

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 599

AN ORDINANCE ADOPTING AND ENACTING PERTINENT SECTIONS OF THE OREGON REVISED STATUTES WITH RESPECT TO THE REGULATION, OPERATION, USE AND OWNERSHIP OF VEHICLES; DEFINING TRAFFIC AND OTHER VEHICULAR OFFENSES; PRESCRIBING ABANDONED VEHICLE, PARKING, AND ADDITIONAL REGULATIONS; PRESCRIBING PENALTIES FOR VIOLATION; REPEALING ORDINANCE #533; AND DECLARING AN EMERGENCY

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

CHAPTER I

ADOPTION OF OREGON MOTOR VEHICLE STATUTES --
MANNER OF CITING SECTIONS OF THE ORDINANCE --
DEFINITIONS:

Section 1: This Ordinance may be cited as the "Motor Vehicle Code of the City of Sherwood, Oregon".

Section 2: By virtue of the authority contained in Section 221.330, Oregon Revised Statutes, all those certain sections of Chapters 481, 482, 483, 484, and 485, Oregon Revised Statutes, hereinafter in Chapters II, III, IV, V and VI of this Ordinance listed by section numbers with suffix (s) and titles, and being section numbers identical to those of applicable sections of Oregon Revised Statutes, be, and each and all thereof are, hereby adopted by this reference, section by section, paragraph by paragraph, word by word, in the entirety, in all respects to the same legal force and effect as if set forth herein in full.

Section 3: Each section of Oregon Revised Statutes hereinafter numbered and titled, when cited by the section number as identified in this Ordinance together with a suffix (S), shall be referenced as a section of the "Motor Vehicle Code of the City of Sherwood."

Section 4: All applicable definitions set forth in Chapters 481, 482, 483, 484 and 485, Oregon Revised Statutes, to the extent and when applicable to the cited sections and titles of this Ordinance be, and the same are hereby, adopted by reference herein to the same legal force and effect as if set forth herein in full.

Whenever reference in the hereinafter cited sections of Oregon Revised Statutes is made to:

- a. "City Court" or "Municipal Court", it shall mean the Municipal Court of the City of Sherwood, Oregon.

- b. "City Policeman", it shall mean a police officer of the City of Sherwood, Oregon
- c. "City Traffic Offense", it shall mean a violation of this Ordinance, excepting where otherwise specifically provided.
- d. "Highway", "street", "county road" or "public way" it shall include every public way, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of the City of Sherwood, used or intended for use of the general public for vehicles, except where the context otherwise requires.

Section 5: That Ordinance #533 heretofore enacted by the Council on the 21st day of February, 1964, be, and the same is hereby, repealed concurrently with the effective date of this ordinance.

CHAPTER II (Chapter 481, O.R.S.)

MOTOR VEHICLE LICENSING -- WRECKERS

Section 481.255 (S) Display of license plates required.

Section 481.370 (S) Conduct of wrecking business.

Section 481.999 (S) Penalties

Any violation of any section of Chapter II is punishable upon conviction by a fine of not more than \$200.00, or by imprisonment in the Municipal Jail or County Jail for not more than sixty (60) days, or both.

CHAPTER III (Chapter 482, O.R.S.)

OPERATORS' AND CHAUFFEURS' LICENSES:

- Section 482.010 (S): "Canceled", "chauffeur", "division" "farm tractor", "highway", "motor vehicle" and "license" defined;
- Section 482.040 (1) (S): License required to operate motor vehicle;
- Section 482.190 (S): "Motorcycle" defined;
- Section 482.192 (S): License with indorsement required to operate motorcycle;
- Section 482.198 (S): Prohibition against furnishing motorcycle unless license indorsement displayed;
- Section 482.620 (S): Causing or permitting illegal driving;
- Section 482.650 (S): Driving while license revoked or suspended;
- Section 482.999 (S): Penalties.

(1) Except as otherwise provided in this section or elsewhere in the laws of this state, a violation of this chapter is a misdemeanor and is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment for not more than six months, or both.

(2) Violation of ORS 482.650 is punishable, upon conviction, by imprisonment in the county or municipal jail for not less than two days nor more than one year, and there may be imposed in addition thereto a fine of not more than \$1,000.

CHAPTER IV (Chapter 483, O.R.S.)

MOTOR VEHICLE TRAFFIC AND EQUIPMENT:

- Definitions
- Section 483.002 (S): "Authorized emergency vehicle", "axle", "business district" and "bus trailer" defined.
- Section 483.004 (S): "Chauffeur" defined.
- Section 483.006 (S): "Combination of vehicles", "combined weight", "commission" and "crosswalk" defined.
- Section 483.008 (S): "Division", "driver" or "operator", "farm tractor" and "gross weight" defined.
- Section 483.010 (S): "Group of axles", "highway", "road" and "street" defined.
- Section 483.012 (S): "Implement of husbandry", "intersection" "local authorities" and "metal tires" defined.
- Section 483.014 (S): "Motor bus", "motorcycle", "motor truck" and "motor vehicle" defined.
- Section 483.016 (S): "Official traffic signs and signals" and "owner" defined.
- Section 483.018 (S): "Pneumatic tire", "pole or pipe dolly or pole trailer", "pole trailer", "police officer" and "private road or driveway" defined.
- Section 483.020 (S): "Residence district", "right of way", "road tractor", "roadway" and "safety zone" defined.
- Section 483.022 (S): "School bus" and "semitrailer" defined.
- Section 483.024 (S): "Sidewalk", "sled", "Snomobile" "solid rubber tire", "solid tire", "solid-tired vehicle", "streetcar" and "tandem axles" defined.
- Section 483.026 (S): "Tire", "tire width" and "total tire width" defined.
- Section 483.028 (S): "Traffic", "traffic control signal" and "trailer" defined.
- Section 483.030 (S): "Tread", "trolley bus", "truck tractor" and "vehicle" defined.
- General Provisions
- Section 483.032 (S) Applicability of chapter to government vehicles and persons, vehicles working on a street or highway, and farm vehicles.

