

## SHERWOOD MUNICIPAL CODE

(Covering Ordinances through 2015-002, passed February 3, 2015.)

### Looseleaf Supplement

Included in the Charter is:

(Resolution 2014-077, adopted December 16, 2014.)

See the Charter Comparative Table for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

INSTRUCTION SHEET—Cont'd.



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## PREFACE

The Sherwood, Oregon Municipal Code, originally published by Book Publishing Company in 1998, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with Supplement No. 9, Municipal Code Corporation will be keeping this code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Derryck Dittman, city attorney, and Tim Henkle, administrative assistant to the city manager.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 9, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

**This supplement brings the Code up to date through Ordinance 2015-002, passed February 3, 2015.**

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature and ordinances that amend subject matter not found in the Code are not codified and are considered "Omitted."

By adding to this table with each supplement, users of this Municipal Code will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Included/ Omitted	Supp. No.
2011-001	Included	12
2011-002	Included	12
2011-003	Included	12
2011-004	Included	12
2011-005	Included	12
2011-006	Included	12
2011-007	Included	12
2011-008	Included	12
2011-009	Included	12
2011-010	Omitted	13
2011-011	Included	13
2011-012	Included	13
2011-013	Included	13
2012-001	Included	13
2012-002	Included	13
2012-004	Omitted	13
2012-005	Omitted	13
2012-006	Included	13
2012-003	Included	13
2012-007	Included	13
2012-008	Included	13
2012-009	Included	13
2012-011	Included	13
2012-012	Omitted	13
2012-013	Omitted	13
2012-014	Omitted	13
2013-001	Included	14
2013-002	Omitted	14
2013-003	Included	14
2013-004	Omitted	14
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<b>Ord. No.</b>	<b>Included/ Omitted</b>	<b>Supp. No.</b>
2013-007	Omitted	14
2013-008	Included	14
2014-001	Omitted	14
2014-002	Included	14
2014-003	Omitted	14
2014-004	Omitted	14
2014-005	Omitted	14
2014-006	Included	14
2014-007	Omitted	14
2014-008	Omitted	14
2014-010	Included	15
2014-011	Included	15
2014-048 (Res.)	Included	15
2014-012	Included	15
2014-013	Omitted	15
2014-014	Included	15
2014-015	Included	15
2014-016	Omitted	15
2014-017	Included	15
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2014-020	Included	15
2014-021	Included	15
2014-022	Included	15
2014-077 (Res.)	Included	15
2015-001	Included	15
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## SHERWOOD CITY CHARTER

### PREAMBLE

We, the voters of Sherwood, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

### Chapter I

#### NAMES AND BOUNDARIES

**Section 1. Title, Effective Date and Review.** This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2015. This charter shall be reviewed at least every six years, with the appointment of a charter review committee by the City council.

(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

**Section 2. Name.** The City of Sherwood, Oregon, continues as a municipal corporation with the name City of Sherwood.

(Res. 05-008 § 1 (part))

**Section 3. Boundaries.** The city includes all territory within its boundaries as they now exist or are legally modified. Unless required by state law, annexations may only take effect with the approval of city voters. The city recorder will maintain as a public record an accurate and current description of the boundaries.

(Res. 05-008 § 1 (part))

### Chapter II

#### POWERS

**Section 4. Powers.** The city has all powers that the constitutions, statutes and com-

mon law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically stated each of those powers.

(Res. 05-008 § 1 (part))

**Section 5. Construction.** The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

(Res. 05-008 § 1 (part))

**Section 6. Distribution.** The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances. The council appoints members of commissions, board and committees established by ordinance or resolution.

(Res. 05-008 § 1 (part))

### Chapter III

#### COUNCIL

**Section 7. Council.** The council consists of a mayor and six councilors nominated and elected from the City. A majority of the council may cause an item to be added to the agenda of a future meeting.

(Res. No. 2014-077, § 1, 12-16-2014; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

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**Section 8. Mayor.** The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government. (Res. 05-008 § 1 (part))

**Section 9. Council President.** At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties. (Res. 05-008 § 1 (part))

**Section 10. Rules.** In January after each general election, the council must by resolution adopt council rules. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

**Section 11. Meetings.** The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with council rules. The council shall afford an opportunity for general public comment at each regular meeting. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

**Section 12. Quorum.** A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules. (Res. 05-008 § 1 (part))

**Section 13. Vote Required.** The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council. (Res. 05-008 § 1 (part))

**Section 14. Record.** A record of council meetings must be kept in a manner prescribed by the council rules. (Res. 05-008 § 1 (part))

## Chapter IV

### LEGISLATIVE AUTHORITY

**Section 15. Ordinances.** The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Sherwood ordains as follows:" (Res. 05-008 § 1 (part))

#### Section 16. Ordinance Adoption.

(a) Except as this provision provides otherwise, adoption of an ordinance requires approval by a majority of the council at two separate meetings separated by at least six days.

(1) The text of the proposed ordinance shall be posted and available to the public at least six days in advance of the meeting at which the ordinance will be considered, and any amendment to the text as posted shall be read in full.

(2) At each meeting that the ordinance is considered, the title of the ordinance shall be read and public comments shall be accepted prior to the vote of the council.

(3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice.

(b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.

(e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his veto within 10 days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.

(f) At the first council meeting after veto by the mayor, the council will consider the reasons of the mayor and again vote on the ordinance. If four councilors vote to adopt the ordinance, it will take effect. (Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

**Section 17. Effective Date of Ordinances.** Ordinances normally take effect on the 30th day after adoption and approval by the mayor, or adoption after veto by the mayor, or on a later day provided in the ordinance. An ordinance adopted by all councilors may take effect as soon as adopted, or other date less than 30 days after adoption if it contains an emergency clause, and is not subject to veto by the mayor. (Res. 05-008 § 1 (part))

## Chapter V

### ADMINISTRATIVE AUTHORITY

**Section 18. Resolutions.** The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Sherwood resolves as follows:" (Res. 05-008 § 1 (part))

### Section 19. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at a meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city recorder must endorse it with the date of approval and the recorder's name and title.

(Res. 05-008 § 1 (part))

**Section 20. Effective Date of Resolutions.** Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolutions.

(Res. 05-008 § 1 (part))

## Chapter VI

### QUASI-JUDICIAL AUTHORITY

**Section 21. Orders.** The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Sherwood orders as follows:"

(Res. 05-008 § 1 (part))

### Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.



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(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the city recorder must endorse it with the date of approval and the recorder's name and title. (Res. 05-008 § 1 (part))

**Section 23. Effective Date of Orders.** Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order. (Res. 05-008 § 1 (part))

### Chapter VII

### ELECTIONS

**Section 24. Councilors.** At each general election, three councilors will be elected for four-year terms. No councilor shall serve on the council more than three consecutive terms. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

**Section 25. Mayor.** At each general election, a mayor will be elected for a two-year term. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

**Section 26. State Law.** City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan. (Res. 05-008 § 1 (part))

#### **Section 27. Qualifications.**

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor, nor a councilor may be employed by the city.

(d) The council is the final judge of the election and qualifications of its members. (Res. 05-008 § 1 (part))

**Section 28. Nominations.** The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position. (Res. 05-008 § 1 (part))

**Section 29. Terms.** The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office irrespective of any applicable term limit. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

**Section 30. Oath.** The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon. (Res. 05-008 § 1 (part))

**Section 31. Vacancies.** The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.
- (4) An election to a different City office.

(b) Upon declaration by the council after the incumbent's:

(1) Failure to qualify for the office within 10 days of the time the term of office is to begin,

(2) Absence from the city for 45 days without council consent, or all meetings in a 60 day period.

- (3) Ceasing to reside in the city
  - (4) Ceasing to be a qualified elector under state law,
  - (5) Conviction of a public offense punishable by loss of liberty,
  - (6) Resignation from the office, or
  - (7) Removal under Section 33(i).
- (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

**Section 32. Filling Vacancies.** A mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office term or by appointment of the majority of the council within 45 days if less than 13 months remain. The election will be held at the next available election date to fill the vacancy for the remainder of the term. A mayor or councilor vacancy shall be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until the vacancy is filled by election or until expiration of the term of office if no election is required to fill the vacancy.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

## Chapter VIII

### APPOINTIVE OFFICERS

#### **Section 33. City Manager.**

- (a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.
- (b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard

to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

- (c) The manager need not reside in the city.

- (d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

- (e) The manager must:

- (1) Attend all council meetings unless excused by the mayor or council;

- (2) Make reports and recommendations to the mayor and council about the needs of the city;

- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;

- (4) Appoint, supervise and remove city employees;

- (5) Organize city departments and administrative structure;

- (6) Prepare and administer the annual city budget;

- (7) Administer city utilities and property;

- (8) Encourage and support regional and intergovernmental cooperation;

- (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;

- (10) Perform other duties as directed by the council;

- (11) Delegate duties, but remain responsible for acts of all subordinates.

- (f) The manager has no authority over the council or over the judicial functions of the municipal judge.

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(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

(j) The manager may not serve as city recorder or city recorder pro tem.  
(Res. 05-008 § 1 (part))

### **Section 34. City Recorder.**

(a) The office of city recorder is established as the council clerk, city custodian of records and city elections official. The recorder must attend all council meetings unless excused by the mayor or council.

(b) A majority of the council must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.

(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the council must appoint a recorder pro tem. The recorder pro tem has the authority and duties of recorder.  
(Res. 05-008 § 1 (part))

**Section 35. City Attorney.** The office of city attorney is established as the chief legal counsel of the city government. The City attorney shall be either an employee of the City or a firm under a written contract approved by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the attorney is an employee of the City, the attorney must appoint and supervise, and may remove any city attorney office employees.  
(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

### **Section 36. Municipal Court and Judge.**

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Sherwood Municipal Court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Order the arrest of anyone accused of an offense against the city;
- (3) Commit to jail or admit to bail anyone accused of a city offense;
- (4) Issue and compel obedience to subpoenas;

(5) Compel witnesses to appear and testify and jurors to serve for trials before the court;

(6) Penalize contempt of court;

(7) Issue processes necessary to enforce judgments and orders of the court;

(8) Issue search warrants; and

(9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

(Res. 05-008 § 1 (part))

## Chapter IX

### PERSONNEL

**Section 37. Compensation.** The council must authorize the compensation of City appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses.

(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

**Section 38. Merit Systems.** The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

(Res. 05-008 § 1 (part))

## Chapter X

### PUBLIC IMPROVEMENTS

**Section 39. Procedure.** The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A

proposed public improvement may be suspended for one year upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

(Res. 05-008 § 1 (part))

**Section 40. Special Assessments.** The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

(Res. 05-008 § 1 (part))

## Chapter XI

### MISCELLANEOUS PROVISIONS

**Section 41. Debt.** City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

(Res. 05-008 § 1 (part))

**Section 42. Solid Waste Incinerators.** The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the city. This applies to solid waste defined by ORS 459.005(24), and includes infectious wastes defined by ORS 459.386(2). This prohibition does not apply to otherwise lawful furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a byproduct on-site and used only for energy recovery purposes. Such small-scale incinerators are only exempt from this prohibition if they are ancillary to a city permitted or conditional use, and may not utilize infectious wastes or any fuels derived from infectious wastes. This prohibition does

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not apply to solid waste incinerators lawfully permitted to operate before September 5, 1990, but does apply to any expansion, alteration or modification of such uses or applicable permits.

(Res. 05-008 § 1 (part))

**Section 43. Willamette River Drinking Water.** Use of Willamette River water as a residential drinking water source within the city is prohibited except when such use has been previously approved by a majority vote of the city's electors.

(Res. 05-008 § 1 (part))

**Section 44. Ordinance Continuation.** All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

(Res. 05-008 § 1 (part))

**Section 45. Repeal.** All charter provisions adopted before this charter takes effect are repealed.

(Res. 05-008 § 1 (part))

**Section 46. Severability.** The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

(Res. 05-008 § 1 (part))

### **Section 47. Reserved.**

**Editor's note**—Res. No. 2014-077, § 1, adopted December 16, 2014, amended the Code by repealing former § 47, which pertained to time of effect, and derived from Res. 05-008.

