

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.04 Uniform Traffic Ordinance

10.08 *Repealed*

10.12 Transportation Facilities and Improvements

Chapter 10.04**UNIFORM TRAFFIC ORDINANCE**

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10.04.010 Chapter title.

This chapter may be cited as “North Bend Uniform Traffic Ordinance.” (Ord. 1529 § 1, 1976)

10.04.020 Definitions.

In addition to those definitions contained in the Oregon Vehicle Code, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

(1) “Bus stop” means a signed or marked space at the edge of a roadway for the exclusive use by buses loading or unloading passengers or baggage.

(2) “Curb” means the outer edge of the improved portion of a roadway.

(3) “Holiday” means New Year’s Day, Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day and Christmas Day.

(4) “Loading zone” means that space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(5) “Motor vehicle” means every vehicle that is self-propelled, including tractor, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

(6) “Park” means to stand or leave standing any vehicle whether occupied or not other than for the purpose of and while actually engaged in loading or unloading of passengers or materials.

(7) “Parkway” means that portion of a street right-of-way not opened.

(8) “Person” means a natural person, firm, partnership, association or corporation.

(9) “Street” means a highway, road, or street as defined by Oregon law, but including public parking areas within the city and roadways within the North Bend Municipal Airport.

(10) “Taxicab stands” means a marked area in a street adjacent to the curb designated for the exclusive use by licensed or authorized taxicabs.

(11) “Traffic lane” means that area of the roadway used for the movement of a single lane of traffic. (Ord. 1529 § 2, 1976)

10.04.030 Powers of the council.

(1) 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.

(2) The powers of the council shall include, but not be limited to:

- (a) Designation of through streets;
- (b) Designation of one-way streets;
- (c) Designation of truck routes;
- (d) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
- (e) Authorization to greater maximum weights or lengths for vehicles using city streets than specified by state law;
- (f) Initiation of proceedings to change speed zones;

(g) Revision of speed limits in parks;

(h) Establishment, removal or alteration of crosswalks, safety zones, traffic lanes, parking areas and time limitations, loading zones and stops for vehicles, bicycle lanes and paths, traffic control signals and all other traffic signs, signals, devices and designations. (Ord. 1529 § 3, 1976)

10.04.040 Traffic committee.

The city administrator, city engineer and chief of police of the city of North Bend are hereby designated as a traffic committee which shall have the duty of recommending to the council of the city of North Bend the erection, installation, alteration or change of signs, signals, devices and designations for the regulation and control of vehicular and pedestrian traffic and the use of streets. (Ord. 1529 § 4, 1976)

10.04.050 Temporary traffic control.

When an emergency shall exist, or when conditions exist which endanger the public safety, the city administrator, city engineer or chief of police of the city of North Bend may temporarily close any street, alley or sidewalk to traffic and may direct and regulate traffic, install temporary traffic signs, signals, devices and markers pending action thereon by the city council at its next regular meeting, or a special meeting called for that purpose, and until such meeting such signs, signals, devices and markers shall be official and enforceable by the city of North Bend. (Ord. 1529 § 5, 1976)

10.04.060 Traffic control for fires and street work.

(1) Members of the North Bend fire department and volunteer fire fighters shall have authority to direct traffic or assist police officers in directing traffic at or near the scene of a fire or other emergency.

(2) The street department of the city of North Bend, the Highway Department of the State of Oregon, utility boards, departments and companies, public contractors, and other persons, when authorized by ordinance of the city of North Bend, shall have the right to erect warning signs, signals or barricades for the temporary regulation of traffic under the terms of this chapter. (Ord. 1529 § 6, 1976)

10.04.070 Traffic signals.

All official traffic signs and signals existing at the time of the adoption of the ordinance codified

in this chapter, such as stop signs, caution signs, slow signs, no-reverse-turn signs, signs designating time limits for parking, lines painted or marked on street 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 chapter; provided, however, that the council may, by motion, at any time have any such official traffic signs or signals removed or changed; and provided further, that any additional traffic signs or signals erected, installed, painted or marked shall first be authorized by motion of the council. (Ord. 1529 § 7, 1976)

10.04.080 Evidence and enforcement.

The existence of a traffic sign, signal, device or marking shall be prima facie evidence that such sign, signal, device, or marking was lawfully authorized and installed under the terms of this chapter and the laws of the state of Oregon, and all persons shall comply with all such signs, signals, devices and markings. (Ord. 1529 § 8, 1976)

10.04.090 Interference with signs.

No person shall damage, tamper with, deface, destroy, change, remove, install, paint or mark any traffic sign, signal, device or marking except as provided and authorized in this chapter. (Ord. 1529 § 9, 1976)

10.04.100 General regulations.

(1) Crossing Private Property. No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operation of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

(2) Unlawful Riding.