- Section 483.034 (S): Application of chapter to bicyclists and to persons riding, driving or leading animal.
- Section 483.038:(S): Effect of chapter on permissive use of private roadway.
- Section 483.046 (S): Permitting vehicle to be unlawfully operated
- Section 483.048 (S): Duty to obey traffic officers; uniform or badge required.
- Section 483.049 (S): Fleeing or attempting to elude traffic or police officer when signaled to stop.
- Section 483.050 (S): Unlawful to drive defectively or unlawfully equipped vehicle; police permitted to stop vehicles and make inspections.

Speed Regulations and
Traffic Signals

- Section 483.102 (S): Basic speed rule
- Section 483.104 (S): Maximum speeds, exceeding which is prima facie evidence of violation.
- Section 483.112 (S): Designation of speed in complaint; speed trap evidence not admissible; use of radar; arrest without warrant in radar cases;
- Section 483.114.(S): Minimum speed regulations.
- Section 483. 116 (S): Maximum speeds for trucks, busses and other vehicles.
- Section 483.120 (S): Application of speed regulations and traffic signs and signals to emergency vehicles; warning devices.
- Section 483.121 (S): Record required when ambulance used; preservation.
- Section 483.122 (S): Speed races prohibited on publicways; publishing or advertising results.
- Section 483.126 (S): Signals for starting, stopping or turning on highway.
- Section 483.128 (S): Duty to obey traffic markers, signs and signals.
- Section 483.130 (S): Effect of "Go", "Caution" and "Stop" signals.
- Section 483.132 (S): Turning vehicles at intersections when signal is "Go" or "Stop".

- Section 483.134 (S): Effect of "Walk" and "Wait" or "Don't Walk" signals.
- Section 483.138 (S): Certain signs prohibited along highways.
- Section 483.140 (S): Damaging or removing sign or signal.

Right of Way

- Section 483.202 (S): Right of way at merging lanes.
- Section 483.204 (S): Stop signs or markers at entrances to main or through highways or at intersections.
- Section 483.206 (S): Vehicles leaving or entering private road.
- Section 483.208 (S): Stopping to permit emergency vehicle to pass.

Pedestrians

- Section 483.210 (S): Rights of pedestrian when no traffic signals.
- Section 483.212 (S): Pedestrian's rights when there are traffic officers.
- Section 483.214 (S): Rights of blind pedestrian with white cane or dog guide; use of white canes restricted.
- Section 483.216 (S): Crossing on right half of crosswalk.
- Section 483.218 (S): Standing in roadway to solicit ride.
- Section 483.222 (S): Stopping before driving onto sidewalk from alley, driveway or building.
- Grade Crossings
- Section 483.224 (S): Stopping at railroad crossings upon signal of approach of train.
- Section 483.226 (S): Stop signs at dangerous railroad crossings.
- Section 483.228 (S): Busses, and trucks carrying inflammables or explosives, required to stop at railroad crossings.
- Section 483.230 (S): Moving heavy equipment over railroad tracks.
- Section 483.236 (S): Stopping vehicles carrying logs, poles, or piling at railroad crossings.

Proper Position on Highway;
Miscellaneous Rules of Road

- Section 483.302 (S): Duty to drive on right half of highway.
- Section 483.303 (S): Slower-moving vehicle to permit overtaking vehicle to pass.
- Section 483.304 (S): Position of vehicles on divided highway.
- Section 483.306 (S): Passing vehicles proceeding in opposite direction.
- Section 483.308 (S): When passing is permitted.
- Section 483.310 (S): Method of passing.
- Section 483.312 (S): Proper distance when following other vehicles.
- Section 483.314 (S): Passing horses or other animals.
- Section 483.316 (S): Turns at intersections.
- Section 483.318 (S): U-turns prohibited.
- Section 483.326 (S): Stopping for streetcars and busses.
- Section 483.328 (S): Driving or crossing in front of streetcars.
- Section 483.330 (S): Following fire apparatus or parking in vicinity of fire.
- Section 483.332 (S): Driving vehicle or streetcar over fire hose.
- Section 483.334 (S): Driving through or over safety zones.
- Section 483.336 (S): Coasting upon down grade.
- Section 483.338 (S): Driving through defiles, canyons, or mountain highways.
- Section 483.343 (S): Operation of vehicle in a careless manner prohibited; issuance of citation; penalty.

Parking

- Section 483.347 (S): Parking vehicle on state highway for vending purposes prohibited.
- Section 483.362 (S): Parking vehicle on highway outside of business or residential district.

Section 483.364 (S): Specific places where parking prohibited.

Section 483.366 (S): Precautions when vehicle allowed to stand on highway or grade.

Equipment on Vehicles

Section 483.402 (S): When lights are required to be on; application of visibility and height provisions.

Section 483.403 (S): Driving with parking lights lighted prohibited when head lights required.

Section 483.404 (S): Head lights required; lighting equipment on bicycles.

Section 483.406 (S): Tail lights required.

Section 483.407 (S): Stop lamps required.

