shall not apply to persons, teams, motor vehicle and other equipment while actually engaged in working upon the surface of a street but shall apply to such persons and vehicles when traveling to or from such work.

SECTION 6. PERSONS RIDING BICYCLES OR ANIMALS TO OBEY TRAFFIC REGULATIONS:

Every person riding a bicycle or animal upon a street and every person driving or leading any animal shall be subject to the provisions of this ordinance which by their very nature can have no application.

SECTION 7. THIS ORDINANCE NOT TO INTERFERE WITH RIGHTS OF OWNERS OF REAL PROPERTY WITH REFERENCE THERETO:

Nothing in this ordinance shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this ordinance, or otherwise regulating such use as may seem best to such owner.

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SECTION 8. LICENSED OPERATORS AND MINORS:

- (a) It shall be unlawful for any person to operate or drive any motor vehicle upon any street in this city without having been licensed as an operator by the Secretary of State in accordance with the provisions of the Oregon Motor Vehicle Law.
- (b) It shall be unlawful for any person to operate or drive a motor vehicle upon any street in this city without having in his or her possession such operator's license.
- (c) It shall be unlawful for any person to cause or knowingly permit any minor under the age of sixteen (16) years to operate or drive any motor vehicle upon any street in this city, unless such minor shall have first obtained a license to operate or drive a motor vehicle from the Secretary of State under the provisions of the Oregon Motor Vehicle Law.

SECTION 9. SLEDS, TOBOGGANS, Etc., PROHIBITED BEHIND CARS:

It shall be unlawful for any person to attach or tie to any motor vehicle which is operated on the streets of the City of Albany, any sled, bicycle, toboggan, or similar contrivance or thing to be attached or tied to any motor vehicle being driven by such operator; provided that the provisions of this section shall not apply to trailers, bus trailers, or pole or pipe dolly, nor to cars being towed, when the same are attached or towed in accordance with this ordinance.

SECTION 10. TRAFFIC CONTROL SIGNAL LEGEND:

- (a) Whenever traffic at an intersection is controlled by traffic control signals exhibiting colored lights or the words "GO," "CAUTION" or "STOP", said lights and terms shall indicate as follows: "GREEN" or "GO". Traffic facing the signal may proceed, except that vehicular traffic shall yield the right of way to pedestrians within a crosswalk or pedestrian lane and vehicles lawfully within an intersection at the time such signal was exhibited. "YELLOW" or "CAUTION," when shown alone following the green or "GO" Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection. "RED" or "STOP." Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at such other point as may be designated by the proper traffic authority, and remain standing until green or "GO" is shown alone.
- (b) The driver of a vehicle intending to turn to the right or left at an intersection where traffic is controlled by traffic control signals or by a police officer shall proceed to make either turn with proper care to avoid accident and only upon the "GO" signal, unless otherwise directed by a police officer or by official traffic signs or special signals.

SECTION 11. DISPLAY OF UNAUTHORIZED SIGNS AND SIGNALS:

It shall be unlawful for any person to place or maintain or display upon any street any unofficial sign, signal or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which bears the words "STOP", "GO SLOW", "CAUTION," "DANGER," "WARNING," or similar word, or words, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic sign or signal, and no person shall erect or maintain upon any street any traffic sign or signal bearing thereon any commercial advertising; provided, nothing in this section shall be construed to prohibit the use of official signs by any department of the State of Oregon, County of Linn, or of this city for the purpose of directing traffic at any point where any type of construction work is being carried on by any of the said departments and nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers or signals bearing thereon the name of an organization authorized to erect the same by the appropriate public authority. Every prohibited sign, signal or device is hereby declared to be a public nuisance, and the street commissioner and/or the chief of police is hereby empowered to remove the same; or cause it to be removed without notice.

SECTION 12. INTERFERENCE WITH SIGNS AND SIGNALS PROHIBITED:

Any person who shall deface, injure, knock down or remove any official street or traffic sign or signal placed or erected as provided in this ordinance shall be guilty of a violation of this ordinance.

SECTION 13. DUTY TO STOP IN EVENT OF ACCIDENT:

- (a) The driver of any vehicle involved in an accident resulting in injury or death to any person shall immediately stop such vehicle at the scene of such accident, and any person violating this provision shall upon conviction be punished by imprisonment in the municipal jail for not less than 15 days nor more than 3 months, or by fine of not less than fifty dollars (\$50.00), nor more than two hundred (\$200.00), or by both such fine and imprisonment.
- (b) The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall also give his name, address and the registration number of his vehicle and the name and address of any other occupant or occupants of his vehicle and shall exhibit and give the number of his operator's or chauffeur's license to the person struck, or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment, if it is apparent that such treatment is necessary or is requested by the injured person, and it shall likewise be the duty of any

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witness of the accident to furnish to the driver or occupant of said vehicle or vehicles, his or her true name and address. Any violation of this subdivision shall constitute a violation of this ordinance.

- (c) The driver of any vehicle involved in an accident resulting in damage to property shall immediately stop such vehicle at the scene ~~of such accident~~ of such accident, and any person violating this provision shall be guilty of a violation of this ordinance and upon conviction shall be punished as provided in section 84 of this ordinance.

SECTION 14. DUTY TO REPORT ACCIDENTS:

The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall, within 24 hours, forward a complete written report of such accident to the Chief of Police of this City, and the chief of police or other designated agency shall forward a copy of every such report so filed to the Secretary of State upon forms furnished by him and not later than the first of the month following the date of such filing. Whenever the original report is insufficient in the opinion of the Secretary of State, he may require drivers involved in accidents to file supplemental reports of accidents upon forms furnished by him. All accident reports made to the chief of police shall be without prejudice and shall not be open to public inspection; provided, however, that such reports shall be open to the inspection of party or parties involved in said accident, their lawfully appointed agents or representatives and the accredited members of the press. The fact that such reports have been made shall be admissible in evidence solely to prove compliance with this section, but no such report or any part thereof or statement contained therein shall be admissible in evidence for any purpose in any trial, civil or criminal, arising out of such accident.

SECTION 15. GARAGE KEEPER TO REPORT DAMAGED VEHICLES:

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the police station within one hour after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle. An additional report need not be made under this section when the owner of the vehicle is also the owner of the garage or repair shop and such owner has made a report which includes the information required by this section.

