

Title 10

Vehicles and Traffic

Chapter:

- 10.05 Uniform Traffic Code**
- 10.10 Squirreling with an Automobile**
- 10.15 Heavy Motor Traffic**
- 10.20 Compression Brakes**
- 10.25 Parking**
- 10.30 Impoundment and Disposition of Vehicles**

Chapter 10.05**Uniform Traffic Code**

Sections:

10.05.010 Title.

10.05.020 Oregon Vehicle Code adopted.

10.05.010 Title.

This chapter may be cited as the Lyons Uniform Traffic Ordinance. [Ord. T6-17 § 1.0, 1990.]

10.05.020 Oregon Vehicle Code adopted.

The Oregon Revised Statutes (Oregon Vehicle Code), Chapter 801 through and including Chapter 822, as now or hereafter constituted or amended, are adopted in their entirety. Violation of the provisions in said ORS chapters shall be an offense against this city and the offense procedures and penalties provided therein insofar as possible apply to the city of Lyons. [Ord. T6-17 § 2.0, 1990.]

Chapter 10.10**Squirreling with an Automobile**

Sections:

10.10.010 Violation declared an offense against public peace, safety, and general welfare.

10.10.020 Definitions.

10.10.030 Violation.

10.10.040 Offenses – Attempt to commit.

10.10.050 Fines – Payment enforced.

10.10.060 Penalties.

10.10.010 Violation declared an offense against public peace, safety, and general welfare.

The doing of any act or thing prohibited in this chapter within the corporate limits of the city of Lyons is hereby declared to be an offense against the public peace, safety, and general welfare of the people of the city of Lyons. [Ord. T6-2 § 1, 1961.]

10.10.020 Definitions.

A. The term “person” as used in this chapter shall be deemed to refer to and include any natural person, firm, copartnership, association, or corporation, whether he or it is acting for himself or itself or as the clerk, servant, employee, or agent of another.

B. The term “squirreling” with an automobile shall be deemed to refer to the operation of any motor vehicle in any unusual manner as to endanger pedestrians, parked vehicles, and/or public or private property, and/or to cause such vehicle to skid, slide, sway from side to side, and/or otherwise travel in an erratic or unorthodox manner on the streets of the city of Lyons, and/or to start any motor vehicle in motion in such violent manner as to cause it to throw rocks, dirt, mud, or any other debris. [Ord. T6-2 § 2, 1961.]

10.10.030 Violation.

The above-defined acts are declared to be in violation of this chapter, but such enumeration shall not be deemed to be exclusive. [Ord. T6-2 § 3, 1961.]

10.10.040 Offenses – Attempt to commit.

Any person who shall attempt to commit any of the offenses mentioned in this chapter, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense. [Ord. T6-2 § 4, 1961.]

10.10.050 Fines – Payment enforced.

If any person shall neglect or refuse to pay any fine imposed upon conviction of a violation of this chapter, said person may be confined to jail one day for each \$50.00 of such fine, in the discretion of the court. [Ord. G1-2006 § 18, 2006; Ord. T6-2 § 5, 1961.]

10.10.060 Penalties.

Any person violating this chapter shall, upon conviction thereof, be punished for the first offense by a fine of not less than \$50.00, nor more than \$1,000, or by imprisonment in jail for a term of not less than five days nor more than 15 days, or by both such fine and imprisonment, in the discretion of the court. For the second offense within a period of six months, the above-enumerated punishments may be doubled in the discretion of the court. [Ord. G1-2006 § 18, 2006; Ord. T6-2 § 6, 1961.]

Chapter 10.15**Heavy Motor Traffic**

Sections:

- 10.15.010 Oversize vehicles – Prohibited.
- 10.15.020 Oversize vehicles – Exceptions.
- 10.15.030 Oversize vehicles – Exemptions.
- 10.15.040 Oversize vehicles – Permits.
- 10.15.050 Authority to post notices.
- 10.15.060 Violation – Penalty.

10.15.010 Oversize vehicles – Prohibited.

It shall be unlawful for any person, firm, or corporation to use, drive or operate any vehicle weighing in excess of limits provided in the Oregon Traffic Code upon any street in the city of Lyons, Oregon, except the streets and pursuant to regulations as set forth in this chapter. [Ord. G1-2006 § 19, 2006; Ord. T6-3 § 2, 1963.]

10.15.020 Oversize vehicles – Exceptions.

The following streets and parts of streets shall be known as “truck routes”:

A. All of Highway 226 from the Mehema Bridge to the south city limits of Lyons, Oregon.

B. All of Main Street east of Highway 226 to the east city limits of Lyons, Oregon.

C. The following streets south of Main Street to the south city limits: 16th Street, 15th Street, 7th Street, 8th Street, and Front Street in its entirety from 6th Street, east to 10th Street, and 10th Street, south to Front Street. [Ord. T6-3 § 3, 1963.]