Section 483.408 (S): Rear reflectors required.

Section 483.410 (S): Reflectors, clearance and marker lamps, and stop lights on various vehicles.

Section 483.412 (S): Color of lamps and reflectors; when certain lamps need not be lighted.

Section 483.414 (S): Mounting reflectors & clearance lamps.

Section 483.416 (S): Visibility of reflectors, clearance and marker lamps and stop lights.

Section 483.418 (S): Lighting required for a combination of vehicles.

Section 483.420 (S): Lights required on parked vehicles.

Section 483.422 (S): Lights required on miscellaneous vehicles.

Section 483.423 (S): Warning lights.

Section 483.424 (S): Intensity and distribution requirements for head lamps.

Section 483.426 (S): Light indicator visible to driver.

Section 483.428 (S): Distribution and intensity of head lights when on road and when meeting vehicle.

Section 483.430 (S): Requirements when single distribution used.

Section 483.432 (S): Limitations on lights at front of vehicles or equipment.

Section 483.434 (S): Spot, auxiliary driving, stop, signal, fender, running board and back-up lamps permitted.

- Section 483.436 (S): Approval of lamps by Motor Vehicles Division.
- Section 483.438 (S): Procedure before and after lamps are approved.
- Section 483.443 (S): Motorcyclist required to wear protective headgear; approval of headgear by division.
- Section 483.444 (S): Brakes required.
- Section 483.446 (S): Horns and other sound equipment.
- Section 483.448 (S): Mufflers; unnecessary noise prohibited.
- Section 483.450 (S): Rearview mirror.
- Section 483.452 (S): Obstruction of windows prohibited; windshield wiper required.
- Section 483.454 (S): Light or flag at end of load.
- Section 483.456 (S): Flares and similar warnings for trucks and busses.
- Section 483.457 (S): Slow-moving vehicle emblem; division regulation of design, mounting.
- Section 483.458 (S): Fenders or covers on motor vehicles.
- Section 483.460 (S): Construction of vehicle fenders.
- Section 483.462 (S): Speedometers required on vehicles carrying passengers for hire.
- Section 483.470 (S): Limitations on use of television viewers in motor vehicles.
- Section 483.472 (S): Binders on log loads.
- Minimum Clearance
- Section 483.474 (S): Minimum clearance from roadway for passenger motor vehicles.
- Restrictions on use of highways; weights and sizes of vehicles
- Section 483.502 (S): Application of size and weight provisions; violators liable for damages;
- Section 483.504 (S): Restrictions on width, height and length of vehicles.
- Section 483.506 (S): Maximum axle, wheel and gross weights for vehicles.
- Section 483.508 (S): Restrictions on number of vehicles in combination; coupling devices.

- Section 483.510 (S): Sifting or leaking loads; permit for food processing by-products.
- Section 483.512 (S): Sleds prohibited except with permit.
- Section 483.514 (S): Dragging object on highway prohibited.
- Section 483.516 (S): Pneumatic tires, when required.
- Section 483.518 (S): Metal objects on tires permitted; conditions.
- Section 483.530 (S): Carrying permit in vehicle.
- Section 483.532 (S): Public bodies authorized to restrict use of highways.
- Section 483.538 (S): Passengers in front seat; interfering with driver; in house trailer.
- Section 483.540 (S): Carrying dog or child on external part of motor vehicle;
- Section 483.602 (S): Duties Accidents of drivers and witnesses at accidents.
- Section 483.604 (S): Driver's duties when he collides with unattended vehicle or other property.
- Section 483.606 (S): Accident reports required.
- Section 483.612 (S): Report of vehicles brought to garage or repair shop showing accident or bullet contact.
- Section 483.614 (S): Driver's duty to help animals.

Implied Consent Law

- Section 483.634 (S): Implied consent to chemical test; police report of refusal; evidence of refusal inadmissible.
- Section 483.636 (S): Chemical test by consent of arrested person.
- Section 483.638 (S): Chemical test at request of arrested person.
- Section 483.640 (S): Administering blood test.
- Section 483.642 (S): Use of chemical analyses to show intoxication.
- Section 483.644 (S): Manner of conducting chemical analyses; duties of State Board of Health.

Section 483.646 (S): Reports of chemical analyses; expenses of conducting chemical tests.

PENALTIES:

Section 483.992 (S): Penalty for driving recklessly or while under the influence of liquor or drugs.

Section 483.999 (S):

(1) Violation of the provisions of, or failure or neglect to comply with, any rule or regulation declared in Sections

483.032 (S) to 483.048 (S), inclusive
483.050 (S)
483.104 (S) to 483.140 (S), inclusive
483.202 (S) to 483.212 (S), inclusive
483.216 (S) to 483.230 (S), inclusive
483.302 (S) to 483.338 (S), inclusive
483.362 (S) to 483.366 (S), inclusive
483.402 (S) to 483.456 (S), inclusive
483.538 (S) to 483.540 (S), inclusive
483.602 (S) to 483.612 (S), inclusive

shall be punishable as follows:

(a) Upon conviction, by a fine of not more than \$100. or by imprisonment in the county or municipal jail for *not* more than 10 days;

(b) Upon a second such conviction within one year after the first conviction, by a fine of not more than \$200 or by imprisonment for not more than 20 days, or both.

(c) Upon a third or subsequent conviction within one year after the first conviction, by a fine of not more than \$500. or by imprisonment for not more than six months, or both.

