

## **Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES**

### **Chapters:**

[Chapter 12.04 - STREET NAMING SYSTEM](#)

[Chapter 12.08 - SIDEWALK REPAIRS](#)

[Chapter 12.12 - WORK PERMITS FOR PUBLIC RIGHTS-OF-WAY](#)

[Chapter 12.16 - PARADES AND PROCESSIONS](#)

[Chapter 12.20 - PARKS AND RECREATIONAL AREAS](#)

[Chapter 12.24 - ANNUAL TRANSPORTATION PERMIT FOR OVERSIZED VEHICLES](#)

### **Chapter 12.04 STREET NAMING SYSTEM**

#### **Sections:**

[12.04.010 System adopted.](#)

[12.04.020 Street naming generally.](#)

[12.04.030 Street name changes.](#)

[12.04.040 Conformance with chapter required.](#)

#### **12.04.010 System adopted.**

A uniform and orderly system of naming the streets in the city of Toledo and its additions be and the same is adopted; and that the present names of the streets be changed to conform to said arrangement as hereinafter set out.

(Ord. 426 § 1, 1931)

#### **12.04.020 Street naming generally.**

In accordance with the street naming system, the name of Hill Street is changed to Main Street and the name Fourth Street is changed to Graham Street; that the streets running north and south or northerly and southerly in a generally parallel direction to Main Street are to be named in relation to their position with regard to Main Street; and the streets running east and west or easterly and westerly and in a generally parallel direction to Graham Street are to be named in relation to their position with regard to Graham Street.

The streets lying to the west of Main Street and in a generally parallel direction thereto be named with the letters of the alphabet, the first street to the west of Main Street being A Street, the second B Street, and so on in like manner to the western extremity of the city and its additions.

The streets to the east of Main Street shall be given names, preferably the names of trees, the first letters of which names are to be alphabetical, that is, the first street to the east of Main Street shall be given a name beginning with "a," the second street to the east shall be given a name beginning with "b," and so on in like manner to the eastern extremity of the city and its additions.

## Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

The streets running generally parallel with and lying north and south of Graham Street and running in a generally easterly and westerly direction are to be numbered from Graham Street both north and south, the first street north of Graham Street and also south of Graham Street to be First Street, the second street both to the north of Graham Street and to the south of Graham Street to be Second Street, and so on in like manner to the northern and southern extremities of the city, together with its additions; those streets north of Graham Street running in a generally parallel direction thereto and bearing numbers as hereinabove set out to be designated north as First Street North, Second Street North, etc., in like manner; and those streets south of Graham Street and running in a generally parallel direction thereto are to be designated south as First Street South, Second Street South, and so on, in like manner.

(Ord. 426 § 2, 1931)

### **12.04.030 Street name changes.**

In accordance with the plan of naming the streets in the city of Toledo and all additions thereto, the present names of the streets therein are changed as follows:

Hill Street to Main Street

Fourth Street to Graham Street

Third Street to First Street South

Second Street to Second Street South

A Street to Third Street South

First Street to Third Street South

B Street (extending from the former location of Graham Street East) to Fifth Street South

The unnamed street commonly called Division Street (being south of Jones' Addition and Nash's Addition) to Sixth Street South

William Street to Seventh Street South

Stark Street to Eighth Street South

Perkins Street (being a dedicated strip parallel to and the first street south of Eighth Street South) to Ninth Street South

Fifth Street to First Street North, which said street shall extend as far west as the county bridge across Depot Slough, following the present line of the Yaquina Road west of the Southern Pacific Railroad track

Sixth Street to Second Street North

Seventh Street to Third Street North

Eighth Street to Fourth Street North

The street designated as Ninth Street, west of Main Street (formerly Hill Street) and Tenth Street east of Main Street, to Fifth Street North

The street designated as Tenth Street west of Main Street and Eleventh Street east of Main Street to Sixth Street North

The street designated as Eleventh Street west of Main Street and Twelfth Street east of Main Street to Seventh Street North

The street designated as Twelfth Street west of Main Street and Thirteenth Street east of Main Street, to Eighth Street North