## CHARTER COMPARATIVE TABLE

This is a chronological listing of the resolutions of Sherwood, Oregon beginning with Supplement No. 15, included in this Charter. For prior resolutions, please see the Resolution List, which was not maintained after 2006.

<b>Resolution Number</b>	<b>Adoption Date</b>	<b>Section</b>	<b>Section this Charter</b>
2014-048	7-15-2014	1	7, 10, 11 24, 25, 29 31, 32
2014-077	12-16-2014	1	1, 7, 16, 35, 37 Rpld 47

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

<b>2.04</b>	<b>Elections</b>
<b>2.08</b>	<b>Boards and Commissions</b>
	<b>Generally</b>
<b>2.10</b>	<b>Police Advisory Board</b>
<b>2.12</b>	<b>Library Advisory Board</b>
<b>2.16</b>	<b>Parks and Recreation Board</b>
<b>2.20</b>	<b>City Records</b>
<b>2.28</b>	<b>Abandoned Property</b>
	<b>Disposition</b>
<b>2.32</b>	<b>Administrative Fees and</b>
	<b>Charges</b>
<b>2.36</b>	<b>Personnel System</b>
<b>2.38</b>	<b>Emergency Code</b>

**2.04.045      Withdrawal, adoption or election.**

A. The chief petitioners may withdraw a verified petition at any time before council action to adopt the proposed legislation or submit it to the electors. Any withdrawal must be either by written declaration or oral declaration made at a council meeting and entered in the minutes of that meeting.

B. Unless a petition is withdrawn, after receiving a certification from the recorder that a petition has sufficient signatures to require the proposed city legislation to be submitted to the electors under Section 2.04.043(F) of this chapter, the council may either adopt the proposed legislation by ordinance, or call an election to submit the legislation to the electors. The council may also call an election to submit matters to the electors upon referral under Section 2.04.044 of this chapter.

C. The council must call the election on the next election date available under state law that is not sooner than the ninetieth day after the date of the recorder's certificate of sufficient signatures. For a council referral, the election on the referendum of city legislation may be held on the next election date available under state law. (Ord. 05-008 § 1 (Exh. A)(part))

E. The recorder must certify the election results to the council at the first council meeting after the results are certified by the county clerk.

F. A measure adopted by the electors takes effect thirty (30) days after the election, unless such measure expressly provides a later effective date. (Ord. 05-008 § 1 (Exh. A)(part))

**2.04.046      Election notice and results.**

A. Notice of elections on measures submitted to city electors on regular or special election dates must be given in accordance with state law.

B. Measures referred by the council will be designated on the ballot: "Referred to the Voters by the City Council."

C. Measures proposed by referendum petition will be designated on the ballot: "Referred by Petition."

D. Measures proposed by initiative petition will be designated on the ballot: "Proposed by Initiative Petition."



## **Chapter 2.08**

### **BOARDS AND COMMISSIONS GENERALLY**

#### **Sections:**

#### **2.08.010 Appointments.**

#### **2.08.020 Reserved.**

#### **2.08.010 Appointments.**

Except for replacing board and commission members who resign or are removed from office in mid-term, appointments to city established boards and commissions shall be established per the terms set forth in the adopted legislation.

(Ord. No. 2009-013, § 1, 10-6-2009; Ord. 92-954 § 1)

#### **2.08.020 Reserved.**

**Editor's note**—Ord. No. 2009-013, § 1, adopted October 6, 2009, amended the Code by repealing former § 2.08.020. Former § 2.08.020 pertained to incumbents, and derived from Ord. 92-954.

## Chapter 2.10

### POLICE ADVISORY BOARD

#### Sections:

**2.10.010 Board established.**

**2.10.020 Membership.**

**2.10.030 Terms of office.**

**2.10.040 Rules of order.**

**2.10.050 Staff assistance.**

**2.10.060 Duties and responsibilities.**

#### **2.10.010 Board established.**

A. A police advisory board, hereinafter referred to as the "board," is established for the purposes of assisting the police department, establish priorities for the delivery of police services, including types, levels and quality of police services, the police department's strategic plan and goal, recommended strategies for the future and a public policy on policing.

B. The board and its members must be impartial and unbiased. The city council encourages the board to seek opportunities to educate the community about police work and the purpose of law enforcement. (Ord. No. 2014-015, § 1, 8-19-2014)

#### **2.10.020 Membership.**

A. The board members shall be appointed by the mayor with consent of the city council by resolution and shall have nine (9) members, with an attempt to gain the following representation but not limited to the following:

1. Three (3) Sherwood residents;
2. Two (2) business owners or representatives;
3. One (1) representative from the Sherwood faith community;
4. One (1) representative from the Sherwood Police Foundation;
5. One (1) representative of the youth community;

6. One (1) representative from the Sherwood School District.

B. The mayor shall appoint one (1) council member to serve as council liaison. The council liaison is a non-voting member. (Ord. No. 2014-015, § 1, 8-19-2014)

#### **2.10.030 Terms of office.**

A. Term of office shall be for a three-year term. No more than two (2) consecutive terms can be served by any one (1) member, unless the member has had at least one (1) year off. All board members are expected to attend the full committee meetings and actively solicit input and provide information on police issues with their constituencies.

B. All board members serve at the pleasure of the city council. A member may be removed by the council when the appointee has three (3) or more consecutive, unexcused absences from the committee meetings in any consecutive twelve-month period or a majority of the council deems removal to be appropriate. (Ord. No. 2014-015, § 1, 8-19-2014)

#### **2.10.040 Rules of order.**

A. At its first meeting, the board shall elect a chairperson and vice chairperson and other officers deemed necessary for the effective conduct of board business. The board is expected to hold regularly scheduled monthly meetings. Membership shall be given reasonable advance notice of each meeting. Meetings shall be open to the general public.

B. A quorum for conducting business is a simple majority of the board membership.

C. Meeting agendas shall be set by the chairperson and vice chairperson with input from board members and police department staff.

D. During meetings, the board shall operate by consensus, where consensus means agreement by the entire board present at the meeting. In the event consensus cannot be reached, decision shall be made by majority vote.

E. Minutes of all board meetings shall be kept on file and shall include date, time, participants, agenda, actions taken and time of adjournment.

F. At the first meeting in January officers shall be elected by nomination and majority vote of board members and shall serve a maximum two (2) years in any one (1) position. In the event of an officer's resignation or removal, the board shall elect a replacement. Newly elected officers shall assume their duties at the next scheduled meeting.

(Ord. No. 2014-015, § 1, 8-19-2014)

#### **2.10.050 Staff assistance.**

The chief of police or their designee shall be the staff liaison and is a non-voting member.

(Ord. No. 2014-015, § 1, 8-19-2014)

#### **2.10.060 Duties and responsibilities.**

A. Duties of the chairperson are to call meetings, plan agendas, chair the meetings and generally oversee the activities of the board. The chairperson may appoint members to represent the board before any public agency and also appoint special committees. The chairperson shall be the primary contact person for, and liaison with the police department, the media and other organizations.

B. The board shall provide the city council with an annual report of its activities and presentations to city council as requested.

C. The board is a component of the Sherwood community, with the goal of promoting public safety. The board is expected

to establish and maintain coordinated and cooperative working relationships between residents, the business community, faith community, youth population, schools, other agencies and the city police department.

D. The board will invite and encourage public input regarding the above and is expected to advise the chief of police on the above matters and make recommendations to the city council when appropriate.

(Ord. No. 2014-015, § 1, 8-19-2014)

## Chapter 2.12

### LIBRARY ADVISORY BOARD

#### Sections:

**2.12.010 Board established.**

**2.12.020 Membership.**

**2.12.030 Terms of office.**

**2.12.040 Rules of order.**

**2.12.050 Staff assistance.**

**2.12.060 Duties and responsibilities.**

#### **2.12.010 Board established.**

Library advisory board, hereinafter referred to as the "board," is established for the purposes of advising the city council and the city administration on library policies, planning, and management, and shall have the duties and responsibilities described in this chapter. (Ord. 03-1142 § 1; Ord. 88-889 § 1)

#### **2.12.020 Membership.**

A. The board shall consist of nine voting members who shall be appointed by the mayor and with the consent of the city council. Board members serve at the pleasure of the city council and may be removed by the council in its sole discretion.

B. Eight of the board members shall be and remain during their terms, residents of the City of Sherwood. One member may be a non-resident of Sherwood, but must be a resident of both Washington County and the Sherwood Public Library service area as currently designated.

C. Members of the board shall serve without compensation except for reimbursement for duly authorized expenses.

D. The mayor, with the consent of the city council shall appoint a council representative to the board. The council representative shall be a non-voting member. The city council shall also appoint a high school representative as one of the nine voting

members of the board. The term of office of the high school representative shall be for one or more years.

(Ord. No. 2009-013, § 1, 10-6-2009; Ord. 03-1142 § 2; Ord. 00-1089 § 1A; Ord. 88-889 § 2)

#### **2.12.030 Terms of office.**

A. The terms of office of board members shall be four years and members may be reappointed to serve two consecutive terms, per ORS 357.465.

B. The nonvoting council representative to the board shall be appointed for a term coincident with the length of his or her term on the city council.

C. Upon resignation, permanent disqualification, or removal of any board member by the city council, a successor shall be appointed by the mayor, with the consent of the city council, to fill the remainder of that member's unexpired term. Board members missing three consecutive regular meetings, without the prior consent of the board, shall be disqualified and removed from office.

(Ord. No. 2009-013, § 1, 10-6-2009; Ord. 03-1142 § 3; Ord. 00-1089 § 1B; Ord. 88-889 § 3)

#### **2.12.040 Rules of order.**

A. The board shall elect a chairperson, vice-chairperson, secretary and any other officers from among its members at the board's first regular meeting in each calendar year.

B. Five members of the board shall constitute a quorum for the conduct of business.

C. The board shall act by a majority vote of the members present at a meeting, excluding members present but abstaining.

D. The board shall hold at least six meetings per calendar year and may hold other meetings as are necessary to perform its functions.

### **Title 3**

#### **REVENUE AND FINANCE**

##### **Chapters:**

- 3.04            Local Improvement Procedures**
- 3.10            Measure 37 Claims Procedure**
- 3.12            Monies Owed City**
- 3.25            Marijuana Tax**

## Chapter 3.25

### MARIJUANA TAX

#### Sections:

- 3.25.010 Purpose.**
- 3.25.020 Definitions.**
- 3.25.030 Levy of tax.**
- 3.25.040 Deductions.**
- 3.25.050 Seller responsible for payment of tax.**
- 3.25.060 Penalties and interest.**
- 3.25.070 Failure to report and remit tax—Determination of tax by manager.**
- 3.25.080 Appeal.**
- 3.25.090 Refunds.**
- 3.25.100 Actions to collect.**
- 3.25.110 Confidentiality.**
- 3.25.120 Audit of books, records or persons.**
- 3.25.130 Forms and regulations.**

#### **3.25.010 Purpose.**

For the purposes of this chapter, every person who sells marijuana, medical marijuana or marijuana-infused products in the City of Sherwood is exercising a taxable privilege. The purpose of this chapter is to impose a tax upon the retail sale of marijuana, medical marijuana, and marijuana-infused products.

(Ord. No. 2014-019, § 1, 10-7-2014)

#### **3.25.020 Definitions.**

When not clearly otherwise indicated by the context, the following words and phrases as used in this chapter have the following meanings:

"Gross taxable sales" means the total amount received in money, credits, property or other consideration from sales of

marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.

"Manager" means the City Manager of the City of Sherwood.

"Marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Oregon Medical Marijuana Program" means the office within the Oregon Health Authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.

"Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.

"Purchase or sale" means the retail acquisition or furnishing for consideration by any person of marijuana within the city and does not include the acquisition or furnishing of marijuana by a grower or processor to a seller.

"Registry identification cardholder" means a person who has been diagnosed by

an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

"Retail sale" means the transfer of goods or services in exchange for any valuable consideration and does not include the transfer or exchange of goods or services between a grower or processor and a seller.

"Seller" means any person who is required to be licensed or has been licensed by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

"Tax" means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.