(2) Violation of Section 483.102 (S) (Basic Rule) shall, upon conviction, be punishable by a fine of not more than \$25 or by imprisonment in the county or municipal jail for not more than 5 days, or both, except, that any person who drives a vehicle upon a highway at a speed in excess of that designated for the particular district or location as set forth in §483.104 (S) or by the State Highway Commission, or by the State Speed Control Board pursuant to §483.106 ORS or §483.108 ORS, and who while so driving violated the Basic Rule set forth in 483.102 (S), or any provision of 483.126 (S), 483.202 (S) to 483.212 (S), 483.216 (S) to 483.230 (S), 483.302 (S) to 483.318 (S), 483.326, 483. 328 (S) to 483.334 (S), shall, upon conviction, be punished by a fine of not

more than \$100 or by imprisonment of not more than 10 days, or both.

(3) Any violation of sub-sections (2) and (3) of Section 483.214 (S) shall, upon conviction, be punishable as for a misdemeanor, by a fine of not more than \$500 or by imprisonment in the county or municipal jail for not more than six months, or both.

(4) Any violation of Sections 483.347(S) and 483.614 (S) shall, upon conviction, be punishable by a fine of not more than \$25.

(5) Any violation of Sections 483.458 (S) or 483.460 (S) shall, upon conviction, be punishable by a fine of not less than \$5 nor more than \$100, or by imprisonment in the county or municipal jail for not more than 30 days, or both.

(6) Any violation of Sections 483.462 (S) 483.466 (S), 483.470 (S), 483.472 (S), and 483.474 (S), shall, upon conviction, be punishable as for a misdemeanor by a fine of not more than \$500 or by imprisonment for not more than six months, or both.

(7) Violation by any driver, chauffeur, or owner of any vehicle or combination of vehicles, of any of the provisions, except weight provisions, of Sections 483.502(S) to 483.530 (S) inclusive, shall, upon conviction, be punishable by a fine of not less than \$10 nor more than \$25 or by imprisonment in the county or municipal jail for not less than 5 days nor more than 10 days, except that a second conviction of a driver, chauffeur or owner of any vehicle or combination of vehicles for the violation of any of the provisions of said sections within one year after the first conviction is punishable by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county or municipal jail for not less than 10 days nor more than 20 days, or both.

(8) Any violation of any section, provision, rule or regulation of this Ordinance for which a penalty is not otherwise provided, shall, upon conviction, be punishable by a fine of not more than \$100 or by imprisonment in the county or municipal jail for not more than 30 days, or both.

CHAPTER V (Chapter 484 O.R.S.)

TRAFFIC OFFENSE PROCEDURES:

- Section 484.010 (S): Definitions.
- Section 484.020 (S): Traffic offense proceedings to conform to ORS 484.010 to 484.320.
- Section 484.030 (S): Jurisdiction of courts.
- Section 484.040 (S): Venue for state traffic offense.
- Section 484.100 (S) Authority of police officer to arrest or issue citation.
- Section 484.105 (S): Authority of police officer to issue citation to driver involved in accident.
- Section 484.120 (S): Taking security for appearance of arrested person.
- Section 484.130 (S): Putting up bail, driver's license or other security by defendant.
- Section 484.140 (S): Guaranteed arrest bond certificate as security for appearance.
- Section 484.150 (S): Traffic citations must conform to certain requirements.
- Section 484.155 (S): Private person may commence action for traffic offense.
- Section 484.160 (S): Minimum requirements for summons.
- Section 484.170 (S): Minimum requirements for complaint.
- Section 484.180 (S): Deliver of summons to person cited; delivery of other parts of citation.
- Section 484.190 (S): Appearance by defendant.
- Section 484.200 (S): Effect of statement in explanation or mitigation.
- Section 484.210 (S): Fixing hearing date; notice to defendant; license suspension for failure to appear.
- Section 484.220 (S): Hearing discretionary with court; exceptions.
- Section 484.230 (S): Warrant for arrest.
- Section 484.240 (S): Reports of convictions and bail forfeitures to Motor Vehicles Division.

- Section 484.250 (S): Disposition of moneys collected by courts.
- Section 484.260 (S): Delinquency in paying over moneys under ORS 484.250.
- Section 484.310 (S): Establishment of violations bureau authorized.
- Section 484.320 (S): Procedure where violations bureau established.
- Section 484.990 (S): Penalties

Any person who in connection with the issuance of a citation or the filing of a complaint, for a traffic offense, as defined in subsection (10) of ORS 484.010, wilfully certifies falsely to the matters set forth therein is punishable upon conviction by imprisonment in the county jail for a term not exceeding one year or by a fine of not more than \$5,000. or both.

CHAPTER VI (Chapter 485 O.R.S.)

SCHOOL BUSES:

- Section 485.010 (S): Definitions for ORS 485.010 to 485.050.
- Section 485.020 (S): Duty to stop when school bus loading or unloading children.
- Section 485.030 (S): School bus markings.
- Section 485.050 (S): Regulations governing school busses and drivers.
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- Section 485.999 (S): Penalties

Violation of any section of this chapter, upon conviction, is punishable by a fine of not more than \$100.00.

CHAPTER VII

ABANDONED VEHICLES AND BICYCLES:

Section 1 (S):

Definitions:

As used in this ordinance, unless the context requires otherwise:

(1) "Abandoned" shall mean left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the City of Sherwood.

(2) "City" shall mean the City of SHERWOOD.

(3) "Costs" shall mean the expense of removing, storing and selling an impounded vehicle.

(4) "Chief of Police" includes any authorized law enforcement officer of the City.

