



*Home of the Tualatin River National Wildlife Refuge*

## **ORDINANCE 2017-005**

### **AMENDING SECTION 10.12.010 OF THE MUNICIPAL CODE RELATING TO THE POWERS OF CITY COUNCIL AND THE CITY MANAGER TO ESTABLISH TRAFFIC CONTROLS; DECLARING EMERGENCY**

**WHEREAS**, Section 10.12.10 of the Sherwood Municipal Code currently states that the City Council has the authority to establish traffic controls; and

**WHEREAS**, Section 10.12.010 of the Sherwood Municipal Code currently does not delegate authority to or allow the City Manager to establish traffic controls, except in cases of emergencies; and

**WHEREAS**, the City Council believes it appropriate and most efficient to delegate authority to the City Manager to establish, alter, and/or remove certain traffic controls; and

**WHEREAS**, the City Council believes it appropriate to establish procedures pursuant to which the City Manager may exercise said delegated authority; and

**WHEREAS**, the City has recently received a number of requests for traffic control changes and the City Council believes it is necessary that those requests be processed in accordance with the procedures established by this Ordinance, in order that they may be more timely considered and public peace and safety issues timely addressed, necessitating an immediate effective date for this Ordinance.

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

#### **Section 1. Findings.**

After full and due consideration of the information presented at the public hearings held on July 11, 2017 and July 25, 2017, the City Council finds that the text of Section 10.12.010 of the Sherwood Municipal Code should be amended to read as set forth in Exhibit 1.

#### **Section 2. Approval**

The proposed amendment to the Sherwood Municipal Code identified in Exhibit 1 is hereby **APPROVED**.

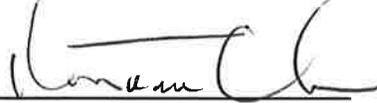
#### **Section 3. Manager Authorized**

The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this Ordinance, including necessary updates to the Municipal Code.

**Section 4. Emergency**

This Ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this Ordinance shall be in full force and effect on the date of its passage.

**Duly passed by the City Council this 25<sup>th</sup> day of July 2017.**

  
Krisanna Clark, Mayor

7/25/17  
Date

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Young	<u>✓</u>	<u>    </u>
Garland	<u>✓</u>	<u>    </u>
Robinson	<u>Absent</u>	<u>    </u>
Kuiper	<u>Absent</u>	<u>    </u>
Harris	<u>✓</u>	<u>    </u>
Clark	<u>✓</u>	<u>    </u>

## EXHIBIT 1

### 10.12.010 Authority to Establish and Implement Traffic Controls

- A. Subject to state law, the City Council shall exercise all municipal traffic control authority except those powers specifically and expressly delegated herein or by ordinance.
- B. The City Manager or the City Manager's designee is delegated the authority to perform the following actions, provided that, when state law prescribes a specific procedure before exercising the authority delegated to the City Manager or City Manager's designee in this subsection, or when state law expressly requires a City Council action, the City Manager or City Manager's designee shall proceed as required by such laws:
1. Implement the ordinances, resolutions, and motions of the City Council and the City Manager's or City Manager's designee's own orders by installing, maintaining, removing, and altering traffic control devices. Such work shall be based on the standards contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, and the Oregon Supplements.
  2. Establish, remove, or alter the following classes of traffic controls:
    - a. Crosswalks, safety zones, loading zones, and traffic lanes;
    - b. Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies;
    - c. Parking areas, lots, and time limitations, including the form of permissible parking (e.g., parallel or diagonal);
    - d. Designation of parking time zones; and
    - e. Traffic control signals, signs, markings, or other devices.
  3. Issue oversize or overweight vehicle permits.
  4. Temporarily block or close streets.
  5. Establish, alter, and remove bicycle lanes and paths and traffic controls for such facilities.
  6. Establish, alter, and remove restrictions on the use of certain streets by any class or kind of vehicle to protect the streets from damage.
  7. Initiate proceedings to change speed zones.
  8. Revise speed limits in parks.
  9. Establish a temporary designated speed if necessary to protect any portion of a street from being unduly damaged, or to protect the safety of the public and workers when temporary conditions such as construction or maintenance activities constitute a danger.
  10. Establish, remove, or alter any traffic control devices as necessary to respond to emergency circumstances.
- C. Criteria. All traffic controls shall be established, installed, maintained, removed, and altered in accordance with and/or based upon consideration of the following:
1. Traffic engineering principles and traffic investigations;
  2. Standards, limitations, and rules as may be established by the State Transportation Commission or the Oregon Department of Transportation;
  3. Other recognized traffic control standards;
  4. The city's adopted transportation-related plans and policies;
  5. Existing state and local laws regulating use of public ways;
  6. The efficient use of the public way by the public;
  7. The use of abutting property;

