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CITY OF OWASSO, OKLAHOMA
ORDINANCE NO. 981

AN ORDINANCE RELATING TO PART 15, TRAFFIC AND VEHICLES, CHAPTER 1, GENERAL PROVISIONS, CHAPTER 2, ENFORCEMENT, CHAPTER 3, VEHICLE EQUIPMENT, CHAPTER 4, SPEED REGULATIONS, CHAPTER 5, DRIVING, OVERTAKING, PASSING AND CHAPTER 13, MOTORCYCLES, SECTIONS 15-103, 15-215, 15-216, 15-217, 15-223, 15-306, 15-307, 15-402, 15-515, 15-540 AND 15-1315 OF THE CODE OF ORDINANCES OF THE CITY OF OWASSO, OKLAHOMA, AMENDING INDIVIDUAL SECTIONS AS SET FORTH BELOW.

THIS ORDINANCE AMENDS PART 15, CHAPTERS 1, 2, 3, 4, 5 & 13 OF THE CITY OF OWASSO CODE OF ORDINANCES BY AMENDING THE SECTIONS NAMED ABOVE AND TO BE CODIFIED AS SHOWN BELOW.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OWASSO, OKLAHOMA, THAT, TO-WIT:

SECTION ONE (1): Part Fifteen, Traffic and Vehicles, Chapter One, General Provisions, of the Code of Ordinances of the City of Owasso, Oklahoma, shall be amended as follows:

SECTION 15-103 DEFINITIONS

As used herein:

1. "Alley" means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings, or buildings;

2. "Ambulance" means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons;

3. "Bicycle" means a device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than twenty (20) inches in diameter;

4. "Bus" means every motor vehicle, including church buses, designed for carrying more than ten (10) passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. A "church bus" is any bus operated by a nonprofit religious organization which transports persons including school-age children to and from religious activities;

5. "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway;

6. "Commercial vehicles" means every vehicle designed, maintained, or used primarily for the transportation of property;

7. "Center lane" means any clearly marked center lane. If the center lane is not marked and no cars are parked on the roadway, then the center lane is equally distanced between the curbs or traveled portion of the roadway. In the event a vehicle or vehicles are parked on one side of the roadway only, then the center lane is equally distanced from the side of the parked vehicle or vehicles toward the street and curb on the opposite roadway. If vehicles are parked on each side of the roadway, then the center lane is equally distanced from the edges of the parked vehicles;

8. "Cross walk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs; or in the absence of curbs from the edges of the traversable roadway. "Cross walk" also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

9. "Drive" or "to drive" means to drive, operate or be in actual physical control of a vehicle;

10. "Driver or operator" means a person who drives or is in actual physical control of a vehicle;

11. "Emergency" means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impede the flow of traffic;

12. "Emergency vehicle" or "authorized emergency vehicle" means vehicles of the fire department, police vehicles and ambulances;

13. "Highway," See Street;

14. "Intersection" means:

a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) streets, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets join at any other angle, may come in conflict; or

b. Where a street includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided street by an intersecting street, shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such streets shall be regarded as separate intersections;

15. "Laned roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

16. "Limited access highway", see controlled access highway;

17. "Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or material. A freight curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of freight; a passenger curb loading zone is a loading zone for the exclusive use of vehicles during the loading or unloading of passengers;

18. "Limit lines" means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required;

19. "Motor cycle, motor scooter, and motor bicycle" mean a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;

20. "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

21. "Official time" shall mean whenever certain hours are named herein they shall mean Central Standard Time, or Daylight Savings Time, as may be in current use in the city;

22. "Official traffic control device" means all signs, signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

23. "Park or parking" means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers, providing such loading and unloading is in an authorized place;

24. "Pedestrian" means any person afoot;

25. "Police officer" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violation of traffic regulations including authorized officers from other law enforcement agencies and officers who have been cross-deputized by the City of Owasso;

26. "Private road or roadway" means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner;

27. "Railroad" means a carrier of persons or property upon cars other than streetcars operated upon stationary rails;

28. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

29. "Residence district" means the territory contiguous to and including a highway not comprising a business district;

30. "Right-of-way" means the privilege of the immediate use of the roadway. It is the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

