

**Title 10**  
**VEHICLES AND TRAFFIC**

**Chapters:**

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**Chapter 10.05**  
**GENERAL PROVISIONS**

**Sections:**

**10.05.010**     **Short title.**

**10.05.020**     **Applicability of state traffic laws.**

**10.05.010**     **Short title.**

    This title may be cited as the “Burns Uniform Traffic Ordinance.” [Ord. 642 § 1, 1988]

**10.05.020**     **Applicability of state traffic laws.**

    Chapter 153 ORS, and the Oregon Vehicle Code, Chapters 801 to 822 ORS, are adopted by reference. Violation of an adopted provision of those chapters is an offense against this city. [Ord. 642 § 2, 1988]

**Chapter 10.10**  
**DEFINITIONS**

**Sections:**

**10.10.010 Definitions.**

**10.10.010 Definitions.**

In addition to the definitions contained in the Oregon Vehicle Code, the following mean:

(1) Bus stop: A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

(2) Loading zone: A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

(3) Person: A natural person, firm, partnership, association, or corporation.

(4) Street: The terms "highway," "road," and "street" are synonymous unless the context precludes such construction. "Street" includes alleys.

(5) Taxicab stand: A space on the edge of a roadway designated by sign for use by taxicabs.

(6) Traffic lane: That area of the roadway used for the movement of a single line of traffic. [Ord. 642 § 3, 1988]

**Chapter 10.15**  
**ADMINISTRATION**

**Sections:**

- 10.15.010 Powers of the council.**
- 10.15.020 Implementation of regulations.**
- 10.15.030 Public danger.**
- 10.15.040 Standards.**
- 10.15.050 Authority of police and fire officers.**

**10.15.010 Powers of the council.**

(1) Subject to state laws, the common council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated by this or another title.

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

- (a) Designation of through streets.
- (b) Designation of one-way streets.
- (c) Designation of truck routes.
- (d) Designation of parking meter zones.
- (e) Designation of certain streets as bridle paths and prohibition of horses and animals on other streets.
- (f) Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law.
- (g) Initiation of proceedings to change speed zones.
- (h) Revision of speed limits in parks.
- (i) Temporary blocking or closing of streets.
- (j) Establishment of bicycle lanes and paths and traffic controls for such facilities.
- (k) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
- (l) Issuance of oversize or overweight vehicle permits.
- (m) Establishment, removal, or alteration of the following classes of traffic controls:
  - (i) Crosswalks, safety zones, and traffic lanes.
  - (ii) Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies.
  - (iii) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
  - (iv) Loading zones and stops for vehicles.
  - (v) Traffic control signals. [Ord. 642 § 4, 1988]

**10.15.020 Implementation of regulations.**

The city manager or his or her designee shall implement the ordinances, resolutions and motions of the council by installing, maintaining, removing, and altering traffic control devices. The installation shall be based on the standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways." [Ord. 642 § 5, 1988]

**10.15.030 Public danger.**

Under conditions constituting a danger to the public, the manager or his or her designee may install temporary traffic control devices. [Ord. 642 § 6, 1988]

**10.15.040 Standards.**

The regulations of the manager or his or her designee shall be based on:

## Burns Municipal Code

- (1) Traffic engineering principles and traffic investigations.
- (2) Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
- (3) Other recognized traffic control standards. [Ord. 642 § 7, 1988]

### **10.15.050 Authority of police and fire officers.**

- (1) It is the duty of police officers to enforce the provisions of this title.
- (2) In the event of a fire or other public emergency, officers of the police and fire departments may direct traffic as conditions require, notwithstanding the provisions of this title. [Ord. 642 § 8, 1988]

**Chapter 10.20**  
**GENERAL REGULATIONS**

**Sections:**

- 10.20.010**      **Crossing private property.**
- 10.20.020**      **Unlawful riding.**
- 10.20.030**      **Roller skates, sleds, etc.**
- 10.20.040**      **Damaging sidewalks and curbs.**
- 10.20.050**      **Removing glass and debris.**
- 10.20.060**      **Storage of motor vehicles on streets.**
- 10.20.070**      **Obstructing streets.**
- 10.20.080**      **Speed limits in public parks.**
- 10.20.090**      **Unnecessary noise.**

**10.20.010**      **Crossing private property.**

No operator of a motor vehicle shall proceed from one street to an intersecting street by crossing private property or premises open to the public. This provision does not apply to the operator of a motor vehicle who stops on the property to procure or provide goods or services. [Ord. 642 § 11, 1988]

**10.20.020**      **Unlawful riding.**

(1) No operator of a motor vehicle shall permit a passenger to, and no passenger shall, ride on a motor vehicle on a street except on a portion of the vehicle designed or intended for the use of passengers. This provision does 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.