"Taxpayer" means any person obligated to account to the city manager for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter. (Ord. No. 2014-019, § 1, 10-7-2014)

### **3.25.030 Levy of tax.**

A. Every seller exercising the taxable privilege of selling marijuana and marijuana-infused products as defined in this chapter is subject to and must pay a tax for exercising that privilege. This tax is in addition to any other taxes or fees required by the city.

B. The amount of tax levied is as follows:

1. Zero percent of the gross sale amount paid to the seller of marijuana and marijuana-infused products by a person who is a registry identification cardholder.

2. Ten (10) percent of the gross sale amount paid to the seller of marijuana and

marijuana-infused products by persons who are purchasing marijuana and marijuana-infused products but are not doing so under the provisions of the Oregon Medical Marijuana Program.

(Ord. No. 2014-019, § 1, 10-7-2014)

### **3.25.040 Deductions.**

The following deductions are allowed against sales received by the seller providing marijuana:

A. Refunds of sales actually returned to any purchaser;

B. Any adjustments in sales that amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller. (Ord. No. 2014-019, § 1, 10-7-2014)

### **3.25.050 Seller responsible for payment of tax.**

A. Every seller must, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the manager, on forms provided by the city, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The seller may request or the manager may establish shorter reporting periods for any seller if the seller or manager deems it necessary in order to ensure collection of the tax. The manager may require further information in the return relevant to payment of the tax. A return is not considered filed until it is actually received by the manager.

B. At the time the return is filed, the seller must remit to the manager the full amount of the tax collected. Payments received by the manager for application against existing liabilities will be credited toward the period designated by the taxpayer un-



der conditions that are not prejudicial to the interest of the city. A condition considered prejudicial is the imminent expiration of the statute of limitations for a period or periods.

C. The city will apply non-designated payments in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax.

D. If the manager, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the city in a particular tax or factual situation, the manager may order such a change. The manager may establish shorter reporting periods for any seller if the manager deems it necessary in order to ensure collection of the tax. The manager also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest will be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. Sellers must hold in trust all taxes collected pursuant to this chapter for the city's account until the seller makes payment to the manager. A separate trust bank account is not required in order to comply with this provision.

E. Every seller required to remit the tax imposed by this chapter is entitled to retain five (5) percent of all taxes due to the city to defray the costs of bookkeeping and remittance.

F. Every seller must keep and preserve in an accounting format established by the manager records of all sales made by the seller and such other books or accounts as

the manager may require. Every seller must keep and preserve for a period of three (3) years all such books, invoices and other records. The manager has the right to inspect all such records at all reasonable times. (Ord. No. 2014-019, § 1, 10-7-2014)

### **3.25.060 Penalties and interest.**

A. Any seller who fails to remit any portion of any tax imposed by this chapter within the time required must pay a penalty of ten (10) percent of the amount of the tax, in addition to the amount of the tax.

B. If any seller fails to remit any delinquent remittance on or before a period of sixty (60) days following the date on which the remittance first became delinquent, the seller must pay a second delinquency penalty of ten (10) percent of the amount of the tax in addition to the amount of the tax and the penalty first imposed.

C. If the manager determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax will be added thereto in addition to the penalties stated in subparagraphs A and B of this section.

D. In addition to the penalties imposed, any seller who fails to remit any tax imposed by this chapter must pay interest at the rate one (1) percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Every penalty imposed, and any interest as accrues under the provisions of this section, becomes a part of the tax required to be paid.

F. All sums collected pursuant to the penalty provisions in paragraphs A through C of this section will be distributed to the city's general fund.



G. Waiver of penalties. Penalties for late tax payments may be waived or reduced if approved by city council pursuant to city council policy. Nothing in this subsection requires the city to reduce or waive penalties.

(Ord. No. 2014-019, § 1, 10-7-2014)

**3.25.070 Failure to report and remit tax—Determination of tax by manager.**

A. If any seller fails to make any report of the tax required by this chapter within the time provided in this chapter, the manager will proceed to obtain facts and information on which to base the estimate of tax due. As soon as the manager procures such facts and information upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the manager will determine and assess against such seller the tax, interest and penalties provided for by this chapter.

B. If the manager makes a determination as outlined in subsection A, the manager must give notice to the seller of the amount assessed. The notice must be personally served on the seller or deposited in the United States mail, postage prepaid, addressed to the seller at the last known place of address.

C. The seller may appeal the determination as provided in section 3.25.080. If no appeal is timely filed, the manager's determination is final and the amount assessed is immediately due and payable.

(Ord. No. 2014-019, § 1, 10-7-2014)

**3.25.080 Appeal.**

A. Any seller aggrieved by any decision of the manager with respect to the amount of the tax owed along with interest and penalties, if any, may appeal the decision to the city council.

B. The seller must file the written notice of appeal within ten (10) days of the city's serving or mailing of the determination of tax due.

C. The council's decision is final subject only to judicial review pursuant to ORS 34.010 et seq.

D. The city will serve the findings upon the appellant in the same manner as that used to give notice for a tax determination in SMC 3.25.070. Any amount found to be due is immediately due and payable upon the service of notice.

(Ord. No. 2014-019, § 1, 10-7-2014)

**3.25.090. Refunds.**

A. The city may refund to the seller any tax, interest or penalty amount under any of the following circumstances:

1. The seller has overpaid the correct amount of tax, interest or penalty; or
2. The seller has paid more than once for the correct amount owed; or
3. The city has erroneously collected or received any tax, interest or penalties.

B. The city may not issue a refund under this subsection unless the seller provides to the manager a written claim under penalty of perjury stating the specific grounds upon which the claim is founded and on forms furnished by the manager. The seller must file the claim within one (1) year from the date of the alleged incorrect payment to be eligible for a refund.

C. The manager has twenty (20) calendar days from the date of the claim's receipt to review the claim and make a written determination as to its validity. After making the determination, the manager will notify the claimant in writing of the determination by mailing notice to the claimant at the address provided on the claim form.

D. If the manager determines the claim is valid, the claimant may either claim a refund or take as credit against taxes col-

lected and remitted the amount that was overpaid, paid more than once, or erroneously received or collected by the city. The claimant must notify the manager of the claimant's choice no later than fifteen (15) days following the date the manager mailed the determination and the claimant must do so in a manner prescribed by the manager.

E. If the claimant does not notify the manager of claimant's choice within the fifteen-day period and the claimant is still in business, the city will grant a credit against the tax liability for the next reporting period. If the claimant is no longer in business, the city will mail a refund check to claimant at the address provided in the claim form.

F. The city will not pay a refund unless the claimant establishes by written records the right to a refund and the manager acknowledges the claim's validity.  
(Ord. No. 2014-019, § 1, 10-7-2014)

### **3.25.100 Actions to collect.**

Any tax required to be paid by any seller under the provisions of this chapter is a debt owed by the seller to the city. Any tax collected by a seller that has not been paid to the city is a debt owed by the seller to the city. Any person owing money to the city under the provisions of this chapter is liable to an action brought in the name of the City of Sherwood for the recovery of the amount owing. In lieu of filing an action for the recovery, the city, when taxes due are more than thirty (30) days delinquent, may submit any outstanding tax to a collection agency. So long as the city has complied with the provisions set forth in ORS 697.105, if the city turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the

greater of fifty dollars (\$50.00) or fifty (50) percent of the outstanding tax, penalties and interest owing.  
(Ord. No. 2014-019, § 1, 10-7-2014)

### **3.25.110 Confidentiality.**

Except as otherwise required by law, it is unlawful for the city, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the city under the terms of this chapter. Nothing in this section prohibits any of the following:

A. The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana is sold or provided; or

B. The disclosure of general statistics in a form which would not reveal an individual seller's financial information; or

C. Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the manager or an appeal from the manager for amount due the city under this chapter; or

D. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or

E. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six (6) months or when the tax exceeds five thousand dollars (\$5,000.00). The city council expressly finds that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).  
(Ord. No. 2014-019, § 1, 10-7-2014)

### **3.25.120 Audit of books, records or persons.**

The city may examine or may cause to be examined by an agent or representative

designated by the city for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due. All books, invoices, accounts and other records must be made available within the city limits and be open at any time during regular business hours for examination by the manager or an authorized agent of the manager. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the manager may immediately seek a subpoena from the Sherwood Municipal Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

(Ord. No. 2014-019, § 1, 10-7-2014)

### **3.25.130 Forms and regulations.**

A. The manager is authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of the marijuana tax and to provide for:

1. A form of report on sales and purchases to be supplied to all vendors;
2. The records that sellers providing marijuana and marijuana-infused products must keep concerning the tax imposed by this chapter.

(Ord. No. 2014-019, § 1, 10-7-2014)

costs of the hearing and all towing and storage costs are paid by the person claiming the vehicle. If the vehicle has not yet been removed, the city shall order its removal.

F. A person who fails to appear at a hearing under this section is not entitled to another hearing unless the person provides reasons satisfactory to the city for the person's failure to appear.

G. The city is only required to provide one hearing under this section for each time the city takes a vehicle into custody and removes the vehicle or proposes to do so.

H. A hearing under this section may be used to determine the reasonableness of the charge for towing and storage of the vehicle. Towing and storage charges, set by law, ordinance or rule or that comply with law, ordinance or rule are reasonable for purposes of this subsection.

I. The municipal court shall provide a written statement of the results of the hearing to the person requesting the hearing.

J. The action of the municipal court is final and no appeal can be taken from it. (Ord. 04-005 § 1 (Exh. A)(part); Ord. 97-1032 § 15)

(30) days after it is taken into custody, it shall be disposed of as authorized by ORS 819.210 to 819.260. (Ord. 04-005 § 1 (Exh. A)(part); Ord. 97-1032 § 17)

#### **8.04.130 Failure to appear.**

A. If the person requesting the hearing does not appear at the hearing, the municipal court may enter an order supporting the removal and assessment of immobilization, towing and storage costs and apply security posted against the costs.

B. A person who fails to appear at a hearing is not entitled to another hearing on the same matter unless the person provides a satisfactory reason to the municipal court for failure to appear. (Ord. 04-005 § 1 (Exh. A)(part); Ord. 97-1032 § 16)

#### **8.04.140 Disposal.**

If a vehicle taken into custody under this chapter is not reclaimed within thirty

## Chapter 8.08

### ALARM SYSTEMS\*

#### Sections:

- 8.08.010 Definitions.**
- 8.08.020 User instructions.**
- 8.08.030 Automatic dialing device—  
Certain interconnections  
prohibited.**
- 8.08.040 Response to alarms.**
- 8.08.050 False alarms.**
- 8.08.060 Continuous alarms.**
- 8.08.070 Allocation of revenues.**

#### **8.08.010 Definitions.**

As used in this chapter:

"Alarm business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, or facility.

"Alarm system" means any assembly of mechanical or electrical equipment arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which city police are expected to respond, provided, however, that automobile alarm systems are not included in this definition. All alarm systems installed in the city, except for medical alert alarms, shall include an external visual display.

"Alarm user" means the person, firm, partnership, association, corporation, com-

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\*Editor's note—Ord. No. 2014-014, § 1, adopted August 5, 2014, amended the Code by, in effect, repealing former Ch. 8.08, §§ 8.08.010—8.08.110, and adding a new Ch. 8.08. Former Ch. 8.08 pertained to similar subject matter, and derived from Ord. 89-894 and Ord. 06-019.

pany, or organization of any kind in control of any building, structure, or facility in which an alarm system is maintained.

"Automatic dialing device" means a device which is connected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

"City" means the city of Sherwood.

"Dispatch center" means the city facility used to receive emergency and general information from the public.

"False alarm" means an alarm signal eliciting a response by city police when a situation actually requiring such a response does not in fact exist.

"Interconnect" means to connect an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

"Primary trunk line" means a telephone line serving the dispatch center that is designated to receive emergency calls.  
(Ord. No. 2014-014, § 1, 8-5-2014)

#### **8.08.020 User instructions.**

Every alarm business selling, leasing, installing or furnishing alarm systems in the city shall provide the alarm user with instructions enabling the user to operate the alarm system properly, to disarm malfunctioning systems and to obtain service for a leased alarm system.