31. "Roadway" means that portion of a street improved, designed, ordinarily used for vehicular travel, exclusive of the shoulders. In the event a street includes two (2) or more separate roadways, the term roadway, as used herein, shall refer to any such roadway, separately, but not to all such roadways, collectively;

32. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times, while set apart as a safety zone;

33. "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school; provided, however, that this definition of "school bus" shall not be extended to include buses normally used in city transit which may be used part time for the transportation of school children during some portion of the day;

34. "School zone" means all streets or portions of streets immediately adjacent to a school, or school ground, where same is adjacent and for a distance of three hundred (300) feet in each direction;

35. "Sidewalk" means that portion of a street between the curb lines or at lateral lines of the roadway and adjacent property lines, intended for use of pedestrians;

36. "Stand" or "standing" means any stopping or halting of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers;

37. "Stop," when required, shall mean the complete cessation from movement;

38. "Stop or stopping," when prohibited, means any halting even momentarily 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 traffic signal;

39. "Street" or "highway" means the entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel;

40. "Through street or highway" means a street, or boulevard or highway or portion thereof at the entrances to which:

- a. Vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and
- b. Stop signs are erected as provided in this part;

41. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances, either singularly or together, while using any highway or street for purpose of travel;

42. "Traffic control devices or signals" mean any device legally authorized and used for the purpose of regulating, warning or guiding traffic;

43. "U-turn" means a turn by which a vehicle reverses its course of travel on the same street;

44. "Vehicle" means every device in, upon, or by which any person or property is, or may be transported, or drawn, upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic code, 47 O.S. Sections 1-101 et seq.

SECTION TWO (2): Part Fifteen, Traffic and Vehicles, Chapter Two, Enforcement, of the Code of Ordinances of the City of Owasso, Oklahoma, shall be amended as follows:

SECTION 15-215 AUTHORIZED EMERGENCY VEHICLES

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

B. The driver of an authorized emergency vehicle may do any of the following when in pursuit of an actual or suspected violator of the law or ordinance or when responding to but not upon returning from a fire alarm:

1. Park or stand, irrespective of the provisions of this part;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as life or property is not endangered; or

4. Disregard regulations governing direction of movement or turning in specific directions.

C. The exemptions granted in this section to an authorized emergency vehicle shall apply only when the driver of any such vehicle is properly and lawfully making use of an audible signal or of flashing red or blue lights or a combination of flashing red and blue lights except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State Law Reference: Emergency vehicle driving rules, 47 O.S. Section 11-106.

SECTION 15-216 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. This section shall not be construed to require an officer operating a police vehicle properly and lawfully in response to a crime in progress to use audible signals, nor shall it operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

State Law Reference: Authorized emergency vehicles and their equipment, 47 O.S. Sections 11-106, 12-218; approach of emergency vehicles, 47 O.S. Section 11-405.

SECTION 15-217 ACCIDENTS, DUTY TO STOP

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.

B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person, or in which it is apparent that damage to one vehicle or other property is in excess of the amount provided for by state law, shall, as soon as practicable, report such accident to a police officer or to the police department. If a driver makes out a written report of the accident in the office of the police department as soon as practicable after the accident, which report is to be forwarded to the state department of public safety in accordance with state law, the driver shall be deemed to be in compliance with this section.

C. Any person failing to stop or to comply with any of the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof may be fined as provided in Section 1-108 of this code.

State Law Reference: Accident reports, 47 O.S. Sections 10-101 et. seq.

SECTION 15-223

DISPOSITION AND RECORDS OF TRAFFIC CITATIONS, WARRANTS,
AND COMPLAINTS

A. Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or any traffic law of this city shall deposit the original and a duplicate copy of the citation with the municipal court.

B. Upon the filing of the original citation in the municipal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court, including forfeiture of bail or by payment of a fine.

C. The chief of police shall maintain a record of all warrants issued by the municipal court which are delivered to the police department for service, and of the final disposition of the warrants.

D. No member of the police department or other officer or public employee shall dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint, or warrant, other than to correct or supplement information contained in the document, in a manner other than as required in this chapter.

SECTION THREE (3): Part Fifteen, Traffic and Vehicles, Chapter Three, Vehicle Equipment, of the Code of Ordinances of the City of Owasso, Oklahoma, shall be amended as follows:

SECTION 15-306

INSPECTION OF VEHICLES

A. City of Owasso police officers may at any time, with reasonable cause and belief that a vehicle is unsafe or not equipped as required by law, contains equipment that is not in proper adjustment or repair or that the operator of the vehicle is not properly licensed, require the driver to stop and submit the vehicle to an inspection and test as may be appropriate.