(2) No person shall board or alight from a motor vehicle while the vehicle is in motion on a street. [Ord. 642 § 12, 1988]

**10.20.030**      **Roller skates, sleds, etc.**

(1) No person upon roller skates or a skateboard or riding in or by means of a coaster, toy vehicle or similar device shall use the streets except while crossing at a crosswalk, or in an authorized area.

(2) No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized. [Ord. 642 § 13, 1988]

**10.20.040**      **Damaging sidewalks and curbs.**

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

(2) 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.

(3) No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization from the city and posting bond if required. A person who causes damage shall be responsible for the cost of repair. [Ord. 642 § 14, 1988]

**10.20.050**      **Removing glass and debris.**

A party to a vehicle accident or a person causing broken glass or other debris to be on a street shall remove the glass or other debris from the street. [Ord. 642 § 15, 1988]

**10.20.060**      **Storage of motor vehicles on streets.**

No person shall store or permit to be stored on a street or other public property, without permission of the council, a motor vehicle or personal property for a period in excess of 24 hours. Failure to move a motor vehicle or other personal property for a period of 24 hours constitutes prima facie evidence of storage of a motor vehicle. [Ord. 642 § 16, 1988]

**10.20.070      Obstructing streets.**

No person shall park or leave on a street, including an alley, parking strip, sidewalk or curb, a vehicle part, trailer, box, ware, merchandise of any description, or any other thing that impedes traffic or obstructs the view, except as is allowed by this title or other ordinances of the city. [Ord. 642 § 17, 1988]

**10.20.080      Speed limits in public parks.**

No person shall drive a vehicle on a street in a public park of this city at a speed exceeding 15 miles per hour unless signs erected indicate otherwise. [Ord. 642 § 18, 1988]

**10.20.090      Unnecessary noise.**

No person shall operate a motor vehicle in the city in such manner as to create or cause excessive noise. The operation of compression brakes, commonly known as “Jacob” brakes, in a manner that creates unnecessary noise is prohibited. [Ord. 642 § 19, 1988]

**Chapter 10.25  
PARKING REGULATIONS**

**Sections:**

- 10.25.010 Method of parking.**
- 10.25.020 Prohibited parking or standing.**
- 10.25.030 Prohibited parking.**
- 10.25.040 Use of loading zone.**
- 10.25.050 Passenger loading zone.**
- 10.25.060 Standing or parking of buses and taxicabs.**
- 10.25.070 Restricted use of bus and taxicab stands.**
- 10.25.080 Lights on parked vehicle.**
- 10.25.090 Extension of parking time.**
- 10.25.100 Unattended vehicles.**
- 10.25.110 Exemptions.**

**10.25.010 Method of parking.**

(1) No person shall stand or park a motor vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

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

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

(4) When the operator of a vehicle discovers that 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. 642 § 21, 1988]

**10.25.020 Prohibited parking or standing.**

No person shall park or stand:

(1) A vehicle in violation of state motor vehicle laws or in violation of a lawfully erected parking limitation sign or marking.

(2) 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 20 consecutive minutes in any two-hour period. [Ord. 642 § 22, 1988]

**10.25.030 Prohibited parking.**

No operator shall park and no owner shall allow a vehicle to be parked on 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. 642 § 23, 1988]

**10.25.040 Use of loading zone.**

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious 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. When the hours applicable to the loading zone are in effect, the loading and unloading shall not exceed the time limits posted. If no time limits are posted, then

the use of the zone shall not exceed five minutes for loading or unloading of passengers and personal baggage and 15 minutes for loading or unloading materials. [Ord. 642 § 24, 1988]

**10.25.050 Passenger loading zone.**

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in a place designated as a passenger loading zone when the hours applicable to that zone are in effect. [Ord. 642 § 25, 1988]

**10.25.060 Standing or parking of buses and taxicabs.**

The operator of a bus or taxicab shall not stop, stand, or park the vehicle on a street in a business district other than at 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. 642 § 26, 1988]

**10.25.070 Restricted use of bus and taxicab stands.**

No person shall stop, 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 while actually 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. 642 § 27, 1988]

**10.25.080 Lights on parked vehicle.**

No lights need be displayed upon a vehicle that is parked in accordance with this title on 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. 642 § 28, 1988]

**10.25.090 Extension of parking time.**

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking. [Ord. 642 § 29, 1988]

**10.25.100 Unattended vehicles.**

When a police officer finds a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station. [Ord. 642 § 30, 1988]

**10.25.110 Exemptions.**

The provisions of this title that regulate the parking, stopping, or standing of vehicles do not apply to:

(1) A vehicle of the city, county, state, or a public utility while necessarily in use for construction or repair work on a street.

