

CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

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

AUTHORIZED EMERGENCY VEHICLES. Vehicles of the Fire Department, police vehicles, ambulances and such emergency vehicles as are designated or authorized by the governing body.

BUSINESS DISTRICT. That area defined as a business and industrial district in this code.

CROSSWALK. That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, whether or not marked, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

CURB. The extreme edge or lateral boundary of a roadway, whether marked by curbing or not so marked.

DEPARTMENT. The Police Department of the city.

DOUBLE PARKING. The standing of a vehicle upon a street at the rear of another vehicle which is parked diagonally at the curb, or along the side of another vehicle which is parked parallel at the curb.

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DRIVER. Every person who drives, or is in actual physical control of a vehicle.

INTERSECTION. The area embraced within the prolongation of the lateral curb lines or, if none, then of the lateral boundary lines of two or more roadways which join one another at an angle, whether or not one such roadway crosses the other.

MOTOR VEHICLE. Every vehicle which is self-propelled.

OFFICIAL TRAFFIC SIGNALS. All signals, not inconsistent with this title, placed or erected by authority of the governing body or official having jurisdiction, for the purpose of directing, warning or regulating traffic.

OWNER. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.

PARKING. The standing of a vehicle, whether attended or unattended otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.

PEDESTRIAN. Any person afoot.

PERSON. Every natural person, firm, co-partnership, association or corporation.

PRIVATE ROAD or DRIVEWAY. Every road or driveway not open to the use of the public or vehicular traffic.

RESIDENTIAL DISTRICT. The territory contiguous to a street or roadway not comprising a business district which is mainly occupied by dwellings or by dwellings and buildings in use mainly for residential purposes.

RIGHT-OF-WAY. The privilege of the immediate use of the highway.

SEMI-TRAILER. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

SIDEWALK. That portion of the street between the curb lines and the adjacent property lines.

STREET or ROADWAY. That portion of a street between the regular established curb lines or that part thereof devoted to vehicular traffic.

TRAFFIC CONTROL SIGNAL. Any device using colored lights, or words, or any combination thereof, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAILER. Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

TRUCK TRACTOR. Every motor vehicle designed and used primarily for drawing other vehicles and so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided that for the purpose of this title, a bicycle or a ridden animal shall be deemed a **VEHICLE**.

(Prior Code, § 10.04.010)

ADMINISTRATION AND ENFORCEMENT

§ 70.15 OBEDIENCE TO TRAFFIC ORDINANCES, OFFICIAL TRAFFIC SIGNALS, SIGNS AND MARKINGS.

No person shall violate any rule, regulation, traffic direction, sign, signal or marking adopted, prescribed or established in accordance with the provisions of this title, unless otherwise directed by a police officer.
(Prior Code, § 10.04.020) Penalty, see § 70.99

§ 70.16 OBEDIENCE TO POLICE.

No person shall refuse or fail to comply with any lawful order, signal or direction of a police officer.
(Prior Code, § 10.04.030) Penalty, see § 70.99

§ 70.17 POLICE TO DIRECT TRAFFIC.

Police officers shall direct all traffic in conformance with traffic laws, ordinances and regulations provided that in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the Police or Fire Department may direct traffic as conditions may require.
(Prior Code, § 10.04.040)

§ 70.18 CONSTRUCTION AND MAINTENANCE OF CROSSING DEVICES.

No one except the city shall construct, operate or maintain upon or in any of the streets, roadways, intersection or crosswalks, any crossing signal or device of any kind or character to regulate or direct motor vehicle traffic upon the streets or roadways except upon authority given by the city by resolution. All such signals or devices shall be so constructed that the base or standard supporting such signal or device shall be at the right side of the street and to one side of the paved, graveled or graded portion thereof, so as not to interfere in any manner with any traffic upon such street or roadway. (Prior Code, § 10.04.050)

§ 70.19 TRAFFIC CONTROL DEVICES; TRAFFIC ENGINEERING.

(A) The Department shall place and maintain automatic traffic control devices or signals as required under the ordinances or as approved by resolution of the governing body.

(B) In order to make effective and carry out the provisions of the traffic ordinances and laws and to guide, warn and regulate traffic, the Department may maintain such additional traffic control devices, signs and markings, not including automatic traffic control devices, as may be deemed necessary.

(C) The Department shall determine the proper timing and maintenance of traffic control devices, conduct engineering analyses of accidents, remedial measures, conduct engineering investigation of traffic conditions and cooperate with other city officials in the development of ways and means to improve traffic conditions.

(D) The City Engineer shall have charge of installing automatic traffic control devices and shall cooperate with the Department at all times in traffic regulation, in conducting engineering analyses of accidents and engineering investigation of traffic conditions.
(Prior Code, § 10.04.060)

§ 70.20 CROSSWALKS, SAFETY ZONES AND TRAFFIC LANES.

(A) The Department may designate and maintain, by appropriate traffic control devices signals, signs, marks or lines upon the surface of the streets or roadway, crosswalks at intersections where in its opinion there is particular danger to pedestrians crossing the street or roadway, and at such other places as it may deem necessary.