Howell Street to Ninth Street North

Park Avenue to Tenth Street North

## Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

Grove Street to Alder Street

Graham Street to Beech Street

Jones Street to Cedar Street

A Street in Vincent's Addition, to Cedar Street

Enderly Street to Douglas Street

B Street in Vincent's Addition, to Douglas Street

Stanton Street to Elder Street

C Street in Vincent's Addition, to Elder Street

Amanda Street to Fir Street

Gidley Street to Fir Street

D Street in Vincent's Addition, extending as far south as the south side of the intersection and of said D Street with the county road running east to Olalla Slough, to Fir Street

Fir Street lying east of Gaither's Addition, to Grove Street

A Street in Hawk's Townsite, to A Avenue

B Street in Hawk's Townsite, to Main Street

Catherine Street to Main Street

Dale Street to B Street

(Ord. 426 § 3, 1931)

### **12.04.040 Conformance with chapter required.**

The streets in the city of Toledo and its additions are hereafter to be known by the names adopted in this chapter and not otherwise that in all additions to the city of Toledo hereafter laid out and dedicated, the plan of naming streets therein shall conform to the plan herein provided.

(Ord. 426 § 4, 1931)

## **Chapter 12.08 SIDEWALK REPAIRS**

### **Sections:**

[12.08.010 Duty of owners to make sidewalk repairs and power of the city council.](#)

[12.08.020 Council to control repairs.](#)

[12.08.030 Notice of defective sidewalks.](#)

[12.08.040 Permit for repairs.](#)

[12.08.050 Owner's protest to repairs.](#)

[12.08.060 Repairs by city, record and repairs.](#)

[12.08.070 Assessment for repairs by city.](#)

[12.08.080 Interest and foreclosure.](#)

[12.08.090 Owner's duty of sidewalk care—Penalty.](#)

[12.08.100 Removal or destruction of sidewalks—Penalty.](#)

**12.08.010 Duty of owners to make sidewalk repairs and power of the city council.**

All property owners are required and it is their duty to keep the sidewalks adjoining and/or abutting upon their property free and clear of any defects, obstructions or hazardous materials and, failing in such duty, shall be liable to any person or persons injured thereby.

(Ord. 724 § 1, 1960)

**12.08.020 Council to control repairs.**

The city shall have the power and authority to determine the grade and width of all sidewalks, the material to be used for the repair thereof, and the specifications for the repair thereof along or upon any street, way or part thereof within the city.

(Ord. 724 § 2, 1960)

**12.08.030 Notice of defective sidewalks.**

If the owner of any lot or part thereof or parcel of land shall allow any sidewalk along the same to become out of repair, it shall be the duty of the city manager, his deputy, or any person appointed by the council for that purpose, when ordered to do so by the council, to post a notice on the adjacent property headed "Notice to Repair Sidewalk," and the notice shall direct the owner, agent or occupant of the property to repair the same within twenty (20) days thereof in good and substantial manner. The person posting the notice shall file with the city recorder an affidavit of the posting of such notice, stating the date when and the place where the same was posted. The city recorder shall, upon receiving the affidavit of the person posting the notice, send by certified mail a notice to repair the sidewalk to the owner, if known, and directed to the post office address of such owner or agent when such post office address is known to the city recorder. If such post office address is unknown to the city recorder, such notice shall be directed to such owner or agent at Toledo, Oregon. A mistake in the name of the owner or agent, or a name other than that of the true owner or agent of such property, shall not render void such notice, but, in such case, the posted notice shall be sufficient. The owner, agent or occupant shall make the repairs within twenty (20) days from the date of posting the notice.

(Ord. 724 § 3, 1960)

**12.08.040 Permit for repairs.**

The owner, agent or occupant, before making the repairs shall obtain a written permission so to do from the city engineer. The permit from the city engineer shall state the kind of repair to be made, the material to be used, and specifications therefor.

