

**CITY OF SHERWOOD
ORDINANCE 2004-004**

AN ORDINANCE AMENDING THE CITY OF SHERWOOD MUNICIPAL CODE TO AMEND EXISTING PROVISIONS RELATING TO PARKING, CHAPTER 10.08 AND DECLARING AN EMERGENCY.

WHEREAS, the Citizens of Sherwood and the Sherwood Police Department initiated a request to amend the text to the Parking portion of the City of Sherwood Municipal Code (“SMC”);

WHEREAS, in response to their concerns, the City staff proposed changes to SMC § 10.08 establishing new definitions for various types of vehicles, following the language of the State Vehicle Code Statutes, modifying parking restrictions on certain types of vehicles and the addition of enforcement language for regulating parking restrictions;

WHEREAS, the Sherwood Police Department after discussion and deliberation forwarded a staff report and recommendation supported by findings to the City Council consistent with SMC § 10.08; and

WHEREAS, the City Council conducted a duly noticed public hearing on <DATE> to consider the report and recommendation of the Citizens of Sherwood and the Sherwood Police Department.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

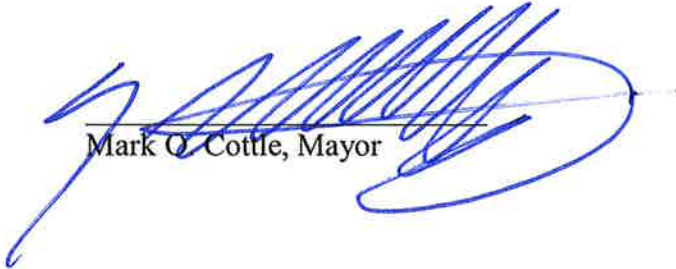
Section 1. Decision. The City Council hereby adopts the amendments to the Sherwood Municipal Code as provided in Exhibits A attached hereto.

Section 2. Findings. The City Council adopts the Staff Report to the City Council for proposed changes to SMC § 10.08 dated April 8, 2004, as set forth in Exhibit B.


Section 3. Effective Date. Based on the volume of outstanding compliance issues requiring the adoption of this language for permanent resolve, the City Council hereby declares an emergency to exist pursuant to Section 9.6 of the Sherwood City Charter. To preserve the peace, health and safety of the City, this Ordinance shall be effective within five (5) days from the date of its approval and adoption by the City Council and the Mayor.

Section 4. Manager Authorized. The City Manager is hereby directed to take such action as may be necessary to codify these changes as a part of the SMC.

Duly passed by the City Council this 11th day of May, 2004.


Mark O. Cottle, Mayor

ATTEST:


C.L. Wiley, City Recorder

	<u>AYE</u>	<u>NAY</u>
Weislogel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heironimus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Durrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fox	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cottle	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attachment A

Chapter 10.04

STATE VEHICLE CODE STATUTES

Sections:

10.04.010 Adopted.

10.04.010 Adopted.

By virtue of the authority contained in Section 221.330, Oregon Revised Statutes, all those sections of Chapters 801 through 823, Oregon Revised Statutes, be, and each and all thereof are adopted by this reference, section by section, word by word, in their entirety, in all respects to the same legal force and effect as if set forth in full, and shall be the Motor Vehicle Code of the city of Sherwood. Oregon Revised Statutes, Chapter 153, Sections 153.500 through 153.635, likewise be, and they are adopted in the entirety as the procedure to be followed by the city of Sherwood Municipal Court with respect to traffic infractions. (Ord. 98-1042 § 8: Ord. 86-837 § 2)

Chapter 10.08

PARKING

Sections:

10.08.010 Definitions.

10.08.020 Prohibited practices.

10.08.030 Parking restrictions on certain types of vehicles.

10.08.040 Vehicles to be removed from fire scenes.

10.08.050 Method of parking.

10.08.060 Prohibited parking or standing.

10.08.070 Parking prohibited on certain streets.

10.08.080 Disabled persons parking.

10.08.010 Definitions.

As used in this chapter:

"Balance trailer." "Balance trailer" means every trailer, other than a self-supporting trailer, pole trailer or semitrailer, designed so that its weight and that of its load is substantially balanced upon its axle or axles and so that it couples to the towing vehicle with a device other than a fifth wheel hitch. The definition in this section is based upon design features and, except as otherwise provided in this section, does not prohibit a balance trailer from fitting into another classification of trailer based on use. [1983 c.338 §20; 1985 c.16 §9]