(a) No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

(b) No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

(3) Skateboards. No person shall operate or ride upon a skateboard on any improved or roadway

portion of a public street which is open to vehicular traffic.

(4) Damaging Sidewalks and Curbs.

(a) The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

(b) No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

(c) No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repairs.

(5) Removing Glass and Debris. A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street.

(6) Storage of Property on Streets. No person shall store or permit to be stored on a street or other public place or property, without a permit therefor, any personal property except a motor vehicle in operating condition, for a period in excess of 48 hours.

(7) Obstructing Streets and Signs.

(a) Except as otherwise provided in this or any other ordinance of the city, no person shall place, park, deposit or leave upon any street or other public way, sidewalk or curb any article, thing or material which in any way prevents, interrupts or obstructs the free passage of pedestrian or vehicular traffic.

(b) No person shall place, construct, plant, maintain, or permit or suffer to be placed, constructed, planted or maintained, any object, tree or other plant which obstructs a driver's view of traffic control signs, signals or markings, and any such obstruction is deemed to be a public nuisance. The owner, occupant or other person having the control or possession of the object, tree or plant, or of the adjacent property, or of the portion of the dedicated unimproved right-of-way adjacent to such property, shall be responsible for preventing such obstruction of traffic control signs, signals and markings. Whenever the obligations imposed by this subsection have not been fulfilled, the city may cause such obstruction to be removed and the nuisance there created abated, and neither the city nor its employees or officials shall be liable for dam-

ages for removing the obstructing property and nuisance.

(8) Weight Restrictions. Vehicles having a gross weight of 15,000 pounds or more shall not be operated upon a street within the city of North Bend, with the following exceptions:

(a) Weight restrictions shall not apply to streets which are also state highways, streets within the commercial and industrial zones as provided on the zoning map of the city, and streets posted with signs allowing greater weights.

(b) Weight restrictions shall not apply to governmental or utility vehicles being used for their intended purposes.

(c) Weight restrictions shall not apply to recreation vehicles, or recreational boat or travel trailers.

(d) Overweight vehicles may operate in residential areas while delivering or picking up materials or merchandise or while providing services relating to residential property; provided, that they enter residential streets at an intersection nearest the destination of the vehicle and leave by the shortest route.

(e) Vehicles not otherwise exempt from weight provisions may apply for a permit to use residential streets for overweight vehicles for a specific purpose related to the maintenance or improvement of property. Such permit shall be issued for a period not to exceed three days and will be subject to conditions and restrictions necessary or convenient for the protection of city streets and the public health, safety and welfare. A fee of \$50.00 shall be paid to the city for each permit prior to its issuance.

(9) Oversize Vehicles – Permits. When written application is made therefor, the city administrator, in accordance with applicable provisions of the motor vehicle laws of Oregon, may grant permits for the use of the streets by vehicles, combinations of vehicles, or other property, which are prohibited by state law from using the streets because of excessive weight, length or width, and the city administrator may set out in such permit such conditions, regulations and restrictions as the public interest may require, and which will be sufficient to prevent injury or damage to streets, sidewalks and all other improvements or private property, and to protect the public. Such permit may be canceled at any time by the city administrator upon satisfactory proof that the permittee has violated any of the terms of the permit or when, in the judgment of the city administrator, the public interest requires can-

cellation. (Ord. 1817, 1994; Ord. 1791, 1992; Ord. 1529 § 10, 1976)

10.04.110 Method of parking.

(1) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and unless the size or shape of the vehicle makes compliance impossible within a single marked space.

(2) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.

(3) Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers. (Ord. 1529 § 11, 1976)

10.04.120 Prohibited parking or standing.

In addition to the state motor vehicle laws prohibiting parking, no person shall park or stand:

(1) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials and in no case for a period in excess of 30 consecutive minutes.

(2) A motor vehicle weighing in excess of 8,000 pounds on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation.