10.15.030 Oversize vehicles – Exemptions.

Any such motor vehicle, truck, trailer, or other vehicle if used for the specific purpose of picking up or discharging goods at any business establishment or residence, all emergency vehicles, garbage trucks, and necessary service vehicles shall be exempt from the provisions of this chapter. [Ord. T6-3 § 4, 1963.]

10.15.040 Oversize vehicles – Permits.

When written application is made the mayor may grant a permit for a definite number of loads or a definite number of days, and at all times rights are reserved to revoke the permit at any time the terms of the permit have been violated. [Ord. T6-4 § 5, 1963.]

10.15.050 Authority to post notices.

The city recorder and the chief of police are hereby authorized to cause notice of such street closures to be posted. [Ord. G2-2015 § 1, 2015; Ord. T6-3 § 6, 1963. Amended during 2006 recodification.]

10.15.060 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 or more than \$1,000. [Ord. G1-2006 § 19, 2006; Ord. T6-3 § 7, 1963.]

Chapter 10.20**Compression Brakes**

Sections:

10.20.010 Unnecessary noise by a motor vehicle.

10.20.020 Violation – Penalty.

10.20.010 Unnecessary noise by a motor vehicle.

No person shall operate a motor vehicle in the city in such a manner as to create or cause excessive noise. The operation of compression brakes, commonly known as “Jacob” or “JEB” or “Jacobs Engine Brakes,” within the city of Lyons in such a manner as to create unnecessary noise is hereby prohibited. Nothing in this chapter shall be construed as to prevent the use of such brakes in an emergency situation. [Ord. T6-13 § 1, 1987.]

10.20.020 Violation – Penalty.

Violation of this chapter shall be punishable by a fine not to exceed \$150.00. [Ord. T6-13 § 2, 1987.]

Chapter 10.25

Parking

Sections:

Article I. Parking Signs

- 10.25.010 Parking in violation of signs.
- 10.25.020 Signs.
- 10.25.030 Exemption.
- 10.25.040 Responsibility of owner for parking violation.
- 10.25.050 Penalties for parking violations.
- 10.25.060 Procedure for adjudication of civil penalty.
- 10.25.070 Failure to appear and answer parking citations.
- 10.25.080 Failure to pay civil penalty.

Article II. Prohibited Parking Areas

- 10.25.090 Prohibited parking areas.

Article I. Parking Signs

10.25.010 Parking in violation of signs.

No person shall stand or park a vehicle in violation of any sign posted by the city of Lyons regulating the manner or location where vehicles may be parked, whether such sign is placed on a public street or upon a public parking lot. [Ord. T6-14 § 1, 1987.]

10.25.020 Signs.

The street commissioner of the city of Lyons is authorized to post signs upon or adjacent to public streets or parking lots regulating the manner and location in which vehicles may be parked. [Ord. T6-14 § 2, 1987.]

10.25.030 Exemption.

The provisions of this article regulating the parking of vehicles does not apply to any vehicle of a city department or a public utility while necessarily in use for the construction or repair work on the street or any vehicle owned by the United States while in use for the collection, transportation or delivery of the United States mail. [Ord. T6-14 § 3, 1987.]

10.25.040 Responsibility of owner for parking violation.

A. The owner of a vehicle parked in violation of this article shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

B. In a prosecution of a vehicle owner charged with violation of this article, proof that at the time of the alleged violation the vehicle was registered with the appropriate motor vehicle licensing authority of any state as belonging to the defendant shall raise a disputable presumption that he was the owner at the time of the violation in question. [Ord. T6-14 § 4, 1987.]

10.25.050 Penalties for parking violations.

Violation of this article shall be punishable only through the imposition of a civil penalty in an amount not to exceed \$100.00 per violation. [Ord. T6-14 § 5, 1987.]

10.25.060 Procedure for adjudication of civil penalty.

The procedure to be used for adjudicating a defendant's violation of this article and the appeal of any conviction thereof shall be the same as those employed for the adjudication of any criminal violation of the Lyons Municipal Code, except that:

A. Defense counsel shall not be provided at public expense;

B. While the city attorney may aid in preparing evidence and obtaining witnesses for trial, he shall not appear at such trial unless counsel for the defendant appears;

C. The city shall have the burden of proving the defendant's commission of the violation in question by a preponderance of the evidence; and

D. There shall be no right to a jury trial. [Ord. T6-14 § 6, 1987.]

10.25.070 Failure to appear and answer parking citations.

Every person cited for a parking violation pursuant to this article shall appear before the municipal judge on the day and at the time and place specified in the parking citation and shall enter a plea. A failure to appear and answer said charge or a failure to appear at any subsequent trial or hearing after having received notice thereof shall be a crime punishable by Chapter 1.25 LMC. [Ord. T6-14 § 7, 1987.]