SECTION 16. RESTRICTIONS AS TO SPEED:

- (a) Basic Rule. No person shall drive a vehicle upon any street at a speed greater than is reasonable and prudent, having due regard to the traffic, surface, width of the street and the hazard at intersections and any other conditions then existing. Nor shall any person drive at a speed which is greater than will permit the driver to exercise proper control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle or other conveyance upon entering the street in compliance with legal requirements and with the duty of drivers and other persons using the street to exercise due care; provided, that this provision shall not be construed to change the rules of pleading and evidence relating to negligence and contributory negligence.

- (b) Application of Indicated speeds. Any person who drives a vehicle upon a street at a speed in excess of that indicated as follows for the particular district or location, and who, while so driving, violates the basic rule set forth in subdivision (a), shall upon conviction, be punished as in this ordinance provided. Said indicated speeds are as follows:

1. FIFTEEN MILES PER HOUR:

- a. When passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours; provided, however, that when a crosswalk or pedestrian lane is being used by a pedestrian, vehicles shall come to a complete stop and yield the right of way to such pedestrian in such crosswalk.
- b. Driving past school bus which is loading or unloading passengers.

2. TWENTY MILES PER HOUR:

- a. In any business district; or
- b. Upon approaching within 50 feet and in traversing an intersection of streets where the driver's view in either direction along any intersecting street is obstructed, except that when traveling upon a through street or at traffic controlled intersections the district speed shall apply.

3. TWENTY-FIVE MILES PER HOUR:

- a. In any residence district.

- (c) Complaints and Notices to Appear. In every charge of violation of this section the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed indicated in this section for the district or location, and in the event charge shall also be made of violation of any other provision of this ordinance, the complaint and the summons or notice to appear shall also specify such other offense alleged to have been committed.

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SECTION 17. MINIMUM SPEED REGULATIONS:

It shall be unlawful for any person unnecessarily to drive at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or because upon a grade or when the vehicle is a truck or truck and trailer necessarily or in compliance with law proceeding at reduced speed.

Traffic and police officers are hereby authorized to enforce this provision by directions to drivers and in the event of apparent wilful disobedience to this provision and refusal to comply with directions of an officer in accordance herewith the continued slow operation by a driver shall be unlawful and constitute a violation of this ordinance.

SECTION 18. WHEN SPEED LIMIT NOT APPLICABLE:

The speed limits set forth in this ordinance shall not apply to authorized emergency vehicles when operated in emergencies and the drivers thereof sound audible signal by bell or siren. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

SECTION 19. DRIVE ON RIGHT SIDE OF STREET:

- (a) Upon all streets of sufficient width, other than one-way streets, the driver of a vehicle shall drive the same upon the right half of the street except when the right half is out of repair and for such reason impassable or when overtaking and passing another vehicle subject to the limitation set forth in section 22.
- (b) In driving upon the right half of a street the driver shall drive as closely as practicable to the right-hand edge or curb of the street except when overtaking or passing another vehicle, or when placing a vehicle in position to make a left turn.

SECTION 20. PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS:

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the street.

SECTION 21. OVERTAKING A VEHICLE:

Except as otherwise provided in section 22 the following rules shall govern the overtaking and passing of vehicles;

- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of such overtaken vehicle.
- (b) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on suitable and audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (c) The driver of an overtaking motor vehicle when traveling outside of a business district, and under other conditions when necessary to insure safe operation, shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

SECTION 22. LIMITATIONS ON PRIVILEGE OF OVERTAKING AND PASSING:

- (a) The driver of a vehicle shall not drive to the left side of the center line of a street in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without impeding the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- (b) The driver of any motor vehicle shall not overtake and pass or attempt to pass any overtaken vehicle at any street intersection in this city while any such overtaken vehicle is within such street intersection or any part thereof.

SECTION 23. FOLLOWING TOO CLOSELY:

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the street.

SECTION 24. TURNING AT INTERSECTIONS:

The driver of a vehicle intending to turn at an intersection shall do so as follows;

- (a) Approach for a right turn shall be made in the lane for traffic nearest to the right-hand side of the streets and the right turn shall be made as closely as practicable to the right-hand curb or edge of the street.
- (b) Approach for a left turn shall be made in the lane for traffic to the right of and nearest to the center line of the street and the left turn shall be made by passing to the right of such center line where it enters the intersection and upon leaving the intersection by passing to the

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right of the center line of the street then entered.

- (c) Approach for a left turn from a two-way street into a one-way street shall be made in the lane for traffic to the right of and nearest to the center line of the street and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be ~~made~~ made by passing to the right of the center line of the street being entered upon leaving the intersection.

SECTION 25. TURNING INTO OR FROM ALLEY, Etc.

- (a) All vehicles leaving a street and turning into an alley, private driveway, etc., or leaving an alley and turning into a street, must be turned to the right and it shall be unlawful for any person to turn a motor vehicle to the left and across a street through vehicular traffic headed in the opposite direction when turning a motor vehicle from a street into an alley or private driveway. It shall be unlawful for any person to reverse the direction of any motor vehicle upon any street in this city except at street intersections; provided ~~however~~, that no reverse turn shall be made by the driver of any vehicle at any street intersection where any type of sign or marker is erected prohibiting any such reverse turn.

SECTION 26. SIGNALS ON STARTING, STOPPING OR TURNING:

- (a) The driver of any vehicle upon a street before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement.
- (b) The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by an approved mechanical or electrical signal device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear the signal shall be given by a device of a type which has been approved by the Secretary of State. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to turn to the left by extending his hand and arm horizontally from and beyond the left side of the vehicle, his intention to turn to the right by extending his hand and arm upward and beyond the left side of the vehicle, and his intention to stop or suddenly decrease speed by extending his hand and arm downward from and beyond the left side of the vehicle. The signal herein required to be given before turning to the right or left, whether given by means of the hand and arm or by means of an approved mechanical or electrical device, shall be given continuously during the last 50 feet traveled by the vehicle before turning.

SECTION 27. RIGHT OF WAY BETWEEN VEHICLES:

- (a) Vehicles Approaching an Intersection. Drivers, when approaching street intersections, shall look out for and give right of way to vehicles on the right, simultaneously approaching a given point, whether such vehicle first enter and reach the intersection or not; provided, that the foregoing provision shall not apply at any intersection where and when traffic is controlled by traffic control signals or police officers. Any driver entering an intersection at an unlawful speed shall forfeit any right of way which he would otherwise have under this subdivision.
- (b) Vehicles Entering a Through Street.-- The driver of any vehicle who has stopped as required by law at the entrance to a through street shall yield to the other vehicles within the intersection or approaching so closely on the through street as to constitute an immediate hazard, but said driver having so yielded may proceed, and other vehicles approaching the intersection on the through street shall yield to the vehicle so proceeding into or across the through street.
- (c) Vehicle Turning Left at Intersection.-- The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver having so yielded and having given a signal when and as required by law may make such left turn, and other vehicles approaching the intersection from said opposite direction shall yield to the driver making the left turn.

