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10.08 Repealed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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10.04.670 Policies of the North Bend police department.

10.04.680 Reserved.

**Article X. Penalties**

10.04.690 Penalties.

**10.04.010 Chapter title.**

This chapter may be cited as the “North Bend Uniform Traffic Ordinance.” (Ord. 1986 § 3 (Exh. A), 2014)

**Article I. Definitions**

10.04.020 Definitions.

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

1. “Abandoned vehicle” means a vehicle parked or placed on any street, alley, highway, or other public way for a period of more than 48 consecutive hours.

2. “Bus or taxi stand” means a space on the edge of a roadway designated by sign or other marking for use by buses or taxis loading or unloading passengers.

3. “City” means the city of North Bend.

4. “Curb” means the outer edge of the improved portion of a roadway.

5. “Department of Transportation” means the Oregon Department of Transportation, or other registration authority analogous to the Department of Transportation in any state other than Oregon.

6. “Downtown area” means the area of the city zoned as central commercial (C-C) pursuant to NBCC Title 18, Zoning.

7. “Enforcement officer” means any sworn or unsworn member of the police department and the city administrator, or his or her designee.


9. “Loading zone” means 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.

10. “Motor vehicle” means every vehicle that is self-propelled, including tractors, forklift 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.

11. “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.

12. “Parkway” means that portion of a street right-of-way not opened.

13. Negligent. A person is “negligent” when he or she fails to be aware of a substantial and unjustifiable risk that a result will occur or a circumstance exists.


15. “Play street” means that portion of a street designated and posted to restrict traffic and permit recreational use.

16. “Police department” means the police department of the city of North Bend.

17. “Recreational street” means any street, or portion thereof, designated and posted to restrict traffic and permit recreational use.

18. “Recreational vehicle” means an oversize vehicle, used primarily for recreational purposes, which cannot be parked in standard parking spaces.

19. “Rollerskates” means a pair of shoes with small wheels attached which are used for gliding on a paved surface. As used in this chapter, “rollerskates” includes in-line skates.

20. “Skateboard” means a short board mounted on small wheels that is used for coasting and often for performing athletic stunts. As used in this chapter, “skateboard” includes coasters, toy vehicles, and other similar devices.

21. “Sidewalk” means any paved walk for pedestrians. As used in this chapter, “sidewalk” includes the city of North Bend facility known as “the Boardwalk.”

22. “Street” means a highway, road, or street as defined by Oregon law, but including public parking areas within the city and roadways within the South West Oregon Regional Airport.

23. “Traffic lane” means that area of the roadway used for the movement of a single line of traffic.

24. “Vehicle” means any device which transports persons or property upon a street. (Ord. 1986 § 3 (Exh. A), 2014)
Article II. Administration

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. 1986 § 3 (Exh. A), 2014)

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. 1986 § 3 (Exh. A), 2014)

10.04.050 Powers of the city administrator.
The city administrator or designee shall:
(1) Implement the ordinances, resolutions and motions of the council and his or her own orders by installing, maintaining, removing, and altering parking and 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.”
(2) After adequate signs, signals, or other markings are erected indicating such regulation, the administrator may:
   (a) Establish the time limit for legal parking in limited parking areas.
   (b) Establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier vehicles.
   (c) Designate the location of passenger loading zones for use in front of the entrance to any hotel, auditorium, theater, church, school or other public building.
   (d) Designate loading zones, not to exceed two on any one side of a block.
   (e) Designate intersections where drivers of vehicles shall not make right, left, or U-turns, and the times when the prohibitions shall apply.
   (f) Designate crosswalks.
   (g) Designate safety zones of a kind and character and at such places as deemed necessary for pedestrian safety.
   (h) Designate play streets, or such hours when certain streets may be used as such, on which no person shall drive a vehicle except when the driver of the vehicle has business or resides within the closed area.
   (i) Designate permit parking areas.
   (j) Direct the removal or reduction in height of any hedge, shrubbery, tree, or other visual obstruction to traffic safety.
   (k) Make and enforce for up to 90 days temporary, experimental or emergency regulations consistent with this title after adequate signs, signals or other notices are erected clearly indicating such regulations. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.060 Public danger.
Under conditions constituting a danger to the public, the administrator or his or her designee may install temporary traffic control devices. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.070 Standards.
The traffic designs and control device regulations of the administrator or his or her designee shall be based on:
(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. 1986 § 3 (Exh. A), 2014)

