

ORDINANCE NO. 04-01

AN ORDINANCE OF THE CITY OF FERNDALE ESTABLISHING TRAFFIC REGULATIONS AND REPEALING ORDINANCES 124A, 187, and 294

Table of Contents

.....Article 1 Short Title, Purpose and Scope.....2

.....Article 2 Statutory Authority / Enforcement Authority.....2

.....Article 3 Administration and Enforcement.....2

.....Article 4 Definitions.....3

.....Article 5 Traffic Control.....4

..... §5.01 Safety.....4

..... §5.02 Authority.....4

..... §5.03 Turning Movements.....4

..... §5.04 One-Way Streets and Alleys.....4

..... §5.05 Special Stops.....4

..... §5.06 Emerging from alleys and driveways.....4

..... §5.07 Stopping, Standing and Parking.....5

..... §5.08 Temporary Emergencies.....5

..... §5.09 Time Zones.....5

..... §5.10 Loading and Unloading.....6

..... §5.11 Curb Markings.....6

..... §5.12 Alleys.....7

..... §5.13 Pedestrians.....7

..... §5.14 Bicycles, Motorcycles and Miscellaneous Traffic Rules.....7

..... §5.15 Skates, Skateboards, Scooters and Coasters.....7

..... §5.16 Restricted Access.....7

..... §5.17 New Pavement or Markings.....7

..... §5.18 Parks.....8

..... §5.19 Riding or Driving Animals.....8

..... §5.20 Truck Routes.....8

..... §5.21 Penalties.....9

.....Article 6 Severability.....9

.....Article 7 Effective Date.....9

.....Article 8 Posting Requirement.....9

.....Article 9 Enacting Date and Signatures.....9

THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

§1.01 This ordinance shall be known and cited as the “Traffic Ordinance”.

§1.02: Purpose: It is declared that this article is enacted for the purpose of the preservation of the public safety and welfare in connection with vehicle and pedestrian traffic.

§1.03: Scope: This ordinance shall apply to any and all streets, roads, alleys, lanes, and sidewalks within the city limits of Ferndale.

§1.04: The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01: Statutory and Enforcement Authority is granted in the following from the Vehicle Code: Division 11, Chapters 1-10, Sections 2100-22562; Division 15, Chapter 5, Sections 35550-35796 and 39000 et seq.; Division 17, Chapters 1-8, Sections 40000.1-41610; and Division 18, Chapters 1-3, Sections 42000-42277.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

§3.01 Administration and Enforcement

- 3.01.1 The Chief of Police of the city shall serve as the City Traffic Engineer to determine the proper timing and maintenance of traffic control devices and signals, to conduct analysis of traffic accidents and to devise remedial measures, to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by this ordinance.
- 3.01.2 It shall be the duty of the officers of the police department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the City and all of the state vehicle laws applicable to street traffic in the City.
- 3.01.3 Officers of the police department or such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand or signal in conformance with the traffic laws at such locations as may require traffic direction for orderly flow.
- 3.01.4 Officers of the Fire Department, when at the scene of a fire may direct or assist the police in directing traffic there or in the immediate vicinity.
- 3.01.5 Public Employees: The provision of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this state and any country or city; and it is unlawful for any driver to violate any of the provisions of this ordinance except as otherwise permitted in the ordinance or state statute.
- 3.01.6 Exempted Vehicles:
 - a. The provisions of this ordinance regulating the operation, parking and standing of vehicles shall not apply to any of the police or fire department vehicles, any public ambulance, or any public utility vehicle, or any private ambulance which has qualified as an authorized

emergency vehicle, when any such vehicle is operated in the manner specified in the vehicle code in response to an emergency call.

- b. The exemptions of subsection “a” of this section shall not, however, protect the driver of any such vehicle from the consequences of willful disregard of the safety of others.
- c. The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for the construction or repair work or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail.