SECTION 28. VEHICLES IN MOTION TO HAVE RIGHT-OF-WAY:

The driver of any vehicle approaching from the rear of a stopped or parked vehicle shall have the right-of-way over any such stopped or parked vehicle and the driver or owner of any such stopped or parked vehicle shall be liable and responsible for any damage caused by a collision by reason of any such stopped or parked vehicle moving out of position before the way is clear and before any vehicle having the right-of-way has passed. Provided however, that if the approaching vehicle is being operated or driven in any manner constituting a violation of any part of this ordinance, the driver or owner of any such approaching vehicle shall forfeit all claim to the right-of-way and shall be held responsible for any accident arising from such violation.

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SECTION 29. EXCEPTIONS TO RIGHT-OF-WAY:

- (a) The driver of a vehicle entering a public street from a private road, alley, or drive shall stop and yield the right of way to all vehicles approaching on such public street.
- (b) The driver of a vehicle upon a street shall yield the right of way to authorized emergency vehicles when the latter are operated in emergencies and the drivers thereof sound audible signal by bell or siren. This provision shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from consequence of an arbitrary exercise of such right of way.

SECTION 30. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES:

Upon the approach of any authorized emergency vehicle giving audible signal by bell or siren, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street, clear of any intersection of streets, and shall stop and remain in such position, unless otherwise directed by a police officer, until the authorized emergency vehicle shall have passed.

SECTION 31. PEDESTRIAN'S RIGHT-OF-WAY:

- (a) The driver of any vehicle shall yield the right of way to a pedestrian crossing the street within any marked crosswalk or within any unmarked crosswalk, except at intersections where the movement of traffic is being regulated by police officers or traffic control signals.
- (b) Whenever any vehicle has stopped at a marked or unmarked crosswalk or at any intersection to permit a pedestrian to cross the street, it shall be unlawful for the driver of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.
- (c) Every pedestrian crossing a street at any point other than within a marked or unmarked crosswalk shall yield the right of way to vehicles upon the street.
- (d) The provisions of this section shall not relieve the driver of a vehicle or the pedestrian from the duty to exercise due care.

SECTION 32. PEDESTRIAN'S RIGHT AND DUTIES AT CONTROLLED INTERSECTIONS:

- (a) At intersections where traffic is controlled by traffic control signals or police officers, drivers of vehicles, including those making turns, shall yield the right of way to pedestrians crossing or those who have started to cross the streets on a green or "Go" signal, and in all other cases pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a green or "GO" signal.
- (b) At intersections where traffic is controlled by traffic control signals or by police officers, pedestrians shall not cross a street against a red or "Stop" signal, and between adjacent intersections so controlled shall not cross at any place except in a marked or unmarked crosswalk; provided, however, that where signal changes are augmented by a ringing of a bell, pedestrians shall be permitted to proceed across such street upon the ringing of the first bell.

SECTION 33. PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS:

Pedestrians shall move, whenever practicable upon the right half of crosswalks.

SECTION 34. PEDESTRIANS SOLICITING RIDES:

It shall be unlawful for any person to stand in a street for the purpose of soliciting a ride from the driver of any vehicle.

SECTION 35. DRIVING THROUGH SAFETY ZONE PROHIBITED:

The driver of a vehicle shall not at any time drive through or over a safety zone.

SECTION 36. STOP BEFORE EMERGING FROM ALLEY OR PRIVATE DRIVEWAY:

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway.

SECTION 37. STOPPING OR PARKING PROHIBITED IN SPECIFIED PLACES:

It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle, whether attended or unattended, except when in compliance with the directions of a police officer or traffic control signal, in any of the following places:-

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1. Within an intersection.
2. On a crosswalk or pedestrian lane.
3. Between a safety zone and the adjacent curb.
4. Within thirty (30) feet upon the approach to any official flashing beacon or traffic control signal located at the side of the street.
5. Within fifteen (15) feet of the driveway entrance to any fire station.
6. Within ten (10) feet of a fire hydrant.
7. In front of a private driveway.
8. On a sidewalk.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
10. At the place where official traffic signs have been erected prohibiting standing or parking.
11. Within any area marked off by traffic markers or by yellow or orange stripes painted upon the street curb and pavement or upon the street curb only, indicating a loading zone, safety zone, crosswalk or pedestrian lane, fire hydrant, theatre entrance or exit, police station, fire station, where "no parking" signs are posted or for any other purpose designated by such official markings.

SECTION 38. MOTOR VEHICLE LEFT UNATTENDED, BRAKES TO BE SET AND ENGINE STOPPED:

- (a) No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first stopping the motor of said vehicle, and when standing upon any perceptible grade without turning the front wheels of such vehicle to the curb or side of the street.

SECTION 39. WILFUL DESTRUCTION UNLAWFUL:

No person shall, individually or in association with one or more others, wilfully break, injure, tamper with or remove any part or parts of any motor vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation for any purpose against the will or without the consent of the owner of such motor vehicle, or in any other manner wilfully or maliciously interfere with or prevent the running of such motor vehicle or the operation of the same.

SECTION 40. UNLAWFUL TO ENTER WITHOUT CONSENT OF OWNER:

No person, except an authorized officer, marshal, constable or policeman shall, without the consent of the owner or person lawfully in charge of a motor vehicle, climb upon or into such motor vehicle, whether the same be at rest or in motion; or, while such motor vehicle is at rest or unattended, attempt to manipulate any of the levers, the starting crank or other device, brakes or mechanism, or to set said vehicle in motion.

SECTION 41. OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM:

- (a) It shall be unlawful for the driver of any vehicle to drive the same when such vehicle is so loaded as to obstruct the view of the driver to the front or sides or to interfere with the driver's control or with the driving mechanism of the vehicle, or when such driver has in his or her lap, or in his or her embrace another person, baggage or other encumbrance which prevents the free and unhampered operation of such motor vehicle.
- (b) It shall be unlawful for any passenger in a vehicle to ride in such position as to interfere with the driver's or operator's view ahead or to the sides, or to interfere with the driver's or operator's control of the driving mechanism of the vehicle; provided, however, that it shall be unlawful in any case for the driver of a vehicle to permit more than three persons over the age of 12 years to occupy the front or driver's seat of any motor vehicle while such vehicle is in motion on the street. "Occupying," as used herein, shall include the holding of one person upon the lap of another.