10.04.080 Authority of police and fire officers.
(1) It is the duty of police officers and others designated by the administrator to enforce the provisions of this chapter.
(2) In the event of a fire or other public emergency, officers of the public safety department may direct traffic as conditions require, notwithstanding the provisions of this chapter. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.090 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. 1986 § 3 (Exh. A), 2014)

10.04.100 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. 1986 § 3 (Exh. A), 2014)

10.04.110 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. 1986 § 3 (Exh. A), 2014)

Article III. General Regulations

10.04.120 Crossing private property.

No operator of a motor vehicle shall proceed from one street to another street by crossing private property or premises not 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. 1986 § 3 (Exh. A), 2014)

10.04.130 Boarding or alighting from vehicles.

No person shall board or alight from any motor vehicle while the vehicle is in motion. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.140 Unlawful riding.

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. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.150 Skateboards, skates and similar devices.

No person shall, while riding on or by means of a skateboard, rollerskates, a coaster, skis, a sled, a toy vehicle, or a similar device:

(1) Use any street, other than a play street designated by the city, except while legally crossing at a crosswalk;

(2) Use any parking lot; or

(3) Ride on any sidewalk in a reckless manner or without exercising due care for the safety of others.

Pedestrians shall have the right-of-way. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.160 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. A person who causes damage shall be responsible for the cost of repair. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.170 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. 1986 § 3 (Exh. A), 2014)
10.04.180 Abandoned vehicles.
No person shall abandon a vehicle on the streets, alleys, highways, or other public ways within the city. Movement within a block shall not remove the vehicle from violation. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.190 Storage of personal property on streets.
No person shall store or permit to be stored on a street, without permission of the council, any personal property for a period in excess of 72 consecutive hours. Failure to remove personal property after a period of 72 consecutive hours constitutes prima facie evidence of storage. Removal of personal property stored on the street shall be conducted according to the procedures and practices of Article IX of this chapter, Towing. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.200 Unlicensed or unregistered vehicles.
No unlicensed or unregistered vehicle shall be parked on any street, alley, highway or public way within the city. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.210 Obstructing streets and signs.
(1) No person shall park or leave on a street, parking strip, sidewalk or curb any 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.

(2) No person shall place, construct, plant, maintain, or permit 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 damages for removing the obstructing property and nuisance. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.220 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:

(1) 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.

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

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

(4) 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.

(5) 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. (Ord. 1986 § 3 (Exh. A), 2014)

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 administr-
10.04.240 Reserved.
(Ord. 1986 § 3 (Exh. A), 2014)

10.04.250 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 five miles per hour or at a speed greater than will permit the driver to exercise proper control of the vehicle.
(Ord. 1986 § 3 (Exh. A), 2014)

10.04.260 Motor vehicles in parks.
No person, other than a city employee in the course of his or her duties, shall operate a motor vehicle on a trail, path or road in a city park unless the trail, path or road is specifically designated by the council for motor vehicles. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.270 Use of mechanical braking devices.
No person shall use any mechanical braking device on any motor vehicle, except to avoid imminent danger to persons or property. A mechanical braking device, commonly referred to as a Jake or Jacob brake, is one used primarily on trucks and buses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.
(Ord. 1986 § 3 (Exh. A), 2014)

Article IV. Parking Regulations

10.04.280 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. 1986 § 3 (Exh. A), 2014)

10.04.290 Method of parking.
(1) No person shall park a motor vehicle by backing into any parking space marked for diagonal, angle or perpendicular 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 or except when it is necessary to temporarily use a portion of an abutting parking space to load and unload from the vehicle. Under such conditions, the person loading or unloading may temporarily utilize the adjacent space, but shall immediately park or stand the vehicle entirely within a single marked space on completion of the loading or unloading.
(3) 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.
(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.
(5) 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.
(Ord. 1986 § 3 (Exh. A), 2014)

