

ORDINANCE NO. 4838

AN ORDINANCE RELATING TO THE PROHIBITION OF REPEATED DRIVING OF A MOTOR VEHICLE ALONG OR ACROSS A CONGESTED THOROUGHFARE; ADDING CHAPTER 13.22, TRAFFIC CONGESTED THOROUGHFARES TO THE ALBANY MUNICIPAL CODE; AMENDING SECTION 1.05.060 OF THE ALBANY MUNICIPAL CODE; AND DECLARING AN EMERGENCY.

The City Council of the City of Albany finds that:

1. The repeated driving of motor vehicles along or across portions of public thoroughfares within the City of Albany have created severe traffic congested on the thoroughfares and at their intersections with other streets and highways. This congestion blocks access by emergency vehicles and interferes with vehicular traffic attempting ingress and egress to and from businesses and residences located along the congested thoroughfares.

2. This traffic condition disturbs the peace, quiet, and welfare of neighboring residential areas and causes a severe economic hardship to businesses located along the congested thoroughfares.

3. This traffic condition has contributed to air pollution, noise pollution, and the littering of both public and private property along the congested thoroughfares.

4. Enforcement of existing traffic regulations as a means of preventing this traffic congestion has proven inadequate.

5. This ordinance is adopted to address the findings set forth above now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Albany Municipal Code Chapter 13.22, Traffic Congested Thoroughfares is hereby created as follows:

Chapter 13.22

TRAFFIC CONGESTED THOROUGHFARES

Sections:

- 13.22.010 Traffic congested thoroughfares.
- 13.22.020 Traffic congested thoroughfares, defined.
- 13.22.030 Declaration of traffic congested street.
- 13.22.040 Posting of signs.
- 13.22.050 Signs.
- 13.22.060 Acts prohibited.
- 13.22.070 Penalty.
- 13.22.080 Notice of towing for subsequent violations.
- 13.22.090 Towing and impoundment.
- 13.22.100 Exemptions.

13.22.010 Traffic Congested Thoroughfares. The purpose of this section is to prohibit the repeated driving of a motor vehicle along and across one portion of a congested public thoroughfare. Violation of this section shall constitute a strict liability offense without requirement of a culpable mental state.

13.22.020 Traffic Congested Thoroughfare, Defined. A traffic congested thoroughfare shall be defined as any public street, or portion thereof, which has been so designated by the City Council of the City of Albany because of the repeated driving of the same motor vehicles thereon during particular days of the week and/or during particular hours of the day.

13.22.030 Declaration of Traffic Congested Street. The City Council of the City of Albany, by motion or resolution, may declare a portion of a public street to be a traffic congested thoroughfare whenever, in the exercise of reasonable discretion, it is determined that the repeated driving of the same motor vehicles along that portion of the public street during particular days of the week and/or particular hours of the day has caused that street to become so congested with traffic as to cause obstruction of streets, sidewalks, and parking lots, or the impediment of access to retail business or other buildings open to the public, or the interference with the use of property for the conduct of business in the areas adjacent thereto, or that emergency vehicles cannot respond in that area in a timely manner. The motion or resolution may specify particular days of the week and/or particular hours of the day when the repeated driving in question is prohibited.

13.22.040 Posting of signs. Whenever the City Council of the City of Albany declares a portion of a street to be a traffic congested thoroughfare, it shall cause signs to be posted giving notice of that designation.

13.22.050 Signs. The signs referred to in Section 13.22.040 above, shall notify drivers that they are entering a traffic congested thoroughfare and that passage of the same motor vehicle through or across the traffic congested thoroughfare between the prohibited hours, and/or during prohibited days, more than two times, is a violation of this section and that upon a subsequent violation, the vehicle may be towed.

13.22.060 Acts Prohibited. Between the hours and/or on the days, specified in the motion or resolution referred to in AMC 13.22.030 of 9:00 p.m. and 2:00 a.m. of the following morning, no vehicle shall pass along or across a traffic congested thoroughfare, designated as such by signs as described in Section 13.22.050 above, more than two times during any two (2) hour period.

13.22.070 Penalty. Violation of this ordinance shall be a civil infraction punishable as provided by AMC 1.04.010.

13.22.080 Notice of Towing for Subsequent Violations. Upon issuing a citation for violation of Section 13.22.060, the citing officer shall give the person to whom the citation is issued a written notice which shall state:

NOTICE

You have been cited for violation of AMC Section 13.22.060 for repeated passage of a motor vehicle on or across a traffic congested thoroughfare.

If the vehicle you are driving is again driven along or across a traffic congested thoroughfare before (end of applicable two-hour period) the driver may be cited for violation of AMC Section 13.22.060 and the vehicle may be impounded and towed at your expense or at the expense of the owner or other person entitled to possession of the vehicle.

\_\_\_\_\_  
Name of Officer

13.22.090 Towing and Impoundment. Any vehicle which violates AMC Section 13.22.060 more than once within the same prohibited time period may be cited for multiple violations of AMC 13.22.060 and the vehicle used in the commission of the violations may be towed and taken to a storage area maintained by the tower, selected by the City, and there impounded. All costs of towing, storage, and impoundment, shall be at the expense of the owner or person entitled to possession of the vehicle.

13.22.100 Exemptions. AMC Section 13.22.010 through AMC Section 13.22.090, shall not apply to:

(1) Any publicly owned vehicle of any City, County, public district, state or federal agency.

(2) Any vehicle licensed for public transportation.

(3) Any other vehicle granted an exemption by the Chief of Police because passage of the vehicle along or across the traffic congested thoroughfare is necessary for commercial and medical reasons.

Section 2. AMC 1.05.060 is amended by the inclusion of subsection (q) as follows:

(q) Chapter 13.22, Traffic Congested Thoroughfares.

Section 3. Emergency Clause. The peace, health, and safety of the people of the City of Albany require that this Ordinance become immediately effective, therefore, an emergency is hereby declared to exist and this Ordinance shall become effective immediately upon its final passage by the Council and approval by the Mayor.

PASSED BY THE COUNCIL: October 26, 1988

APPROVED BY THE MAYOR: October 27, 1988

EFFECTIVE DATE: October 26, 1988

  
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Mayor

ATTEST:

  
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City Recorder