ARTICLE 4: DEFINITIONS

§4.01 Definitions. Whenever words or phrases used in this ordinance are not defined in the vehicle code of this state, such definitions are incorporated in this section and shall be deemed to apply to such words and phrases used in this ordinance.

- 4.01.1 City Traffic Engineer: The Chief of Police
- 4.01.2 Loading Zone: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- 4.01.3 Motor Truck: a motor vehicle over 20 feet in length designed, used, or maintained primarily for the transportation of property.
- 4.01.4 Official Time Standard: Whenever certain hours are named in this ordinance they shall mean standard time or daylight saving time as may be in current use in the City.
- 4.01.5 Official Traffic Control Devices: All signals, signs, markings and devices placed or erected by authority of the public body or official having jurisdiction for the purpose of regulating parking.
- 4.01.6 Official Traffic Signals: Any device whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.
- 4.01.7 Park: To stop or leave standing any vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading of passengers or materials.
- 4.01.8 Passenger Loading Zone: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers.
- 4.01.9 Pedestrian: Any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.
- 4.01.10 Stop or Standing: Any cessation of movement of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control device.
- 4.01.11 Traffic: Vehicles, pedestrians, ridden animals and other conveyances either singly or together while using any streets, sidewalks, or alleys for the purpose of travel.

- 4.01.12 Vehicle: A device by which a person or property may be propelled, moved or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

ARTICLE 5: TRAFFIC CONTROL

§5.01 Safety – It is required that any operator of a vehicle in the City do so in a safe manner. No ordinance can foresee every possibility or event. Human safety must be the first consideration, even if it necessitates violation of a statute of this ordinance.

§5.02 Authority:

- 5.02.1 The City Traffic Engineer shall have the power and duty to place, maintain and/or remove official traffic-control devices where, when and as required under this ordinance with the approval of the City Council or City Manager.
- 5.02.2 Obedience Required: The driver of any vehicle shall obey the instructions of any traffic-control device, placed in accordance with this ordinance unless otherwise directed by a police officer.
- 5.02.3 No person other than the City Traffic Engineer shall cause any traffic-control device to be removed or relocated except as provided in this ordinance.

§5.03 Turning Movements

- 5.03.1 Restricted Turns: The City Traffic Engineer shall determine those intersections at which drivers shall not make a right turn, left turn, or U-turn and shall cause to be placed proper signs at these intersections. The making of such turns may be prohibited between certain hours or certain days and permitted at other hours, with this information clearly posted.
- 5.03.2 Under special circumstances and high traffic events, markers or signs may be placed within or adjacent to intersections indicating the course to be traveled by vehicles.

§5.04 One-Way Streets and Alleys: The City Traffic Engineer is authorized to designate any street or alley limited to one-way traffic. Such street or alley shall have appropriate signs placed and maintained, and no such regulations shall be effective unless such signs are in place.

§5.05 Special Stops: The City Traffic Engineer is authorized to temporarily have stop signs erected at any location in city jurisdiction to control traffic under special circumstances.

§5.06 Emerging from alleys and driveways: The driver of a vehicle emerging from an alley, driveway or building shall stop their vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across the alleyway.

§5.07 Stopping, Standing and Parking: The provisions of this section prohibiting the stopping, standing and parking of a vehicle shall apply at all times or at those times specified in this section, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.

- 5.07.1 Adjacent to Schools: The City Traffic Engineer is authorized to have signs erected indicating no parking upon either side of any street adjacent to any school property when parking there would create a hazardous situation.
- 5.07.2 Narrow Streets: The City Traffic Engineer is authorized to have placed signs or marks indicating no parking upon any street when the width of the roadway does not exceed thirty-eight (38) feet.
- 5.07.3 Stopping or Parking – Prohibited: The City Traffic Engineer shall appropriately have signed or marked the following places and when so signed or marked no person shall stop, leave standing or park a vehicle in any of said places:
 - a. At any place within ten (10) feet of an intersection in any business district.
 - b. At any place within ten (10) feet of any boulevard stop sign.
 - c. At any place where the City Traffic Engineer determines that it is temporarily necessary in order to eliminate unusual traffic hazards.
- 5.07.4 Parking for Repairs or Washing Prohibited. It shall be unlawful for any person to park a vehicle upon any roadway for the principal purpose of washing, greasing or repairing the vehicle except repair necessitated by emergency.
- 5.07.5 Parking for More Than 72 Hours Prohibited: It shall be unlawful for any vehicle to be parked or left standing upon any street for 72 or more consecutive hours. Any such vehicle parked or left standing in violation of this section may be removed by order of a city police officer.