(5) "Owner" shall mean any individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

(6) "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices used exclusively upon stationary rails or tracks.

Section 2 (S):

Notice of Nuisance:

(1) It shall be the duty of the police department, whenever a vehicle is found abandoned upon the streets or alleys in the same position for a period of two (2) days, to:

(a) Make a routine investigation to discover the owner and request removal of the vehicle, or

(b) Failing to discover the owner by such a process, to make a diligent inquiry as to the name and address of the owner of the vehicle by examining such vehicle for license number, I.D. number, make, style and any other information which will aid in the identification of the ownership of the vehicle, and transmitting all available information pertaining to such vehicle to the Department of Motor Vehicles of this state with an inquiry for the name and address of the owner, whenever such vehicle is required by law to be registered with that office.

(c) If the owner is not identified, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.

(2) The notice shall state that the police department will remove and impound the vehicle under the provisions of this ordinance, 24 hours after the time of the posting, unless:

- a. The owner removes the vehicle; or
- b. Good cause is shown, satisfactory to the chief of police, why such vehicle should not be removed by the owner and impounded by the City.

Section 3 (S): Impounding Nuisance:

(1) An abandoned vehicle which remains in the same position for a period of five (5) days after an owner has been requested to remove it or after a notice to remove has been posted upon the vehicle and no person has appeared to show good cause why the vehicle should not be moved, shall constitute a nuisance.

(2) It shall be the duty of the police department to remove a vehicle which shall constitute a nuisance, under the provisions of this ordinance, store the vehicle upon city property, and dispose of it pursuant to the provisions of this ordinance.

(3) After impoundment, the chief of police shall cause the vehicle to be appraised.

Section 4 (S): Possessory lien for towing charges:

Any person who, at the request of a police officer, tows an abandoned vehicle from public or private property, shall have a lien on the vehicle in accordance with ORS 87.500 to 87.515 for the just and reasonable charges for the towing service performed, and may retain possession of the vehicle until such charges are paid.

Section 5 (S): Notice of Impoundment and Sale:

If the owner is identified, he shall be notified immediately by registered or certified mail that such vehicle is held by the police department of the City. The notice to the owner shall also state:

- (1) The reason for impounding the vehicle.
- (2) The existing costs charged against the vehicle.
- (3) An estimate of future costs, including the cost of advertising the vehicle for sale.
- (4) That unless the owner redeems the vehicle, within 15 days from the day of mailing the notice and pays all the costs, the vehicle will be sold.

Section 6(S): Appraisals of Abandoned Vehicles:

Appraisals of abandoned vehicles required by ORS 483.384 shall be made only by individuals possessing valid permits to perform such appraisals issued by the Department of Motor Vehicles.

Section 7 (S): Low Value Vehicle:

If the vehicle is appraised at \$100 or less and the owner is identified, the chief or police shall file with the Department of Motor Vehicles an affidavit, describing the vehicle, including the

license plates, if any, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled. The chief of police shall state that notice of intent to junk or dismantle the vehicle has been sent with notification of the location of the vehicle to the owner.

(2) Failure of the owner to reclaim the vehicle within 15 days after the date notification is mailed shall constitute a waiver of his interest in the vehicle.

(3) Upon completion and forwarding of the affidavit and expiration of the time period stated in subsection (2) the chief of police may, without notice and public auction, dispose of the vehicle and execute a certificate of sale.

(4) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. _____ providing for abandoned vehicle regulations, I did on the _____ day of _____, 19____ sell to _____ for the sum of _____ cash, the following described personal property, to-wit:

(brief description of the property)

and in consideration of the payment of the said sum of \$ _____ receipt whereof is hereby acknowledged, I have this date delivered to said purchaser the foregoing property.

Dated this _____ day of _____, 19_____.

Note: The City of Sherwood assumes no responsibility as to the condition of title of the above described property. In case this sale shall be, for any reason, invalid, the liability of the City is limited to the return of the purchase price.

Section 8 (S):

Public Sale Notice:

(1) If the vehicle is appraised over \$100, and no claim is made by the owner within the time specified by Section 5 (4) of this ordinance, or if the vehicle is valued under \$100, but the owner cannot be identified after compliance with Section 2, the chief of police shall cause to be published in a newspaper of general circulation within the City a notice of sale. The notice of sale shall state:

- (a) The sale is of abandoned property in the City's possession;
- (b) A description of the vehicle, including the type, make, license number, I.D. Number and any other information which will aid in accurately identifying the vehicle;
- (c) The terms of the sale;
- (d) The date, time and place of the sale.

Ordinance No. 599 (Traffic)
Chapter VII, page 3.

(2) The notice of sale shall be published two times -- the first publication shall be made not less than ten (10) days prior to the date of the proposed sale, and the second shall be made not less than three (3) days prior to the date of the proposed sale.'

Section 9 (S): Public Sale

(1) If no claim shall have been made to redeem an impounded vehicle appraised over \$100, or appraised under \$100 but the owner cannot be identified before the time set for the sale of such vehicle, the chief of police shall hold a sale at the time and place appointed within the view of the vehicle to be sold.

(2) The vehicle shall be sold to the highest and best bidder, provided that if no bids are entered, or those bids which are entered, are less than the costs incurred by the City, the chief of police may enter a bid on behalf of the City in an amount equal to such costs.

(3) At the time of payment of the purchase price, the chief of police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the City Recorder of the City.