801.165 "Bus trailer." "Bus trailer" means any trailer designed or used for carrying human beings. [1983 c.338 §25]

"Camper." "Camper" means a structure that:

- (1) Has a floor;
- (2) Is designed to be mounted upon a motor vehicle;
- (3) Is not permanently attached to a motor vehicle upon which it is mounted;
- (4) Is designed to provide facilities for human habitation or for camping;
- (5) Is six feet or more in overall length;
- (6) Is five and one-half feet or more in height from floor to ceiling at any point; and
- (7) Has no more than one axle designed to support a portion of the weight of the camper.

"Commercial bus trailer." "Commercial bus trailer" means a bus trailer:

- (1) That is designed or used for carrying passengers and their personal baggage for compensation.
- (2) Other than a vehicle commonly known and used as a private passenger vehicle not operated for compensation except in the transportation of students to or from school. [1983 c.338 §33; 1985 c.16 §13]

"Farm trailer." "Farm trailer" means a vehicle that:

- (1) Is without motive power;
- (2) Is a vehicle other than an implement of husbandry;

(3) Is designed to carry property; and

(4) Is drawn by a farm tractor. [1983 c.338 §45]

"Manufactured structure." (1) "Manufactured structure" means:

(a) A manufactured dwelling that is more than eight and one-half feet wide;

(b) A prefabricated structure that is more than eight and one-half feet wide; and

(c) A recreational vehicle that is more than eight and one-half feet wide.

(2) "Manufactured structure" does not include any special use trailer. [1993 c.696 §3]

"Motor home." "Motor home" means a motor vehicle that:

(1) Is reconstructed, permanently altered or originally designed to provide facilities for human habitation; or

(2) Has a structure permanently attached to it that would be a camper if the structure was not permanently attached to the motor vehicle.

"Motor truck." "Motor truck" means a motor vehicle that is primarily designed or used for carrying loads other than passengers.

"Pole trailer." "Pole trailer" means a trailer attached or secured to the towing vehicle and ordinarily used for transporting long or irregular loads capable generally of sustaining themselves as beams between the towing vehicle and the trailer. The definition in this section is based on design features and, except as otherwise provided in this section, does not prohibit a pole trailer from fitting into another category of trailer based on use. [1983 c.338 §70]

"Self-supporting trailer." "Self-supporting trailer" means a trailer, other than a pole trailer, designed so that no part of the weight of the trailer or the weight of any load on the trailer rests upon the towing vehicle. The definition in this section is based on design and, except as otherwise provided in this section, does not prohibit a self-supporting trailer from fitting into another category of trailer based on use. [1983 c.338 §86]

"Semitrailer." "Semitrailer" means a trailer designed so that part of the weight of the trailer and part of the weight of any load on the trailer rests upon or is carried by another vehicle and coupled to another vehicle by a fifth wheel hitch. The definition in this section is based on design and, except as otherwise provided in this section, does not prohibit a semitrailer from fitting into another category of trailer based on use. [1983 c.338 §87]

"Special use trailer." (1) "Special use trailer" means a trailer described under any of the following:

(a) A trailer that is eight and one-half feet or less in width and of any length and that is used for commercial or business purposes.

(b) A trailer that is used temporarily on a construction site for office purposes only.

(2) "Special use trailer" does not include any travel trailer. [1985 c.16 §26; 1993 c.696 §7]

"Travel trailer." "Travel trailer" means:

(1) A manufactured dwelling that is eight and one-half feet or less in width and is not being used for commercial or business purposes;

(2) A recreational vehicle without motive power that is eight and one-half feet or less in width and is not being used for commercial or business purposes; and

(3) A prefabricated structure that is eight and one-half feet or less in width and that is not being used for commercial or business purposes.

"Truck tractor." "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and constructed so as not to carry any load other than a part of the weight of the vehicle or load, or both, as drawn.

"Truck trailer." "Truck trailer" means any trailer designed and used primarily for carrying loads other than passengers whether designed as a balance trailer, pole trailer, semitrailer or self-supporting trailer.

"Trailer." "Trailer" means every vehicle without motive power designed to be drawn by another vehicle. Trailer includes, but is not limited to, the following types of trailers:

(1) Balance trailers.

