

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 642

AN ORDINANCE AMENDING ORDINANCE NO. 599 "Motor Vehicle Code of the City of Sherwood" BY ADDING THERETO NEW SECTIONS AND AMENDING PRE-EXISTING SECTIONS TO BRING THE SAME INTO CONFORMITY WITH PERTINENT PROVISIONS OF THE OREGON LAWS OF 1973 AS ENACTED BY THE 1973 LEGISLATIVE SESSION, AND DECLARING AN EMERGENCY.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: That by virtue of the authority contained in §221.330 Oregon Revised Statutes all those certain sections of Chapters 481, 482, 483, 484 and 485 Oregon Revised Statutes hereinafter in this Ordinance listed by section number and subsection number with suffix (S) and title, and being section numbers identical to those of applicable sections of Oregon Revised Statutes as amended, supplemented or originally enacted by the Oregon Legislative Session of 1973, be, and each and all thereof are hereby adopted by this reference, section by section, paragraph by paragraph, word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 2: Each section or subsection of Oregon Revised Statutes hereinafter numbered and titled, when cited by section number as identified in this Ordinance, together with suffix (S), shall be referenced as a section or subsection of the "Motor Vehicle Code of the City of Sherwood" and may be cited as such.

Section 3: Chapter II, Section 481.370 (S), "Conduct of Wrecking Business," of Motor Vehicle Code of the City of Sherwood is hereby amended to conform to ORS 481.370 as amended by Section 7, Chapter 811, Oregon Laws of 1973.

Section 4: Section 482.650 (S), Chapter III, "Driving While license revoked or suspended," of Motor Vehicle Code of the City of Sherwood is hereby amended to conform to ORS 482.650 as amended by Section 5, Chapter 798, Oregon Laws of 1973.

Section 5: Section 482.999 (S), Chapter III, "Penalties" is hereby amended to read as follows:

"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 \$500.00, or by imprisonment for not more than six months, or both.

"(2) Violation of 482.650 (S) is punishable:

"(a) Upon a first conviction, by imprisonment in the County or municipal jail, for not less than 2 days nor more than one year, and in the discretion of the court a fine of not more than \$1,000.00.

"(b) Upon a second conviction within a 5 year period, by imprisonment in the County or municipal jail for not less than 10 days nor more than one year, and there may be imposed in addition thereto, a fine of not more than \$1,500.00.

(c) Upon a third or subsequent conviction within a 5 year period, by imprisonment in the County or municipal jail for not less than 30 days nor more than one year, and there may be imposed in addition thereto a fine of not more than \$2,000.00."

Section 6: Chapter IV, Motor vehicle traffic and equipment of Ordinance #599 "Motor Vehicle Code of the City of Sherwood" is hereby amended as follows:

- a. Section 483.010 (S) is amended to conform to ORS 483.010 as amended by Section 1, Chapter 223, Oregon Laws of 1973.
- b. Section 483.016 (S) is amended to conform to ORS 483.016 as amended by Section 1, Chapter 310, Oregon Laws of 1973.
- c. Section 483.026 (S) is amended to conform to ORS 483.026 as amended by Section 2, Chapter 310, Oregon Laws of 1973.
- d. Section 483.104 (S) is amended to conform to ORS 483.104 as amended by Section 1, Chapter 193, Oregon Laws of 1973.
- e. Section 483.112 (S) is amended to conform to ORS 483.112 as amended by Section 1, Chapter 208, Oregon Laws of 1973.
- f. Section 483.208 (S) is amended to conform to ORS 483.208 as amended by Section 1, Chapter 783, Oregon Laws of 1973.
- g. Section 483.352 (S) is amended to conform to ORS 483.352 as amended by Section 1, Chapter 302, Oregon Laws of 1973.
- h. Section 483.354 (S) is amended to conform to ORS 483.354 as amended by Section 2, Chapter 302, Oregon Laws of 1973.
- i. Section 483.412 (S) is amended to conform to ORS 483.412 as amended by Section 3, Chapter 274, Oregon Laws of 1973.
- j. Section 483.434 (S) is amended to conform to ORS 483.434 as amended by Section 4, Chapter 274, Oregon Laws of 1973.
- k. Section 483.423 (S) is amended to conform to ORS 483.423 as amended by Section 3, Chapter 310, and Section 2, Chapter 783, Oregon Laws of 1973.
- l. Section 483.472 (S) is amended to conform to ORS 483.472 as amended by Section 1, Chapter 711, Oregon Laws of 1973.
- m. Section 483.502 (S) is amended to conform to ORS 483.502 as amended by Section 1, Chapter 290, Oregon Laws of 1973.