(Ord. 724 § 3a, 1960)

**12.08.050 Owner's protest to repairs.**

The owner notified to make repairs may make and file, within said twenty (20) days of the date of posting notice, written objections to the council protesting the proposed repair, which objections will be considered by the council at its next regular meeting thereafter.

(Ord. 724 § 4, 1960)

**12.08.060 Repairs by city, record and repairs.**

If the owner, agent or occupant of any such lot or part thereof or parcel of land shall fail or neglect or refuse to make the sidewalk repairs within the time designated or, following consideration of the written objections, if any, the city council does not rescind the action of ordering the repair of the sidewalk, the city manager shall then order the same done. He shall keep an accurate account of the cost of the labor and materials used in making such repairs and shall report monthly to the council all costs of such repairs, together with a description of the lot or part thereof or parcel of land fronting on or adjoining the sidewalk upon which such repairs are made. The costs of repair shall include legal, administrative and engineering costs.

(Ord. 724 § 5, 1960)

**12.08.070 Assessment for repairs by city.**

The council shall, at least once each year, by ordinance levy upon each of the lots or parts thereof or parcels of land benefitted by sidewalks which have been so repaired by the city the cost of making such repairs including legal, administrative and engineering costs attributable thereto. In each case all such assessments may be combined in one assessment roll and the same shall be entered in the docket of city liens.

(Ord. 724 § 6, 1960)

**12.08.080 Interest and foreclosure.**

Upon such entry in the lien docket, the amount so entered shall be a lien and charge upon the respective lots, tracts and parcels of land against which the same are placed. Such liens shall be first and prior to all other liens or encumbrances thereon whatsoever insofar as the laws of the state allow. Interest shall be charged at the rate of six percent per year until paid on all amounts not paid within thirty (30) days from the date of such entry. The city may proceed to foreclose or enforce any lien to which it shall be entitled pursuant to the provisions of this chapter at any time after thirty (30) days from the date on which the assessment was entered in the lien docket, as provided for the foreclosure or enforcement of liens by the general law of the state.

(Ord. 724 § 7, 1960)

**12.08.090 Owner's duty of sidewalk care—Penalty.**

It shall be the duty of all property owners including record owners or contract purchasers, or both, to keep all sidewalks in front of and abutting and adjoining their property clean and in good repair. Failure to keep such sidewalks clean and/or free of debris will constitute a Class C infraction.

(Ord. 1244 § 2 (part), 1996; Ord. 724 § 8, 1960)

**12.08.100 Removal or destruction of sidewalks—Penalty.**

No sidewalk in existence as of March 4, 1996 shall be destroyed or removed unless for purpose of replacement, improvement or repair without permission of the council. Violation of this section will constitute a Class B infraction.

(Ord. 1244 § 2 (part), 1996; Ord. 724 § 9, 1960)

**Chapter 12.12 WORK PERMITS FOR PUBLIC RIGHTS-OF-WAY**

**Sections:**

[12.12.010 Permit required.](#)

[12.12.020 Permit procedure.](#)

[12.12.030 Work requirements.](#)

[12.12.040 Payment for damaged city facilities.](#)

[12.12.050 Promulgation of standards.](#)

[12.12.060 Violation—Penalty.](#)

### **12.12.010 Permit required.**

Unless otherwise authorized by contract with the city of Toledo, no person, firm or corporation shall perform any work within the rights-of-way of any public street, road or alley in the city of Toledo or within any easement held by the city of Toledo or wherever else city utilities or facilities may be located, which work would affect traffic flow or any other activity within the right-of-way or easement or would disrupt in any way the surface of the right of way, without first applying for and obtaining from the city manager's office a permit to perform such work.

(Ord. 1115 § 1, 1980)

### **12.12.020 Permit procedure.**

- A. Each applicant shall complete and sign forms provided by the city, stating the date, the applicant's full name, the location and specific nature of the work to be performed, and agreeing to pay to the city all costs incurred, as set forth in this chapter, for repair work performed by the city because of damage by applicant's work to public right-of-way surfaces or city utilities or any other facilities.
- B. The city manager is authorized to grant a permit if the application is complete and the work to be performed will not halt or unduly delay traffic and will not unduly endanger city utilities or other facilities.
- C. If the city manager denies application for a permit, the applicant may request a hearing before the city council. The request must be in writing and must be filed with the city manager within thirty (30) days of the receipt by the applicant of notification of the denial of the permit. The hearing shall be de novo, and the council's decision shall be final.