(2) Bus trailers.

(3) Commercial bus trailers.

(4) Farm trailers.

(5) Pole trailers.

(6) Semitrailers.

(7) Travel trailers.

(8) Truck trailers.

(9) Self-supporting trailers.

(10) Special use trailers.

"Highway." "Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

"Park" or "parking." "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers, or in obedience to traffic regulations or traffic signs or signals.

10.08.020 Prohibited practices.

1. 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 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 forty-eight (48) hours, except that this subsection shall be subject to the limits elsewhere prescribed in the motor vehicle code of the city, or as may be prescribed by the Oregon State Motor Vehicle Code. (Ord. 86-837 § 3; Ord. 599 § 2, 1970)

2. **Parking Time Limit.** It is 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 three hundred (300) lineal feet measured along the curb line and between intersections; and the parking, standing or stopping of any vehicle within such expanse shall not exceed the designated time limit during any three-hour period.

10.08.030 Parking restrictions on certain types of vehicles.

No person shall, at any time, park or leave standing a motor truck, truck tractor, truck trailer, semi-trailer, bus trailer, commercial bus, commercial bus trailer, trailer as herein above defined, whether attended or unattended, on any improved public highway, public street, or other public way within the corporate limits of the city for a period greater than thirty minutes, between the hours of 12:01am and 6:00am. Motor-homes, travel trailers connected to a motor vehicle and campers mounted on a motor vehicle may be parked on the street for up to 2 consecutive days (48 hours) if the public street or public way meets the criteria listed below:

- ❖ Roadways less than 32 feet in width posted no parking on one side – recreational parking is allowed on the non posted side. Parked motor homes, travel trailers and campers shall not block adjacent properties' driveway ingress/egress.
- ❖ Roadways over 32 feet in width with parking allowed on either side – RV's must stagger their parking so no two motor homes, travel trailers or campers are parked directly across the street from one another.

The parking of motor homes, travel trailers or campers is prohibited on roadways less than 32 feet in width with parking allowed on both sides and prohibited outright on roadways less than 28 feet in width.

10.08.040 Vehicles to be removed from fire scenes.

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 or she shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers. (Ord. 86-837 § 3; Ord. 599 § 4, 1970)

10.08.050 Method of parking.

A. 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 an precipitous grade, the front wheels of the vehicle shall be angled into the curb.

B. 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 twelve (12) inches of the edge of the curb, except where the street is marked or signed for angle parking.

C. 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. (Ord. 98-1042 § 1; Ord. 86-837 § 3; Ord. 599 §§ 5-7, 1970)

10.08.060 Prohibited parking or standing.

No person shall park or leave standing a motor vehicle of any kind or character, whether motorized or not, as follows:

A. Within ten feet of a fire hydrant;

B. Within any portion of a crosswalk;

C. Within any area marked as a loading zone other than for the purpose of loading or unloading cargo. (Ord. 98-1042 § 2; Ord. 629 § 1, 1972; Ord. 599 § 8, 1970)

10.08.070 Parking prohibited on certain streets.

No person shall park a motor vehicle of any kind, whether motorized or not, on the following designated portions of the following public streets, except as may be necessitated by an emergency:

A. At any time:

1. On the southeasterly side of 1st Street from the intersection of 1st Street with Park Street to the intersection of 1st Street with Main Street.

2. On North Sherwood Blvd. from the intersection of North Sherwood Blvd. with 3rd Street through the intersection of North Sherwood Blvd. with Southwest Pacific Highway (Highway 99W).

3. On the southwesterly side of Gleneagle Drive from the intersection of Gleneagle Drive with Southwest Pacific Highway to the intersection of Gleneagle Drive with North Sherwood Boulevard.

4. On the northeast side of Northwest Park Street from the intersection of Northwest Park Street with Southwest 1st street to the intersection of Northwest Park Street and Railroad Street.

5. On the east side of Roy Street from the intersection of Roy Street and Oregon Street to the intersection of Roy Street and G. & T. Drive.

6. On Meinecke Road between the Cedar Creek Bridge and the intersection of Meinecke Road and Lee Drive.

7. On the northwest side of Highway 99 West from the point of its intersection with the southeast corner of tax lot 1400, assessor's tax map #2S130D, said lot being more particularly described in instrument recorded in

Washington County Deed Records in Book 7800 at page 5379, thence southwest a distance of 305.68 to the southwest corner of said parcel and tax lot.