(4) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance _____ providing for the impounding and disposition of abandoned vehicles, and pursuant to due notice of the time and place of sale, I did on the _____ day of _____, 19____ sell at public auction to _____ for the sum of \$ _____ cash, he being the highest and best bidder and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(brief description of the property)

And in consideration of the payment of the said sum of \$ _____ receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this _____ day of _____, 1970.

Note: The City of Sherwood assumes no responsibility as to the condition of title of the above described property. In case this sale shall, for any reason be invalid, the liability of the City is limited to the return of the purchase price.

Section 10 (S): Redemption Before Sale

(1) An owner may redeem a vehicle impounded under the provisions of this ordinance, before a sale or disposition has taken place, by applying to the police department, whereupon he shall:

(a) Submit evidence of his ownership or interest in the vehicle, satisfactory to the chief of police that such claim is rightful, and

(b) Pay the costs due and owing at the time the application to redeem is made.

(2) Upon compliance with subsection (1) of this section, the chief of police shall execute a receipt for the owner and cause the vehicle to be returned to him.

Section 11 (S): Sale and Proceeds:

(1) Upon a sale being consummated, the chief of police shall deliver the vehicle and the certificate of sale to the purchaser; the sale and conveyance shall be without redemption.

(2) The proceeds of a sale shall be applied:

(a) To the payment of costs incurred by the City, and

(b) The balance, if any, shall be transferred to the City Recorder of the City to be credited to the general fund.

Section 12(S): Application:

This ordinance shall apply to all abandoned vehicles now in the possession of the City, as well as to abandoned vehicles that are hereafter impounded.

Section 13 (S): Charges:

In the enforcement and execution of the provisions of this ordinance, the chief of police shall charge and collect \$_____ for towing and \$_____ per day for storage.

Section 14 (S): Approved Forms:

The following designated forms and titled as hereinafter set forth, be, and the same are hereby, approved and authorized to be used in connection with the implementation of the foregoing ordinances:

1. Notice to remove vehicle from public street;
2. Appraisal of abandoned vehicle;
3. Notice of intent to dispose of vehicle;
4. Notice of sale of abandoned vehicle;
5. Abandoned vehicle affidavit.

The foregoing forms, a copy of each of them being hereto attached, are hereby made a part hereof.

Section 15 (S): Claim of Owner to Proceeds:

At any time within two years after the sale of the vehicle

as hereinabove provided, the former owner of the vehicle may recover the proceeds of the sale, as deposited in the general fund of the City, pursuant to Section 11 hereof, by filing a claim with the City Recorder. Such claims shall be audited in the same manner as other claims against the City.

Section 16 (S): Applicability of Ordinance
to Bicycles, Motorcycles, Tricycles,
Including all Powered or Non-Powered
Vehicles:

It is the intention and purpose of this ordinance that the foregoing requirements and procedures shall apply equally to the extent applicable to bicycles, motorcycles, tricycles, and each and every other type of vehicle, motorized or otherwise, abandoned upon the streets of the City of Sherwood.

(a) NOTICE TO REMOVE VEHICLE FROM PUBLIC STREET

Ordinance No. _____ of the City of Sherwood provides for the removal of motor vehicles which have been left upon a city street in the same position for more than _____ days and which appear to have been abandoned. Vehicles which are abandoned on the streets constitute a nuisance and a potential traffic hazard. This vehicle has been observed by officers of the police department in the same position for over _____ days and an investigation has failed to disclose the ownership of the vehicle or the reason for its being parked for this period of time.

The owner of this vehicle is hereby advised that this vehicle will be removed from the street under Ordinance NO. _____ unless the owner removes this vehicle from this location or notifies the police department that the vehicle has not been abandoned. Failure to remove the vehicle or to notify the police department within _____ hours is held by the ordinance to indicate that the vehicle is an abandoned vehicle to be impounded by the police department for disposition as provided by the ordinance.

(b) APPRAISAL OF ABANDONED VEHICLE

Date _____

Make _____
License number _____
Year Model _____
I.D. Number _____

INSTRUCTIONS

(Complete in duplicate. Original to DMV with license plates copy to be retained by appraiser. Check one box on each of the following.)

	EQUIPMENT	PRESENT	MISSING
Wheels			
Tires			
Transmission			
Motor			
Drive Line			
Fenders			
Glass			
Radiator			
Lights			

General Condition

Good Fair Poor

Estimated Value

Is Vehicle Operable?

Yes No

\$ _____

LOCATION OF VEHICLE _____

Signed _____
(Appraiser)

AGENCY _____

(c) NOTICE OF INTENT TO DISPOSE OF VEHICLE

TO WHOM IT MAY CONCERN:

The purpose of this letter is to inform you that this office has taken possession of one _____, _____,
(year) (Make)
_____, _____, _____,
(model) (I-D number) * (Lic. number)

This vehicle has been deemed abandoned.

If you have not within _____ days after this notification is mailed, reclaimed the vehicle and paid the cost estimated below, such action shall constitute a waiver of your interest, and I will dispose of the vehicle and execute a certificate of sale.

Charges owed as of _____, 19____:

Towing \$_____. Storage\$_____ Other \$_____

Total \$_____.

Future charges:

Storage charges will be \$_____ per day for each day after _____.

Dated this _____ day of _____, 19____ at _____, Oregon.

By: _____
Officer

* This number is not the motor number. It is commonly found on the post on the left side of the car. It is sometimes referred to as a serial number.

d. NOTICE OF SALE OF ABANDONED VEHICLE

The following described abandoned property in the possession of the City of _____ will be sold by the _____ at _____ on _____, 19____ at _____ a.m.