(2) A vehicle owned by the United States while in use for the collection, transportation, or delivery of mail.

(3) A vehicle of a disabled person who complies with the provisions of ORS 811.610 to 811.630. [Ord. 642 § 31, 1988]

**Chapter 10.30  
BICYCLES**

**Sections:**

**10.30.010 Bicycle licensing and sale.**

**10.30.020 Bicycle operation.**

**10.30.030 Impoundment of bicycles.**

**10.30.010 Bicycle licensing and sale.**

(1) No person shall operate a bicycle upon the streets, alleys or public highways of the city without first obtaining a bicycle license from the police department.

(2) Upon written application, the police department shall issue bicycle licenses that are not interchangeable, and that are valid for the life of the bicycle. The chief of police shall approve or disapprove all applications made under this chapter.

(3) The registration and license fee shall be \$1.00. A fee of \$1.00 shall be charged for reregistration.

(4) No person under the age of six years shall be issued a license.

(5) No person shall remove, destroy, mutilate or alter the frame number, registration card or license plate on any bicycle.

(6) Every person who sells or transfers ownership of a used or secondhand bicycle shall report the sale or transfer by returning to the police department the registration card issued to the licensee, together with the name and address of the person to whom the bicycle was sold or transferred. The report shall be made within five days of the date of sale or transfer. The purchaser or transferee of the bicycle must apply for a transfer of registration within five days of sale or transfer.

(7) No person shall have in his or her possession, without permission of the registered owner, any bicycle registered in another person's name.

(8) No person, firm or corporation shall purchase a used or secondhand bicycle which has no license plate or serial number, or on which the serial number is illegible or insufficient for identification purposes, without first obtaining permission from the chief of police. [Ord. 642 § 36, 1988]

**10.30.020 Bicycle operation.**

(1) No person shall operate a bicycle upon a sidewalk parallel with or adjacent to any paved street.

(2) Bicycle racing will not be permitted except under the supervision of the police department.

(3) All persons riding or operating a bicycle shall obey all vehicle regulations as prescribed in state law for motor vehicles and applicable to bicycles.

(4) No person shall leave a bicycle parked, lying or standing in a manner that hinders or impedes pedestrian or vehicular traffic upon the sidewalks, streets, or alleys. Bicycles shall be placed to avoid annoyance and danger of accident. [Ord. 642 § 37, 1988]

**10.30.030 Impoundment of bicycles.**

The police department may take and impound a bicycle whose rider violates any provision of BMC 10.30.010 or 10.30.020. A rider may claim the bicycle by appearing before the city clerk and, if found in violation of BMC 10.30.010 or 10.30.020, by paying any fine that may be assessed. [Ord. 642 § 38, 1988]

**Chapter 10.35  
PEDESTRIANS**

**Sections:**

**10.35.010 Pedestrians must use crosswalks.**

**10.35.020 Right angles.**

**10.35.010 Pedestrians must use crosswalks.**

No person shall cross a street other than within a crosswalk in blocks with marked crosswalks, except when there is no marked crosswalk within 200 feet from the point of crossing. [Ord. 642 § 41, 1988]

**10.35.020 Right angles.**

No pedestrian shall cross a street other than by a route at right angles to the curb or by the shortest route to the opposite curb unless crossing within a crosswalk. [Ord. 642 § 42, 1988]

**Chapter 10.40**  
**PARADES AND PROCESSIONS**

**Sections:**

- 10.40.010 Prohibited activity.**
- 10.40.020 Parade permit.**
- 10.40.030 Appeal to council.**
- 10.40.040 Offenses against parade.**
- 10.40.050 Permit revocable.**
- 10.40.060 Funeral procession.**

**10.40.010 Prohibited activity.**

No person shall organize or participate in a parade that may disrupt or interfere with traffic without obtaining a permit. A permit is always required of a procession of people using the public right-of-way and consisting of 100 or more persons or 10 or more vehicles. [Ord. 642 § 46, 1988]

**10.40.020 Parade permit.**

(1) Application for parade permits shall be made to the manager at least seven days prior to the intended date of the parade, unless the time is waived by him or her.

(2) Applications shall include the following information:

- (a) The name and address of the person responsible for the proposed parade.
- (b) The date of the proposed parade.
- (c) The desired route, including assembling points.
- (d) The number of persons, vehicles, and animals that will be participating in the parade.
- (e) The proposed starting and ending time.

(3) The application shall be signed by the person designated as chairperson.