10.04.300 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 30 consecutive minutes in any two-hour period.
(3) A vehicle upon any parkway, except where authorized by the city.
(4) A logging truck on any residential street of the city or any residential area of the city.
(5) 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.
(6) 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. 1986 § 3 (Exh. A), 2014)

10.04.310 Prohibited markings.
No person shall letter, mark, paint or otherwise label a street to restrict or otherwise control parking unless the person is performing official duties.
for the governmental unit responsible for maintaining street markings. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.320 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. 1986 § 3 (Exh. A), 2014)

10.04.330 City parking lots.
No person shall:
(1) Park, store or leave any motor or other vehicle in a city parking lot for more than 24 hours.
(2) Drive, operate or place any motor vehicle in a city parking lot except for the purpose of parking.
(3) Drive or operate any vehicle in a city parking lot while under the influence of intoxicating liquor or narcotic drug.
(4) Drive or operate any vehicle in a city parking lot at night without lights as required by state law for operation of vehicles at night on public streets and highways.
(5) Drive or operate any motor vehicle in a city parking lot at a speed greater than five miles per hour or at a speed greater than will permit the driver to exercise proper control of the vehicle.
(6) Throw, leave or place on a city parking lot any glass, debris, junk, refuse, metal, trash or other materials.
(7) Park or drive in a city parking lot any vehicle having cleats or other metallic devices on the wheels that may damage the surfacing material on the parking lot.
(8) Park or place in a city parking lot any vehicle, truck or trailer of an overall length of 18 feet or more except in areas designated for oversize or recreational vehicles.
(9) Park or place any vehicle, truck or trailer in any city lot or on any street temporarily designated no parking. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.340 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 10 minutes for loading or unloading of merchandise from a private vehicle or 30 minutes for loading or unloading materials or freight from a commercial vehicle. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.350 Buses and taxicabs.
No person shall park or stand a bus or taxi on a street in a business district at any place other than at a bus stand or taxi stand, respectively. However, this provision shall not prevent the driver of any taxi from temporarily stopping for the purpose of, and while actually engaged in, the loading or unloading of passengers. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.360 Restricted use of bus and taxicab stands.
No person shall stop, stand or park a vehicle other than a bus in a bus stand, or other than a taxi in a taxi stand, except that the driver of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when it does not interfere with any bus or taxi waiting to enter or about to enter such zone. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.370 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. 1986 § 3 (Exh. A), 2014)

10.04.380 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 curbside 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. 1986 § 3 (Exh. A), 2014)
10.04.390 Extension of parking time.
Where maximum parking time limits are designated by sign, movement of a vehicle to another parking space on a street adjacent to the same block or within the same lot shall not extend the time limits for parking. Continued parking beyond the single limit for any parking space shall constitute a separate offense for each period or portion of a single limit for any such parking space during which the vehicle remains parked. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.400 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. 1986 § 3 (Exh. A), 2014)

10.04.410 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. 1986 § 3 (Exh. A), 2014)

10.04.420 Exemption.
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.
(4) Emergency vehicles performing their duty. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.430 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. 1986 § 3 (Exh. A), 2014)

10.04.440 Reserved.
(Ord. 1986 § 3 (Exh. A), 2014)

10.04.450 Citation of illegally parked vehicle.
(1) When a vehicle is found parked in violation of a restriction imposed by this chapter, the enforcement officer finding such vehicle may take its license number and any further information displayed on the vehicle that may identify its owner, and may conspicuously affix to the vehicle an unsworn written notice of violation (citation) in the manner provided by ORS 221.333.
(2) The citation shall state:
(a) The date, place and nature of the charge.
(b) The time and place for the defendant’s appearance in municipal court.
(c) The name of the issuing enforcement officer.
(d) The license number for the vehicle. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.460 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 cita-
tion 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. 1986 § 3 (Exh. A), 2014)

10.04.470 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. 1986 § 3 (Exh. A), 2014)

10.04.480 Registered owner presumption.
In a proceeding against a vehicle owner charging a violation of a restriction on parking, 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. 1986 § 3 (Exh. A), 2014)