(Described the vehicle or vehicles to be sold, e.g.: "1958 Ford Two door blue coupe. Running condition. I.D. No. 66681. License No. QUE 000, Oregon.

This vehicle will be sold in accordance with Ordinance No. _____ unless the owner redeems prior to sale. The property will be sold in accordance with Ordinance No. _____ unless the owner redeems prior to sale. The property will be sold individually as itemized, and to the highest and best bidder, unless such bids shall be less than the costs incurred by the City in impounding the vehicle. The City assumes no responsibility as to the condition of title of the above described property, and if the sale is invalid for any reason, the liability of the City will be limited to a return of the purchase price.

By order of _____

(e) ABANDONED VEHICLE AFFIDAVIT

Date _____

Owner: (includes mortgagee or any person with interest in the vehicle)
(record name and address if found, or simply "unknown"
also record the date notice sent if found)

Year _____ Make _____ Model _____ Color _____

License No. _____ I.D. Number _____

Notice of intended removal posted _____ Officer _____

Removed _____ Notification from owner _____

Towed from _____ by _____

Stored at _____ Date _____

Claimed _____ Costs to date _____

Costs paid _____ Received by _____

Notice published _____

Sale _____ Purchased by _____

Amount paid _____ Received by _____

For computing costs: Towing \$ _____ Storage at \$ _____
per day for each day. Other costs \$ _____.

CHAPTER VIII

PARKING REGULATIONS:

Section 1 (S) Definitions:

"Parking" - The term "parking or "parked" for purposes of the Motor Vehicle Code of the City of Sherwood, shall mean the stopping or standing of any vehicle upon any street or highway within the City, whether such vehicle is occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or freight, or in obedience to traffic regulations or traffic signs or signals.

"Parking Time Limit" - it shall be unlawful for any person to park or stop any vehicle for a longer period of time than that designated by official signs, parking meters or other markings placed by or under authority of the City of Sherwood. Such parking time limit shall include the aggregate of time of all stopping or standing of the same vehicle on the same side of the street within a space of 300 lineal feet measured along the curb line and between inter-sections, and the parking, standing or stopping of any vehicle within such expanse shall not exceed the designated time limit during any three-hour period.

For purposes of this chapter, the definitions of the following terms as used herein shall conform to the following Sections of Oregon Revised Statutes which by reference herein are made a part hereof:

- "Highway" or "street" - as defined in §481.020.O.R.S.
- "Camper")
- "Motor home")- as defined in §481.0 O.R.S.
- "Mobile home")
- "Travel-trailer")
- "Motorbus" -as defined in §481.030 O.R.S.
- "Motor truck" -as defined in §481.035 O.R.S.
- "Tractor trailer" -as defined in §481.055 O.R.S.
- "Truck tractor")
- "Truck trailer")-as defined in §481.065 O.R.S.

Section 2 (S): No person shall park a vehicle on the right-of-way of any highway, or upon any public street or public way within the corporate limits of the City of Sherwood for any of the following purposes:

- (a) Advertising, selling, or offering merchandise for sale.
- (b) Displaying such vehicle for sale
- (c) Washing, greasing or repairing such vehicle except

as may be necessitated by emergency.

- (d) Displaying advertising upon such vehicle.
- (e) Storage, junk or dead storage for any period of more than 48 hours, except that this sub-section shall be subject to the limits elsewhere prescribed in the Motor Vehicle Code of the City of Sherwood or as may be prescribed by the Oregon State Motor Vehicle Code.

Section 3 (S): No person shall at any time park or leave standing a house trailer, motor bus, motor truck, tractor, trailer, truck tractor or truck trailer, as hereinabove defined, whether attended or unattended, on any improved public highway, public street or other public way within the corporate limits of the City of Sherwood, for a period greater than thirty (30) minutes, between the hours of 12:01 o'clock a.m. and 6:00 o'clock a.m.

Section 4 (S): Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the fire department has been summoned, he shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.

Section 5 (S): No person having control or charge of a motor vehicle shall allow it to stand on any street unattended without first fully setting its parking brakes, stopping its motor and removing the ignition key, and, when standing upon any precipitous grade, the front wheels of the vehicle shall be angled into the curb.

Section 6 (S): No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 18 inches of the edge of the curb, except where the street is marked or signed for angle parking.

Section 7: (S): Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space.

(Sections numbered 8 to 29 inclusive reserved for expansion.)

Section 30 (S): Any violation of the provisions of any section of Chapter VIII or any rule or regulation therein stated, shall, upon conviction, be punishable by a fine of not more than \$100 for each violation.

CHAPTER IX

ADDITIONAL PROVISIONS:

Section 1: Powers of the City Council. The Council, provided, ~~that where~~ ~~shere~~ required by the Motor Vehicle Laws of Oregon approval of the State Highway Commission has first been obtained, may by resolution establish traffic controls which shall become effective upon the installation of appropriate signs, signals or other markings. Such traffic controls may designate and regulate:

- (1) The parking and standing of vehicles by:
 - a. Classifying portions of streets upon which either parking or standing, or both, shall be prohibited, or prohibited during certain hours.
 - b. Establishing the time limit for legal parking in limited parking areas.
 - c. Designating the angle of parking if other than parallel to the curb.
 - d. Designating areas within which, or streets, or portions of streets along which, parking meters will be installed, and the denomination of coins to be used or deposited in parking meters.
- (2) Through streets and one-way streets.
- (3) For trucks exceeding specified weights, streets to which they shall be restricted and streets on which they are prohibited.
- (4) Traffic control signals and the time of their operation.
- (5) Bus stops, bus stands, taxicab stands and stands for other passenger common carrier vehicles.
- (6) Loading Zones
- (7) Turn regulations at intersections
- (8) Marked pedestrian crosswalks and safety zones
- (9) Special speed regulations in city parks.

