

CHAPTER 70: GENERAL PROVISIONS

Section

GENERAL PROVISIONS

- 70.01 Title
- 70.02 State statutes apply
- 70.03 Fees
- 70.04 Definitions and interpretations
- 70.05 Exception; emergency vehicles

Administration and Enforcement

- 70.15 Powers of Council
 - 70.16 Delegation of powers
 - 70.17 Public danger; temporary control devices
 - 70.18 Standards
 - 70.19 Authority of police and fire officers
-
- 70.99 Penalty

GENERAL PROVISIONS

§ 70.01 TITLE

This title may be cited as the city's "uniform traffic title."
(Ord. 189, passed 4-22-1974)

§ 70.02 STATE STATUTES APPLY.

Violations of provisions in O.R.S. Chapters 801-822 shall be an offense against the city.
(Ord. 333, passed 11-11-1997) Penalty, see § 70.99

§ 70.03 FEES

Establishment of fees will follow state law or may be set by resolution.
(Ord. 333, passed 11-11-1997)

Merrill – Traffic Code

§ 70.04 DEFINITIONS AND INTERPRETATIONS,

(A) In addition to those definitions contained in the above O.R.S. chapters, for the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUS STOP. A space on the edge of the roadway designated by sign for use by buses loading or unloading passengers.

HOLIDAY. New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the Council to be a HOLIDAY.

LOADING ZONE. A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

STREET AND OTHER PROPERTY OPEN TO PUBLIC TRAVEL.

(a) **STREET.** The terms HIGHWAY, ROAD, and STREET, when used in this title or in the O.R.S. chapters incorporated herein, shall be considered synonymous, unless the context precludes that construction. STREET, as defined in this section and the O.R.S. chapters incorporated by reference herein, includes alleys, sidewalks, and parking areas and accessways owned or maintained by the city.

(b) **OTHER PROPERTY OPEN TO PUBLIC TRAVEL.** Property, whether publicly or privately owned and whether publicly or privately maintained, upon which the public operator motor vehicles either by express or implied invitation, other than streets as defined in this section, and excepting public school property, county property, or property under the jurisdiction of the state Board of Higher Education. OTHER PROPERTY OPEN TO PUBLIC TRAVEL shall include but not be limited to parking lots, service station lots, shopping center and supermarket parking lots, and other accessways and parking areas open to general vehicular traffic, whether or not periodically closed to public use.

TAXICAB STAND. A space on the edge of a roadway designated by sign for use of taxicabs.

TRAFFIC LANE. The area of the roadway used for the movement of a single line of traffic.

(B) As used in this title, the singular includes the plural, and the masculine includes the feminine.

(Ord. 189, passed 4-22-1974)

General Provisions

§ 70.05 EXCEPTIONS; EMERGENCY VEHICLES.

(A) The provision of this title regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles except as provided by the motor vehicle laws of the state and as follows:

(1) A driver, when operating such a vehicle in an emergency, except when otherwise directed by a police officer or other authorized persons, may park or stand notwithstanding the provisions of this title and;

(2) A driver of a police vehicle, Fire Department vehicle, or patrol vehicle, when operating that vehicle in an emergency, may disregard regulations governing turning in specified directions so long as he or she does not endanger life or property.

(B) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences or his or her reckless disregard of the safety of others.
(Ord. 189, passed 4-22-1974) Penalty, see § 70.99

ADMINISTRATION AND ENFORCEMENT

§ 70.15 POWERS OF COUNCIL.

(A) Subject to state laws, the City Council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance or code provision.

(B) The powers of the Council shall include but not limited to:

(1) Designation of through streets;

(2) Designation of one-way streets;

(3) Designation of truck routes;

(4) Designation of city-owned or leased lots, or property on which public parking will be permitted;

(5) Designation of parking meter zones;

(6) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;

Merrill – Traffic Code

(7) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;

(8) Initiation of proceedings to change speed zones; and

(9) Revision of speed limits in parks.

(C) The City Council shall, by resolution:

(1) Install traffic-control devices to implement this title and other traffic-control measures. These installations shall be based on the standards contained in the state Manual on Uniform Traffic-Control Devices for Streets and Highways;

(2) Establish, maintain, remove, or alter the following classes of traffic controls:

(a) Crosswalks, safety zones, and traffic lanes;

(b) Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies; and

(c) Parking areas and time limitations, including the forms of permissible parking (e.g., parallel or diagonal).

(3) Issue oversize or overweight vehicle permits;

(4) Establish, maintain, remove, or alter traffic-control signals;

(5) Establish, maintain, remove, or alter loading zones and stops for all vehicles;

(6) Designate certain street as bridle paths and prohibit horses and animals on other streets; and

(7) Temporarily block or close streets.

(Ord. 189, passed 4-22-1974)

§ 70.16 DELEGATION OF POWERS.

The City Council may delegate powers set forth in § 70.15(C) of this code at its discretion. Duties exercised thereafter by the Street Commissioner or his or her designate shall be reported to the Council at the regular meeting immediately following their implementation,

General Provisions

and the Council may reject or modify the action. This reporting requirement may be dispensed with when the Council so orders.

(Ord. 189, passes 4-22-1974)

§ 70.17 PUBLIC DANGER; TEMPORARY CONTROL DEVICES.

Under conditions constituting a danger to the public, the Chief of Police or his or her designate may install temporary control devices deemed by him or her to be necessary.

(Ord. 189, passed 4-22-1974)

§ 70.18 STANDARDS

The regulations of the City Council and the Street Commissioner or his or her designate shall be based upon:

(A) Traffic engineering principles and traffic investigations;

(B) Standards, limitations, and rules promulgated by state Highway Division; and

(C) Other recognized traffic-control standards.

(Ord. 189, passed 4-22-1974)

§ 70.19 AUTHORITY OF POLICE AND FIRE OFFICERS.

(A) It shall be the duty of police officers to enforce the provisions of this title.

(B) In the event of a fire or other public emergency, officers of the Police Department or any responding fire department, may direct traffic as conditions require, notwithstanding the provisions of this title.

(Ord. 189, passed 4-22-1974)

§ 70.99 PENALTY

(A) Any person who shall violate provisions of this title for which no other penalty is provided shall upon conviction, be subject to penalties as set forth in § 10.99 of this code.

(B) Except as may be limited by charter, violations of Oregon Revised Statue provisions made offenses against this city are punishable to the same extent provided in the state law.

(Ord. 189, passed 4-22-1974)

Merrill – Traffic Code

(C) Any violation of the parking schedule in Chapter 75 of this code, except Schedule II(A) and II(B), shall be considered a misdemeanor punishable by a fine not to exceed \$100. (Ord. 250, passed 3-5-1985)

(D) (1) Fine. Violation of Chapter 73 or of Chapter 75, schedules II(A) or II(B), is punishable by a fine not to exceed \$500 for each violation.

(2) Violation procedure.

(a) First Offense

1. Citation; and
2. Notification by mail of violation.

(b) Second Offense

1. Citation; and
2. Notification by mail of violation; and
3. Notification by registered mail of termination or permit and consequences of third violation.

(c) Third offense

1. Citation; and
 2. Removal and storage of vehicle and trailer at owner's expense.
- (Ord. 263, passed 7-7-1987)