(Ord. 1115 § 2, 1980)

### **12.12.030 Work requirements.**

All work performed by a permittee shall be done quickly as possible and strictly according to the public works standards or any other applicable standards adopted by the city of Toledo. The permittee shall leave the surface of the right-of-way in as good or better condition than it was before the work began.

(Ord. 1115 § 3, 1980)

### **12.12.040 Payment for damaged city facilities.**

Whether a permittee or not, any person, firm or corporation, which damages in any way a city utility, such as sewer or water line, or any other city facility, shall immediately notify the city manager and repair the damage to the city's satisfaction. If the repair is not so done, the city of Toledo may perform whatever

repair work it deems necessary. The cost of the city's work plus twenty (20) percent for administrative overhead, the total sum to be determined by the city manager, shall be charged to and paid by the permittee.

(Ord. 1115 § 4, 1980)

#### **12.12.050 Promulgation of standards.**

The city manager is authorized to promulgate and adopt the public works standards and any other construction standards necessary to regulate all work done within the city of Toledo.

(Ord. 1115 § 5, 1980)

#### **12.12.060 Violation—Penalty.**

Violation of this chapter will constitute a Class A infraction.

(Ord. 1244 § 5, 1996)

### **Chapter 12.16 PARADES AND PROCESSIONS**

#### **Sections:**

[12.16.010 Prohibited activity.](#)

[12.16.020 Parade permit.](#)

[12.16.030 Appeal to council.](#)

[12.16.040 Offenses against parade.](#)

[12.16.050 Permit revocable.](#)

[12.16.060 Funeral processions.](#)

[12.16.070 Violation—Penalty.](#)

#### **12.16.010 Prohibited activity.**

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 ten (10) or more persons or five or more vehicles.

(Ord. 1072 § 28, 1979)

#### **12.16.020 Parade permit.**

- A. Application for parade permits shall be made to the city recorder at least forty (40) days prior to the intended date of the parade.
- B. Applications shall include the following information:
  1. The name and address of the person responsible for the proposed parade;
  2. The date of the proposed parade;
  3. The desired route including assembling points;

## Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

4. The number of persons, vehicles and animals which will be participating in the parade;
  5. The proposed starting and ending time; 6. The application shall be signed by the person designated as chairman.
- C. If the city manager, 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 city manager determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, he may:
1. Propose an alternate route;
  2. Propose an alternate date;
  3. Refuse to issue a parade permit.
- E. The city manager shall notify the applicant of his decision within five days of receipt of the application.
- F. If the city manager proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal his decision to the city council.

(Ord. 1072 § 29, 1979)

(Ord. No. 1328, § 3, 8-5-2009)

### **12.16.030 Appeal to council.**

- A. An applicant may appeal the decision of the city manager by filing a written request of appeal with the city recorder within five days after the city manager 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.

(Ord. 1072 § 30, 1979)

### **12.16.040 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.

(Ord. 1072 § 31, 1979)

### **12.16.050 Permit revocable.**

The city manager may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety.

(Ord. 1072 § 32, 1979)

### **12.16.060 Funeral processions.**

- A. A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

## Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

- B. The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
- C. All motor vehicles in the procession shall be operated with their lights turned on.
- D. No person shall unreasonably interfere with a funeral procession.
- E. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

(Ord. 1072 § 33, 1979)

### **12.16.070 Violation—Penalty.**

Violation of any section of this chapter will constitute a Class C infraction.