(Ord. No. 2014-014, § 1, 8-5-2014)

#### **8.08.030 Automatic dialing device— Certain interconnections prohibited.**

A. It is unlawful for any person to program an automatic dialing device to select a

primary trunk line or any 911 prefix requiring a police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve (12) hours of receipt of written notice from the Sherwood police department that it is so programmed.

B. Within sixty (60) days after the effective date of the ordinance codified in this chapter, all existing automatic dialing devices in the city programmed to select a primary trunk line shall be reprogrammed or disconnected.

C. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the Sherwood police department that an automatic dialing device is so programmed.  
(Ord. No. 2014-014, § 1, 8-5-2014)

#### **8.08.040 Response to alarms.**

A. Whenever an activated alarm system requires a police department response to the premises in which the system is installed, the city police at the scene of the alarm shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm was a false alarm.

B. If the city police at the scene of the alarm determine the alarm to be false, a written report of the false alarm shall be made.  
(Ord. No. 2014-014, § 1, 8-5-2014)

#### **8.08.050 False alarms.**

A. Except as provided in Section 8.08.060, any alarm system that produces a false alarm, shall receive written notice

posted at the address directing the alarm user to take all necessary corrective action and informing the alarm user of the false alarm.

B. Except as provided in Section 8.08.060, an alarm system producing more than two false alarms in a calendar year, shall be deemed in violation of this chapter and a Class D citation will be assessed against the alarm user.

(Ord. No. 2014-014, § 1, 8-5-2014)

#### **8.08.060 Continuous alarms.**

Any alarm system producing an alarm that cannot be shut-off by responding city police and that continuously operates for a period greater than sixty (60) minutes, shall be treated as a Class C violation of false alarm.,

(Ord. No. 2014-014, § 1, 8-5-2014)

#### **8.08.070 Allocation of revenues.**

All penalties collected pursuant to this chapter shall be deposited to the city general fund.

(Ord. No. 2014-014, § 1, 8-5-2014)

## Chapter 8.12

### FIRE PREVENTION CODE

#### Sections:

#### **8.12.010 Adoption of State Fire Code.**

#### **8.12.015 Adoption of Tualatin Valley Fire & Rescue Fire Prevention Code.**

#### **8.12.020—8.12.160 Reserved.**

#### **8.12.010 Adoption of State Fire Code.**

The 2014 Oregon Fire Code is adopted by the City of Sherwood for purposes of prescribing regulations governing conditions hazardous to life and property from fire and explosives and for purposes of plan review, permits and inspections. Any provision in this chapter inconsistent with the terms of that 2014 Code is to be deemed ineffective and without force.

(Ord. No. 2015-002, § 1, 2-3-2015; Ord. No. 2010-011, § 1, 8-3-2010; Ord. 07-013 § 1; Ord. 06-004 § 1; Ord. 00-1084 § 1 (part))

**Editor's note**—The provisions of Ord. No. 2015-002 adopting the 2014 Oregon Fire Code become effective March 5, 2015.

#### **8.12.015 Adoption of Tualatin Valley Fire & Rescue Fire Prevention Code.**

The 2014 Oregon Fire Code as amended by Tualatin Valley Fire & Rescue Ordinance 14-02 (the TVF&R Fire Prevention Code) is adopted by the City of Sherwood. (Ord. No. 2015-002, § 2, 2-3-2015; Ord. No. 2011-006, § 2, 4-19-2011)

**Editor's note**—The provisions of Ord. No. 2015-002 adopting the 2014 Oregon Fire Code as amended by Tualatin Valley Fire & Rescue Ordinance 14-02 become effective March 5, 2015.

#### **8.12.020—8.12.160 Reserved.**

**Editor's note**—Ord. No. 2011-006, § 3, adopted April 19, 2011, amended the Code by repealing former §§ 8.12.020—8.12.160. Formerly, the repealed sections pertained to defi-

nitions, establishment of various limits, enforcement of the fire prevention code, amendments to the Uniform Fire Code, penalties, plan review and appeals, and derived from Ord. No. 00-1084.



## Chapter 8.16

### PROPERTY MAINTENANCE CODE Sections:

#### Article I. Administration

- 8.16.010 General.**
- 8.16.020 Validity.**
- 8.16.030 Maintenance—Required.**
- 8.16.040 Approval.**
- 8.16.050 Duties and powers of the code official.**
- 8.16.060 Violations.**
- 8.16.070 Abatement notices and orders.**
- 8.16.080 Unsafe structures and equipment.**
- 8.16.090 Emergency measures.**
- 8.16.100 Demolition.**
- 8.16.110 Means of appeal.**

#### Article II. Definitions

- 8.16.120 General provisions.**
- 8.16.130 General definitions.**

#### Article III. General Requirements

- 8.16.140 General.**
- 8.16.150 Definitions.**
- 8.16.160 Exterior property areas.**
- 8.16.170 Exterior structure.**
- 8.16.180 Interior structure.**
- 8.16.190 Rubbish and garbage.**
- 8.16.200 Extermination.**

#### Article IV. Reference Standards

- 8.16.210 References.**

#### Article I. Administration

##### **8.16.010 General.**

A. Title. These regulations shall be known as the property maintenance code of the city of Sherwood hereinafter referred to as this code.

B. Scope. This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

C. Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

D. Referenced Standards. The standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

E. Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the city or its



d. The relationship between the need for parking space by residents of the proposed district and the need and use of parking space by the public at large; and

e. The hours of day or night when use of parking within the proposed district is necessary or most convenient.

3. Any district established by council after review of the city manager's written recommendation shall be done by resolution, clearly defining the boundaries thereof and the hours within which non-permitted parking is to be prohibited.

4. The city manager shall cause city approved signs to be installed and thereafter maintained in the district identifying any parking restrictions for non-residents and the exception thereto applicable for the district's permit holders.

5. The city manager shall establish and enforce procedures and standards concerning the terms, issuance, denial and revocation of both permanent and temporary permits for use within districts created within the city. Residents of a district may apply for permit(s) from the city manager. (Ord. No. 2013-005, § 2, 8-20-2013; Ord. 04-004 § 1 (Exh. A)(part))

#### **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. 04-004 § 1 (Exh. A)(part))

#### **10.08.090 Repeat violation procedures.**

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

A. First violation — Request to move vehicle posted on the vehicle itself. If vehi-

cle is not relocated within a twenty-four (24) hour period a second violation action will be taken.

B. Second violation — Vehicle is ticketed and there is a seventy-two- (72) hour notice to tow. Ticket is for a fine of no less than fifty dollars (\$50.00) or no greater than two hundred fifty dollars (\$250.00) (Class C Violation). Notice to tow shall be provided as for abandoned, discarded, and hazardously located vehicles pursuant to Sherwood Municipal Code Section 8.04.070. If the vehicle is not relocated within the seventy-two- (72) hour period a third violation action will be taken.

C. Third violation — Vehicle is ticketed and towed same day. Ticket is for a fine of no less than two hundred dollars (\$200.00) or no greater than five hundred dollars (\$500.00) (Class B Violation). Notice after removal shall be provided as for abandoned, discarded, and hazardously located vehicles pursuant to Sherwood Municipal Code Section 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 three hundred (300) lineal feet along the curb in either direction.

D. Fourth and subsequent violations — For the same vehicle parked in the same area within a three hundred (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 five hundred dollars (\$500.00) or no greater than one thousand dollars (\$1,000.00) (Class A Violation). Notice after removal shall be provided as for abandoned, discarded, and hazardously located vehicles pursuant to Sherwood Municipal Code Section 8.04.070. (Ord. 04-004 § 1 (Exh. A)(part))

## **Chapter 10.12**

### **MISCELLANEOUS TRAFFIC REGULATIONS**

#### **Sections:**

- 10.12.010 Powers of the city council.**
- 10.12.020 Authority of police and fire officers.**
- 10.12.030 Stop when traffic obstructed.**
- 10.12.040 Unlawful marking.**
- 10.12.050 Use of sidewalks.**
- 10.12.060 Permits required for parades.**
- 10.12.070 Funeral procession.**
- 10.12.080 Drivers in procession.**
- 10.12.090 Driving through procession.**
- 10.12.100 Emerging from vehicle.**
- 10.12.110 Boarding or alighting from vehicles.**
- 10.12.120 Riding on motorcycles.**
- 10.12.130 Unlawful riding.**
- 10.12.140 Clinging to vehicles.**
- 10.12.150 Crossing private property.**
- 10.12.160 Driving in parks.**
- 10.12.170 Sleds, skis, toboggans and skateboards on streets.**
- 10.12.180 Damaging sidewalks and curbs.**
- 10.12.190 Obstructing streets.**
- 10.12.200 Removing glass and debris.**
- 10.12.210 Illegal cancellation of traffic citations.**
- 10.12.220 Existing traffic signs.**
- 10.12.230 Bridle paths—Penalty.**
- 10.12.235 Police, Fire and Public Works exception.**
- 10.12.240 Violation—Penalty.**

#### **10.12.010 Powers of the city council.**

The council, provided that where 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.

The city manager is delegated authority to direct the installation of necessary traffic control devices, as described in this chapter, on an emergency basis to protect the safety and health of the citizens.

A. The parking and standing of vehicles by:

1. Classifying portions of streets upon which either parking or standing, or both, shall be prohibited, or prohibited during certain hours,

2. Establishing the time limit for legal parking in limited parking areas,

3. Designating the angle of parking if other than parallel to the curb,

4. 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;

B. Through streets and one-way streets;

C. For trucks exceeding specified weights, streets to which they shall be restricted and streets on which they are prohibited;

D. Traffic control signals and the time of their operation;

E. Bus stops, bus stands, taxicab stands, and stands for other passenger common carrier vehicles;

F. Loading zones;

G. Turn regulations at intersections;

H. Marked pedestrian crosswalks and safety zones;

I. Special speed regulations in city

parks. (Ord. 06-015 § 1; Ord. 599 § IX(1), 1970)

**10.12.020 Authority of police and fire officers.**

A. It shall be the duty of the police department, through its officers, to enforce the provisions of this chapter.

B. 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 chapter.

C. 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. (Ord. 599 § IX(2), 1970)

**10.12.030 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 or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. 599 § IX(3), 1970)

**10.12.040 Unlawful marking.**

Except as provided by this chapter, 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. (Ord. 599 § IX(4), 1970)

**10.12.050 Use of sidewalks.**

Pedestrians shall not use any roadway for travel when abutting sidewalks are available. (Ord. 599 § IX(5), 1970)

**10.12.060 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 to the streets or the peace and quiet of the inhabitants of this city. (Ord. 98-1042 § 7; Ord. 599 § IX(6), 1970)

**10.12.070 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. (Ord. 599 § IX(7), 1970)

**10.12.080 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. (Ord. 599 § IX(8), 1970)

**10.12.090 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. (Ord. 599 § IX(9), 1970)

**10.12.100 Emerging from vehicle.**

No person shall open the door of, or enter or emerge from any vehicle into the path of any approaching vehicle. (Ord. 599 § IX(10), 1970)

**10.12.110 Boarding or alighting from vehicles.**

No person shall board or alight from any vehicle while such vehicle is in motion. (Ord. 599 § IX(11), 1970)

**10.12.120 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. (Ord. 599 § IX(12), 1970)

**10.12.130 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. (Ord. 599 § IX(13), 1970)

**10.12.140 Clinging to vehicles.**

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

B. No person driving any vehicle shall permit any of the articles listed in subsection A of this section to be attached to the vehicle for the purpose of pulling along the streets. (Ord. 599 § IX(14), 1970)

**10.12.150 Crossing private property.**

No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose

of procuring goods or services. (Ord. 87-858 § 1 (part): Ord. 599 § IX(15), 1970)

**10.12.160 Driving in parks.**

No person in a park shall drive any vehicle on any area except on park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the city manager. (Ord. 87-858 § 1 (part): Ord. 599 § IX(16), 1970)

**10.12.170 Sleds, skis, toboggans and skateboards on streets.**

No person shall use the streets for travelling on skis, toboggans, sleds, skate boards, roller skates, or similar devices, except where authorized. (Ord. 87-858 § 1 (part): Ord. 599 § IX(17), 1970)

**10.12.180 Damaging sidewalks and curbs.**

A. 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.

B. 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.

C. 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 use of a temporary driveway. (Ord. 599 § IX(19), 1970)

**10.12.190 Obstructing streets.**

Except as provided by this chapter or any other ordinance of the city, no person shall place, park, 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. (Ord. 599 § IX(20), 1970)

**10.12.200 Removing glass and debris.**

Any party 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. (Ord. 599 § IX(21), 1970)

**10.12.210 Illegal cancellation of traffic citations.**

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner except where approved by the municipal judge. (Ord. 599 § IX(22), 1970)

**10.12.220 Existing traffic signs.**

Except as the council may, by resolution or ordinance, change the traffic control regulations in accordance with the provisions of this chapter, all official traffic signs, signals, and markers existing at the time of adoption of this ordinance shall be considered official under the provisions of the ordinance codified in this chapter shall be considered official under the provisions of this chapter. (Ord. 599 § IX(24), 1970)

**10.12.230 Bridle paths—Penalty.**

A. No person shall ride, drive or lead one or more horses, mules, donkeys, or cattle upon any public sidewalk, bicycle path or pedestrian footpath within the city, unless the city council shall have by resolution

first designated the sidewalk, bicycle path, or pedestrian footpath as also being a bridle path.