SECTION 42. UNLAWFUL TO CARRY DOG, CHILDREN OR PERSONS ON EXTERNAL PARTS OF AUTOMOBILES:

It shall be unlawful for any person to carry a dog upon a public street upon the hood, fender, running board or other external part of any automobile or truck unless the same shall be protected by framework, carrier or other device sufficient to keep any such animal from falling from the said automobile; provided further, that it shall be unlawful at any time for any person to carry any child or person upon a public street upon the hood, fender, running board or other external part of any motor vehicle.

SECTION 43. FOLLOWING FIRE APPARATUS PROHIBITED:

- (a) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or to drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, or within three blocks of a point where a fire is in progress.
- (b) It shall be unlawful for any person to intrude himself or herself upon any street, or premises, where a fire is in progress, in such a manner as to interfere with any member or members of the fire department in their efforts to extinguish such fire, and it shall be unlawful for any person or persons to congregate in the vicinity of any fire in such a manner as to hinder or interfere with said fire department in its efforts to extinguish any fire.

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SECTION 44. CROSSING FIRE HOSE:

No vehicle shall be driven over any unprotected hose of fire department when laid down on any street, alley or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department in command. And the violation of this section shall subject the offenders to a minimum fine of five dollars (\$5).

SECTION 45. COASTING PROHIBITED:

The driver of a motor vehicle when traveling upon a down grade upon any street shall not coast with the gears of such vehicle in neutral, nor shall the driver of a motor truck coast with the clutch of such vehicle disengaged.

SECTION 46. INJURIOUS SUBSTANCE ON STREETS:

- (a) No person shall throw, deposit or leave any glass bottles, glass, nails, tacks, hoops, wire, cans, or any other substance likely to injure any person, animal or vehicle upon any street of this city.
- (b) Any party to a collision or other motor vehicle accident shall immediately remove or cause to be removed from said street, alley or public place, all glass and foreign substance resulting from such collision or accident, as well as the motor vehicle which said party was driving at the time of such collision or accident.

SECTION 47. UNLAWFUL TO DISCHARGE FIREARMS ON OR ACROSS STREETS:

No person shall discharge any air rifle, rifle, gun, revolver or other firearm upon or across any street in this city; provided, that this section shall not be construed to prevent the discharge of such firearms by peace officers in the performance of their duty.

SECTION 48. REQUIRED LIGHTING EQUIPMENT:

- (a) When Vehicles Must Be Equipped. Every vehicle upon a street within this city during the period from a half hour after sunset to a half hour before sunrise and at all times when fog or other atmospheric conditions render the operation of said motor vehicle dangerous to traffic or the use of streets and at any other time when there is not sufficient light to render clearly discernible any person on the street at a distance of 200 feet ahead, shall be equipped with lighted front and rear lamps as in this section respectively required for different classes of vehicles and subject to exemption with reference to lights on parked vehicle as declared in subdivision (h).
- (b) Head Lamps On Motor Vehicles.- Every motor vehicle other than a motorcycle, roadroller or road machinery, shall be equipped with two head lamps, no more and no less, at the front of and on opposite sides of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in section 52 or 53, and except as to acetylene head lamps shall be of a type which has been approved by the Secretary of State.
- (c) Head Lamps On Motorcycles.- Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations set forth in section 52 or section 53 and except as to acetylene head lamps shall be of a type which has been approved by the secretary of state.
- (d) Rear Lamps and Reflectors.- Every motor vehicle and every trailer or semi-trailer which is being drawn by another vehicle shall carry at the rear a lamp of a type which has been approved by the secretary of state and which exhibits a red light plainly visible under normal atmospheric conditions from a distance of 500 feet to the rear of such vehicle, and so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of 50 feet to the rear of such vehicle, and every commercial motor vehicle, trailer or semitrailer shall carry at the rear in addition to a rear lamp as above specified a red reflector of a type which has been approved by the secretary of state and which is so designed, located as to height and maintained as to be visible for at least 200 feet when approached by a motor vehicle displaying lawful undimmed headlights at night on an unlighted street. Any motor vehicle may have attached to the rear thereof one white light equipped with a lamp bulb of not to exceed 32 candle power, which may be used only for the purpose of discerning objects to the rear when the motor vehicle is in reverse motion, but which shall not be otherwise used, and provided that such light be so aimed and directed upon the surface of the street for a distance of more than 25 feet to the rear of the vehicle, and shall not project a glaring or dazzling light.
- (e) Clearance Lamps or Reflectors.- Every vehicle, other than a road-roller or road machinery having a width at any part in excess of 72 inches shall carry two clearance lamps of the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a red light visible under the like conditions from a distance of 500 feet to the rear of the vehicle. Such clearance lamps shall be equipped with bulbs of not more than six candle power.

- (f) Lamps On Other Vehicles.- All vehicles not heretofore in this section required to be equipped with specified lighted lamps shall carry one or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than 500 feet to the front and rear of such vehicle; at least one of such lamps shall be carried on the left side of such vehicle.
- (g) Side Marker Lights Or Reflectors.- Any vehicle exceeding 20 feet in length shall display a white marker light of not to exceed four candle power, or a white reflector, meeting the requirements as to visibility of subdivision (d), on both the right and left sides, and any combination of vehicles exceeding 20 feet in length shall display on both the right and the left sides such marker lights or reflectors at intervals of not to exceed 20 feet. Other vehicles may but are not required to display such side marker lights or reflectors.

SECTION 49. ADDITIONAL LIGHT ON VEHICLES:-

- (a) Spot Lamps. Any motor vehicle may be equipped with not to exceed two spot lamps, except that a motorcycle shall not be equipped with more than one spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the street nor more than 100 feet ahead of the vehicle.
- (b) Auxiliary Driving Lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front thereof at a height not less than 18 inches above the level surface on which the vehicle stands. Every such auxiliary lamp or any spot lamp or auxiliary lamp controlled by the steering mechanism of the vehicle or attached to such vehicle in a manner that the light therefrom be directed parallel to the axis of the vehicle shall meet the requirements and limitations set forth in section 53.
- (c) Signal Lamps. Whenever a motor vehicle is equipped with a signal lamp to comply with provisions of section 26, the signal lamp shall be so constructed and located on the vehicle as to give a signal, which shall be plainly visible in normal sunlight from a distance of 100 feet to drivers of vehicles affected by such signal, but shall not project a glaring or dazzling light and shall be of type and color approved by the secretary of state.

