

TITLE 7
CHAPTER 2

TRAFFIC REGULATIONS ON PRIVATE HIGHWAYS

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7-2-1: APPLICATION: The regulations of this Chapter apply on all private highways within the Florence City limits.

7-2-2: DEFINITIONS: In addition to those definitions contained in the Oregon Vehicle Code 1 and Chapter 1 of this Title of the Florence City Code, the following words and phrases, as used in this Chapter, except where the context clearly indicates a different meaning, shall mean:

PRIVATE HIGHWAY When used in this Chapter means every private road or street within the City limits of Florence, not open to the general public, and used or intended for use by vehicles.

ROADWAY Means that portion of a private highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a private highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

SHOULDER Means that portion of the private highway, whether paved or improved, contiguous to the roadway primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

7-2-3: CARELESS DRIVING: A person commits the offense of careless driving if:

- A. The person drives a vehicle on a private highway, in a manner that endangers or would be likely to endanger any person or property; or
- B. The person drives a vehicle on a private highway while the person is:
 - 1. Under the influence of intoxicating liquor or a controlled substance; or
 - 2. Under the influence of intoxicating liquor and a controlled substance.

7-2-4: USE OF CHEMICAL ANALYSIS AS EVIDENCE: The percent by weight of alcohol as shown by chemical analysis of a person's breath or blood, is indirect evidence that may be used with other evidence to determine whether or not the person was then under the influence of intoxicating liquor.

7-2-5: FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER:

- A. A driver of a motor vehicle commits the crime of fleeing or attempting to elude a police officer if, when given visual or audible signal to bring the vehicle to a stop, he/she knowingly flees or attempts to elude a pursuing police officer.
- B. The signal given by the police officer may be by hand, voice, emergency light or siren.

- C. As used in this section, "police officer" means a City of Florence Police Officer in uniform, prominently displaying his/her badge of office or who is operating a vehicle appropriately marked showing it to be an official police vehicle.

7-2-6: DUTIES OF DRIVERS AND WITNESSES AT ACCIDENTS:

- A. The driver of any vehicle involved in an accident which results in injury or death to any person or causes damage to a vehicle which is driven or attended by a person, immediately shall stop such vehicle at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until the driver has fulfilled the requirements of subsection B of this section. Every such stop shall be made without obstructing traffic more than is necessary.
- B. The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to any such vehicle shall:
 - 1. Give to the other driver or surviving passenger, or any person not a passenger injured as a result of such accident, the name, address and the registration number of the vehicle which the driver is driving, and the name and address of any other occupants of such vehicle.
 - 2. Upon request and if available, exhibit and give the number of the operator's or chauffeur's license of the driver to the persons injured, or to the occupant of or person attending any vehicle damaged.
 - 3. Render to any person injured in such accident reasonable assistance, including the conveying or the making of arrangements for the conveying of such person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such conveying is requested by any injured person.
- C. Any witness to the accident shall furnish to the driver or occupant of such vehicles, or injured person, the true name and address of the witness.

7-2-7: DRIVER'S DUTIES WHOSE VEHICLE COLLIDES WITH UNATTENDED VEHICLE OR OTHER PROPERTY:

- A. The driver of any vehicle which collides with any vehicle which is unattended immediately shall stop and:
 - 1. Locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle; or
 - 2. Leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.
- B. The driver of any vehicle involved in an accident resulting only in damage to fixtures or property legally upon or adjacent to a private highway shall:
 - 1. Take reasonable steps to notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle the driver is driving.
 - 2. Upon request and if available, exhibit the operator's or chauffeur's license of the driver.

7-2-8: BASIC SPEED RULE: A person commits the offense of violating the basic speed rule if he/she drives a vehicle upon a private highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections, weather, visibility and any other conditions then existing.

7-2-9: PEDESTRIAN'S USE OF SHOULDER AND ROADWAY EDGE:

- A. A pedestrian commits the offense of failure to use a shoulder if he/she positions himself/herself upon, or proceeds along and upon the roadway where there is an adjacent usable shoulder.
- B. A pedestrian commits the offense of improper use of a private highway shoulder if in using the shoulder he/she does not position himself/herself upon, or proceed along and upon, the shoulder as far as practicable from the roadway edge on a private highway which has an adjacent shoulder area on one or both sides.
- C. Except in the case of the divided private highway, a pedestrian commits the offense of failure to use left private highway shoulder if he/she does not position himself/herself upon, or proceed along and upon, the left shoulder and as far as practicable from the roadway edge on a two-way private highway which does have an adjacent shoulder area.
- D. A pedestrian shall position himself/herself upon, or proceed along and upon, the right private highway shoulder, as far as practicable from the roadway edge, on a divided private highway which has a shoulder area.
- E. A pedestrian commits the offense of unlawful use of roadway if he/she fails to position himself/herself upon, or proceed along and upon, a private highway which does not have a shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway is a two-way roadway, only on the left side of it.

7-2-10: PEDESTRIAN MUST YIELD RIGHT OF WAY: A pedestrian upon the roadway of a private highway shall yield the right of way to all vehicles upon the roadway.

7-2-11: OFFENSES: It shall be unlawful for any person to violate or fail to comply with any provision of this Chapter.