§5.08 Temporary Emergencies: Whenever the City Traffic Engineer determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions or for other reasons, the City Traffic Engineer shall have the authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the City Traffic Engineer shall direct.

§5.09 Time Zones: The City Council may direct the Traffic Engineer to mark time zone parking and no parking areas at any place within the city, limiting the time a vehicle may remain parked in such zones.

- 5.09.1 Any such time zones shall be clearly marked by signs or stencils indicating the area of the zone and the period of time allowed for parking within the zone.

- 5.09.2 When signs or stencils authorized by this section are in place, no person shall park or leave standing any vehicle contrary to the directions of such signs.
- 5.09.3 The City Traffic Engineer may designate temporary No Parking or Limited Parking areas under special circumstances.

§5.10 Loading and Unloading

- 5.10.1 Authority: The City Council is authorized to direct the Traffic Engineer to mark loading zones and passenger loading zones as follows:
 - a. At any location within any business district.
 - b. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.
- 5.10.2 Loading Zones shall be indicated by a yellow painted curb, stenciled with black letters "LOADING ZONE" upon the top of all such curbs.
- 5.10.3 Passenger loading zones shall be indicated by a white painted curb, stenciled with black letters "PASSENGER LOADING ONLY" upon the top of all such curbs.
- 5.10.4 Mail depositing zones shall be indicated by a white painted curb, stenciled with black letters "MAIL DEPOSIT ONLY" upon the top of all such curbs.

§5.11 Curb Markings

- 5.11.1 Authority: The City Traffic Engineer is authorized, subject to the provisions and limitation of this article to have placed and when required shall have placed the following curb markings to indicate parking or standing regulations:
 - a. Red – No stopping, standing or parking any vehicle at any time except as permitted by the vehicle code.
 - b. Yellow – No stopping, standing or parking at any time between 9 a.m. and 6 p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers or materials shall not consume more than twenty (20) minutes.
 - c. White – No stopping, standing or parking for any purpose other than the loading or unloading of passengers or depositing mail, which shall not exceed five minutes, and such restrictions shall apply any time between 8 a.m. and 6 p.m. of any day except Sundays and holidays.
 - d. Green – No stopping or parking for any longer than twenty minutes at any time between 9 a.m. and 5 p.m. of any day except Sundays and holidays.
 - e. Blue – Parking limited exclusively to the vehicles of physically handicapped persons between 9 a.m. and 6 p.m. of any day. Violation of section 5.11.1e shall be a misdemeanor.

§5.12 Alleys: It shall be unlawful for any person to stop, stand or park a vehicle in any alley for any purpose other than the loading or unloading of passengers or materials.

§5.13 Pedestrians

- 5.13.1 Crosswalks: The City Traffic Engineer shall have the authority to establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway.
- 5.13.2 Crosswalk – Use Required: It shall be unlawful for any person to cross a roadway other than by a crosswalk in any business district.
- 5.13.3 Roadways
 - a. It shall be unlawful for any person to stand in any roadway, other than in a safety zone or in a crosswalk, if such action interferes with the lawful movement of traffic.
 - b. It shall be unlawful for any person to sit or lie in any roadway at any time.
 - c. This section shall not apply to any public officer or employer, or employee of a public utility when in the actual performance of official duties.
- 5.13.4 Sales on Roadway Prohibited: It shall be unlawful for any person to sell or solicit for sale any materials from a position or place in or upon any roadway.