SECTION 50. REQUIREMENTS AS TO HEAD LAMPS AND AUXILIARY DRIVING LAMPS:-

- (a) The head lamps of motor vehicles shall be so constructed, arranged, and adjusted that, except as provided in subsection (c) of this section, they will at all times mentioned in section 48 and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible a person 200 feet ahead, but shall not project a glaring or dazzling light to persons in front of such head lamp.
- (b) Head lamps shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling light if none of the main bright portion of the head lamp beams rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands, and in no case higher than 42 inches 75 feet ahead of the vehicle; provided further that in no case shall the bulb or bulbs of any head lamp, spot lamp or auxiliary lamp exceed 32 candlepower.
- (c) Whenever a motor vehicle is being operated upon a street, or portion thereof, which is sufficiently lighted to reveal a person on the street at a distance of 200 feet ahead of the vehicle it shall be permissible to dim the head lamps or to tilt the beams downward or to substitute therefor the light from an auxiliary driving lamp or pair of such lamps, subject to the restrictions as to the tilted beams and auxiliary driving lamp set forth in this subsection. Whenever a motor vehicle meets another vehicle on any street at night time upon a wet, hard-surface street, the driver of such motor vehicle shall dim his head lamps; provided, the candlepower of such dimmed lights shall in no event be less than four or more than 12 candlepower; provided further, that in lieu of dimming, as defined herein, it shall be permissible to tilt the beams of the head lamps downward or to substitute therefor the light from an auxiliary driving lamp or pair of lamps, subject to the requirements that the tilted head lamps or auxiliary lamp or lamps shall give sufficient illumination under normal atmospheric conditions and on a level road to render clearly discernible a person 75 feet ahead, but shall not project a glaring or dazzling light to persons in front of the vehicle, provided that at all times required in section 48 at least two lights shall be displayed on the front of and on opposite sides of every motor vehicle other than a motorcycle, road-roller or road machinery.

SECTION 51. ACETYLENE LIGHTS:-

Motor vehicles may be equipped with two acetylene head lamps of approximate equal candlepower when equipped with clear plane glass fronts, bright six-inch spherical mirrors and standard acetylene five-eighths foot burners, not more and not less, and which must throw sufficient light ahead to make clearly visible all vehicles, persons or substantial objects upon the street within a distance of two hundred (200) feet, but which do not project a glaring or dazzling light into the eyes of an approaching driver.

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SECTION 52. ILLEGAL TO SELL OR USE UNAPPROVED DEVICE:-

- (a) It shall be unlawful for any person to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use upon a motor vehicle, upon a street, any electric head lamp or any auxiliary driving lamp, rear lamp, signal lamp, or reflector device, unless of a type which has been submitted to the secretary of state for test and for which a certificate of approval has been obtained from the secretary of state as hereinafter provided.
- (b) It shall be unlawful for any person to sell or to offer for sale either separately or as a part of the equipment of a motor vehicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp or reflector device approved by the secretary of state unless such device bears thereon the trademark or name under which it is approved so as to be legible when installed, and is accompanied by printed instructions as to the candlepower of bulbs to be used therewith as approved by the secretary of state and any particular methods of mounting or adjustment as to focus or aim necessary for compliance with the requirements of this ordinance.

SECTION 53. HEAD LAMPS:

- (a) Head lamps shall be presumed to comply with this ordinance if they comply with the following requirements and limitations when the vehicle upon which they are affixed is fully loaded. The light projected by such head lamp shall be as follows:
 1. In the median vertical plane parallel to the lamps on a level with the centers of the lamps, not less than 1,800 and not more than 6,000 apparent candlepower.
 2. In the median vertical plane, one degree of arc below the level of the center of the lamps, not less than 7,200 apparent candlepower, and there shall not be less than 7,200 apparent candlepower anywhere on the horizontal line through this point one degree to the left or to the right of this point.
 3. In the median vertical plane one degree of arc above the level of the center of the lamps not more than 2,400 nor less than 500 apparent candlepower.
 4. Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the center of the lamps not more than 1,250 apparent candlepower.
 5. One and one-half degrees of arc below the level of the center of the lamps and three degrees of arc to the left and to the right, respectively, of the median vertical plane not less than 5,000 apparent candlepower nor less than this amount anywhere on the line connecting these two points.
 6. Three degrees of arc below the level of the center of the lamps and six degrees of arc to the left and to the right respectively, of the median vertical plane not less than 2,000 apparent candlepower nor less than this amount anywhere on the line connecting these two points.

SECTION 54. ENFORCEMENT OF PROVISIONS:-

The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, rear lamps or signal lamps who is arrested upon a charge that such lamps are improperly adjusted or are equipped with bulbs of a candlepower not approved for use therewith, shall be allowed 48 hours within which to bring such lamps into conformance with the requirements of this ordinance. It shall be a defense to any such charge that the person arrested produce in court evidence showing that within 48 hours after such arrest such lamps have been made to conform with the requirements of this ordinance.

SECTION 55. RED OR GREEN LIGHT VISIBLE FROM IN FRONT OF VEHICLE PROHIBITED:-

It shall be unlawful for any person to drive or move any vehicle upon a street with any red or green light thereon visible from directly in front thereof, provided, however, that motor vehicles operated on regularly established routes in the transportation of persons or property for hire, may use attached to the body thereof, such colored marker lights equipped with bulbs of not to exceed six candlepower, as the secretary of state, in his discretion may prescribe. This section shall not apply to police or fire department or fire patrol vehicles.

SECTION 56. BRAKES:-

- (a) Every motor vehicle other than a motorcycle when operated upon a street shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

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- (b) Any combination of motor vehicle, trailer, semi-trailer or other vehicle shall be equipped with brakes upon one or more of such vehicles adequate to stop such combination of vehicles within the distance specified for motor vehicles under regulations set forth in subdivision (e) of this section.
- (c) Every motorcycle, and bicycle with motor attached, when operated upon a street shall be provided with at least one brake, which may be operated by hand or foot.
- (d) All brakes shall be maintained in good working order and shall conform to regulations set forth in subdivision (e) of this section.
- (e) The Brakes of a motor vehicle or combination of vehicles shall be deemed adequate when, on a dry, hard, approximately level stretch of street, free from loose material, such brakes shall be capable of stopping the motor vehicle or combination of vehicles, when operating at speeds set forth in the following table, within the distances set opposite such speeds provided that no vehicle shall be tested for brakes efficiency at a speed higher than that permitted by law for such vehicles:

MILES PER HOUR	STOPPING DISTANCE
10-----	9.3 FEET
15-----	20.8 FEET
20-----	37.0 FEET
25-----	58.0 FEET
30-----	83.3 FEET

- (f) The method of test to be used in determining that vehicles, of the several classes mentioned in this section, meet the performance requirements set forth in subdivision (e) of this section shall be conducted in such a manner as the secretary of state may prescribe, which may be by the use of instruments suitable for the purpose approved by the United State Bureau of Standards.