10.25.080 Failure to pay civil penalty.

Any civil penalty referred to in this article shall be enforced by order of the municipal court and any failure to pay said penalty shall be enforceable through contempt proceedings. [Ord. T6-14 § 8, 1987.]

Article II. Prohibited Parking Areas**10.25.090 Prohibited parking areas.**

No driver or owner of a truck shall stop or park said truck, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control signal on Main Street between 10th Street and 200 feet east of 13th Street. Any person violating this article shall be punishable by a fine of not more than \$100.00. [Ord. T6-9, 1983.]

Chapter 10.30**Impoundment and Disposition of Vehicles**

Sections:

- 10.30.010 Definitions.
- 10.30.020 Certain vehicles as nuisances.
- 10.30.030 Impoundment.
- 10.30.040 Notification to owner.
- 10.30.050 Hearing.
- 10.30.060 Redemption and release of impounded vehicle.
- 10.30.070 Towing and storage liens.
- 10.30.080 Criminal investigations.

10.30.010 Definitions.

The following definitions apply to this chapter:

“Police” means law enforcement officers or police officers for the city of Lyons, including the Linn County sheriff and the authorized representatives and deputies of the sheriff of Linn County.

“Sheriff” means, in addition to Linn County sheriff, the authorized representatives and deputies of the sheriff of Linn County. [Ord. G1-2008 § 1, 2008.]

10.30.020 Certain vehicles as nuisances.

The following motor vehicles are hereby declared to be nuisances:

A. A motor vehicle operated by a person whose operator’s license is criminally suspended or revoked in violation of ORS 811.175 or in violation of ORS 811.182;

B. A motor vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010;

C. A motor vehicle operated by a person who has habitual offender status under ORS 809.640 or its statutory counterpart in any jurisdiction;

D. A motor vehicle that is being operated without liability insurance as required by the financial responsibility laws of the state of Oregon in violation of ORS 806.010; or

E. A motor vehicle that is being operated without a driver’s license, driver permit, endorsement or statutory grant of driving privileges as required by ORS 807.010. [Ord. G1-2008 § 2, 2008.]

10.30.030 Impoundment.

A. Pursuant to ORS 809.720, a police officer may order a vehicle impounded and towed by a towing company approved by the Oregon State Police or the Linn County sheriff when the officer has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed any of the following offenses:

1. Driving while suspended or revoked or in violation of a hardship or probationary permit in violation of ORS 811.175 or 811.182;
2. Driving under the influence of intoxicants in violation of ORS 813.010;
3. Driving without a driver's license, driver permit, endorsement or statutory grant of driving privileges in violation of ORS 807.010;
4. Operating a vehicle without liability insurance as required by the financial responsibility laws of the state of Oregon in violation of ORS 806.010; or
5. Driving a motor vehicle by a person who has habitual offender status under ORS 809.640 or its statutory counterpart in any jurisdiction.

B. A vehicle impounded pursuant to this section may be so impounded without prior notice and may be towed to a public garage or other suitable place of storage and stored at the owner's expense. [Ord. G1-2008 § 3, 2008.]

10.30.040 Notification to owner.

At the time the vehicle is impounded, a copy of the impoundment notice shall be given to the driver.

A. Notice shall also be served or mailed to the registered owner(s) and any other person(s) who reasonably appear to have an interest in the vehicle. Notice shall be served or mailed within 48 hours after the tow of the vehicle; Saturdays, Sundays and holidays excluded.

B. Notice shall state:

1. That the vehicle has been towed;
2. The location of the vehicle and that it may be reclaimed only upon evidence that the claimant is the owner of the vehicle or is entitled to possession of the vehicle;
3. That the vehicle will not be released until all provisions of this chapter have been met;
4. That a copy of the ordinance codified in this chapter may be obtained at City Hall;

5. The address and telephone number of the person or facility that may be contacted for information on the charges that must be paid before the vehicle will be released and the procedures for obtaining the release of the vehicle;

6. The vehicle and its contents are subject to a lien for the towing and storage charges and will be subject to sale by the towing and storage company where the vehicle is located;

7. A hearing may be requested to contest the validity of the tow;

8. The time in which a hearing must be requested and the method of requesting a hearing; and

9. That an application for a hearing must be filed with and received by the judge of the Lebanon justice court not later than five business days after the vehicle was towed. [Ord. G1-2008 § 4, 2008.]

