

TITLE VII: TRAFFIC CODE

Chapter

70. RECREATIONAL VEHICLES

71. TRAFFIC SCHEDULES

CHAPTER 70: RECREATIONAL VEHICLES

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MOTORCYCLE. Has the meaning as defined by the Oregon Vehicle Code, presently at O.R.S. 801.365, and includes Adirt bikes@.

OPERATION. Includes, but is not limited to, driving riding or otherwise utilizing a motor vehicle while the engine is running.
(Ord. 195, passed 9-4-1995)

' 70.01 PURPOSE.

Except as otherwise provided, this chapter precludes the operation of all-terrain vehicles, motorcycles (including dirt bikes) and other motor vehicles not licensed for street operation on any public or private property, roadway, alley or right-of-way within the city.
(Ord. 195, passed 9-4-1995)

' 70.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. Any roadway or other way of access primarily intended to provide access to the rear or side of lots or buildings.

ALL-TERRAIN VEHICLE. Every class all-terrain vehicle as defined by the Oregon Vehicle Code and presently defined in O.R.S. 801.190, 801.193 and 801.194.

MOTOR VEHICLE. A vehicle that is self-propelled or designed for self-propulsion, including all-terrain vehicles and motorcycles.

' 70.03 PROHIBITED ACTS.

(A) No person shall operate an all-terrain vehicle nor any motor vehicle not properly licensed for street operation within the city, except upon property owned by the person.

(B) No person shall operate a motorcycle, including Adirt bikes@, within the city, except upon property owned by that person, unless such motorcycle is properly licensed for street operation.

(C) No person shall operate an all-terrain vehicle, a motorcycle, including Adirt bikes@ or any other motor vehicle upon any property owned by the city, excepting motor vehicles properly licensed for street use and lawfully operated on public streets, roadways and alleys.
(Ord. 195, passed 9-4-1995) Penalty, see ' 70.99

' 70.04 EXCLUSION.

(A) The provisions of ' 70.03 do not apply to a person operating an all-terrain vehicle, motorcycle or other motor vehicle on private property not owned by the person; provided, however, that the person has written permission from the property owner to operate such vehicle on the owner=s property. The written

permission required by this section shall be carried upon the person of the person operating such vehicle at all times while the person operates an all-terrain vehicle, motorcycle or other motor vehicle on the private property of another. Failure to so carry and to present such written permission precludes the application of this section.

(Ord. 195, passed 9-4-1995)

' 70.05 ENFORCEMENT.

This chapter may be enforced by the state police and by the County Sheriff=s office.

(Ord. 195, passed 9-4-1995)

' 70.99 PENALTY.

Persons violating ' 70.03 shall be subject to a fine not exceeding \$200 for each violation. Such fines are payable to the city.

(Ord. 195, passed 9-4-1995)

CHAPTER 71: TRAFFIC SCHEDULES

Schedule

I. Vehicle weight; truck routes

SCHEDULE I. VEHICLE WEIGHT; TRUCK ROUTES.

(A) *Truck routes.* Except as authorized by terms of permits issued or resolutions adopted by the City Council as hereinafter set forth, it shall be unlawful for any person, firm or corporation to use, drive or operate any vehicle weighing 19,000 pounds or more upon any street in the city, except the following streets and avenues which are hereby designated as city truck route streets:

<i>Street/Road</i>	<i>Location</i>
Airport Way	From North Eighth Street, west to Highway 101
Eighth Street	From Hilltop Drive, north to Highway 101
Hilltop Drive	From Eighth Street, west to the city limits
North Lake Road	From North Eighth Street, east to the city limits
North Tenth	Railroad Avenue to North Lake Road
Railroad Avenue	Twelfth to Tenth Streets
South Thirteenth Street	
Twelfth Street	North and south of North Lake Road

(B) *Unlawful.* It shall be unlawful to operate any track mounted or metal wheeled vehicle on any city street without a permit. See the penalty in division (I) below.

(C) *Exemptions.* Any such motor vehicle, truck, trailer or other vehicle if used for the specific purpose of picking up or discharging no more than two loads per day at any retail business establishment or residence located on other than the above named streets or avenues, or any such vehicle being driven to the driver=s residence for the purpose of parking overnight, shall be exempt from the provisions of this schedule, provided:

- (1) Such vehicle will be completely off the roadway;
- (2) Does not constitute a menace to traffic;
- (3) Can be moved from the parking area safely and without impeding traffic;

(4) Does not block access to adjacent property, including mail boxes;

(5) Does not remain parked there for more than 36 hours in any 48-hour period, starting from the time the vehicle is first parked.