Article V. Bicycles

10.04.490 Operating rules – Leaving (parking) of bicycles.
(1) All persons shall operate bicycles in compliance with all applicable provisions of this title and state law pertaining to bicycles.
(2) No person shall leave (park) a bicycle on public or private property without the consent of the owner or person in charge. Consent is implied on private business property and public property for a period not to exceed 24 hours, unless bicycle parking is expressly prohibited by posted sign.
(3) Notwithstanding the provisions of subsection (1) or (2) of this section, no person shall leave a bicycle on private business or public property, except in a bicycle rack or, if no rack is provided, the person shall leave the bicycle in a manner so as not to obstruct any roadway, sidewalk, driveway or building entrance. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.500 Bike rentals.
No person shall rent or offer a bicycle for rent unless the bicycle is equipped in accordance with the Oregon Motor Vehicle Code. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.510 Impounding bicycles for violation.
(1) In addition to any citation issued for a violation of NBCC 10.04.490 through 10.04.510, a bicycle parked in violation of this title may be immediately seized and impounded as evidence by the officer issuing the citation.
(2) If the owner of a bicycle impounded under this title can be readily determined, the police shall make reasonable efforts to notify the owner.
(3) A bicycle impounded under this title that remains unclaimed shall be disposed of in accordance with the city’s procedures for disposal of personal property seized as evidence. (Ord. 1986 § 3 (Exh. A), 2014)

Article VI. Skateboards and Rollerskates

10.04.520 Prohibited acts – Skateboards and rollerskates.
(1) No person shall ride or use a skateboard or rollerskates on any street, other than a recreational street, except while crossing at a designated crosswalk. No person shall ride or use a skateboard in the downtown area or on any parking lot.
(2) No person shall ride on or use a skateboard or rollerskates in a negligent or reckless manner. All persons riding on or using a skateboard or rollerskates shall yield right-of-way to any pedestrian or motorized vehicle.
(3) No person shall ride or use a skateboard or rollerskates on any street, plaza, parking lot or other private or public area where such street, plaza, parking lot or other area has been posted against the use of skateboards or rollerskates. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.530 Impounding skateboards and rollerskates for violation.
(1) At the time any person is stopped and a citation issued for a violation of NBCC 10.04.520, any skateboard or rollerskates used in the violation may be immediately seized and impounded as evidence by the officer issuing the citation.
(2) Any skateboard or rollerskates impounded under this title that remains unclaimed shall be disposed of in accordance with the city’s procedures for disposal of personal property seized as evidence. (Ord. 1986 § 3 (Exh. A), 2014)

Article VII. Pedestrians

10.04.540 Pedestrian crossing.
No pedestrian shall cross a street other than within a marked crosswalk or in an unmarked crosswalk as defined by ORS 801.220. (Ord. 1986 § 3 (Exh. A), 2014)
10.04.550 Pedestrian walking.
Where sidewalks are provided, no pedestrian shall walk along and upon the adjacent roadway. (Ord. 1986 § 3 (Exh. A), 2014)

Article VIII. Parades and Processions

10.04.560 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 part of the procession between the vehicles of a funeral procession. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.570 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. 1986 § 3 (Exh. A), 2014)

10.04.580 Reserved.
(Ord. 1986 § 3 (Exh. A), 2014)

10.04.590 Reserved.
(Ord. 1986 § 3 (Exh. A), 2014)

Article IX. Towing

10.04.600 Procedures for towing vehicles.
(1) A police officer, with or without prior notice to the owner or operator of a motor vehicle, may cause a motor vehicle to be towed and impounded in the following circumstances:
(a) The vehicle is abandoned.
(b) The vehicle is unlicensed or unregistered and is parked in the street.
(c) The vehicle has been left standing in or partially blocking a roadway in such a manner as to constitute a hazard.
(d) The vehicle is being recovered as a stolen vehicle.
(e) The vehicle has been disabled in a collision.
(f) The vehicle is evidence that is being collected pursuant to a criminal investigation.
(g) The vehicle is parked in violation of any provision of this chapter or state law and the vehicle has four or more unpaid parking violations outstanding against it. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid.

(h) When probable cause exists to believe that the vehicle is subject to forfeiture under the Oregon Criminal Forfeiture Law, HB 3457, 2005.