10.30.050 Hearing.

Any hearing contesting the validity of the impoundment, and the reasonableness of any towing or storage charges, shall be conducted pursuant to this chapter.

A. Application for a hearing to contest the validity of any tow, impoundment or storage of a vehicle pursuant to this chapter must be in writing and be received by the Lebanon justice court not later than five business days after the vehicle was towed. The application for a hearing shall state the grounds upon which the person requesting the hearing believes the towing, impounding and/or storage of the vehicle was not justified. The application for hearing will also contain such other information, relating to the purpose of this chapter, as the judge may require.

B. The hearing shall be held as soon as possible, but in no event later than the next regularly scheduled court date for the Lebanon justice court.

C. At the hearing the person requesting the hearing may contest:

1. The validity of the action in taking the vehicle into custody;
2. The reasonableness of the charge set for towing and storage of the vehicle. The normal rates for towing and storage of vehicles that are charged by private towing companies are presumed to be reasonable for purposes of this section.

D. The police shall have the burden of showing the validity of the towing, impounding and/or storage of the vehicle.

E. If the judge finds that:

1. The action of the police or the Linn County sheriff in towing, impounding and/or storing the vehicle was valid pursuant to the terms of this chapter, the judge shall enter an order supporting said tow, impoundment and/or storage and may assess the cost of the hearing against the person requesting the hearing.

2. The action of the police or the Linn County sheriff in towing, impounding and/or storing the vehicle was invalid, the judge shall order the vehicle released to the owner of the vehicle and further order the police to satisfy any towing and storage lien that may have attached to the vehicle for the benefit of the private towing company.

F. The law enforcement officer who ordered the towing, impounding and/or storage of the vehicle may submit an affidavit to the judge in lieu of making a personal appearance at the hearing.

G. The decision of the judge is a quasi-judicial decision and is final, is not appealable to the city council, and is only appealable to circuit court by writ of review. Any person who has a hearing scheduled and fails to appear at such hearing without good cause shown, as determined by the judge, shall not be entitled to have such hearing rescheduled. [Ord. G1-2008 § 5, 2008.]

10.30.060 Redemption and release of impounded vehicle.

A. The owner of the impounded vehicle, or the owner's authorized agent, may redeem the vehicle after providing satisfactory proof of:

1. Payment of the towing and storage expenses incurred;

2. Payment of an administrative fee of the city of Lyons, as adopted by separate resolution, whether or not the motor vehicle is returned to the person who was operating it at the time of impoundment;

3. Ownership or right of possession;

4. Current insurance on the vehicle; and

5. A valid driver's license for either the owner or driver designated by the owner to operate the vehicle upon its release.

B. Only the city of Lyons or the Linn County sheriff has authority to release a vehicle impounded pursuant to this chapter.

C. The city of Lyons or the Linn County sheriff shall not authorize release until full payment of the administrative fee has been made.

D. No commercial towing company or similar business storing a vehicle impounded pursuant to this chapter may release such vehicle unless that business or company is presented a signed release for that vehicle on a form provided and signed by the city recorder, his or her designated agent, or the Linn County sheriff. [Ord. G2-2015 § 1, 2015; Ord. G1-2008 § 6, 2008.]

10.30.070 Towing and storage liens.

A. A person or business who, at the request of the city of Lyons or the Linn County sheriff, takes a vehicle into custody under the provisions of this chapter:

1. Shall have a lien on the vehicle and its contents for reasonable towing and storage charges;

2. May retain possession of the vehicle until the charges are paid; and

3. May have the vehicle sold at public auction pursuant to Oregon law to satisfy the lien.

B. The lien that attaches to the vehicle and its contents shall be a possessory chattel lien in accordance with ORS 87.152 and may be foreclosed in a manner provided in ORS 87.152 to 87.212.

C. If the appraised value of the vehicle is \$1,000 or less, the vehicle may be disposed of in the manner provided in ORS 819.220. If the vehicle is taken into custody under the provisions of this chapter and held by the Linn County sheriff rather than by a private garage or towing company, the vehicle and its contents shall be disposed of in the manner provided in ORS 819.210 to 819.260.

D. The city of Lyons shall not be liable for services rendered by any person or private towing company including but not limited to the towing and storage of any vehicles impounded pursuant to this chapter. [Ord. G1-2008 § 7, 2008.]

10.30.080 Criminal investigations.

The provisions of this chapter shall not apply to a vehicle that is being held as part of a criminal investigation. [Ord. G1-2008 § 8, 2008.]