(Ord. 1244 § 8 (part), 1996: Ord. 1072 § 39 (part), 1979)

## **Chapter 12.20 PARKS AND RECREATIONAL AREAS <sup>[1]</sup>**

### **Sections:**

[12.20.010 Purpose.](#)

[12.20.020 Definitions.](#)

[12.20.030 Authority.](#)

[12.20.040 Warning—Conduct subject to exclusion.](#)

[12.20.050 Notice.](#)

[12.20.060 Appeal.](#)

[12.20.070 Application for waiver.](#)

[12.20.080 Exclusion period.](#)

[12.20.090 Violation—Criminal trespass.](#)

[12.20.100 Skate park.](#)

[12.20.110 Rates.](#)

### **12.20.010 Purpose.**

The purpose of this chapter is to protect law-abiding citizens in their use of city parks, parking lots, pool, and other public facilities, and to authorize the city to exclude persons violating applicable laws from specific public places where such conduct is violent or disruptive of activities, events, or the normal conduct of business.

(Ord. No. 1351, § 3, 9-4-2013)

### **12.20.020 Definitions.**

For purposes of this section, the following definitions apply:

- A. "Applicable provision of law" includes any applicable provision of this code, of any city ordinance applying to use of public places, any applicable criminal or traffic law of the state of Oregon, any law regarding controlled substances or alcoholic beverages, and any applicable

## Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

Lincoln County ordinance or regulation. For purposes of this section, "applicable" means relating to the person's conduct in the public place.

- B. "Public place" includes the city pool and any city building, park, and parking lot within the city of Toledo.

(Ord. No. 1351, § 4, 9-4-2013)

### **12.20.030 Authority.**

In addition to other remedies provided for violation of this code, or of any of the laws of the state of Oregon, police officers or the code enforcement officer shall have authority to exclude any person who violates any applicable provision of law in any public place subject to this chapter in accordance with the provisions of this section. The police officer or code enforcement officer shall further have the authority to regulate activities in any area where necessary to prevent congestion and to secure maximum use of the public place for the comfort and convenience of the public.

(Ord. No. 1351, § 5, 9-4-2013)

### **12.20.040 Warning—Conduct subject to exclusion.**

Before issuing an exclusion under this section, the police or code enforcement officer may first give the person a warning and a reasonable opportunity to desist from the violation of law. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation of law. Notwithstanding the provisions of this section, no warning shall be required if the person is to be excluded for engaging in conduct that:

- A. Is classified as a felony or as a misdemeanor under any federal or state of Oregon law, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor as defined therein; or
- B. Has resulted in injury to any person or damage to any property; or
- C. Constitutes a violation of any of the following provisions of this code:
  - 1. TMC [6.04.050](#), Dangerous animals;
  - 2. TMC [9.04.110](#), Discharge of weapons;
  - 3. TMC [9.08.030](#), Urination or defecation in public places;
  - 4. TMC [12.20.100](#), Skate Park; or
- D. Is conduct for which the person previously has been warned or excluded for committing in a public place.

(Ord. No. 1351, § 6, 9-4-2013)

### **12.20.050 Notice.**

The exclusion or restriction notice shall be issued by a police officer or code enforcement officer and shall be personally served upon the person cited or arrested for the commission of the identified violation or enumerated criminal offense. In the case of city ordinance violations resulting in exclusion or other restriction, the notice shall be personally served or, after reasonable attempts for personal service have failed to personally serve the person for whom the notice of exclusion is issued, the notice may be sent by mail to the residence address of the involved party. The notice shall be in writing, shall specify the offense or offenses upon which the notice is based, the geographical extent of the exclusion, dates of exclusion, exemptions, and the procedure for filing an appeal. The period of exclusion shall commence at the time of service of the notice or, if the notice is mailed, three days from the mailing of the notice.

## Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

(Ord. No. 1351, § 7, 9-4-2013)

### **12.20.060 Appeal.**

- A. A person receiving such notice of exclusion may appeal the notice to the city manager. An appeal shall be filed by providing a written request for hearing within ten (10) days of the date the exclusion commences, unless the time is extended by the city manager for good cause shown.
- B. The request for an appeal hearing must be in writing, contain a copy or description of the notice of exclusion, and a statement of the basis on which the decision to exclude is invalid, unauthorized, or otherwise improper.
- C. Within ten (10) days of receiving a request for an appeal hearing, the city manager shall schedule a hearing on the appeal. Notice of the hearing time and date shall be given to the person requesting the hearing and to the person issuing the exclusion notice. The hearing shall be held within twenty-one (21) days of the request for an appeal hearing.
- D. At the hearing, the city manager may determine the matter without hearing upon the record. The appeal shall be conducted in accordance with applicable hearing procedures adopted by resolution. The city manager shall affirm the exclusion if the preponderance of evidence demonstrates that more likely than not the person in fact committed the violation, and provided the exclusion is otherwise in accordance with law. The city manager may also reverse or modify the exclusion notice appealed from.
- E. If an appeal of the exclusion is timely filed under this section, the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon the issuance of the city manager's decision, unless the city manager specifies a later effective date.
- F. The determination of the city manager is a quasi-judicial decision and is not appealable to the city council. Appeals from any determination by the city manager under this section shall be by writ of review to the circuit court of Lincoln County, Oregon, as provided in ORS 34.010 through 34.100.

(Ord. No. 1351, § 8, 9-4-2013)

### **12.20.070 Application for waiver.**

At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the city manager for a waiver of some or all of the effects of the exclusion for good reason. If the city manager grants a waiver under this section, the city manager shall promptly notify the Toledo police chief and the code enforcement officer, as applicable, of such action. In exercising discretion under this section, the city manager shall consider the severity of the violation for which the person has been excluded, the particular need of the person to be in the public place during some or all of the period of exclusion, such as for work or to attend or participate in a particular event, and any other criterion the city manager determines to be relevant to the determination of whether to grant a waiver. Notwithstanding the granting of a waiver under this section, the period of waiver will be included for purposes of calculating the appropriate length of exclusion under TMC [12.20.080](#). The decision of the city manager to grant or deny, in whole or in part, a waiver under this section is committed to the sole discretion of the city manager and is not subject to appeal or review.

(Ord. No. 1351, § 9, 9-4-2013)

### **12.20.080 Exclusion period.**

- A. An exclusion issued under the provisions of this section shall be for thirty (30) days. If the person to be excluded has been excluded from any public place at any time within two years before the date of the present exclusion, the exclusion shall be for ninety (90) days. If the person to be excluded has

been excluded from one or more public places on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for one hundred eighty (180) days.

- B. If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion. If the previous exclusion is set aside, the term of the subsequent exclusion shall be reduced, as if the previous exclusion had not been issued. If multiple exclusions issued to a single person for one public place are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.

(Ord. No. 1351, § 10, 9-4-2013)

#### **12.20.090 Violation—Criminal trespass.**

No person shall enter or remain in any public place at any time during which there is in effect a notice of exclusion issued under this chapter excluding that person from that place. A person who knowingly violates a notice of exclusion from public places under this chapter commits the crime of criminal trespass in the second degree pursuant to ORS 164.245.

(Ord. No. 1351, § 11, 9-4-2013)

#### **12.20.100 Skate park.**

The city may take any of the following actions in regards to the skate park:

1. Close the skate park in the event of vandalism, graffiti, littering, or aggressive behavior;
2. Exclude users at such times as the city deems the skate park to be at full capacity; or
3. Exclude from the skate park, without warning, any person who violates any offense listed in TMC [12.20.040](#) or a posted park rule.

(Ord. No. 1351, § 12, 9-4-2013)

#### **12.20.110 Rates.**

The city council appoints the city manager and parks and recreation director to annually review and recommend rates for the pool and park and recreation activities. The council shall by resolution set rates for the pool and park and recreation activities.