(3) A vehicle adjacent to a curb painted with yellow, orange or green markings or within any area designated by signs, signals, devices or markings as an area of no parking or limited parking for which the vehicle does not qualify. (Ord. 1529 § 12, 1976)

10.04.130 Prohibited use of parking.

No operator shall park and no owner shall allow a vehicle to be parked upon a street for the principal purpose of:

- (1) Displaying the vehicle for sale;
- (2) Repairing or servicing the vehicle, except repairs necessitated by an emergency;
- (3) Displaying advertising from the vehicle;
- (4) Selling merchandise from the vehicle except when authorized. (Ord. 1529 § 13, 1976)

10.04.140 Use of loading zone.

No person shall stand or park a vehicle for any purpose or length of time other than for the expedi-

tious loading or unloading of persons or materials in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case when the hours applicable to the loading zone are in effect shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes. (Ord. 1529 § 14, 1976)

10.04.150 Unattended vehicles with children.

No person shall park a motor vehicle upon a street for a period in excess of 30 minutes if there is within such vehicle a child under the age 12 years who is unattended by a competent person of at least 16 years of age. (Ord. 1529 § 15, 1976)

10.04.160 Standing or parking of buses and taxicabs.

The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers. (Ord. 1529 § 16, 1976)

10.04.170 Restricted use of bus and taxicab stands.

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of, and while engaged in, loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space. (Ord. 1529 § 17, 1976)

10.04.180 Lights on parked vehicles.

No lights need be displayed on a vehicle that is parked in accordance with this chapter upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle. (Ord. 1529 § 18, 1976)

10.04.190 Parking time limits.

(1) Restrictions upon the time during which vehicles may be parked upon any street shall be indicated upon signs placed along or near the curbline of such street. Such time limits shall be applied to the total time during which any one

vehicle is parked along one side of a particular street within the same block.

(2) Unless posted time limits indicate otherwise, time limits for parking shall not apply on Sundays, legal holidays, or on any day from 6:00 p.m. to 9:00 a.m. (Ord. 1529 § 19, 1976)

10.04.200 Vehicle with living quarters.

Wherever it appears in this section, the term “vehicle with living quarters” shall include house trailers and other vehicles, whether self-propelled or not, which have living quarters including a water closet or other toilet facilities. No person shall park a vehicle with living quarters upon a public street for a period in excess of 48 hours; provided, that a person who is not a resident of the city of North Bend and who is in possession of the vehicle with living quarters may apply for a permit from the North Bend police department to park such vehicle with living quarters on a public street for a period not to exceed seven days on the following conditions:

(1) While parked on a city street, no person shall live or reside in such vehicle with living quarters.

(2) The permit shall allow parking at a specified location, and shall not be renewable.

(3) Before issuing any permit, adequate evidence shall be submitted to show that the owner or occupant of the premises adjacent to the designated parking space has consented to the issuance of such permit.

(4) Any permit may be denied by the police department if it appears that by reason of the size or location of the parking space, width of street, traffic hazards in the area, or other conditions affecting the public health, safety and welfare, the parking of such vehicle with living quarters would create a risk or hazard to the public or would be detrimental to the surrounding property. (Ord. 1570 § 1, 1978; Ord. 1529 § 20, 1976)

10.04.210 Exemption.

The provisions of this chapter regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessary in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail. (Ord. 1529 § 21, 1976)

10.04.220 Citation on an illegally parked vehicle.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer the charge against him or pay the penalty imposed within five days during the hours and at a place specified in the citation. (Ord. 1529 § 22, 1976)

10.04.230 Failure to comply with traffic citation attached to parked vehicle.

If the operator does not respond to a traffic citation affixed to a vehicle within a period of five days, the clerk of court or city recorder may send to the owner of the vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning him that in the event that the letter is disregarded for a period of six days, a warrant for the arrest of the owner will be issued. (Ord. 1529 § 23, 1976)

10.04.240 Owner responsibility.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner’s consent. (Ord. 1529 § 24, 1976)

10.04.250 Registered owner presumption.

In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact. (Ord. 1529 § 25, 1976)

10.04.260 Funeral procession.

(1) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(2) The procession shall be accompanied by adequate escort vehicles for traffic control purposes.

(3) All motor vehicles in the procession shall be operated with their lights turned on.

(4) No person shall unreasonably interfere with a funeral procession.

(5) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession. (Ord. 1529 § 26, 1976)

10.04.270 Parade regulations.

(1) Parade Permits Required. No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people utilizing the public right-of-way and consisting of 20 or more persons or 10 or more vehicles.

(2) Application and Issuance of Parade Permits.

(a) Application for parade permits shall be made to the chief of police at least seven days prior to the intended date of the parade, unless the time is waived by him.

(b) Applications shall include the following information:

- (i) The name and address of the person responsible for the proposed parade;
- (ii) The date of the proposed parade;
- (iii) The desired route including the assembling points;
- (iv) The number of persons, vehicles and animals which will be participating in the parade;
- (v) The proposed starting and ending time;
- (vi) The application shall be signed by the person designated as chairman.

