



ORDINANCE 2019-001

ADOPTING NEW CHAPTER 10.20 OF THE SHERWOOD MUNICIPAL CODE REGARDING TRUCK ROUTES

WHEREAS, ORS 810.040 allows cities, subject to certain requirements, to designate roads and sections of roads within their boundaries as truck routes, and to prohibit the operation of trucks on other roads and sections of roads within their boundaries that serve the same routes or areas served by the truck routes so designated; and

WHEREAS, ORS 810.040(1) requires the written consent of the Oregon Department of Transportation (ODOT), or the affected county, before a city may designate as a truck route, or prohibit the operation of trucks upon, a state highway or county road, respectively; and

WHEREAS, City staff has coordinated with ODOT and Washington County to obtain the necessary consent; and

WHEREAS, City Council held a work session on November 20, 2018 to discuss the parameters of a possible truck route ordinance; and

WHEREAS, it appears to City Council that designation of truck routes within the City of Sherwood, and prohibition of trucks on all other roads within the City of Sherwood, is necessary and appropriate for the preservation of public safety and welfare; and

WHEREAS, City Council therefore finds it necessary and appropriate to enact an ordinance creating a new chapter of its municipal code establishing and regulating truck routes in the City of Sherwood; and

WHEREAS, the City Council held public hearings on the proposed ordinance on January 15, 2019 and April 2, 2019.

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, the City Council finds that a new Chapter 10.20 of the Sherwood Municipal Code should be enacted as set forth in Exhibit 1, attached hereto.

Section 2. Approval. The proposed addition 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. Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 2nd day of April, 2019.



Tim Rosener, Council President

4/2/19

Date

Attest:



Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<input checked="" type="checkbox"/>	_____
Griffin	<input checked="" type="checkbox"/>	_____
Brouse	<input checked="" type="checkbox"/>	_____
Garland	<input checked="" type="checkbox"/>	_____
Young	<input checked="" type="checkbox"/>	_____
Rosener	<input checked="" type="checkbox"/>	_____
Mays	<u>Absent</u>	_____

Chapter 10.20 Truck Routes

10.20.010 Definitions.

"Motor Truck" means a motor vehicle that is primarily designed or used for carrying loads other than passengers and that has either (A) three or more axles, or (B) a registration weight exceeding 20,000 pounds. The term "motor truck" includes a combination vehicle consisting of a truck tractor and one or more truck trailers.

"Registration Weight" means the loaded weight required under ORS 803.430 to be declared and established as the maximum loaded weight at which certain vehicles may be operated on public roads.

10.20.020 Truck Operation on Designated Routes. Except as provided in Section 10.20.030, no person shall operate any motor truck upon any street within the City unless designated as a truck route under Section 10.20.040.

10.20.030 Exemptions and Defenses.

- A. Section 10.20.020 shall not apply to:
 - 1. Motor trucks owned by a federal, state, or local government while being used for a public purpose.
 - 2. Motor trucks operated as emergency vehicles, as defined in ORS 801.260.
 - 3. Motor trucks operated on a detour approved by the City.
- B. It is a defense to a charge of violation of Section 10.20.020 if the person so charged can establish any of the following:
 - 1. That the person was going to a destination to make a pickup or delivery, perform a service, or store the motor truck and could not reach the destination by using a truck route, but had used a truck route to reach the intersection closest to the destination.
 - 2. That the person was coming from a destination described in subsection (B)(1) of this section and was directly headed to the closest truck route from the destination.
 - 3. That the person was coming from a destination described in subsection (B)(1) of this section and was directly headed to another destination to make a pickup or delivery, perform a service, or store the motor truck, and that the second destination was located closer to the first destination than the first destination was located to the closest truck route.

10.20.040 Truck Routes. The following roadways and portions of roadways within the City limits are hereby designated as truck routes:

- A. Oregon State Highway 99W (Pacific Highway)
- B. Roy Rogers Road
- C. Tualatin-Sherwood Road
- D. Oregon Street between Tualatin-Sherwood Road and SW Tonquin Road
- E. SW Murdock Road
- F. SW Baker Road
- G. Elwert Road (pursuant to Washington County designation)
- H. Edy Road (pursuant to Washington County designation)

10.20.050 State Highways and County Roads. Pursuant to ORS 810.040(1), the City may designate as a truck route, or prohibit the operation of any vehicle upon, a state highway or county road within the City limits only upon written consent of the Oregon Department of Transportation (ODOT) or the Board of

County Commissioners of the affected County, respectively. ODOT and the Board of County Commissioners of Washington County have consented to the designations and prohibitions regarding their respective roadways under this Chapter.

10.20.060 Signage. Pursuant to ORS 810.040(3) and (4), the City shall erect and maintain signs in a conspicuous manner placed at each end of a street or section of street where a designation or prohibition is imposed by this Chapter to give notice of the prohibitions or the designations imposed, and shall erect signs at such other places as may be necessary to inform the public. A prohibition or designation imposed under this Chapter is effective when signs giving notice thereof are posted in accordance with this Section.

10.20.070 Weigh-in. Any peace officer may require a person moving or driving a truck on a road other than a truck route to proceed to any available public or private scale for the purpose of weighing the truck.

10.20.080 Penalty and Liability.

- A. A violation of this Chapter is a Class B traffic violation under the Sherwood Municipal Code and ORS 811.450.
- B. In addition to any penalty that may be imposed under this ordinance, the owner and driver of a motor truck using a road in violation of this Chapter shall be jointly and severally liable to the City for all damages done as a result of the violation.