(2) In addition, a police officer may impound a vehicle, subject to ORS 809.716, 809.720, and/or similar provision of the North Bend Municipal Code, under the following circumstances:

(a) The driver of the vehicle has been cited for operating a vehicle without valid driving privileges, operating a vehicle without insurance, or is taken into custody for DUII/DUID; and
(b) The vehicle is parked:
   (i) On a public highway in such a manner that the officer has a reasonable belief, due to circumstances or location, that the vehicle is a hazard, that a risk of theft or vandalism exists if the vehicle is left unattended; or
   (ii) On private property or premises open to the public and the person in control of the property does not wish the vehicle to remain there; and
(c) There is no licensed driver immediately available to drive the vehicle to a safe and suitable location.

(3) In addition, if a driver has been warned or cited for any or all the following offenses within the preceding 24-hour period and is found to be operating the vehicle in further violation of the same offense, the vehicle will be impounded in order to avoid jeopardizing the public safety:

(a) Driving while suspended or revoked in violation of ORS 811.175 or 811.182.
(b) Driving while under the influence of intoxicants in violation of ORS 813.010.
(c) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010.
(d) Driving uninsured in violation of ORS 806.010.
(4) As used in this section, the term “hazard” shall have the meaning described in ORS 819.120, which includes but is not limited to any vehicle that is parked so that any part of the vehicle extends within the paved portion of the travel lane, or any vehicle that is parked so that any part of the vehicle extends within the highway shoulder or bicycle lane, or on any highway during or into the period between sunset and sunrise if the vehicle presents a clear danger. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.610 Vehicle impound exceptions.

Vehicles are not to be towed and/or impounded under the following circumstances:

(1) The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left in the parked location.
(2) The registered owner and/or a passenger present in the vehicle at the time of the stop have a valid driver’s license and are willing and legally able to drive the vehicle at the time.
(3) The vehicle is legally parked at a time and place where the likelihood of it being subject to theft and/or vandalism is remote and traffic or public safety is not impeded. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.620 Notice of removal.

(1) After a vehicle has been towed and impounded and within 48 hours after the vehicle is towed, excluding Saturdays, Sundays and legal holidays, notice of removal shall be provided to the owner of the vehicle and any lessors or security interest holders as shown in the records of the Department of Transportation by sending, certified mail, notice stating the following:

(a) The vehicle has been towed and impounded;
(b) The reason the vehicle has been towed and impounded;
(c) An address and telephone number that may be used to obtain information on the charges which must be paid before the vehicle will be released and on the procedures for procuring such release;
(d) The owner is entitled to and may request a hearing on the validity of the impoundment by
filing a request for hearing with the North Bend police department within 10 calendar days, excluding Saturdays, Sundays and legal holidays, of the receipt of the notice;  
(e) The location of the vehicle;  
(f) The vehicle is subject to towing and storage charges, the amount of charges that have accrued as of the date of the notice, the rate of the daily storage charges and that daily storage charges will continue to accrue;  
(g) The person who towed and is storing the vehicle has a lien on the vehicle for the towing and storage charges, and will retain possession of the vehicle until the charges are paid and, if the charges remain unpaid for more than 30 days, may have the vehicle sold to satisfy the lien;  
(h) The vehicle and its contents may be immediately reclaimed upon presentation to the police department of proof of ownership or right to possession, payment to the police department of the fee specified in NBCC 10.04.650, and payment to the person who towed and is storing the vehicle all towing and storage charges;  
(i) The vehicle may be sold or otherwise disposed of if a person entitled to possession of the vehicle does not reclaim the vehicle within 30 days of the date the vehicle was towed.  
(2) No notice is required under this section in the following circumstances:  
(a) The vehicle does not display license plates or other identification by which registration or ownership of the vehicle can be determined; and  
(b) The identity of the owner of the vehicle is not available from the Oregon Department of Transportation or other registration authority or the identity and address of the owner cannot reasonably otherwise be determined. (Ord. 1986 § 3 (Exh. A), 2014)