SECTION 57. HORNS AND WARNING DEVICES:-

- (a) Every motor vehicle when operated upon a street shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, and it shall be unlawful except as otherwise provided in this section, for any vehicle, to be equipped with, or for any person, to use upon a vehicle, any bell, siren, or exhaust whistle, or for any person, at any time, to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. The use of such horn for the purpose of attracting the attention of others on the streets, on the sidewalks or in buildings, is prohibited.
- (b) Every authorized emergency vehicle used for emergency calls shall be equipped with a bell or siren or exhaust whistle of a type approved by the secretary of state, but no such device shall be installed or used upon any other vehicle.

SECTION 58. MIRRORS:-

Every motor vehicle shall be so equipped with a mirror or other device as to enable the driver thereof to have such a clear and unobstructed view of the rear at all times and under all conditions of load as will enable him to see any other vehicle approaching from not less than 200 feet in the rear on an unobstructed street.

SECTION 59. WINDSHIELD MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS:-

- (a) It shall be unlawful for any person to drive any vehicle upon a street with any sign, poster or other nontransparent material upon the front windshield, sidings, side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law.
- (b) Every windshield on a motor vehicle shall be equipped with a device for cleaning rain or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

SECTION 60. FLAG OR LIGHT AT END OF LOAD:-

Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such in such position as to be clearly visible at all times from the rear of such load a red flag not less than 12 inches both in length and width except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least 200 feet from the rear of such vehicle; provided, that a load on any vehicle shall not extend beyond the limits set forth in section 61, subdivision (f).

SECTION 61. SIZE OF VEHICLES AND LOADS:-

- (a) No vehicle shall exceed a total outside width, including any load thereon, of eight feet, except that the width of a farm tractor shall not exceed nine feet, except that the limitations as to size of vehicles stated in this section shall not apply to implements of husbandry temporarily propelled or moved upon the streets of the City of Albany.

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- (b) No vehicle unladen or with load shall exceed a height of 12½ feet; provided, however, that no vehicle exceeding a height of eleven (11) feet shall be operated on any street of this city without permission of the chief of police.
- (c) No vehicle with or without load shall exceed a length of 35 feet, extreme over all dimension, inclusive of front and rear bumpers, and no train of vehicles coupled together with or without load shall exceed a total length of 50 feet; provided however, that the foregoing limit of 50 feet in total length of any combination of vehicles shall not apply to vehicles or any combination of vehicles used by public utilities in hauling and transporting poles, piling and/or structures used or to be used in connection with the business of such public utility transporting and hauling the same. A truck, tractor and semi-trailer shall be construed to be one vehicle, and a motor vehicle and a pole or pipe dolly shall be construed to be a train of vehicles for the purpose of determining length.
- (d) No train of vehicles or vehicle operated alone shall carry any load extending more than three feet beyond the front thereof.
- (e) No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fender on the right side thereof.
- (f) It shall be unlawful to move over any street of this city any vehicle or combination of vehicles carrying an overhanging or unsupported load extending beyond the last axle of the vehicle or combination of vehicles for a greater distance than that equal to one-half of the length of the wheelbase of the vehicle carrying said load, if a single vehicle, or one-third of the length of the wheelbase of the combination of vehicles carrying said load, if a combination of vehicles; provided, however, that the overall length of vehicle and load or combination of vehicles and loads shall in no case exceed the limits set forth in subdivision (c) of this section.
- (g) Public utilities, for the purpose of transporting and hauling poles, piling and/or structures used or to be used in connection with the business of such utility, shall have the right to use and operate upon and along all streets any vehicle or combination of vehicles for the purpose of hauling and transporting poles, piling and/or structures, providing the total length of any load of such poles, piling or structures does not exceed 75 feet, and, excepting in an emergency, any public utility desiring to move, transport and/or haul any load of poles, piling and/or structures exceeding 75 feet in length shall apply to the chief of police for a permit, and the chief of police shall grant such permit subject to such reasonable restrictions as may be necessary to protect the street of the City of Albany and the users thereof.

SECTION 62. TRAILERS AND TOWED VEHICLES:-

- (a) The distance between any two vehicles, one of which is towing or drawing the other on a street, shall not exceed 15 feet in length, measured from the rear axle of the first vehicle to the front axle of the second vehicle except that in the case of a motor vehicle towing or drawing a pole or pipe dolly the distance between the rear axle of the motor vehicle and the front axle of the pole or pipe dolly may exceed 15 feet but shall not exceed 25 feet; and further provided, that in the case of a motor vehicle towing or drawing another vehicle that has been temporarily disabled the distance between the rear axle of the first vehicle and the front axle of the said disabled vehicle may exceed 15 feet but shall not exceed 25 feet. Whenever such connection consists solely of a chain, rope or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than 12 inches both in length and width.
- (b) All trailers or semi-trailers shall be equipped with such an efficient coupling device as will not permit said trailer or semi-trailer to swing over three inches either way beyond the track of the vehicle furnishing the motive power when operating on a tangent.

SECTION 63. PERMITS FOR HEAVY OR EXTRA LONG LOADS:-

- (a) No logs or piling shall be moved over or upon the streets of this city without written permission. Such written permission shall be obtained from the Street Committee of the City of Albany.
- (b) No logs, poles, piling, or other things shall be dragged upon or over the surface of any street.

SECTION 64. STEEL RIMS, LUGS, ETC.:-

No tire on any motor vehicle or any other vehicle, except such vehicle be actually engaged at the time in construction or repair work on public streets of this city, shall have on the periphery of its wheels any block, stud, cleat, bead, or any other protuberance of metal which projects beyond the tread or traction surface of the tire.

SECTION 65. SIFTING OR LEAKING LOADS:-

No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

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SECTION 66. STREET CURBS, GUTTER, ETC.

- (a) It shall be unlawful for any person to place any dirt, wood, or other material in the gutter or space next to the curb of any street with the intention of using same as driveway.
- (b) It shall be unlawful for any person to remove or damage in any way, any portion of any street curb without first obtaining written permission from the Supt., of STREETS.
- (c) Any person wishing to move any heavy thing such as a building, excavating machine or well drilling equipment over or upon a street curb shall first obtain a written permit from the Supt., of Streets, and shall be held responsible for any and all damage to same.