B. Any violation of the provisions of this section shall, upon conviction, be punishable by a fine of not more than two hundred fifty dollars (\$250.00). (Ord. 764 §§ 1, 2, 1982)

**10.12.235 Police, Fire and Public Works exception.**

Notwithstanding anything contrary in Title 10, on-duty members of the city's police and public works departments as well as on-duty members of Tualatin Valley Fire and Rescue, and any on-duty police officers and firefighters that may be assisting the above, may operate Class I and IV all-terrain vehicles upon public roadways, streets, highways, parks, trails, pathways and related areas within Sherwood in the performance of their duties.

(Ord. No. 2015-001, § 1, 1-6-2015)

**10.12.240 Violation—Penalty.**

Any violation of the provisions of any section of this chapter, or of any rule or regulation thereof, shall, upon conviction, be punishable by a fine of not more than five hundred dollars (\$500.00). (Ord. 98-1042 § 6: Ord. 599 § 25, 1970)



D. All proposed street names shall be approved, prior to use, by the City.  
(Ord. No. 2011-012, § 1, 10-18-2011)

**12.06.030 Petition Process and Contents.**

A. An action to rename a street in the City may be initiated by the Council:

1. On its own action; or
2. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.

B. A petition for naming or renaming a street shall include the following:

1. A statement of the reasons for the proposed name change.
2. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.
3. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.  
(Ord. No. 2011-012, § 1, 10-18-2011)

**12.06.040 Notice and Hearing.**

A. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.

B. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:

1. Notice by posting in no less than two (2) conspicuous places abutting the subject road; and
2. Notice by publication in a newspaper of general circulation in the area of the subject road.

C. During or before a hearing under this section, any person may file information with the Council that alleges any new

matter relevant to the proceedings or controverts any matter presented to the Council.

D. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.

E. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.

F. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.

(Ord. No. 2011-012, § 1, 10-18-2011)

**Article II. Street Construction Standards  
(Reserved)**

## Chapter 12.08

### SIDEWALKS CONSTRUCTION AND REPAIR

#### Sections:

#### **12.08.010 Definitions.**

#### **12.08.020 Duty to repair and maintain sidewalks.**

#### **12.08.030 Owner's liability.**

#### **12.08.040 Duty to report defective walks.**

#### **12.08.050 Sidewalk specifications.**

#### **12.08.060 Declaration by the city of defective walks as nuisance or need for sidewalks to be constructed.**

#### **12.08.070 Notice to owner.**

#### **12.08.080 Failure of owner to repair or construct.**

#### **12.08.090 Assessment.**

#### **12.08.100 Sidewalk assessment districts.**

#### **12.08.110 Violation—Penalty.**

#### **12.08.010 Definitions.**

As used in this chapter:

"Owner" means the person in whose name real property is assessed for tax purposes according to the latest assessment roll in the office of the Department of Revenue and Taxation for Washington County, Oregon.

"Person" means every natural person, firm, partnership, association or corporation.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 682, § 1, 1977)

#### **12.08.020 Duty to repair and maintain sidewalks.**

All owners of land adjoining any improved street in the city shall construct, reconstruct, maintain and repair the side-

walks in front of or adjacent to said lands in accordance with sidewalk specifications set by the city. The city will determine the grade and width of all sidewalks, the material to be used and the specifications for their construction upon any street or part thereof or within any district or area in the city.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 682, § 2, 1977)

#### **12.08.030 Owner's liability.**

If an owner of property within the city fails to construct, reconstruct, maintain or repair sidewalks along and adjacent to the owner's property in accordance with the city's specifications, the owner shall be solely liable for any injuries or damages to persons or property arising out of or related to the owner's failure to construct, reconstruct, maintain or repair such sidewalks.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 682, § 3, 1977)

#### **12.08.040 Duty to report defective walks.**

Whenever a public sidewalk is believed to be defective, out of repair or hazardous, by any person, a report thereof shall be made to the city. The city shall thereafter investigate the report and, if it finds the public sidewalk to not comply with the city's sidewalk specifications, may notify the property owner of the requirements to repair and bring the sidewalk into compliance.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 682, § 4, 1977)

#### **12.08.050 Sidewalk specifications.**

The city shall have the power to specially determine the grade and width of all sidewalks, the materials to be used and the specifications for construction thereof upon any street or part thereof, or within any district within the city. Unless the city determines otherwise with respect to a partic-

ular sidewalk or sidewalks in a particular area of the city, all sidewalks constructed, reconstructed, maintained or repaired shall be done so in accordance with the city's most current Engineering Design and Standard Details Manual. All repairs undertaken pursuant to this chapter shall be according to city specifications as to the nature, manner and extent of repair. Repair work shall be done in such a manner as to make existing sidewalks conform to the standard specifications referred to in this section, unless the city engineer approves a deviation from the standards on a case-by-case basis. The degree of conformity required shall meet current Engineering Design and Standard Details.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 682, § 5, 1977)

**12.08.060 Declaration by the city of defective walks as nuisance or need for sidewalks to be constructed.**

After receiving a report and conducting an investigation, the city may declare a defective, out of repair or hazardous sidewalk a nuisance and direct the owner to reconstruct or repair the sidewalk. In any case where no sidewalk exists adjacent to various parcels or tracts along a street which meet the standards, the city may order the construction thereof or may proceed with the formation of a sidewalk improvement assessment district, for construction of sidewalks along said street.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 682, § 6, 1977)

**12.08.070 Notice to owner.**

The city shall give notice to the owner of the real property adjacent to the sidewalk that it has declared the sidewalk defective, out of repair or hazardous and that the sidewalk constitutes a nuisance. The notice

shall be sent to the owner by certified mail, to the address as shown on the last tax assessment roll in the office of the county assessor of Washington County, Oregon. If, after diligent search the owner is not discovered, the city shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

The person serving the notice shall file with the city recorder an affidavit of notice stating the time, place and manner of service of notice.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 682, § 7, 1977)

**12.08.080 Failure of owner to repair or construct.**

If the owner does not correct the defect, or eliminate the hazard in, or make the repairs to said sidewalk, or construct the sidewalk as required by Sherwood Municipal Code within one hundred twenty (120) days of receipt of the notice, the city may construct or repair the sidewalk or sidewalks and assess upon each lot, parcel or part thereof its proportionate part or share of the whole cost including all expenses associated with repair, replacement or construction. Without limitation, such expenses include any consultant or legal expenses the city incurs.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 682, § 8, 1977)

**12.08.090 Assessment.**

Immediately after the city determines costs of construction and repair of such sidewalks, the proportionate costs will be served upon the relevant owner or owners by certified mail addressed to the address as shown on the last tax assessment roll in the office of the county assessor of Washing-



ton County, Oregon, or by posting a copy of the notice in a conspicuous place on the property. Proof of service shall be made and filed with the recorder in the same manner as provided for in 12.08.070.

The notice shall specify the amount of the cost of construction or repair, and state that if the amount is not paid within thirty (30) days after the date of service, the council shall thereafter, after hearing objections, if any, made thereto, by resolution assess the cost of such construction and repairs of such sidewalk or sidewalks upon the lots and parcels abutting such sidewalk and thereby benefited; and the recorder shall enter such assessment in the docket of city liens and shall bear interest at the rate of nine (9) percent per annum from ten (10) days after date of entry in the lien docket.

In the manner provided in Chapter X of the City Charter for docketing liens for street improvements, and it shall become immediately due and collectible thereafter and enforced in the manner provided by Chapter X of the City Charter, or as provided by state statute for enforcement of city liens and assessments. Such assessments shall be paid in full.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 98-1049, § 5; Ord. 682, § 9, 1977)

#### **12.08.100 Sidewalk assessment districts.**

In any case where no sidewalk and/or curbs exist adjacent to various parcels or tracts along a street which meet the standards of the city, the council may proceed with formation of a sidewalk assessment district for the construction of sidewalks along said street. The procedure for establishing of sidewalk districts to lay and install sidewalks, assess and collect the costs and expenses thereof by assessing the real property benefited thereby shall in all respects be the same as those pertaining to the

establishment of other local improvement districts in the city; except that any property within the area proposed for the improvement district that has sidewalks in front of or adjacent to said property that meet the specification of the city shall not be included within the district and shall not be assessed for said construction.

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 682, § 10, 1977)

#### **12.08.110 Violation—Penalty.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00).

(Ord. No. 2014-010, § 1, 6-3-2014; Ord. 98-1049, § 6; Ord. 682, § 11, 1977)

**Chapter 13.24****PUBLIC IMPROVEMENT  
REIMBURSEMENT DISTRICTS****Sections:**

- 13.24.010 Definitions.**
- 13.24.020 Application to establish a reimbursement district.**
- 13.24.030 Public works director's report.**
- 13.24.040 Amount to be reimbursed.**
- 13.24.050 Public hearing.**
- 13.24.060 City council action.**
- 13.24.070 Notice of adoption of resolution.**
- 13.24.080 Recording the resolution.**
- 13.24.090 Contesting the reimbursement district.**
- 13.24.100 Obligation to pay reimbursement fee.**
- 13.24.110 Public improvements.**
- 13.24.120 Multiple public improvements.**
- 13.24.130 Collection and payment—Other fees and charges.**
- 13.24.140 Nature of the fees.**
- 13.24.150 Severability.**

**13.24.010 Definitions.**

The following terms are defined as follows for the purposes of this chapter:

"City" means the city of Sherwood, Oregon.

"Developer" means a person who is required or chooses to finance some or all of the cost of a street, water or sewer improvement which is available to provide service to property, other than property owned by the person, and who applies to the city for reimbursement for the expense of the improvement.

"Development permit" means any final land use decision, limited land use decision, expedited land division decision, partition, subdivision, planned unit development, or driveway permit.

"Person" means a natural person, the person's heirs, executors, administrators or assigns; a firm, partnership, corporation, association or legal entity, its or their successors or assigns; and any agent, employee or representative thereof.

"Public improvement" means any construction, reconstruction or upgrading of public water, stormwater, sanitary sewer or street improvements.

"Public works director" means the director of the department responsible for the review and approval of private development projects in the city of Sherwood.

"Reimbursement agreement" means the agreement between the developer and the city which is authorized by the city council and executed by the city manager, providing for the installation of and payment for reimbursement district public improvements.

"Reimbursement district" means the area which is determined by the city council to derive a benefit from the construction of public improvements, financed in whole or in part by the developer.

"Reimbursement fee" means the fee required to be paid by a resolution of the city council and the reimbursement agreement. The city council resolution and reimbursement agreement shall determine the boundaries of the reimbursement district and shall determine the methodology for imposing a fee which considers the cost of reimbursing the developer for financing the construction of the improvement within the reimbursement district.

(Ord. No. 2014-011, § 1, 6-3-2014; Ord. 01-1114, § 1)

**13.24.020 Application to establish a reimbursement district.**

A. A person who is required to or chooses to finance some or all of the cost of a public improvement which will be available to provide service to property other than property owned by the person may by written application filed with the public works director request that the city establish a reimbursement district. The public improvement must be of a size greater than that which would otherwise ordinarily be required in connection with an application for a building permit or development permit or must be available to provide service to property other than property owned by the developer, so that the public will benefit by making the improvement.