- n. Section 483.504 (S) is amended to conform to ORS 483.504 as amended by Section 1, Chapter 217, Oregon Laws of 1973.
- o. Section 483.506 (S) is amended to conform to ORS 483.506 as amended by Section 1, Chapter 257, Oregon Laws of 1973.
- p. Section 483.510 (S) is amended to conform to ORS 483.510 as amended by Section 1, Chapter 278, Oregon Laws of 1973.
- q. Section 483.518 (S) is amended to conform to ORS 483.518 as amended by Section 1, Chapter 123, Oregon Laws of 1973.
- r. Section 483.530 (S) is amended to conform to ORS 483.530 as amended by Section 4, Chapter 257, Oregon Laws of 1973.
- s. Section 483.538 (S) is amended to conform to ORS 483.538 as amended by Section 1, Chapter 440, Oregon Laws of 1973.

Section 7: Section 483.304 (S) is hereby amended to conform to ORS 483.304 as amended by Section 4, Chapter 510, Oregon Laws of 1973; and Sections 2 and 3 of Chapter 510, Oregon Laws of 1973 are hereby adopted, added to and made a part of the Sherwood Motor Vehicle Code Sections 483.302 (S) to 483.318 (S), reading as follows:

(Section 2, Chapter 510, Oregon Laws of 1973)

"(1) When a roadway has been divided in such a manner that there are three or more lanes for traffic proceeding in any one direction, no vehicle of 6,000 pounds gross weight or over, campers or vehicles with trailers shall be driven in the extreme left-hand lane, except:

"(a) When necessary to enter or leave such roadway;

"(b) When reasonably necessary in response to emergency conditions; or

"(c) When otherwise indicated or directed by appropriate signs or signals.

"(2) When any roadway has been divided in such a manner that there are two lanes for traffic proceeding in any one direction, vehicles having a gross weight of 6,000 pounds or over, campers or vehicles with trailers shall be driven in the right-hand lane. Such vehicles shall not move from the right-hand lane into the left-hand lane until such movement can be made without interfering with the passage of other vehicles."

(Section 3, Chapter 510, Oregon Laws of 1973)

"Violation of this 1973 Act is a Class C misdemeanor."

Said sections shall be designated in the Sherwood Motor Vehicle Code by the Oregon Revised Statutes section number that has been or will be assigned to Sections 2 and 3 of Chapter 510, Oregon Laws of 1973, by the State codification authority and followed by the suffix "(S)".

Section 8: The following Sections 2, 3, 4 and 5 of Chapter 191, Oregon Laws of 1973 are hereby adopted, added to and made a part of the Sherwood Motor Vehicle Code, Sections 483.326 (S) to 483.338 (S):

(Section 2, Chapter 191, Oregon Laws of 1973)

"No person shall drink any alcoholic liquor in a motor vehicle when the vehicle is upon a highway."

(Section 3, Chapter 191, Oregon Laws of 1973)

"No person shall have in his possession on his person, while in a motor vehicle upon a highway, any bottle, can, or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed."

(Section 4, Chapter 191, Oregon Laws of 1973)

"It is unlawful for the registered owner of any motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon any highway, any bottle, can, or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed, unless the bottle, can, or other receptacle is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. For the purposes of this section, a utility compartment or glove compartment is considered within the area occupied by the driver and passengers. This section shall not apply to the living quarters of a camper or a motor home."

(Section 5, Chapter 191, Oregon Laws of 1973)

"As used in this 1973 Act, 'motor vehicle' does not include a motor vehicle operated by a publicly owned transit system or a motor vehicle operated by a common carrier and used primarily to carry passengers for hire."