(1) A vehicle impounded under this chapter shall be released to a person entitled to lawful possession of the vehicle upon compliance upon providing the department with satisfactory proof of the following:  
(a) That a person with valid driving privileges will be operating the vehicle.  
(b) Compliance with financial responsibility requirements for the vehicle.  
(c) Payment of the North Bend police department administrative fee in the amount of $75.00, plus any towing and storage charges.  
(2) A security interest holder in the vehicle is not required to comply with subsection (1)(a) or (b) of this section, and may obtain release by paying the administrative fee, towing and storage fees. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.660 Vehicle impound hearings.  
(1) A request for hearing must be filed with the police department by the owner of the vehicle within 10 days of receipt of the notice of removal under NBCC 10.04.620. The request must be in writing, and shall state with particularity the basis of the owner’s objection to the towing and impoundment of the vehicle. Failure to timely file a request for hearing shall be a waiver of right to hearing.  
(2) The hearing shall be by the North Bend municipal court held within five business days of a timely filed request. The city shall have the burden of proving the validity of the towing and impoundment by a preponderance of the evidence.  
(3) If the municipal judge finds the towing and impoundment of the vehicle was improper, the vehicle shall be ordered released to the person entitled to possession, and the city shall pay charges for towing and storage.
(4) Appeal of the decision by the municipal judge regarding the towing and impoundment of a vehicle shall be by writ of review under ORS 34.010 through 34.100.

(5) A hearing concerning the towing and impound of a vehicle may be combined with a hearing on any related citation(s) issued for violation of the North Bend Municipal Code, at the discretion of the municipal court. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.670 Policies of the North Bend police department.

(1) The police department shall adopt and implement policies concerning the following matters, as they relate to the towing and/or impoundment of vehicles:
   (a) The roles and responsibilities of officers and other department employees.
   (b) The selection and use of towing companies.
   (c) The inventory of vehicle contents.
   (d) The search of vehicles.
   (e) The security of vehicles and property.

(2) Nothing in this section or the policies adopted by the department in accordance with this section shall give rise to any private right of action by any person against the city, the department, or its officers, employees or agents. (Ord. 1986 § 3 (Exh. A), 2014)

10.04.680 Reserved.
(Ord. 1986 § 3 (Exh. A), 2014)

Article X. Penalties

10.04.690 Penalties.

(1) Any person violating any parking time limit provided in this chapter shall be required to pay a penalty of $5.00 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 $9.00.

(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 not to exceed $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. 1986 § 3 (Exh. A), 2014)
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)


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) “Development” means any construction requiring a building permit or any land division, except that the term does not include: (a) parking area improvements; (b) landscaping improvements; (c) construction, repair or remodel of accessory uses to existing residential single-family or duplex dwellings, such as garages, walls, or fences; (d) repairs, remodels or additions to existing residential single-family or duplex dwellings; or (e) repairs, remodels or additions to existing commercial buildings if there is no increase in off-street parking requirements.

(4) “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.

(5) “Functional classification” means a system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
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(6) “Joint or shared access” means a driveway connecting two or more contiguous sites to a public or private street system.

(7) “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.

(8) “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.

(9) “Roadway” means the portion or portions of a street right-of-way developed for vehicular traffic.

(10) “Sidewalk” means a pedestrian way with permanent surfacing to city standards.

(11) “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. 1971 § 1, 2009)

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 consolidating 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)

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)

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

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

“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 turnaround (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. Inter-
sections 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 surround-
ing 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 maxi-
num standards for short distances (less than 200
feet) if it is determined that topography and/or
existing development makes meeting these stan-
dards impractical. In no case shall the maximum
street grade exceed 18 percent. In flat areas allow-
ance shall be made for finished street grades hav-
ing 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 devel-
opment 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 ade-
quate protection of residential properties and to
afford separation of through and local traffic.

(11) Alleys. Alleys may be provided in com-
mercial and industrial districts. Other permanent
provisions for access to off-street parking and load-
ing 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 path-
ways 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, adja-
cent 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 par-
cels.

(2) Safe, Direct, and Convenient Pathways.
Pathways within developments shall provide safe,
reasonably direct and convenient connections
between primary building entrances and all adja-
cent 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 build-
ing. 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 development 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)

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)