B. The application shall be accompanied by an application fee, as set by council resolution which is reasonably calculated to cover the cost of the preparation of the public works director's report and notice pursuant to this chapter.

C. The application shall include the following:

1. A written description of the location, type, size and cost of each public improvement which is to be eligible for reimbursement.

2. A map showing the boundaries of the proposed reimbursement district, the tax account number of each property, its size and boundaries.

3. A map showing the properties to be included in the proposed reimbursement district; the zoning district for the properties; the front footage and square footage of said properties, or similar data necessary for calculating the apportionment of the cost; the property or properties owned by the developer; and the names and mailing addresses of owners of other properties to be included in the proposed reimbursement district.

4. The actual or estimated cost of the public improvements.

D. The application may be submitted to the city prior to the installation of the public improvement but not later than one hundred eighty (180) days after completion and acceptance of the public improvements by the city. This time period may be extended by the city manager for good cause shown. (Ord. 01-1114 § 3)

**13.24.030 Public works director's report.**

The public works director shall review the application for the establishment of a reimbursement district and evaluate whether a district should be established. The public works director may require the submission of other relevant information from the developer in order to assist in the evaluation. The public works director shall prepare a written report for the city council that considers and makes a recommendation concerning each of the following factors:

- A. Whether the developer will finance, or has financed some or all of the cost of the public improvement, thereby making service available to property, other than that owned by the developer.

- B. The boundary and size of the reimbursement district.

- C. The actual or estimated cost of the public improvement serving the area of the proposed reimbursement district and the portion of the cost for which the developer should be reimbursed for each public improvement.

- D. A methodology for spreading the cost among the properties within the reimbursement district and, where appropriate, defining a "unit" for applying the reimbursement fee to property which may, with city approval, be partitioned, subdivided, altered or modified at some future date. City

may use any methodology for apportioning costs on properties specially benefited that is just and reasonable.

E. The amount to be charged by the city for an administration fee for the reimbursement agreement. The administration fee shall be fixed by the city council and will be included in the resolution approving and forming the reimbursement district. The administration fee may be a percentage of the total reimbursement fee expressed as an interest figure, or may be a flat fee per unit to be deducted from the total reimbursement fee.

F. Whether the public improvements will or have met city standards.

G. Whether it is fair and in the public interest to create a reimbursement district. (Ord. 01-1114 § 3)

#### **13.24.040 Amount to be reimbursed.**

A. A reimbursement fee shall be computed by the city for all properties within the reimbursement district, excluding property owned by or dedicated to the city or the state of Oregon, which have the opportunity to use the public improvements, including the property of the developer, for formation of a reimbursement district. The fee shall be calculated separately for each public improvement. The developer for formation of the reimbursement district shall not be reimbursed for the portion of the reimbursement fee computed for its own property.

B. The cost to be reimbursed to the developer shall be limited to the cost of construction engineering, construction, and off-site dedication of right of way. Construction engineering shall include surveying and inspection costs and shall not exceed seven and a half (7.5) percent of eligible public improvement construction cost. Costs to be reimbursed for right of way shall be limited to the reasonable market value of land or

easements purchased by the developer from a third party in order to complete off-site improvements.

C. No reimbursement shall be allowed for the cost of legal expenses, design engineering, financing costs, permits or fees required for construction permits, land or easements dedicated by the developer, the portion of costs which are eligible for systems development charge credits or any costs which cannot be clearly documented.

D. Reimbursement for the amount of the application fee required by Section 13.24.020 in this chapter. (Ord. 01-1114 § 4)

#### **13.24.050 Public hearing.**

A. Within forty-five (45) days after the public works director has completed the report required in Section 13.24.030, the city council shall hold a public hearing in which any person shall be given the opportunity to comment on the proposed reimbursement district. Developer shall provide the mailing list for all property owners within the proposed district. Because formation of the reimbursement district does not result in an assessment against property or lien against property, the public hearing is for informational purposes only and is not subject to mandatory termination because of remonstrances. The city council has the sole discretion after the public hearing to decide whether to adopt a resolution approving and forming the reimbursement district.

B. Not less than ten (10) days prior to any public hearing held pursuant to this chapter, the developer and all owners of property within the proposed district shall be notified of the public hearing and the purpose thereof. Such notification shall be accomplished by either regular and certified mail or by personal service. Notice shall be deemed effective on the date that the letter of notification is mailed. Failure of the developer or any affected property owner

to be so notified shall not invalidate or otherwise affect any reimbursement district resolution or the city council's action to approve the same.

(Ord. No. 2014-011, § 1, 6-3-2014; Ord. 01-1114, § 5)

#### **13.24.060 City council action.**

A. After the public hearing held pursuant to Section 13.24.050A, the city council shall approve, reject or modify the recommendations contained in the public works director's report. The city council's decision shall be contained in a resolution. If a reimbursement district is established, the resolution shall include the public works director's report as approved or modified, and specify that payment of the reimbursement fee, as designated for each parcel, is a precondition of receiving any city permits applicable to development of that parcel as provided for in Section 13.24.100.

B. The resolution shall establish an interest rate to be applied to the reimbursement fee as a return on the investment of the developer. The interest rate shall be fixed and computed against the reimbursement fee as simple interest and will not compound.

C. The resolution shall instruct the city manager to enter into an agreement with the developer pertaining to the reimbursement district improvements. If the agreement is entered into prior to construction, the agreement shall be contingent upon the improvements being accepted by the city. The agreement shall contain at least the following provisions:

1. The public improvement(s) shall meet all applicable city standards.
2. The total amount of potential reimbursement to the developer shall be specified.

3. The total amount of potential reimbursement shall not exceed the actual cost of the public improvement(s).

4. The developer shall guarantee the public improvement(s) for a period of twelve (12) months after the date of installation.

5. A clause in a form acceptable to the city attorney stating that the developer shall defend, indemnify and hold harmless the city from any and all losses, claims, damage, judgments or other costs or expense arising as a result of or related to the city's establishment of the reimbursement district, including any city costs, expenses and attorney fees related to collection of the reimbursement fee should the city council decide to pursue collection of an unpaid reimbursement fee under Section 13.24.110H.

6. A clause in a form acceptable to the city attorney stating that the developer agrees that the city, cannot be held liable for any of the developer's alleged damages, including all costs and attorney fees, under the agreement or as a result of any aspect of the formation of the reimbursement district, or the reimbursement district process, and that the developer waives, and is stopped from bringing, any claim, of any kind, including a claim in inverse condemnation, because the developer has benefited by the city's approval of its development and the required improvements.

7. Other provisions the city determines necessary and proper to carry out the provisions of this chapter.

D. If a reimbursement district is established by the city council, the date, of the formation of the district shall be the date that the city council adopts the resolution forming the district.

(Ord. No. 2014-011, § 1, 6-3-2014; Ord. 01-1114, § 6)



### **13.24.070 Notice of adoption of resolution.**

The city shall notify all property owners within the district and the developer of the adoption of a reimbursement district resolution. The notice shall include a copy of the resolution, the date it was adopted and a short explanation specifying the amount of the reimbursement fee and that the property owner is legally obligated to pay the fee pursuant to this chapter. (Ord. 01-1114 § 7)

### **13.24.080 Recording the resolution.**

The city recorder shall cause notice of the formation and nature of the reimbursement district to be filed in the office of the Washington County clerk so as to provide notice to potential purchasers of property within the district. Said recording shall not create a lien. Failure to make such recording shall not affect the legality of the resolution or the obligation to pay the reimbursement fee. (Ord. 01-1114 § 8)

### **13.24.090 Contesting the reimbursement district.**

No legal action intended to contest the formation of the district or the reimbursement fee, including the amount of the charge designated for each parcel, shall be filed after sixty (60) days following the adoption of a resolution establishing a reimbursement district and any such legal action shall be exclusively by Writ of Review pursuant to ORS 34.010 to ORS 34.102. (Ord. 01-1114 § 9)

### **13.24.100 Obligation to pay reimbursement fee.**

A. The applicant for a permit related to property within any reimbursement district shall pay the city, in addition to any other applicable fees and charges, the reimbursement fee established by the council, if

within ten years after the date of the passage of the resolution forming the reimbursement district, the person applies for and receives approval from the city for any of the following activities:

1. A building permit for a new building;

2. Building permits for any addition(s) of a building, which cumulatively exceed twenty-five (25) percent of the existing square footage in any thirty-six (36) month period;

3. A development permit, as that term is defined by this chapter;

4. A city permit issued for connection to a public improvement.

B. The city's determination of who shall pay the reimbursement fee and when the reimbursement fee is due is final.

C. In no instance shall the city, or any officer or employee of the city, be liable for payment of any reimbursement fee, or portion thereof, as a result of the city's determination as to who should pay the reimbursement fee. Only those payments which the city has received from or on behalf of those properties within a reimbursement district shall be payable to the developer. The city's general fund or other revenue sources shall not be liable for or subject to payment of outstanding and unpaid reimbursement fees imposed upon private property.

D. Nothing in this chapter is intended to modify or limit the authority of the city to provide or require access management.

E. Nothing in this chapter is intended to modify or limit the authority of the city to enforce development conditions which have already been imposed against specific properties.

F. Nothing in this chapter is intended to modify or limit the authority of the city,

in the future, to impose development conditions against specific properties as they develop.

G. No person shall be required to pay the reimbursement fee on an application or upon property for which the reimbursement fee has been previously paid, unless such payment was for a different type of improvement. No permit shall be issued for any of the activities listed in subsection 10A unless the reimbursement fee, together with the amount of accrued interest, has been paid in full. Where approval is given as specified in subsection 10A, but no permit is requested or issued, then the requirement to pay the reimbursement fee lapses if the underlying approval lapses.

H. The date of reimbursement under this chapter shall extend ten (10) years from the date of the formation of a reimbursement district formation by city council resolution. The developer may file with the city a written application to extend the reimbursement district for up to five (5) additional years. The application shall provide information regarding the remaining useful life of the improvement(s), the continuing benefit to subject properties, and explain why there is good cause for the extension. In considering an application for an extension, the council must provide notice in accordance with 13.24.050.B and hold a public hearing for anyone to provide comment. After the public hearing the council may, by resolution, approve the extension for up to five (5) additional years after determining that the developer has demonstrated good cause for the extension and that the value of the improvement(s) to the subject properties remains sufficient to warrant reimbursement. If an extension is approved by the city council, the city recorder shall provide notice in accordance with 13.24.070 and record the resolution in accordance with 13.24.080.

I. The reimbursement fee is immediately due and payable to the city by property owners upon use of a public improvement as provided by this chapter in subsection 10A. If connection is made or construction commenced without required city permits, then the reimbursement fee is immediately due and payable upon the earliest date that any such permit was required.

J. Whenever the full reimbursement fee has not been paid and collected for any reason after it is due, the city manager shall report to the city council the amount of the uncollected reimbursement, the legal description of the property on which the reimbursement is due, the date upon which the reimbursement was due and the property owner's name or names. The city council shall then, by motion, set a public hearing date and direct the city manager to give notice of that hearing to each of the identified property owners, together with a copy of the city manager's report concerning the unpaid reimbursement fee. Such notice may be either by certified mail or personal service. At the public hearing, the city council may accept, reject or modify the city manager's report. If the city council determines that the reimbursement fee is due but has not been paid for whatever reason, the city council may, at its sole discretion, act, by resolution, to take any action, it deems appropriate, including all legal or equitable means necessary to collect the unpaid amount. However, nothing in this chapter requires the city to take any action to collect such amounts.

(Ord. No. 2014-011, § 1, 6-3-2014; Ord. 01-1114, § 10)

### **13.24.110 Public improvements.**

Public improvements installed pursuant to reimbursement district agreements shall become and remain the sole property of the city. (Ord. 01-1114 § 11)

**13.24.120 Multiple public improvements.**

More than one public improvement may be the subject of a reimbursement district. (Ord. 01-1114 § 12)

**13.24.130 Collection and payment—  
Other fees and charges.**

A. The developer shall receive all reimbursement collected by the city for reimbursement district public improvements. Such reimbursement shall be delivered to the developer for as long as the reimbursement district agreement is in effect. Such payments shall be made by the city within ninety (90) days of receipt of the reimbursements.