8. The intensity of use of the street by vehicles and pedestrians;
9. The physical condition and characteristics of the street and abutting property;
10. Emergencies;
11. The public health, safety, and welfare;
12. Special events of community interest including parades and public gatherings;
13. Construction within or adjacent to the street;
14. When establishing conditions upon the use of parking in the public way and city-owned parking facilities:
  - a. Applicable and appropriate time limits;
  - b. The vehicle type and purpose;
  - c. The relative, seasonal and special event demands for parking spaces within the areas of the requested parking;
  - d. The other public uses for the property;
  - e. The location and physical characteristics of the parking area or facility;
  - f. The demand for operating revenues, and the costs of operations and enforcement;
  - g. The use of parking regulations to promote city adopted goals and policies;
  - h. The impact on nearby commercial uses;
  - i. The ease of enforcement; and
  - j. The availability of other parking spaces.

D. Public Notice of Traffic Control Change

1. In the event any permanent traffic control change is being considered, the City Manager or City Manager's designee shall post a public notice at the location of the potential change and on the City's website for a period of not less than fifteen (15) calendar days prior to any final decision being made by the City Manager, City Manager's designee, or City Council.
2. The public notices required by subsection 1 above shall include the following information:
  - a. The type of traffic control change proposed, the location, and the estimated date of implementation.
  - b. A statement that an individual may submit in writing to the City Manager or City Manager's designee any comments regarding the proposed change, and such comments must include the submitter's name, mailing address, and physical location relative to the proposed traffic control change.
  - c. The due date by which an individual must submit any such written comments, which date shall be not less than fourteen (14) calendar days after the date the notice is posted.
  - d. If a public hearing is to be held by City Council regarding the traffic control change, the time, place, and date that the hearing is to be held and a statement that any interested person may appear and offer oral testimony at said hearing.

E. Public Requests for Traffic Control Changes

1. Any interested person may submit a request for a traffic control change to the City Manager or City Manager's designee in accordance with this subsection.
2. To be considered, such requests must be submitted on the written application form provided by the City and must be accompanied by the signatures of seventy-five percent (75%) of the property owners whose property meets both of the following criteria:
  - a. It abuts a street affected by the applicable traffic control; and
  - b. Any portion of the property is located within five-hundred (500) feet of the proposed traffic control.

3. When a particular property has more than one owner, it shall be considered to have only one owner for purposes of calculating whether the signature requirement in subsection 2 above has been met, and the signature of only one of the owners shall be required.
4. The person submitting the request is responsible for gaining the approval of the property owners specified in subsection 2 above.
5. The City Council may establish a fee for the processing of such requests, which fee must be paid at the time the request is submitted.
6. The public notice requirements specified in subsection D above apply to requests submitted pursuant to this subsection E, provided that the request is for a permanent traffic control change.
7. All requests for traffic control changes that meet the above requirements will be submitted to the City Engineer and the Chief of Police. The City Engineer will review the request and provide written comments with regard to whether the proposal meets the criteria specified in subsection C above. The Chief of Police will review the request and provide written comments with regard to any public safety issues relating to the proposal. The City Engineer and the Chief of Police will each submit said comments to the City Manager or City Manager's designee.
8. The City Manager or City Manager's designee, by delegated authority from the City Council, is the final decision-making authority for all such requests. The City Manager's or City Manager's designee's decision shall be based on the criteria specified in subsection C above.
9. If the City Manager or City Manager's designee approves the requested traffic control change, the applicant may be required to pay a fee, as may be set by City Council, prior to implementation of the traffic control change.