Section 2: Authority of Police and Fire Officers.

- (1) It shall be the duty of the police department through its officers to enforce the provisions of this ordinance.
- (2) In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of this ordinance.

(3) Members of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

Section 3: Stop When Traffic Obstructed:

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the opposite side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicle or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 4: Unlawful Marking:

Except as provided by this Ordinance, it shall be unlawful for any person to letter, mark, or paint in any manner any letters, marks, or signs on any sidewalk, curb or other portion of any street, or to post anything designed or intended to prohibit or restrict parking on any street.

Section 5: Use of Sidewalks:

Pedestrians shall not use any roadway for travel when abutting sidewalks are available.

Section 6: Permits Required for Parades:

No procession or parade, except a funeral procession, the forces of the United States Armed Forces and the military forces of this state, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police. Such permit may be granted where it is found that such parade is not to be held for any unlawful purpose and will not, in any manner, tend to a breach of the peace, cause damage or unreasonably interfere with the public use of the streets, or the peace and quiet of the inhabitants of this city.

Section 7: Funeral Procession:

Vehicles in a funeral procession shall be escorted by at least one person authorized by the Chief of Police to direct traffic for such purpose and shall follow routes established by the Chief of Police.

Section 8: Drivers in Procession:

Except when approaching a left turn, each driver in a funeral or other procession shall drive along the right-hand traffic lane and shall follow the vehicle ahead as closely as is practical and safe.

Section 9: Driving Through Procession:

No driver of a vehicle shall cross through a procession except where traffic is controlled by traffic control signals or when so directed by a police officer. This provision shall not apply to authorized emergency vehicles.

Section 10: Emerging from Vehicle: No person shall open the door of, or enter or emerge from any vehicle into the path of any approaching vehicle.

Section 11: Boarding or Alighting from Vehicles: No person shall board or alight from any vehicle while such vehicle is in motion.

Section 12: Riding on Motorcycles: A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is equipped to carry more than one person.

Section 13: Unlawful Riding: No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person or persons riding within truck bodies in space intended for merchandise.

Section 14: Clinging to Vehicles:

(1) No person riding upon any bicycle, motorcycle, coaster, roller skates, sled or any toy vehicle shall attach the same or himself to any moving vehicle upon the streets.

(2) No person driving any vehicle shall permit any of the articles listed in subsection (1) to be attached to the vehicle for the purpose of pulling along the streets.

Section 15: Use of Roller Skates Restricted: No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any street except to cross at a crosswalk.

Section 16: Skis on Streets: No person on skis, toboggans, sleds or similar devices shall travel on any street unless that street shall have first been roped or barricaded off and designated by the Chief of Police for that purpose.

Section 17: Trains Not to Block Streets: No person shall operate any train, or train of railway cars, or permit the same to remain standing, so as to block the movement of traffic upon any street for a period of time longer than 10 minutes.

Section 18: Damaging Sidewalks and Curbs:

(1) The driver of a vehicle shall not drive upon or within any sidewalk or parkway area except to cross at a permanent or temporary driveway.

(2) A temporary driveway may be used only after first obtaining a written permit therefor from the City Superintendent, who may impose such requirements as are necessary to protect the public improvements within the street at the temporary driveway.

(3) Any person who damages or causes to be damaged any public improvement within the street by driving a vehicle upon or within any sidewalk or parkway area shall be liable for such damage regardless of whether or not the damage resulted from the authorized

deposit or leave upon any street or other public way, sidewalk or curb, any article or thing or material which in any way prevents, interrupts, or obstructs the free passage of pedestrian or vehicular traffic, or obstructs a driver's view of traffic, control signs and signals.

Section 20: Removing Glass and Debris. Any part to a collision or other vehicular accident, or any other person causing glass or other material or substance likely to injure any person, animal or vehicle to be upon any street in this city, shall as soon as possible remove or cause to be removed from such street all such glass or other material or substance.

Section 21. Illegal Cancellation of Traffic Citations: It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner except where approved by the municipal judge.

Section 22: Effect of Ordinance: If any party or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 23: Existing Traffic Signs: Except as the Council may be resolution or ordinance change the traffic control regulations in accordance with the provisions of this ordinance, all official traffic signs, signals and markers existing at the time of adoption of this ordinance shall be considered official under the provisions of this ordinance.

Section 24: PENALTIES:

Any violation of the provisions of any section of Chapter IX, or of any rule or regulation thereof, shall, upon conviction, be punishable by a fine of not more than \$500, or by imprisonment in the county or municipal jail for not more than six (6) months, or both.

Section 25: Inasmuch as the traffic and motor vehicle ordinances of the City of Sherwood heretofore in effect, do not include many of the provisions of the foregoing ordinance, and it is necessary for the peace, health, and safety of the people of Sherwood, Oregon, that such provisions be placed in full force and effect with the least possible delay, an emergency is hereby declared to exist, and this Ordinance shall be effective upon its passage by the City Council and approval by the Mayor.

PASSED: By the Council, by unanimous vote of all Council members present, after being read by caption three times, and in body once, this 17th day of June, 1970.

Marjorie Stewart
Recorder - City of Sherwood

APPROVED: By the Mayor, this 18 day of June, 1970.

[Signature]
Mayor - City of Sherwood