B. The reimbursement fee is not intended to replace or limit, and is in addition to, any other existing fees or charges collected by the city. (Ord. 01-1114 § 13)

**13.24.140 Nature of the fees.**

The city council finds that the fees imposed by this chapter are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution. (Ord. 01-1114 § 14)

**13.24.150 Severability.**

If any section, phrase, clause, or part of this chapter is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect. (Ord. 01-1114 § 15)



**Chapter 15.04****CONSTRUCTION CODES****Sections:****Article I. Administration and Enforcement**

- 15.04.010 Title.**
- 15.04.020 Purpose.**
- 15.04.030 Scope.**
- 15.04.040 Definitions.**
- 15.04.050 Alternate materials and methods.**
- 15.04.060 Modifications.**
- 15.04.070 Tests.**
- 15.04.080 Powers and duties of building official.**
- 15.04.090 Appeals.**
- 15.04.100 Plans and permits.**

**Article II. Various Codes**

- 15.04.110 Oregon Structural Specialty Code.**
- 15.04.120 Oregon Mechanical Specialty Code.**
- 15.04.130 Plumbing code.**
- 15.04.140 Electrical code.**
- 15.04.150 Oregon Residential Specialty Code.**
- 15.04.160 Manufactured dwelling code.**
- 15.04.170 Recreational park and organizational camp regulations.**
- 15.04.180 Oregon Solar Installation Specialty Code.**

**Article III. Fees**

- 15.04.190 Fee policy.**

**Article IV. Penalties**

- 15.04.200 Violation—Penalty.**

**Article I. Administration and Enforcement****15.04.010 Title.**

These regulations shall be known as the city of Sherwood building code, may be cited as such and will be referred to herein as "this code." (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.010)

**15.04.020 Purpose.**

The purpose of this code is to establish uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this jurisdiction who are occupants and users of buildings and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.020)

**15.04.030 Scope.**

This code shall apply to the construction, alteration, moving, demolition, repair, maintenance and work associated with any building or structure except those located in a public way.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Where, in any specific case, there is a conflict between this code and Oregon Revised Statute, the statute shall govern. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.030)

**15.04.040 Definitions.**

For the purpose of the code, the following definition shall apply:

"Building official" means the officer or other designated authority charged with the

administration and enforcement of this code, or the building official's duly authorized representative. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.040)

**15.04.050      Alternate materials and methods.**

The provisions of this code are not intended to prevent the use of any alternate material, design or method of construction not specifically proscribed by this code, provided such alternate has been approved and its use authorized by the building official.

The building official may approve any such alternate material, design or method, provided the building official finds that the proposed material, design or method complies with the provisions of this code and that it is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The building official shall require that evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any approval of any alternate material, design or method shall be recorded and entered in the files of the agency. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.050)

**15.04.060      Modifications.**

When there are practical difficulties in carrying out the provisions of this code, the building official may grant modifications provided the building official finds that the modification is in conformance with the intent and purpose of this code and that said modification does not lessen any fire-protection requirements nor the structural integrity of the building involved. Any action granting modification shall be recorded

in the files of the code enforcement agency. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.060)

**15.04.070      Tests.**

Whenever there is insufficient evidence of compliance with the provisions of this code or that any material, method or design does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved testing agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.070)

**15.04.080      Powers and duties of building official.**

A. General. There is established a code enforcement agency which shall be under the administrative and operational control of the building official. The building official is authorized to enforce all the provisions of this code.

The building official shall have the power to render written and oral interpretations of

b. No changes have been made or will be made in the original plans and specifications for such work.

c. The original permit expired less than one year from the request to reinstate. The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

F. Work Without a Permit/Investigation Fees. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

G. Not Transferable. A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

H. Suspension/Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the city code.

I. Inspections. It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner. The requester shall provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. It shall be the duty of the permit holder to cause the work to re-

main accessible and exposed for inspection purposes. All work requiring inspection approval shall not be covered nor work proceed until approval is granted. All corrections required by the building official shall be completed and reinspected within twenty (20) days from first notice, no work shall proceed until corrections have been approved. Occupancy or use of any structure shall not be allowed until corrections are corrected and a final inspection is approved. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his or her agent.

Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.01.100)

## **Article II. Various Codes**

### **15.04.110 Oregon Structural Specialty Code.**

The City of Sherwood shall use the 2014 Oregon Structural Specialty Code for administration, inspection and plan review. Any provision in this chapter inconsistent with the terms of that 2014 Code is hereby deemed ineffective and without force. (Ord. No. 2014-018, § 1, 9-16-2014; Ord. No. 2010-009, § 1, 8-3-2010; Ord. 08-007, § 1)

### **15.04.120 Oregon Mechanical Specialty Code.**

The City of Sherwood shall use the 2014 Oregon Mechanical Specialty Code

for administration, inspection and plan review. Any provision in this chapter inconsistent with the terms of that 2014 Code is hereby deemed ineffective and without force. (Ord. No. 2014-017, § 1, 9-16-2014; Ord. No. 2010-010, § 1, 8-3-2010; Ord. 08-009, § 1; Ord. 06-005, § 1; Ord. 02-1134, § 1; Ord. 98-1057, § 1 (part); Ord. 97-1028, § 9.02.020)

#### **15.04.130 Plumbing code.**

The City of Sherwood shall use the Oregon Plumbing Specialty Code as adopted by OAR 918-750-0110 (2014) for administration, inspection and plan review. (Ord. No. 2014-021, § 1, 12-16-2014; Ord. No. 2011-004, § 1, 4-19-2011; Ord. 08-008, § 1; Ord. 06-006, § 1; Ord. 98-1057, § 1 (part); Ord. 97-1028, § 9.02.030)

#### **15.04.140 Electrical code.**

The City of Sherwood shall use the 2014 Oregon Electrical Specialty Code as adopted and described in OAR 918-305-0100(1) (2014). (Ord. No. 2014-020, § 1, 12-16-2014; Ord. 06-003 § 1; Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.02.040)

#### **15.04.150 Oregon Residential Specialty Code.**

The City of Sherwood shall use the Oregon Residential Specialty Code as adopted by OAR 918-480-005 (2014) for administration, inspection and plan review. (Ord. No. 2014-022, § 1, 12-16-2014; Ord. No. 2011-013, § 1, 11-1-2011; Ord. 08-006, § 1; Ord. 06-007; § 1; Ord. 98-1057, § 1 (part); Ord. 97-1028, § 9.02.050)

#### **15.04.160 Manufactured dwelling code.**

##### **A. Parks.**

1. Enforcement of State Rules. The manufactured dwelling park and mobile home park rules adopted by OAR 918-600-

0005 through 918-600-0110, except as modified in this code, are enforced as part of this code.

##### **B. Manufactured Home Installations.**

1. Enforcement of State Rules. The manufactured dwelling rules adopted by OAR 918-500-0000 through 918-500-0500 and OAR 918-520-0010 through 918-520-0020, except as modified in this code, are enforced as part of this code. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.02.060)

#### **15.04.170 Recreational park and organizational camp regulations.**

A. Enforcement of State Rules. The recreational park and organizational camp rules adopted by OAR 918-650-0000 through 918-650-0085, except as modified in this code, are enforced as part of this code. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.02.070)

#### **15.04.180 Oregon Solar Installation Specialty Code.**

The City of Sherwood shall use the 2010 Oregon Solar Installation Specialty Code for administration, inspection and plan review. Any provisions in this Chapter inconsistent with the terms of the 2010 Code is hereby deemed ineffective and without force. (Ord. No. 2011-005, § 1, 4-19-2011)

### **Article III. Fees**

#### **15.04.190 Fee policy.**

Fees charged under this code shall be as provided by resolution of the city council, based upon the fee calculation methodology adopted by the Tri-County Building Services Board (amended by Ord. 2000-1098).

The building official may authorize the refunding of fees paid in accordance with the refund policy in effect in the jurisdiction.

The determination of value or valuation under any provisions of this code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. (Ord. 00-1099 § 1: amended during 1998 codification; Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.303)

#### **Article IV. Penalties**

##### **15.04.200 Violation—Penalty.**

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000.00) per violation. Each day that a violation exists is a separate offense. (Ord. 98-1057 § 1 (part); Ord. 97-1028 § 9.5)

## **Chapter 15.08**

### **MOVING BUILDINGS**

#### **Sections:**

#### **15.08.010 Moving permit required— Application.**

#### **15.08.020 Moving permit issuance and revocation.**

#### **15.08.030 Building permit required.**

#### **15.08.040 Penalties.**

#### **15.08.010 Moving permit required— Application.**

It is unlawful for any person to move any building over or upon any street, alley or thoroughfare within the city without having first obtained a moving permit from the city to do so. The fee for such moving permit shall be fifty dollars (\$50.00), payable at the time of filing application. The application shall be filed with the building division and shall contain or have attached thereto the following:

A. The names and addresses of the applicant and owner of the building.

B. The present location, size and age of the building to be moved and the proposed site for relocation.

C. A request for a pre-move building inspection by the building department will be accompanied by a nonrefundable fee of twenty-five dollars (\$25.00). If approved, this fee will be credited toward the moving permit fee.

D. Prior to issuance of moving permit, the applicant shall furnish written approval from the police department stating the date, time and route of the proposed move. Also a statement, that the applicant has made arrangements with the police department to provide, at the applicant's expense, for reasonable traffic controls during the course of the moving operation.

E. Prior to issuance of the permit, the applicant shall furnish written evidence that he or she made all necessary arrangements with all public utility companies or agencies having above-ground installations along the route of the move to provide the necessary assistance required.

F. Written evidence that the mover has liability insurance in the sum of at least one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per accident for personal injuries, and fifty thousand dollars (\$50,000.00) per occurrence for property damage, for any liability connected with or arising out of the moving operation.

G. A written agreement that prior to receiving a moving permit, the applicant will furnish the city a cash deposit sufficient to cover any costs estimated to be incurred by the city in rendering assistance in the move or in repairing or restoring city property. The amount of such deposit shall be fixed by the building official. The applicant shall also agree in writing to indemnify the city and to pay for any unforeseen costs or damages which might result from the move.

H. Any other information which the building division shall deem necessary for a fair determination of the financial responsibility of the mover, the adequacy of the mover's equipment, the mover's experience and capability, and the safety and practicality of the move. (Ord. 700 § 1, 1978)

#### **15.08.020 Moving permit issuance and revocation.**

Upon compliance with all of the aforementioned



## Chapter 16.08

### HEARINGS OFFICER\*

#### Sections:

#### **16.08.010 Appointment**

#### **16.08.020 Minutes**

#### **16.08.030 Conflicts of Interest**

#### **16.08.040 Powers and Duties**

\* Editor's Note: Some sections may not contain a history.

#### **16.08.010 Appointment**

- A. The City Council shall appoint a Hearings Officer to serve at the pleasure of the City Council. The Hearings Officer shall be selected as provided in the City's contracting rules for personal service contracts. The Hearings Officer may be terminated by a majority vote of the City Council.
  - B. The City Council may appoint another Hearings Officer to serve as a backup to the Hearings Officer under § 16.08.010 A. above. The Hearings Officer appointed under § 16.08.010.A. shall notify the City when the Hearings Officer is unavailable.
  - C. If the office of the Hearings Officer is vacant or a Hearings Officer is unavailable, the Planning Commission shall perform all duties of the Hearings Officer.
- (Ord. No. 2010-002, § 2, 2-16-2010)

#### **16.08.020 Minutes**

Before any meeting of the Hearings Officer, public notice shall be given as required by state statute and this Code. Accurate records of all Hearings officer proceedings shall be kept by the City and maintained on file in the City Recorder's Office.

#### **16.08.030 Conflicts of Interest**

- A. The Hearings Officer shall not participate in any proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, the Hearings Officer shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.
- B. Any actual or potential interest by the Hearings officer in a land use action shall be disclosed by the Hearings officer at the meeting where the action is being taken. The Hearings Officer shall also disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Hearings Officer. Ex-parte contacts shall not invalidate a final decision or action of the Hearings Officer, provided that the Hearings Officer indicates the substance of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

#### **16.08.040 Powers and Duties**

Except as otherwise provided by law, the Hearings Officer shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, this Code, and City ordinances.