B. In the event a vehicle or combination of vehicles is found to be in an unsafe mechanical condition or not properly equipped as required by law, the officer making the inspection may give the driver a notice of arrest or written warning. Any person producing proof within ten (10) working days from the date the citation was issued that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this section has been remedied shall be entitled to dismissal of the charges without assessment of court costs.

C. No person shall operate or cause to be operated any vehicle or combination of vehicles after notice of arrest or written warning has been issued of unsafe condition or that the vehicle is not equipped as required by law, except as may be necessary to return such vehicle or combination of vehicles to the residence or place of business of the owner or driver if within a distance of twenty (20) miles or to a garage until the vehicle and its equipment have been made to conform with the requirements of this section.

D. Any vehicle or combination of vehicles found to have major mechanical defects which would be hazardous to other users of the streets if the vehicle were driven

from the place of inspection shall be towed to a garage for repairs, and any repair charge, tow charge or storage charge for the repair, removal and storing of the vehicle shall be the obligation of the owner or operator.

State law reference: 47 O.S. §13-102, Officers May Inspect a Vehicle and its Equipment.

SECTION 15-307 MAINTENANCE AND ADJUSTMENT OF BRAKES

REPEAL

SECTION FOUR (4): **Part Fifteen, Traffic and Vehicles, Chapter Four, Speed Regulations, of the Code of Ordinances of the City of Owasso, Oklahoma, shall be amended as follows:**

SECTION 15-402 SCHOOL ZONES

A. The speed in school zones shall be as posted. The maximum speed limit shall be forty-five (45) miles per hour.

B. No vehicle shall be allowed to park in a posted school zone.

State Law Reference: Local authority to set speed limits, 47 O.S. § 15-102 and § 11-803.

SECTION FIVE (5): **Part Fifteen, Traffic and Vehicles, Chapter Five, Driving, Overtaking, Passing, of the Code of Ordinances of the City of Owasso, Oklahoma, shall be amended as follows:**

SECTION 15-515 OVERTAKING AND PASSING IN SCHOOL ZONES

A. No driver of a vehicle shall pass any other vehicle which is in motion and being driven in the same direction in any school zone when schools are in session.

B. Wherever a school zone is located on a multiple lane street which is divided into three (3) or more clearly marked lanes for traffic or where the right half of the roadway has been divided into two (2) or more lanes, or on one-way streets, vehicles shall be allowed to pass slower moving vehicles being driven in the same direction where passing does not involve a change of lane movement.

SECTION 15-540 LOADS ON VEHICLES

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to

blowing or escaping by reason of wind shall have the load covered or dampened so as to prevent the blowing or escaping of the load from the vehicle.

SECTION SIX (6): Part Fifteen, Traffic and Vehicles, Chapter Thirteen, Motorcycles, of the Code of Ordinances of the City of Owasso, Oklahoma, shall be amended as follows:

SECTION 15-1315 NIGHTTIME DRIVING OF SCOOTERS

REPEAL

SECTION SEVEN (7): REPEALER

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict only.

SECTION EIGHT (8): SEVERABILITY

If any part or parts of this ordinance are deemed unconstitutional, invalid or ineffective, the remaining portion shall not be affected but shall remain in full force and effect.

SECTION NINE (9): DECLARING AN EFFECTIVE DATE

The provisions of this ordinance shall become effective thirty (30) days from the date of final passage as provided by state law.

SECTION TEN (10): CODIFICATION

The City of Owasso Code of Ordinances is hereby amended as shown above and codified in Part 15, Chapters 1, 2, 3, 4, 5 and 13 as sections 15-103, 15-215, 15-216, 15-217, 15-223, 15-306, 15-307, 15-402, 15-515, 15-540 & 15-1315.

PASSED by the City Council of the City of Owasso, Oklahoma on the 15th day of March, 2011.


Doug Bonebrake, Mayor

ATTEST: 
Sherry Bishop, City Clerk



(S E A L)

APPROVED as to form and legality this 15th day of March, 2011.


Julie Lombardi, City Attorney