(c) If the chief of police, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, he shall approve the route and issue the permit.

(d) If the chief of police determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he may:

- (i) Propose an alternate parade route;
- (ii) Propose an alternate date;
- (iii) Refuse to issue a parade permit.

(e) The chief of police shall notify the applicant of his decision within five days of receipt of the application.

(f) If the chief of police proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the city council.

(3) Appeal to Council.

(a) An applicant may appeal the decision of the chief of police by filing a written request of

appeal with the city recorder within five days after the chief of police has proposed alternatives or refused to issue a permit.

(b) The council shall schedule a hearing date which shall not be later than the second regular session following the filing of the written appeal with the city recorder and shall notify the applicant of the date and time that he may appear either in person or by a representative.

(4) Offenses Against Parade.

(a) No person shall unreasonably interfere with a parade or parade participant.

(b) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

(5) Permit Revocable. The chief of police may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety. (Ord. 1529 § 27, 1976)

10.04.280 Bicycles.

(1) Registration. Bicycle licenses are not required in the city of North Bend, but the police department is hereby authorized to register bicycles and issue licenses to residents of the city of North Bend who make application therefor. The North Bend police department may provide identifying markings for registered bicycles and shall make a record of such bicycle and the owner thereof. The police department may also charge and collect for the city a fee of not more than \$1.00 for issuing such license.

(2) Impoundment.

(a) No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

(b) A bicycle left on public property for a period in excess of 24 hours may be impounded by the police department.

(c) In addition to any citation issued, a bicycle parked in violation of this chapter may be immediately impounded by the police department.

(d) If a bicycle impounded under this chapter is licensed or other means of determining its ownership exist the police shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

(e) A bicycle impounded under this chapter which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

(f) Except as provided in subsection (2)(d) of this section, a fee of \$2.00 shall be charged to the owner of a bicycle impounded under this section. (Ord. 1529 § 28, 1976)

10.04.290 Impoundment of vehicles.

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

(2) The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of the ordinance of the city relating to impoundment and disposition of vehicles abandoned on the city streets.

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

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

(5) Whenever a police officer observes a vehicle parked in violation of a provision of this chapter or state law, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as is provided in subsection (2) of this section. (Ord. 1529 § 29, 1976)

10.04.300 Abandoned vehicles.

(1) Exercise of Powers Conferred by State Law. Members of the North Bend police department may exercise the powers granted under applicable provisions of ORS Chapter 819 relating to abandoned vehicles.

(2) Appointment of Hearings Officer. The hearings provided for in ORS Chapter 819 relating to abandoned vehicles shall be conducted by a hearings officer who shall have been appointed by the North Bend city administrator; and such hearings officer may be an officer, official or employee of

the city of North Bend who has not participated in any determination or investigation related to the taking or removing of the vehicle that is the subject of the hearing. (Ord. 1774 § 1, 1991; Ord. 1644, 1982; Ord. 1529 § 30, 1976)

10.04.310 Penalties.

(1) Any person violating any parking time limit provided in this chapter shall be required to pay a penalty of \$3.00 for each violation if the penalty is paid within seven days from the time of the violation. Any person who fails to appear in response to a citation for overtime parking within seven days from the time that notice requesting such appearance is mailed or delivered to the vehicle owner shall be subject to a penalty of \$7.00.

(2) Any person violating any of the provisions of this chapter relating to the parking of vehicles (other than parking time limits) shall be subject to a penalty of not more than \$40.00. Any person violating any of the provisions of this chapter which do not relate to the parking of vehicles shall be subject to a penalty not to exceed \$100.00. (Ord. 1576, 1979; Ord. 1529 § 31, 1976)

Chapter 10.08
IMPOUNDED VEHICLES
(Repealed by Ord. 1954)

- Chapter 10.12**
**TRANSPORTATION FACILITIES
AND IMPROVEMENTS**
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10.12.010 Purpose.

The purpose of this chapter is to establish standards and procedures for providing transportation facilities and improvements within the city of North Bend pursuant to the North Bend transportation system plan adopted by Ordinance 1915 on February 24, 2004. The North Bend transportation system plan was mandated by the state of Oregon and is implemented in this chapter in order to manage access, provide for the proper width and arrangement of streets, and to provide adequate transportation facilities to accommodate traffic from proposed developments and to avoid undue congestion of the street network. (Ord. 1919 § 1, 2004)

10.12.020 Definitions.

As used in this chapter, the words and phrases below shall have the following meanings, unless it is apparent from the context that different meanings are intended. If a term is not defined in this chapter, then it shall have the definition and meaning provided in the North Bend transportation system plan adopted by Ordinance 1915.