(4) The manager shall issue a parade permit conditioned on the applicant's written agreement to comply with the terms of the permit unless the manager finds that:

(a) The time, route, and size of the parade will unreasonably disrupt the movement of other traffic.

(b) The parade is of a size or nature that requires the diversion of so great a number of police officers to properly police the line of movement and contiguous areas that allowing the parade would deny reasonable police protection to the city.

(c) The parade will interfere with another parade for which a permit has already been issued.

(d) Information contained in the application is found to be false or a material detail is omitted.

(e) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(5) If one or more of the conditions listed in-subsection (4) of this section, other than subsection (4)(e), exists, the manager may impose reasonable conditions in the permit, including but not limited to:

(a) Requiring an alternate date.

(b) Requiring an alternate route.

(c) Restricting the size of the parade.

(6) The manager shall notify the applicant of the decision within three days after receipt of the application.

(7) If the manager proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the council. [Ord. 642 § 47, 1988]

**10.40.030 Appeal to council.**

(1) An applicant may appeal the decision of the manager by filing a written request of appeal with the clerk within 48 hours after the manager has proposed alternatives or refused to issue a permit.

(2) The council shall schedule a hearing date, which shall not be later than three days following the

filing of the written appeal with the clerk, and shall notify the applicant of the date and time that he or she may appear either in person or by a representative. [Ord. 642 § 48, 1988]

**10.40.040 Offenses against parade.**

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

(2) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade. [Ord. 642 § 49, 1988]

**10.40.050 Permit revocable.**

The manager may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety. [Ord. 642 § 50, 1988]

**10.40.060 Funeral procession.**

(1) No permit is required for a funeral procession.

(2) A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.

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

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

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

(6) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession, except for emergency vehicles.

(7) Each driver in the procession shall follow the vehicle ahead as closely as is practical and safe. [Ord. 642 § 51, 1988]

**Chapter 10.45**  
**PARKING CITATIONS AND OWNER RESPONSIBILITY**

**Sections:**

- 10.45.010 Citation on illegally parked vehicle.**
- 10.45.020 Failure to comply with parking citation attached to parked vehicle.**
- 10.45.030 Cancellation of parking citation.**
- 10.45.040 Owner responsibility.**
- 10.45.050 Registered owner presumption.**

**10.45.010 Citation on illegally parked vehicle.**

When a vehicle without an operator is found parked in violation of a restriction imposed by this title, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle that may identify its owner, and shall conspicuously affix to the vehicle a parking citation instructing the operator to answer to the charge or pay the penalty imposed within five days during specific hours and at a specific place. [Ord. 642 § 56, 1988]

**10.45.020 Failure to comply with parking citation attached to parked vehicle.**

If the operator does not respond to a parking citation affixed to a vehicle within five working days, the municipal court may send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of 10 days:

- (1) The fine will be doubled; and
- (2) The vehicle is subject to impoundment and may be sold if not redeemed. [Ord. 642 § 57, 1988]

**10.45.030 Cancellation of parking citation.**

No person shall cancel or solicit the cancellation of a parking citation in any manner, except when approved by the municipal judge. [Ord. 642 § 58, 1988]

**10.45.040 Owner responsibility.**

The owner of a vehicle in violation of a parking restriction shall be responsible for the offense, unless the use of the vehicle was secured by the operator without the owner's consent. [Ord. 642 § 59, 1988]

**10.45.050 Registered owner presumption.**

In a proceeding charging a violation of a restriction on parking against a vehicle owner, proof that the vehicle was registered to the defendant at the time of the violation shall constitute a presumption that the defendant was the owner. [Ord. 642 § 60, 1988]

**Chapter 10.50**  
**IMPOUNDMENT AND PENALTIES**

**Sections:**

- 10.50.010      Impoundment of vehicles.**
- 10.50.020      Existing control devices and markings.**
- 10.50.030      Penalties.**

**10.50.010      Impoundment of vehicles.**

(1) When 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, even if the vehicle was parked by another or if 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 procedures 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 title.

(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 title or state law, if the vehicle has five or more unpaid violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. An impounded vehicle 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 provided in subsection (2) of this section. [Ord. 642 § 66, 1988]

**10.50.020      Existing control devices and markings.**

Parking and traffic control devices and markings installed prior to the adoption of the ordinance codified in this title are lawfully authorized. [Ord. 642 § 67, 1988]

**10.50.030      Penalties.**

(1) Violation of Chapter 10.20 BMC is punishable by fine not to exceed \$100.00.

(2) Violation of Chapters 10.25 through 10.40 BMC is punishable by fine not to exceed \$50.00.

(3) Violation of a provision identical to a state statute is punishable by fine not to exceed the penalty prescribed by the state statute. [Ord. 642 § 69, 1988]