8. On the Southerly side of Willamette Street from its intersection with Washington Street to approximately two hundred sixty (260) feet easterly of its intersection with Lincoln Street.

9. On the Northerly side of Willamette Street from its intersection with Highland Drive to approximately two hundred twenty feet Westerly of Lincoln Street.

10. On the northeasterly side of Northwest Park Street from Railroad Street to Northwest 2nd Street.

11. On the northeasterly side of Northwest Main Street from Railroad Street to Northwest 3rd Street.

12. On the northeasterly side of North Pine Street from Railroad Street to Northeast Oregon Street and from the alleyway between Northeast 2nd Street and Northeast 3rd Street to Northeast 3rd Street.

13. On the northeasterly side of Northeast Oak St. from Northeast Oregon St. to the end of the curb approximately one hundred fifty (150) feet north of Northeast 2nd Street.

14. On the northwesterly side of Northeast Ash Street from Northeast Oregon Street to the end of the curb at approximately one hundred fifty (150) feet northerly of Northeast 1st Street.

15. On Northeast Oregon Street from North Pine Street to the railroad crossing.

16. On the northwesterly side of Northeast 1st Street from Northwest Park Street to Northwest Main Street and the northwesterly side of Northeast 1st Street from North Pine Street to approximately one hundred (100) feet easterly of Northeast Ash Street.

17. On the southeasterly side of Northwest 2nd Street from Northwest Park Street to North Pine Street.

18. On the southeasterly side of Northeast 2nd Street from North Pine Street to Northeast Oak Street and on the northwesterly side of Northeast 2nd Street from Northeast Oak Street to the end of the curb at approximately one hundred fifty (150) feet easterly of Northeast Oak Street.

19. On the northwesterly side of Northwest 3rd Street from Northwest Main Street to North Pine Street.

20. No parking shall be allowed on the southeasterly side of Northeast 3rd Street from North Pine Street to fifty (50) feet easterly of Pine Street and on the northwesterly side of Northeast 3rd Street.

B. Between the hours of eight a.m. and four p.m., on Monday through Saturday, in excess of two hours continuously in any one location on any city street outside of a residential district, as defined by subsection 1 of ORS 801.430. (Ord. 98-1042 § 3; Ord. 86-852 §§ 1--12; Ord. 86-841 §§ 1--2; Ord. 712 § 1, 1979; Ord. 703 § 1, 1978; Ord. 599 § 9, 1970)

10.08.080 Disabled persons parking.

The city manager is directed to establish by proper signing and designation, reserved street parking space or spaces, as needed for disabled persons, which parking shall be subject to the rules and regulations of the Oregon Revised Statutes for disabled persons parking. (Ord. 00-1086 § 1)

10.08.090 Repeat violation procedures:

Any violation of the provisions of this chapter shall be subject to the remedies listed below:

First violation – Request to move vehicle posted on the vehicle itself. If vehicle is not relocated within a 24 hour period a second violation action will be taken.

Second violation – Vehicle is ticketed and there is a 72-hour notice to tow. Ticket is for a fine of no less than \$50.00 or no greater than \$250.00 (Class C Violation). Notice to tow shall be provided as for Abandoned, Discarded, and Hazardously Located Vehicles pursuant to Sherwood Municipal Code Chapter 8.04.070. If the vehicle is not relocated within the 72 hour period a third violation action will be taken.

Third violation– Vehicle is ticketed and towed same day. Ticket is for a fine of no less than \$200.00 or no greater than \$500.00 (Class B Violation). Notice after removal shall be provided as for Abandoned, Discarded, and Hazardously Located Vehicles pursuant to Sherwood Municipal Code Chapter 8.04.070. Notice shall be provided that the vehicle is subject to ticket as a Class A violation and immediate towing if subsequently parked in the same area within 300 lineal feet along the curb in either direction.

Fourth and subsequent violations- For the same vehicle parked in the same area within a 300 lineal feet measured along the curb in either direction, those vehicles will be ticketed and are subject to immediate towing. Ticket for fourth and subsequent violations is for a fine of no less than \$500.00 or no greater than \$1000.00 (Class A Violation). Notice after removal shall be provided as for Abandoned, Discarded, and Hazardously Located Vehicles pursuant to Sherwood Municipal Code chapter 8.04.070.