SECTION 67. PAINTING OR LETTERING STREET CURBS OR PAVEMENT:-

- (a) It shall be unlawful for any person, firm, corporation or association to letter, mark or paint, in any manner, any letters, marks or signs on any sidewalk, curb, street or alley, or to post on a parking strip anything designed or intended to prohibit or restrict parking in front of any sidewalk, dwelling house, business house or in any alley, except in compliance with the provisions of this ordinance.
- (b) Any person, firm, corporation or association desiring to letter, mark, or paint a street sidewalk, curb, street or alley, or post by signs on a parking strip, to prohibit or restrict parking in front of or adjacent to sidewalk, curb, street or alley or in front of any dwelling or business house, shall file an application with the city recorder, stating the name of the street and the number, the lot and block desired to protect by such signs of parking prohibition or restriction, names of persons affected, whether property is business or private dwelling, the reasons for the application in detail, and whether the privilege shall be temporary or permanent, and no permit shall become operative, or a protection from the penalties hereof, until after the Common Council of this city shall have passed favorably upon such application.
- (c) All permits authorized by the Common Council are hereby placed under the supervision of the chief of police and it shall be the duty of the holders of the permits granted hereunder to comply with the directions of the said chief of police in the installation of any signs or markings authorized hereunder.

SECTION 68. REPAIRING MOTOR VEHICLES IN STREETS, ALLEYS, ETC.:

It shall be unlawful for any person to repair or attempt to repair any part of any motor vehicle, or to race the engine of any motor vehicle, or to blow the horn of any motor vehicle, except as provided in section 57 of this ordinance, upon any street or in any alley or public place in this city, between the hours of 7 P.M. and 7 A.M., if such repair or attempt to repair makes any noise which may be objectionable to occupants of stores, offices, hotels, apartments or residences.

SECTION 69. MUFFLERS ON MOTOR VEHICLES:

Every motor vehicle operated in this city shall be equipped with a muffler of such size, design and construction as to effectively muffle, absorb and eliminate all motor exhaust noises. Such muffler shall be kept in service continually while any such vehicle is operating its engine upon the streets, alleys or other public places in this city, and it shall be unlawful to operate any motor vehicle upon the streets, alleys or other public places in this city with its muffler cut-out open or partially open so as to permit its engine explosions to pass by to the open air without passing through the muffler. It shall be unlawful to equip any muffler with tube or pipe which will permit exhaust gasses to pass directly through the muffler, or any tube, pipe or cut-out to permit the engine explosions to pass by the open air around the muffler. The use of butterfly valves at any point in the motor exhaust pipe shall be unlawful. It shall be unlawful to partially close or flatten the motor exhaust or tail pipe at its extremity. No vehicle shall be operated with an excessive smoky exhaust upon any street, alley or public place. Mufflers on new vehicles, classed as factory equipment, especially on motorcycles and trucks, shall not necessarily meet the requirements of this ordinance.

SECTION 70. PARADES AND CONGESTED TRAFFIC:

- (a) The driving of two or more motor vehicles in line, one following directly behind another (funeral processions excepted) for the purpose of forming a parade of any nature shall be unlawful without the chief of police first being duly notified, requesting a police escort and securing a permit for such parade from said chief of police.
- (b) It shall be unlawful for any person to drive any vehicle parallel with the line of any lawful parade, or funeral procession, either on the right or the left side of such parade, or funeral procession, or to drive any vehicle through the line of any lawful parade or funeral procession.

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- (c) In parades, at theatres and other occasions and places where traffic is congested, vehicles shall be operated with due care and caution, and jockeying vehicles and running by for position is prohibited. Each vehicle when stopped to load or unload passengers at theatres and public gatherings of any nature shall immediately move out and away from such congested area.
- (d) It shall be unlawful to drive any vehicle in any parade for the purpose of serenade or charivari at any time upon the streets, alleys or public places in this city.
- (e) It shall be unlawful for persons to organize in parade and march on foot upon the streets of this city without first duly notifying the chief of police, requesting police protection and securing a permit for such parade from said chief of police.

SECTION 71. PARKING OF MOTOR VEHICLES:

- (a) All motor vehicles parked (see definition of parking) upon any street in this city, shall be parked as follows;
- (b) Whenever any motor vehicle is parked upon any street in this city, it shall be headed as though proceeding upon the right side of the street.
- (c) Where no mode of parking is indicated by such painted white stripe or other marking, any and all vehicles parked in any such unmarked area shall be parked parallel with the street curb and with the tires or wheels on the right hand side of such vehicle, within 12 inches of the curb. Whenever the owner or driver of a vehicle is parked immediately in front of or close to a building to which the fire department has been summoned, he or she shall immediately remove such vehicle from such area.

SECTION 72. PARKING TIME LIMITS:

- (a) The lawful time allowed for parking vehicles, shall, in any section of any street, be as indicated by lettering upon the face of yellow or orange painted signs placed at the top of standards placed along the curb line of any section of any street. Such time limits and the indication thereof may be changed from time to time by action of the Common Council. Such time limit shall mean the aggregate of time of all parking of any one vehicle within a space of 220 feet measured along the curb line, shall not exceed the time posted.
- (b) Such time limits shall not apply on Sundays or legal holidays or between the hours of 6 P.M. and 9 A.M.
- (c) Such time limits shall not apply to light delivery vehicles (see definition), or to passenger vehicles being used exclusively for delivery purposes, when either of same can be recognized as such by the name of the owner and the nature of the business being plainly visible upon such vehicle while such vehicle is parked alongside the street curb (not double parked), directly in front of the place of business to which it belongs.

SECTION 73. PARKING TAXICABS AND FOR HIRE CARS:

The restrictions herein contained regarding parking time limits shall not apply to taxicabs and for hire passenger cars, provided, the owner or operator thereof has complied with the laws of the state of Oregon and the ordinance of this city regulating the operation of such vehicles.