Said sections shall be designated in the Sherwood Motor Vehicle Code by the Oregon Revised Statutes section number that has been or will be assigned to Sections 2, 3, 4, and 5 of Chapter 191, Oregon Laws of 1973, by the State codification authority and followed by the suffix "(S)".

Section 9: Section 2 of Chapter 274, Oregon Laws of 1973, is hereby adopted, added to and made a part of the Sherwood Motor Vehicle Code, Sections 483.402 (S) to 483.472 (S), reading as follows:

(Section 2, Chapter 274, Oregon Laws of 1973)

"(1) Every motor vehicle, trailer, semitrailer and pole trailer used in the State of Oregon may be equipped with a rear mounted lighting system which will consist of:

"(a) A green light to be actuated when the accelerator is depressed;

"(b) A yellow light to be actuated when the motor vehicle is moving forward or standing and idling, but not under power from its engine; and

"(c) A red light to be actuated when the motor vehicle is being braked through the use of its braking system.

"(2) The red and green lights of a rear mounted lighting system may be illuminated simultaneously. Otherwise, only one light of this system shall be illuminated at any one time, and either the green or yellow lights shall be illuminated when the red lights are not illuminated.

"(3) The lights of a rear mounted lighting system shall be capable of being seen and distinguished as provided in subsection (3) of ORS 483.416.

"(4) On a combination of vehicles, only the lights of a rear mounted lighting system on the rearmost vehicle need actually be seen and distinguished as provided in subsection (3) of ORS 483.416."

Said section shall be designated in the Sherwood Motor Vehicle Code by the Oregon Revised Statutes section number that has been or will be assigned to Section 2 of Chapter 274, Oregon Laws of 1973, by the State codification authority and followed by the suffix "(S)".

Section 10: Section 1, Chapter 412, Oregon Laws of 1973, is hereby adopted, added to and made a part of the Sherwood Motor Vehicle Code, reading as follows:

(Section 1, Chapter 412, Oregon Laws of 1973)

"Notwithstanding the provisions of ORS 483.458, fenders are not required on any modified American-made pre-1935 vehicle, or any identifiable vintage or replica thereof which is titled as a later assembled vehicle and which is used for show and pleasure use when such vehicle is used and driven only during fair weather on well-maintained hard-surfaced roads."

Said section shall be designated in the Sherwood Motor Vehicle Code by the Oregon Revised Statutes section number that has been or will be assigned to Section 1, Chapter 412, Oregon Laws of 1973, by the State codification authority and followed by the suffix "(S)".

Section 11: Chapter V, "Traffic offense procedures" of Ordinance #599, "Motor Vehicle Code of the City of Sherwood" is hereby amended as follows:

- a. Section 484.010 (S) is amended to conform to ORS 484.010 as amended by Section 2(a) of Chapter 278, Oregon Laws of 1973.
- b. Section 484.150 (S) is amended to conform to ORS 484.150 as amended by Section 2, Chapter 737, Oregon Laws of 1973.

Section 12: Chapter VI, "School Buses" of Ordinance #599, "Motor Vehicle Code of the City of Sherwood" is hereby amended as follows:

- a. Section 485.010 (S) is amended to conform to ORS 485.010 as amended by Section 1, Chapter 238, Oregon Laws of 1973.
- b. Section 485.030 (S) is amended to conform to ORS 485.030 as amended by Section 2, Chapter 238, Oregon Laws of 1973.

Section 13: In Ordinance #599, "Motor Vehicle Code of the City of Sherwood", where an Oregon Revised Statute (ORS) section has been enacted and adopted by reference, any reference within such Sherwood Code section shall be construed, where appropriate, to read as if followed by "(S)".

Section 14: Inasmuch as it is necessary for the peace, health and safety of the people of the City of Sherwood that the provisions of the Sherwood Motor Vehicle Code conform to the provisions of Oregon Laws of 1973, immediately an emergency is hereby declared to exist and this Ordinance shall become effective upon its passage by the 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 23rd day of January 1973.

Marjorie Stewart
Recorder - City of Sherwood

APPROVED: By the Mayor, this 23rd day of January, 1974.

Jack D. Harper
Mayor - City of Sherwood

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