(B) The Department may establish safety zones of such kind and character and at such places as it may deem advisable and consistent with the traffic ordinances.
(Prior Code, § 10.04.070)

§ 70.21 "U" TURNS, OFFICIAL TRAFFIC SIGNALS AND SIGNS INDICATING METHODS OF TURN.

(A) No vehicle shall make or attempt to make a complete turn around or "U" turn in any intersections of streets or roadways where official traffic signals and signs so indicate.

(B) The Department may determine those intersections at which drivers of vehicles shall not make a right, left or "U" turn, including those intersections designated in division (A) above, and shall place proper signals and/or signs at such intersections.

(C) The Department may place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections.
(Prior Code, § 10.04.080) Penalty, see § 70.99

§ 70.22 NO PARKING SIGNS.

(A) The Department may erect signs indicating no parking upon one or both sides of any street adjacent to any school property or public property when such parking would in its opinion interfere with traffic or create a hazardous situation.

(B) The Department may determine and designate by proper no parking signs located at either end of a block, or within a block, distances between which or places where the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(C) When signs are erected as provided in division (A) or (B) above, no person shall stop or park a vehicle at such designated places.
(Prior Code, § 10.04.090) Penalty, see § 70.99

§ 70.23 SIGNS AT THROUGH HIGHWAYS AND AT REDUCED SPEED INTERSECTIONS.

(A) The Department shall place and maintain a stop sign, or official traffic control signal on each and every street intersecting a designated through street.

(B) The Department may designate intersections on other than through streets where particular hazard exists, and determine whether vehicles shall stop at one or more entrances to any such intersection, and shall erect a stop sign or official traffic control signal at every such place where a stop is required; or if the Department determines that reduced speed rather than a stop is adequate for safe operation at such intersection it may erect a "slow" sign, or it may determine such safe speed and erect signs upon approaches to such intersection giving notice of such speed.
(Prior Code, § 10.04.100)

§ 70.24 SIGNS FOR ONE-WAY TRAFFIC OR PARKING RESTRICTIONS.

Whenever by ordinance a one-way street is prescribed or any time limit parking or no parking limit is imposed, the Department shall erect appropriate signs giving notice thereof, and no such regulations shall be effective until the signs are erected.

(Prior Code, § 10.04.110)

§ 70.25 REGULATIONS TO ENFORCE TRAFFIC ORDINANCES; EMERGENCY AND TEMPORARY CONDITIONS.

(A) The Department may make and enforce regulations necessary to make effective the provisions of the traffic ordinances, and to make and enforce temporary regulations to cover emergencies or special conditions.

(B) The Department may make temporary rules regulating traffic or test traffic control devices under actual conditions of traffic. No such experimental rule or test shall remain in effect for more than 90 days.

(Prior Code, § 10.04.120)

§ 70.26 MANNER OF ARREST.

Except when reasonably necessary to secure appearance, a person charged with violation of a traffic ordinance of the city by a police officer need not be arrested in the regular manner, but may first be given an opportunity, after notice, to appear voluntarily to answer for such traffic violation. This procedure shall not apply to any person arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person, not to any person charged with reckless driving, not to any person charged with driving while under the influence of intoxicating liquor or narcotic drugs.

(Prior Code, § 10.04.130)

§ 70.27 NOTICE TO APPEAR.

A person charged with violation of a traffic ordinance by notice shall be given a notice to appear before the magistrate court within 24 hours from the time stated in such notice, and stating that in the event of failure to do so a warrant will be issued for his or her arrest. The notice shall state the time, place and nature of the offense and shall also describe the vehicle involved by trade name and by license number. The nature of the offense may be stated by marking an "X" in a blank opposite the word or words employed to designate the nature of the offense. The notice shall be signed or initialed by the police officer executing it, who shall also put thereon his or her badge number. The notice shall be made in duplicate, one copy to be given to the owner or the driver charged with the offense or to be left in or upon the automobile involved in the violation and the other copy be filed with the Department.

(Prior Code, § 10.04.140)

§ 70.28 APPEARANCE.

A person who has received a notice of traffic violation through the police shall, within the time specified in such notice, appear at the magistrate court to answer the charge set forth therein.

(Prior Code, § 10.04.150)

§ 70.29 ARREST ON FAILURE TO APPEAR.

Upon failure of a person to appear in response to a notice of traffic violation as herein provided, he or she shall be subjected to arrest in the manner otherwise provided by law. (Prior Code, § 10.04.160) Penalty, see § 70.99

§ 70.30 ACCOUNT FOR NOTICES.

The Department shall take a receipt for each set of blank notices of traffic violations issued to a police officer. The police officer to whom such blank notices are issued shall account for each set of notices issued to him or her by return thereof with copies in blank to the Department, or by filing a copy thereof with the Department charging a person named therein with a traffic violation. For failure of a police officer to so account for each set of notices issued to him or her, he or she shall be subject to disciplinary action.

(Prior Code, § 10.04.170)

§ 70.99 PENALTY.

Except as otherwise specifically provided, any person violating any of the provisions of this title, or failing to comply with any of the provisions thereof, shall upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

(Prior Code, § 10.04.180)