(1) "Access" means a way or means of approach to provide pedestrian, bicycle, or motor vehicle entrance into or exit from a property.

(2) "Access connection" means any driveway, street, turnout or other means of providing for the movement of vehicles to or from a public or private roadway system.

(3) "Easement" means a grant of one or more property rights by a property owner to, or for use by, the public or another person or entity.

(4) "Functional classification" means a system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

(5) "Joint or shared access" means a driveway connecting two or more contiguous sites to a public or private street system.

(6) "Pathway" means a surfaced walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Pathways are physically separated by curbs and/or landscaping from vehicle maneuvering areas.

(7) "Public right-of-way" means the area between boundary lines of a public street or other

public easement that is reserved, used, or to be used for a public street, alley, pathway or other public purpose.

(8) "Roadway" means the portion or portions of a street right-of-way developed for vehicular traffic.

(9) "Sidewalk" means a pedestrian way with permanent surfacing to city standards.

(10) "Street" means the entire width between the boundary lines of every public way provided for public use for vehicular and pedestrian traffic, and the placement of utilities, and including "road," "highway," "lane," "place," "avenue," or similar designations.

(a) "Alley" means a narrow public right-of-way through a block primarily for utilities and access to the back or side of properties fronting another street.

(b) "Arterial" means a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

(c) "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas used partly by through traffic and partly for access to abutting properties.

(d) "Cul-de-sac" means a dead-end street with one end open to traffic and the other end terminated by a circular vehicle turnaround.

(e) "Half street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

(f) "Hammerhead" means a dead-end street with one end open to traffic and the other end terminated by a rectangular vehicle turnaround.

(g) "Marginal access street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(h) "Minor street" means a street intended exclusively for access to abutting properties.

(i) "Stub-out" means a portion of a street or cross access driveway to allow for future extension to an abutting property that may be developed in the future. (Ord. 1919 § 2, 2004)

10.12.030 Applicability and scope of regulations.

All developments, subdivision plats, partitions and streets and/or ways must comply with the requirements of this chapter. The provisions of this chapter shall apply uniformly to all land within the

city of North Bend, and it shall also apply to all land within the acknowledged urban growth boundary of the city, except as otherwise provided by state law or by an urban growth area management agreement jointly adopted by the city and Coos County. (Ord. 1919 § 3, 2004)

Article I. Functional Classifications

10.12.040 Purpose.

All state, county, and local roadways within the city of North Bend have been classified in the North Bend transportation system plan based on their level of importance and function. These classifications serve to identify the applicable standard for individual situations. (Ord. 1919 § 4, 2004)

Article II. Transportation Impact Study Requirements

10.12.050 Purpose.

If a proposed development will generate 500 or more daily trip ends, then a transportation impact study (TIS) shall be required. The TIS shall be prepared by a qualified transportation engineer to determine access, circulation and other transportation requirements. The scope of a TIS shall be established by the city engineer.

Projects that generate less than 500 daily trip ends may also be required to provide traffic analysis when, in the opinion of the city engineer, a capacity problem and/or safety concern is caused and/or is adversely impacted by the development. The city engineer, at his/her discretion, shall determine the scope of this special analysis.

Trip ends shall be defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual, 6th Edition (or subsequent document updates), or trip generation studies of comparable uses prepared by an engineer and approved by the city engineer. Trip ends are trips that either begin or end at the proposed use. (Ord. 1919 § 5, 2004)

10.12.060 Level of service (LOS).

The level of service standard to determine what is acceptable or unacceptable traffic flow on streets shall be based on a volume to capacity ratio. City streets shall maintain a LOS of "D," as defined by the Highway Capacity Manual (2000 Edition), during the p.m. peak hour of the day. A lesser standard may be accepted for local street intersections or driveway access points that intersect with collector

or arterial streets, if alternative signalized access is available and these intersections are found to operate safely. (Ord. 1919 § 6, 2004)

10.12.070 Mitigation.

Where a development causes traffic impacts that bring a street below acceptable levels of service, or impacts a street that is already operating below acceptable levels of service, or impacts a street that has a documented safety problem, the TIS shall identify traffic impacts attributable to the development and appropriate mitigation measures. The applicant will be required to implement appropriate mitigation measures approved by the city engineer as a condition of approval of the development. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices. (Ord. 1919 § 7, 2004)

Article III. Access Management

10.12.080 Intent and purpose.

The purpose of these access management standards is to ensure safe and efficient access and circulation to the public street system, while preserving the flow of traffic in terms of safety and street capacity. These standards attempt to balance the right of reasonable access to private property with the right of all citizens to safe and efficient use of the public street system. These standards are designed to reduce traffic accidents, personal injury, and property damage attributable to unsafe access, and thereby improve the safety and operation of the street network. The intent is to protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. (Ord. 1919 § 8, 2004)

10.12.090 Access permit required.

Access to a public street requires an access permit in accordance with the following procedures:

(1) Permits for access to city streets shall be subject to review and approval by the city engineer based on the standards contained in this chapter. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.