§5.14 Bicycles, Motorcycles and Miscellaneous Traffic Rules

- 5.14.1 It shall be unlawful for any person to ride, park, or leave standing a bicycle or motorcycle on the Main Street sidewalk from Shaw Avenue to Ocean Avenue.
- 5.14.2 It shall be unlawful to ride, park, or leave standing a bicycle or motorcycle on any sidewalk in an unsafe manner.

§5.15 Skates, Skateboards, Scooters and Coasters: It shall be unlawful for any person to be mounted upon roller skates, skateboard, scooter or riding in, on or by means of any coaster, toy vehicle or similar device upon the sidewalks in any business district.

§5.16 Restricted Access: It shall be unlawful for any person to drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

§5.17 New Pavement or Markings: It shall be unlawful for any person to drive or ride any vehicle or lead any animal over or across any newly-made pavement or freshly-painted marking in any street when a sign or barrier is in place indicating any portion of a street is closed.

§5.18 Parks

5.18.1 Russ Park:

- a. It shall be unlawful for any person to ride, lead or drive a bicycle, motorcycle, off-road vehicle or any other wheeled vehicle in Russ Park at any time.
- b. (Added by Ordinance 05-04) It shall be unlawful for any person to ride or lead any livestock in Russ Park at any time. (End of added section)

5.18.2 Fireman's Park:

- a. It shall be unlawful for any person to ride or lead any livestock in Fireman's Park at any time except during a parade or other organized event.
- b. It shall be unlawful for any person to drive, park or leave standing a vehicle on the grass or recreation areas of Fireman's Park at any time.
- c. It shall be unlawful for any person to ride or drive a go-cart, scooter or any other off-road vehicle in Fireman's Park at any time.
- d. It shall be unlawful for any person to drive or leave standing any vehicle in Fireman's Park after park closing hours.

§5.19 Riding or Driving Animals:

- 5.19.1 It shall be unlawful for any person to ride, drive or lead any livestock animal upon any city sidewalk.
- 5.19.2 It shall be unlawful for any person to ride, drive or lead any livestock animal on Main Street between Shaw Avenue and Ocean Avenue, except in compliance with the vehicle codes of this state or during organized events.

§5.20 Truck Routes: This section establishes certain truck routes and regulates their use

- 5.20.1 For motor truck travel between the southerly city boundary line of the City of Ferndale and the northerly boundary line of the City of Ferndale the following truck route is hereby established.
 - a. Beginning on Ocean Avenue where the Wildcat Road intersects Ocean Avenue; thence easterly to where Ocean Avenue intersects Main Street; thence along Main Street to the easterly boundary line of the City of Ferndale.
- 5.20.2 When approved by the City Council, the City Traffic Engineer is authorized to designate a street or streets by appropriate signs as "Truck Traffic Routes" for the movement of vehicles exceeding a maximum gross weight limit of three tons.
- 5.20.3 When any truck traffic route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other except, that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a

“Truck Traffic Route” having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bonafide repair, alteration, remodeling, or construction of any building or structure upon restricted streets for which a building permit has previously been obtained.

- 5.20.4 The provisions of this section shall not apply to:
- a. Passenger buses under the jurisdiction of the Public Utilities Commission.
 - b. Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

§5.21 Penalties

- 5.21.1 This section provides penalties for violations of this Chapter of this ordinance except when in conflict with existing state statutes which take precedence.
- 5.21.2 Except as otherwise provided, any violation of any provision of this Ordinance is hereby declared to be an infraction, and punishable by a fine as set by Resolution by the City Council. (GC 36900)

ARTICLE 6: SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 7: EFFECTIVE DATE: This ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 8: POSTING REQUIREMENT: The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 9: ENACTING DATE AND SIGNATURES: Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on February 5, 2004 by the following vote:

AYES:
NOES:
ABSENT:

ATTEST:

Frances Scavini, City Clerk
First Reading: January 6, 2004
Second Reading: February 5, 2004

Elizabeth Anderson, Vice Mayor