(D) *Regulations set by City Council.* The City Council may, by resolution or permit, allow the operation over said street, or sections thereof, of any vehicle or combination of vehicles, including any loads thereon, having a gross vehicle or combination of vehicles weight in excess of 19,000 pounds, when it appears to the City Council, that the public, the street and street facilities will not be endangered thereby. The City Council shall make and set forth in any such resolution or permit such regulations as are in its opinion necessary to prevent damaging said street facilities and to protect the public welfare.

(E) *Fees; permit requirements.*

(1) Fees shall be assessed for street use permits issued pursuant to this schedule in accordance with the provisions below and in the dollar amount set forth in division (K) below.

(2) For the purpose of issuing permits each year shall be divided into two parts. The first part, called the *ADry Season*, shall include the period May 1 through October 31. The second part, called the *AWet Season*, shall include the period November 1 through April 30. No permit shall be issued for more than one season at a time. The fee for *AWet Season* permits shall be twice the fee for comparable *ADry Season* permits (refer to the table in division (K) below).

(3) Permits shall be issued for one of the following durations:

- (a) One day;
- (b) Two to seven days;
- (c) Eight to 14 days;
- (d) Fifteen to 30 days;
- (e) Thirty-one to 60 days;
- (f) Sixty-one to 90 days; or
- (g) Ninety-one to 180 days.

(4) Permits shall contain the name and address of the permittee, name of the street or streets of authorized use, duration of the permit, any speed limit restrictions, the number of authorized trips per day and the time of day during which the roads may be used under said permit, name and address of the insurance company, and the season of permit.

(5) Before commencing any usage of any street under a permit, the permittee shall furnish proof of existing insurance coverage, insuring permittee for public liability in a sum not less than \$100,000 and property damage in a sum not less than \$50,000.

(6) The requirement, if the street is not paved and the duration exceeds 14 days and the number of trips per day exceeds nine, is that the street(s) must be paved to city standards, by the potential user, before the permit is issued. The paving shall be considered total payment for up to 180 days of unlimited use.

(F) *Government and emergency vehicles or equipment.* The provisions of this schedule do not apply to any vehicle, combination of vehicles, article, machine or other equipment while being used by the federal government, the state, the county, special districts or the city in the construction, maintenance or repair of said street, and at the immediate location or site of such construction, maintenance and repair. Said provision shall likewise not apply to any emergency vehicles operated within the city nor to any vehicle operated by any franchisee of the city while engaging in the purposes of the franchise.

(G) *Liability.* Any owner and driver or chauffeur of any vehicle or combination of vehicles using said street in violation of this schedule shall be jointly and severally liable to the city for all damage done to said street or street facilities as a result on the violation.

(H) *Prima facie evidence.* The operation of any vehicle or combination of vehicles in violation of this schedule is prima facie evidence that the owner of such vehicle or combination of vehicles caused or permitted it to be so operated.

(I) *Penalty; revocation.*

(1) The penalty for not obtaining a proper permit shall be payment of twice the regular fee and the city shall have the authority to shut down any operation until all fees are paid.

(2) Not obtaining a proper permit means operating without one or exceeding the number of trips per day or duration of the permit.

(3) A permit may be revoked by the city upon any violation of the permit, in lieu of a monetary penalty, or upon giving written notice to the permittee at least ten days prior to the date of revocation.

(4) Revocation for other than a violation will result in a refund for the unused part of the permit.

(J) *Signs.* The City Council shall cause to be posted at all entrances to the city signs stating ALOAD LIMIT 19,000 ON ALL STREETS EXCEPT TRUCK ROUTES@. The city shall cause to be posted at all junctions of designated truck routes the direction of said truck routes.

(K) *Number of daily trips.*

<i>Number of Daily Trips</i>				
<i>Duration in Days</i>	<i>1 to 3</i>	<i>4 to 9</i>	<i>10 to 19</i>	<i>20 or more</i>
1	\$10	\$40	\$60	\$80
2-7	\$40	\$140	\$200	\$260
8-14	\$100	\$300	\$400	\$500
15-30	\$400	\$600	\$800	\$1,000

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<i>Number of Daily Trips</i>				
<i>Duration in Days</i>	<i>1 to 3</i>	<i>4 to 9</i>	<i>10 to 19</i>	<i>20 or more</i>
31-60	\$700	\$1,020	\$1,400	\$1,720
61-90	\$1,000	\$1,500	\$2,000	\$2,500
91-180	\$1,400	\$2,100	\$2,800	\$3,500
If street is not paved, it is to be paved when duration exceeds 14 days and trips exceed 9 per day.				
Note: Wet season permit fees (November 1 through April 30) shall be twice the above listed dry season permit fees (May 1 through October 31).				

(Ord. 103, passed 5-16-1985; Ord. 223, passed 10-8-1998)