(Ord. No. 1351, § 13, 9-4-2013)

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#### **FOOTNOTE(S):**

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**Editor's note**— Ord. No. 1351, § 1, adopted Sept. 4, 2013, repealed the former Ch. 12.20, § 12.20.010, and enacted a new Ch. 12.20 as set out herein. The former Ch. 12.20 pertained to similar subject matter and derived from Ord. 1199, § 1, adopted 1992. ([Back](#))

## **Chapter 12.24 ANNUAL TRANSPORTATION PERMIT FOR OVERSIZED VEHICLES**

### **Sections:**

[12.24.010 Purpose.](#)

[12.24.020 Permit required.](#)

[12.24.030 Fee.](#)

[12.24.040 Application review.](#)

[12.24.050 Approval or denial of permit application.](#)

[12.24.060 Suspension.](#)

[12.24.070 Appeal of suspension.](#)

[12.24.080 Renewal.](#)

[12.24.090 Severability.](#)

### **12.24.010 Purpose.**

The purpose of this chapter is to establish procedures for an annual transportation permit for oversized vehicles. For the purpose of this chapter, an oversized vehicle is defined as any vehicle or combination of vehicles including loads which exceed sixty (60) feet in length.

(Ord. No. 1327, 6-3-2009)

### **12.24.020 Permit required.**

Any person desiring to move an oversized vehicle over city streets shall apply in advance for a permit from the city of Toledo. The application shall be on forms provided by the city of Toledo.

(Ord. No. 1327, 6-3-2009)

### **12.24.030 Fee.**

An appropriate application fee shall be set by city council resolution and shall comply with regulations of ORS 818.270 and OAR 734-070-0035.

(Ord. No. 1327, 6-3-2009)

### **12.24.040 Application review.**

The city manager or designee shall review the application for completeness within twenty (20) calendar days from the date the application has been filed. In addition to other information as may be required on the permit application, the applicant shall provide a business name, contact information, description of vehicle(s), provide insurance and bond company information, and shall be signed by the applicant.

Approval or denial of the application shall be based on consideration of all available evidence indicating whether the applicant meets the requirements for the permit.

## Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

(Ord. No. 1327, 6-3-2009)

### **12.24.050 Approval or denial of permit application.**

1. Approval of Permit. One copy of the approved permit shall be mailed to the applicant within five days after the date of approval. The applicant shall keep a copy of the permit in each of the vehicles identified on the approved permit form.
2. Denial of Permit. If the city determines that the application does not qualify for issuance of the permit, applicant shall be notified in writing that the application has been denied. The notice shall state the reason(s) for denial and shall be mailed within five days after the decision.

(Ord. No. 1327, 6-3-2009)

### **12.24.060 Suspension.**

Any annual transportation permit will be suspended if any of the following reasons are found:

1. Any commercial transportation company whose employee or employees collectively receive four or more convictions for traffic or city of Toledo ordinance violations within a twelve-month period, or
2. Any commercial transportation company whose employee receives a citation for any traffic or city ordinance violation issued by the city of Toledo while under their employment, and
  - a. Employee fails to appear or fails to comply with a citation or court order issued by the City of Toledo Municipal Court.

The police chief shall provide applicant with written notice of suspension by certified mail. The notice of suspension shall be mailed thirty (30) days prior to the suspension date and shall direct applicant an opportunity to respond within five days of receipt of the letter.

(Ord. No. 1327, 6-3-2009)

### **12.24.070 Appeal of suspension.**

An applicant shall have the right to appeal the suspension decision of the police chief by submitting a written appeal to the city manager's office within ten (10) days from the date of suspension. The application for appeal shall specify the reason(s) the permit should not be suspended.

The city manager shall schedule the matter for city council review as soon as practicable at a regularly scheduled city council meeting and notify the appellant no less than ten (10) days prior to the date of city council review. The city council shall conduct a hearing during a public meeting and determine whether there is substantial evidence in the record to support the suspension or overrule the suspension. A final written decision shall be provided to the applicant within five days of the decision. The city council decision shall be final.

(Ord. No. 1327, 6-3-2009)

### **12.24.080 Renewal.**

Annual transportation permits shall be valid from the date of issue to the following December 31<sup>st</sup> and shall be renewable annually for one year beginning January 1<sup>st</sup>.

(Ord. No. 1327, 6-3-2009)

**12.24.090 Severability.**

In the event any section, subsection, paragraph, sentence or phrase of this ordinance or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the ordinance shall continue to be effective.

(Ord. No. 1327, 6-3-2009)