(2) Permits for access to state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when

ODOT has delegated this responsibility to the city. In that case, the city shall determine whether access is granted based on its adopted standards.

(3) An access permit is tied to the specific use that it is issued for and is not transferable to a new or different use. A new access permit is required for a change in use or expansion of an existing use. Issuance of an access permit shall be based on compliance with the provisions of this chapter as determined by the city engineer.

(4) Approval of proposed developments that require an access permit from the city of North Bend, city of Coos Bay or ODOT shall be contingent upon the appropriate agency issuing an access permit. The city shall impose a condition of approval that requires the developer to obtain an access permit prior to the issuance of building permits.

(5) The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. (Ord. 1919 § 9, 2004)

10.12.100 Access options.

A development shall provide vehicular access according to one of the following methods:

(1) From a public street abutting the subject property. Accesses shall comply with the access spacing standards in NBCC 10.12.110.

(2) From a private street abutting the subject property.

(3) From a private driveway connected to an adjoining property that has direct access to a public or private street (i.e., “shared driveway”). An access easement covering the driveway shall be recorded in this case to assure access to the public or private street for all users of the private driveway.

(4) Access to and from off-street parking areas onto arterial streets shall not permit backing onto the arterial street.

(5) New residential land divisions fronting onto an arterial street shall be required to provide secondary (local or collector) streets for access to individual lots. When secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidat-

ing driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

(6) Joint and Cross Access. New commercial development will be encouraged to provide cross access driveways and pedestrian pathways to allow circulation between sites without having to access the adjacent public street. Cross driveways should be improved and stubbed to adjacent developable parcels to create the opportunity for future extension.

(7) Fire/Emergency Access and Parking Area Turn-Arounds. A fire/emergency equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire/emergency equipment access drive. Commercial, industrial, public, institutional and residential parking areas may be required to provide adequate aisles or turn-around areas for service and delivery vehicles so that vehicles may enter the street in a forward manner. Compliance with this provision will be subject to approval from the city fire chief.

(8) Number of Access Points. For multifamily, commercial, industrial, institutional and public developments, the number of access points shall be minimized to protect the function, safety and operation of the street(s). Shared access may be required in order to comply with this section. (Ord. 1919 § 10, 2004)

10.12.110 Access spacing.

New street and alley intersections or driveway accesses onto a public street shall be separated from other street and alley or driveway intersections according to the following:

(1) Arterial streets: the minimum access spacing between new access points shall be 500 feet, subject to subsection (7) of this section.

(2) Collector streets: the minimum access spacing between new access points shall be 300 feet, subject to subsection (7) of this section.

(3) Arterial/arterial intersections: the minimum access spacing from the intersection shall be 300 feet, subject to subsection (7) of this section.

(4) Arterial/collector intersections: the minimum access spacing from the intersection shall be 300 feet, subject to subsection (7) of this section.

(5) Collector/collector intersections: the minimum access spacing from the intersection shall be 150 feet, subject to subsection (7) of this section.

(6) On state highways or county roads, ODOT or county standards supersede city standards.

(7) Existing developed or undeveloped lots or parcels cannot be denied access. The maximum access spacing possible should be provided unless it renders access to individual lots or parcels impractical. (Ord. 1919 § 11, 2004)

Article IV. Streets

10.12.120 General.

The location, width, and grade of streets shall conform to this chapter. Street location, width, and grade shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to proposed use of the land to be served by the streets. The street grade shall be established by ordinance pursuant to Chapter 12.16 NBCC. Where location

is not shown in a development plan, the arrangement of streets in a development shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical. (Ord. 1919 § 12, 2004)

10.12.130 Minimum right-of-way and roadway widths.

Street rights-of-way and improvements shall be according to the widths in Table 1:

Table 1

Type of Street	Minimum Right-of-Way	Single Lane Width	Minimum Street Width	Bike Lane	On-Street Parking	Sidewalks
Major Arterials (5 lanes)	100	12	70	5 – 6	8	6 – 10
Secondary Arterials (3 lanes)	80	12	46	5 – 6	8	6 – 10
Service and Industrial Streets	80	11	38	5 – 6	8	6 – 8
Collectors	60	11	50	5 – 6	8	6 – 8
Minor (Local) Streets	50	10	28	—	8	5
Alley	16	12	12	—	—	—

“Local” streets include dead-end streets (cul-de-sac and hammerhead). Minimum dimensions for cul-de-sac are: right-of-way radius 50 feet and minimum roadway surface of 40 feet radius. Minimum dimensions for a hammerhead turn-around are: right-of-way 50 feet by 70 feet and minimum roadway surface 30 feet by 50 feet.

(1) Variances. Where existing conditions, such as the topography, the size or shape of property, or constraints posed by sensitive lands (i.e., wetlands) make it otherwise impractical to meet these minimum standards, then a variance may be granted to accept a narrower right-of-way pursuant to NBCC 10.12.180.

(2) Turn Lanes/Medians. Turn lanes and/or center medians are required on five-lane arterials and optional for three-lane arterials.

(3) Alignment. As far as practical, all streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in “T”

intersections should wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.

(4) Future Extension of Streets. Streets shall be platted to the furthest boundary of the lot or parcel in order to provide access to or permit a satisfactory future development of adjoining land. Resulting dead-end streets may be approved without a turnaround if they are less than 150 feet in length. If longer than 150 feet, then a temporary turn-around (i.e., hammerhead or cul-de-sac) shall be constructed. A stub street may be required to preserve the objectives of street extensions.

(5) Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography or the existing development pattern requires a lesser angle, but in no case less than 60 degrees unless there is a special intersection design. Streets shall have at least 50 feet of tangent adjacent to the intersection

unless topography requires a lesser distance. Intersections which are not right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 20 feet.

(6) Street Names. Except for extensions of existing streets, no street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the planning commission.

(7) Grades. Street grades shall be established by ordinance pursuant to Chapter 12.16 NBCC. Street grades shall not exceed seven percent on arterials, 10 percent on collector streets, or 12 percent on any other street. Street grades may exceed these maximum standards for short distances (less than 200 feet) if it is determined that topography and/or existing development makes meeting these standards impractical. In no case shall the maximum street grade exceed 18 percent. In flat areas allowance shall be made for finished street grades having a minimum slope of one-half percent. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing area of at least 20 feet long and averaging five percent or less.

(8) Curves. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, except when topography or existing development justifies a variation to this standard.

(9) Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

(10) Marginal Access Streets. Where a development abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side

property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(11) Alleys. Alleys may be provided in commercial and industrial districts. Other permanent provisions for access to off-street parking and loading facilities may be approved by the planning commission. The corners of alley intersections shall have a radius of not less than 12 feet. (Ord. 1919 § 13, 2004)

Article V. Pedestrian Access and Circulation

10.12.140 Pedestrian pathways.

To ensure safe, direct and convenient pedestrian access and circulation, all developments, except single-family detached housing on individual lots or parcels shall provide a continuous pedestrian and/or multi-use pathway system. Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles. The system of pathways shall be designed based on the standards below.

(1) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property. As a condition of approval, the developer shall record an access easement to grant reciprocal access to adjacent parcels.

(2) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:

(a) "Reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

(b) "Safe and convenient" means bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

(c) For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

(d) For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.

(3) Connections within Development. Pathways shall connect all building entrances to one another within a development. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

(4) Connections to Streets. When pathways are used to provide connections to public or private streets, they should comply with the following standards:

(a) Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles.

(b) Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep.

(c) The city may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties.

(d) The city may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of the ordinance codified in this chapter prohibit the pathway connection. (Ord. 1919 § 14, 2004)

Article VI. Improvements

10.12.150 Improvement standards.

Streets, street lights and sidewalks within or adjacent to a development shall be improved in accordance with this chapter. The cost of the improvements shall be the responsibility of the developer.

(1) Existing Streets. Whenever existing rights-of-way adjacent to or within a parcel are of less than the minimum width, additional right-of-way

shall be provided at the time of subdivision or development.

(2) New Streets. New streets and drives shall be constructed and improved to standards established by the city engineer.

(3) New Public Streets. New public streets shall be subject to acceptance by the city council.

(4) New Private Streets. New private streets may be created only when the city finds that the private street will not be needed for proper development of the surrounding area.

(5) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. A stub street may be required to preserve the objectives of half streets.