SECTION 74. DOUBLE PARKING:

- (a) It shall be unlawful for any person to "double park" or park a vehicle behind vehicles parked head-in to, the street curb, or alongside vehicles parked parallel with the street curb, for a period in excess of five minutes at any one time in any one block on one side of any street and only then by leaving a licensed operator at the controls of such vehicle, with motor running and such operator shall immediately move such vehicle when so "double parked" if requested to do so by anyone desiring to move out from the curb or to occupy a clear space at the curb, either of which move is blocked by the "double parked" vehicle. All such "double parked" vehicles shall be stopped as far away from moving traffic as possible.
- (b) The chief of police may, at any time, declare an emergency and prohibit all "double parking" as in (a) of this section permitted, while such emergency exists.
- (c) The leaving of any "double parked" vehicle without a licensed operator at the controls is prohibited under all conditions and shall be just cause for the removal from the street, by the police, of any such vehicle.
- (d) "Double parking" near an available regular parking space is prohibited under all conditions.
- (e) "Triple parking" or stopping or parking in the second traffic lane behind regularly parked vehicles, is prohibited under any and all conditions.

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- (f) Light delivery vehicles (see definition) when they can be recognized as such by the name of the owner and the nature of the business being plainly visible upon the body of such vehicle, shall be governed by the regulations of this section regarding "double parking", except that the provisions of subdivision (c) of this section shall not apply and except that such light delivery vehicles shall be allowed the same privilege as granted motor trucks loading or unloading freight or merchandise before the hour of 12 A.M.

SECTION 75. STOPPING NEAR STREET INTERSECTIONS:

It shall be unlawful for any person to stop any vehicle for the purpose of double parking or to load or unload anything or passengers, with the front or rear of such vehicle, as the case may be, within less than 15 feet from the elongation of the property line, if extended, or to stop any vehicle for the purpose of loading, or unloading passengers or any thing within any part of a street intersection, crosswalk or pedestrian lane.

SECTION 76. PARKING IN ALLEYS:

- (a) It shall be unlawful for any person, firm or corporation to park or cause to be parked, any vehicle within the area of an alley in this city, except for the purpose of actual loading or unloading of freight or merchandise, and in that case only for a period of time not in excess of one hour.
- (b) It shall be unlawful for any person to park or cause to be parked, any vehicle within the area of any alley in this city, between the hours of 7 P.M. and 6 A.M.

SECTION 77. PARKING VEHICLES ON BRIDGES:

It shall be unlawful for any person to park any vehicle upon any bridge in this city.

SECTION 78. PARKING VEHICLES FOR SALE:

It shall be unlawful for any person, firm or corporation to park any motor vehicle upon the streets of this city for the purpose of displaying or offering the same for sale.

SECTION 79. MOVING UNLAWFULLY PARKED VEHICLES FROM STREETS, ETC.:

- (a) The chief of police shall cause any vehicle to be removed from any street, alley or public place in this city whenever any police officer shall have reason to believe that such vehicle was left by any person in violation of any provision of this ordinance.
- (b) When any vehicle is so removed from any street, alley or public place it shall be taken to a public garage and the owner or person in custody of such vehicle shall be required to pay the towing and storage fee upon any such vehicle before the same shall be returned to the owner or custodian.

SECTION 80. STOPPING MOTOR BUSES:

- (a) Any person, firm or corporation operating or in charge of a motor bus, shall stop such motor bus at street intersections only and at the near side of street intersections only and such vehicles shall be 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.
- (b) It shall be unlawful for any person to use any street as a terminal for interurban stages except at such locations as may be approved by the Council.

SECTION 81. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS:

- (A) It shall be unlawful and punishable as provided in subdivision (b) of this section for any person who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle upon any street within this city.
- (b) Every person who is convicted of a violation of this section shall be punished by imprisonment in the municipal jail for not less than 30 days nor more than 3 months, and by fine of not less than one hundred dollars or more than \$200.00.
- (c) In addition to the above fines and sentences, the city recorder shall take up the operator's license of any person so convicted, and shall immediately certify a copy of his judgment, as rendered, to the secretary of state, so that the operator's license of such convicted person may be revoked by the secretary of state, in accordance with the state law.

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SECTION 82. RECKLESS DRIVING:

- (a) Any person who drives any vehicle upon a street carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving and upon conviction shall be punished as provided in subdivision (b) of this section.
- (b) Every person convicted of reckless driving under this section shall be punished by imprisonment in the municipal jail for a period of not less than five days nor more than 90 days, or by fine of not less than \$1.00 nor more than \$200.00, or by both such fine and imprisonment.

SECTION 83. EXISTING TRAFFIC SIGNS; CHANGING AND ADDITIONS:

That all official traffic signs and signals existing at the time of the adoption of this ordinance, such as stop signs, caution signs, slow signs, no reverse turn signs, signs designating time limits for parking, lines painted or marked on street or curb designating parking areas, markers designating loading zones, 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 ordinance; provided, however, that the Common Council may at any time, by resolution, have any such official traffic signs or signals removed or changed; and provided further, that any additional official traffic signs or signals erected, installed or painted or marked shall first be authorized by resolution by the Common Council.

SECTION 84. PENALTIES FOR VIOLATION:

- (a) It shall be unlawful for any person to violate any of the provisions of this ordinance.
- (b) Every person convicted for violation of any of the provisions of this ordinance for which another penalty is not provided shall, upon conviction thereof be punished by a fine of not less than one dollar nor more than \$100.00, or by imprisonment in the city jail for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not less than one dollar nor more than \$200.00, or by imprisonment in the city jail for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not less than one dollar and not exceeding \$200.00, or by imprisonment in the city jail for not more than 30 days, or by both such fine and imprisonment.

SECTION 85. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, BE AND THE SAME ARE HEREBY REPEALED.

SECTION 86. EMERGENCY:

Inasmuch as the provisions of this ordinance are necessary for the immediate health and safety of the citizens and inhabitants of the City of Albany, Oregon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Albany, Oregon, and its approval by the Mayor of said city.

PASSED BY THE COMMON COUNCIL, MAY 12, 1937

APPROVED BY THE MAYOR, MAY 14, 1937

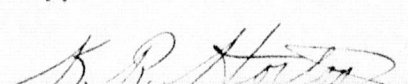
C.R. ASHTON, MAYOR

ATTEST: K.R. HORTON, CITY RECORDER.

STATE OF OREGON

County of Linn. ss. I, K.R. Horton, Recorder of the City of Albany, Linn County, Oregon, hereby certify that the annexed and foregoing copy of Ordinance # 1422, has been by me carefully compared with the original Ordinance Bill # 1534, on file in my office, and that it is a true and correct copy of all of said bill, passed by the Council, May 12, 1937, and approved by the Mayor May 14, 1937.

Witness my hand and official signature and the seal of the City of Albany, this 20th day of May, 1937.


RECORDER OF THE CITY OF ALBANY.