(6) Future Guarantees. The city may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

(a) A partial improvement may create a potential safety hazard to motorists or pedestrians;

(b) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;

(c) The improvement would be in conflict with an adopted capital improvement plan; or

(d) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

(7) Street Lights. Street lights shall be installed in accordance with city standards. At minimum, street lights shall be installed: (a) at one corner at street intersections and along one side of the street right-of-way with a spacing not to exceed 250 feet, or (b) at one corner at street intersections and install low profile pedestrian lights adjacent to the sidewalk at the driveway for each lot. Pedestrian lights shall be connected to electrical power

through the adjacent residence and the land owner shall be responsible for repair, maintenance and replacement of the light and fixture.

(8) Sidewalks and Planter Strips. Sidewalks shall be installed along both sides of streets in accordance with city standards. Sidewalks shall be installed at the time the adjoining property is developed. Sidewalk widths shall comply with NBCC 10.12.130, Table 1. Variations to width and/or location requirements may be reviewed subject to NBCC 10.12.170, Exceptions in case of large-scale development, or NBCC 10.12.180, Variance application. Maintenance of sidewalks, curbs, and planter strips shall be the continuing obligation of the adjacent property owner. (Ord. 1919 § 15, 2004)

10.12.160 Improvement requirements.

Improvements to be installed at the expense of the developer shall be as follows:

(1) Streets. Streets, except alleys, within or partially within the development, and the extension of such streets to the paving line of existing streets with which such streets intersect shall be improved to the following minimum standards:

(a) The entire length of the improved right-of-way shall be brought to proper grade at a width consistent with NBCC 10.12.130, Table 1.

(b) Concrete curbs and gutters shall be constructed along both edges of the roadway according to city standards.

(c) Roadway base and surfacing shall be installed to the standards adopted by the city for acceptance of streets for maintenance.

(d) Sidewalk width shall comply with NBCC 10.12.130, Table 1, and shall be constructed along the sides of all streets adjoining the development. (Ord. 1919 § 16, 2004)

Article VII. Exceptions, Variances and Enforcement

10.12.170 Exceptions in case of large-scale development.

The planning commission may modify the standards and requirements of this chapter if the subdivision plat compromises a complete neighborhood unit, a large-scale shopping center, or a planned industrial area. The planning commission shall determine that such modifications are not detrimental to the public health, safety and welfare, and that adequate provision is made within the devel-

opment for traffic circulation, open space, and other features that may be required in the public interest. (Ord. 1919 § 17, 2004)

10.12.180 Variance application.

When necessary, the planning commission may authorize variances to the requirements of this chapter. Application for a variance shall be made by petition of the developer, stating fully the grounds for the application. Before a variance may be granted, the planning commission shall first determine:

(1) That there are special conditions affecting the property that are not common to all property in the area.

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.

(3) That the variance complies with the spirit and intent of these regulations and will not be detrimental to the public health, safety, or welfare or injurious to other property in the vicinity. (Ord. 1919 § 18, 2004)

10.12.190 Planning commission action of variances.

In granting a variance, the planning commission shall make a written record of its findings and shall specifically describe the variance and any conditions that the commission may designate. The city shall keep the findings on file as a matter of public record. (Ord. 1919 § 19, 2004)

10.12.200 Appeals.

(1) Any party may appeal to the city council from any decision of the planning commission made under the provisions of this chapter. Any party may appeal to the planning commission from any decision of the city staff made under the provisions of this chapter. Written notice of appeal must be filed with the city within 10 days after the date that the decision of the city staff or planning commission has been rendered. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

(2) The city planning commission shall hold a hearing on the appeal within 30 days from the time that the appeal is filed. Notice of the time and place of the hearing will be delivered or mailed to the parties appearing or having been given notice of

the application. Following the hearing the city planning commission may confirm, overrule or modify the decision which is being appealed.

(3) All appeals from the planning commission under this chapter to the city council shall follow the procedures set out in NBCC 18.92.020.

(4) Any person appealing a decision of the planning commission or city staff shall be charged a reasonable fee for such appeal, which fee shall include the actual cost of the preparation of a transcript which shall be no more than \$500.00 plus 50 percent of the actual cost over \$500.00. Other charges involved in the appeal shall be based on actual cost only. (Ord. 1919 § 20, 2004)

10.12.210 Interpretation.

Where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other provisions of this chapter, or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern. (Ord. 1919 § 21, 2004)

10.12.220 Severability.

The provisions of this chapter are severable. If any section, sentence, clause or phrase of this chapter is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 1919 § 22, 2004)

10.12.230 Penalties for violation.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$300.00; and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1919 § 23, 2004)