## Chapter 16.10

### DEFINITIONS\*

#### Sections:

#### 16.10.010 GENERALLY

#### 16.10.020 SPECIFICALLY

\* Editor's Note: Some sections may not contain a history.

#### 16.10.010 GENERALLY

All words used in this Code, except where specifically defined herein, shall carry their customary meanings. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular, and the masculine includes the feminine and neuter. The word "building" includes the word "structure"; the word "shall" is mandatory; the word "will" or "may" are permissive; the words "occupied" and "uses" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

#### 16.10.020 SPECIFICALLY

The following terms shall have specific meaning when used in this Code:

**Abut:** Contiguous to, in contact with, or adjoining with a common property line; two properties separated by another parcel, lot, tract or right-of-way measuring twenty (20) feet in width or less, shall be considered abutting for the purposes of interpreting the infill-related development standards. See also, Adjacent.

**Access:** The way or means by which pedestrians and vehicles enter and leave property.

**Access Way:** A pathway providing a connection for pedestrians and bicyclists between two (2) streets, between two (2) lots, or between a development and a public right-of-way. An access way is intended to provide access between a development and adjacent residential uses, commercial uses, public use such as schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An access way may be a pathway for pedestrians and bicyclists (with no vehicle access), a pathway on public or private property (i.e., with a public access easement), and/or a facility designed to accommodate emergency vehicles.

**Accessory Building/Use:** A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property.

**Adjacent:** A relative term meaning nearby; may or may not be in actual contact with each other, but are not separated by things of the same kind. For example, a lot is adjacent to a lot across the street because the lots are separated by a street, not an intervening lot.

**Alteration:** An addition, removal, or reconfiguration which significantly changes the character of a historic resource, including new construction in historic districts.



**Apartment:** Each dwelling unit contained in a multi-family dwelling or a dwelling unit that is secondary to the primary use of a non-residential building.

**Assisted Living Facilities:** A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

**Office:** A room or building for the transaction of business, a profession or similar activities, including but not limited to administration, bookkeeping, record keeping, business meetings, and correspondence. Products may not be stored or manufactured in an office, except to accommodate incidental sales, display and demonstration.

**Off-Street Parking:** Parking spaces provided for motor vehicles on individual lots and not located on public street right-of-way.

**Open Space:** Open ground area which is not obstructed from the ground surface to the sky by any structure, except those associated with landscaping, or recreational facilities. Parking lots and storage areas for vehicles and materials shall not be considered open space.

**Parks Board:** The City of Sherwood Parks Advisory Board.

**Partition:** The dividing of an area or tract of land into two (2) or three (3) parcels within a calendar year when such area exists as a unit or contiguous units of land under single ownership at the beginning of each year. Partitions do not include: divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; divisions of land made pursuant to a court order, lot line adjustments where an additional parcel is not created and where the existing parcels are not reduced below the minimum requirements of this Code.

**Partition Land:** A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the Comprehensive Plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

**Partition Plat:** Partition plat includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land partition.

**Pedestrian Facilities:** Improvements and provisions made to accommodate or encourage walking, including but not limited to sidewalks, accessways, signalization, crosswalks, ramps, refuges, paths, and trails.

**Pedestrian Way:** A right-of-way for pedestrian traffic.

**Person:** A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

**Plat:** The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.

**Plat, Preliminary:** A map and plan of a proposed subdivision, as specified by this Code.

**Principal Building/Use:** The main or primary purpose for which a structure, land, or use is designed, arranged, or intended, or for which the building or use may lawfully be occupied or maintained under the terms of this Code.

**Professional Engineer:** A professional engineer currently licensed to practice in the State of Oregon. The type of professional engineer may be specified in the ordinance (i.e., civil, structural, acoustic, traffic, etc.).

**Professions:** Members of professions, such as doctors, dentists, accountants, architects, artists, attorneys, authors, engineers, and others who are generally recognized professionals by virtue of experience or education.

**Public Hearing:** Hearings held by the Commission or the Council for which a form of prescribed public notice is given.

**Public Park:** A park, playground, swimming pool, reservoir, athletic field, or other recreational facility which is under the control, operation or management of the City or other government agency.

**Public Place:** Any premise whether, privately or publicly owned, which by physical nature, function, custom, or usage, is open to the public at times without permission being required to enter or remain.

**Public Use Building:** Any building or structure owned and operated by a government agency for the convenience and use of the general public.

**Public Utility Facilities:** Structures or uses necessary to provide the public with water, sewer, gas, telephone or other similar services.

**Recycled Materials:** Solid waste that is transformed into new products in such a manner that the original products may lose their identity.

**Recycling:** The use of secondary materials in the production of new items. As used here, recycling includes materials reuse.

**Relocation:** The removal of a resource from its historic context.

**Regionally Significant Fish and Wildlife Habitat:** Those areas identified on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map, adopted as Map V-2 of the Sherwood Comprehensive Plan, Part 2, as significant natural resource sites.

**Residential Care Facility:** A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**Residential Care Home:** A residence for five (5) or fewer unrelated physically or mentally handicapped persons and for the staff persons who need not be related to each other or any other home resident.

**Residential Structure:** Any building or part of a building, used or constructed as a sleeping or other housekeeping accommodation, for a person or group of persons.

**Restrictive Covenant:** A legally binding limitation on the manner in which a tract of land or lot can be used, usually a condition placed on the deed.

**Retail Trade:** The sale of goods and products to the consumer generally for direct consumption and not for resale.

**Retaining Wall:** A structure constructed of stone, concrete, steel or other material designed to retain or restrain earth or rock.

**Right-of-Way:** The area between boundary lines of a street or other easement.

**Road:** The portion or portions of street rights-of-way developed for vehicular traffic.

**Rural Zone:** A land use zone adopted by a unit of local government that applies to land outside a regional urban growth boundary.

**Sanitariums:** An institution for the treatment of chronic diseases or for medically supervised recuperation.

**School:** See Educational Institution.

**Sealed Container:** A receptacle appropriate for preventing release of its contents, protecting its contents from the entry of water and vectors, and that will prevent the release of noxious odors if the contents are capable of emitting such odors.

**Setback:** The minimum horizontal distance between a public street right-of-way line, or side and rear property lines, to the front, side and rear lines of a building or structure located on a lot.

**Shared-use path:** A facility for non-motorized access conforming to City standards and separated from the roadway, either in the roadway right-of-way, independent public right-of-way, or a public access easement. It is designed and constructed to allow for safe walking, biking, and other human-powered travel modes.

**Sidewalk:** A pedestrian walkway with hard surfacing.

**Sight Distance:** The distance along which a person can see approaching objects, such as automobiles or pedestrians, from a street intersection or a driveway along a street.

**Sign:** An identification, description, illustration, or device which is affixed to, or represented directly or indirectly upon a building, structure, or land, which directs attention to a product, place, activity, person, institution, or business.

**Significant Vegetation:** A tree exceeding six (6) inches in diameter measured four (4) feet above grade at the base of the tree or other vegetation more than four (4) feet above grade, but not including blackberry or other vines or weeds.

**Skirting:** A covering that totally obscures the undercarriage of a manufactured home, and extending from the top of the undercarriage to the ground.

**Soil Amendment:** A material, such as yard waste compost, added to the soil to improve soil chemistry or structure.

**Use by Right:** A use which is a "use permitted outright" in any given zoning district established by this Code.

**Warehouse:** A structure or part of a structure used for storing and securing goods, wares or merchandise.

**Wetlands:** Those land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are generally identified in the City's 1992 Local Wetland inventory, and the Metro 2004 Natural Resources Inventory, or in the absence of such identification, are based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).

**Wholesale Trade:** The sale of goods and products to an intermediary generally for resale.

**Wireless Communication Facility:** An unmanned facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.

**Yard:** The existing or required space on a parcel which shall remain open, unoccupied, and unobstructed from the ground surface to the sky, except as otherwise provided by this Code. Categories of yards include:

- A. Front Yard:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
- B. Rear Yard:** A yard, unoccupied except by a building or structure of an accessory type as provided by this Code, extending the full width of the lot between the rear lot line and the extreme rear line of a building.
- C. Side Yard:** The yard along the side line of a lot and extending from the setback line to the rear yard.

**Zero-Lot-Line:** Attached or detached dwelling units which are constructed with only one side yard or no rear yard setbacks.

(Ord. No. 2014-012, § 3, 7-17-2014)

## **Division II. LAND USE AND DEVELOPMENT**

### **Chapter 16.12**

#### **RESIDENTIAL LAND USE DISTRICTS\***

The residential districts are intended to promote the livability, stability and improvement of the City's neighborhoods.

##### **SectionS:**

##### **16.12.010. Purpose and Density Requirements**

##### **16.12.020. Allowed Residential Land Uses**

##### **16.12.030 Residential Land Use Development Standards**

##### **16.12.040 Community Design**

##### **16.12.050 Flood Plain**

##### **16.12.060 Amateur Radio Towers/Facilities**

##### **16.12.010. Purpose and Density Requirements**

##### **A. Very Low Density Residential (VLDR)**

##### **1. Standard Density**

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre.

##### **2. VLDR Planned Unit Development Density Standards**

Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre under the following conditions:

- a. The minimum lot size is not less than 10,000 square feet;
- b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and
- c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

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\***Editor's note**—Ord. No. 2011-03, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.12, §§ 16.12.010—16.12.070, in its entirety, and added a new Ch. 16.12. Former Ch. 16.12 pertained to the Very Low Density Residential zoning district, and derived from Ords. 86-851, 87-857, 88-919, 90-921, 1997-1019, 2000-1092, 2000-1108, 2003-1153, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010.

3. Southeast Sherwood Master Planned Unit Development
  - a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre.

## Chapter 16.80

### PLAN AMENDMENTS\*

#### Sections:

#### **16.80.010 Initiation of Amendments**

#### **16.80.020 Amendment Procedures**

#### **16.80.030 Review Criteria**

#### **16.80.010 Initiation of Amendments**

An amendment to the City Zoning Map or text of the Comprehensive Plan may be initiated by the Council, Commission, or an owner of property within the City.  
(Ord. 86-851, § 3)

#### **16.80.020 Amendment Procedures**

##### Zoning Map or Text Amendment

- A. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010.
- B. Public Notice - Public notice shall be given pursuant to Chapter 16.72.
- C. Commission Review - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030.
- D. Council Review - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.

(Ord. 91-922, § 3; Ord. 86-851)

#### **16.80.030 Review Criteria**

##### A. Text Amendment

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.

##### B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

- 1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.
- 2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing

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\*Editor's note—Some sections may not contain a history.



market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.
4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

C. Transportation Planning Rule Consistency

1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. 2010-015, § 2, 10-5-2010; Ord. 2005-006, § 8; Ord. 86-851, § 3)

3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.
5. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.
6. Pursuant to Section 16.106.080, or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer shall be required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.
7. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:
  - a. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
  - b. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
  - c. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.
  - d. As an alternative to the above standards 7a—7c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from standards 7a—7c above. In addition, a development proposing between 15,001 and 40,000 square feet of floor

area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

### COMMERCIAL DESIGN REVIEW MATRIX

#### (1) Building Design (21 Total Points Possible, Minimum 12 Points Required).

Note: These standards may be applied to individual buildings or developments with multiple buildings.

- (a) Materials: Concrete, artificial materials (artificial or "spray" stucco, etc) = 0; cultured stone, brick, stone, decorative-patterned masonry, wood = 1; a mixture of at least 2 materials (i.e. to break up vertical facade) = 2; a mixture of at least 3 materials (i.e. to break up vertical facade) = 3; a mixture of at least 3 of the following materials: brick, stone, cultured stone, decorative-patterned masonry, wood = 4. Note: No aluminum or T-111 siding permitted.
- (b) Roof Form: Flat (no cornice) or single-pitch (no variation) = 0; distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment = 1; distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment = 2. Note: Pictures and/or artistic renderings must be submitted for review by the planning commission if metal roofs are proposed.
- (c) Glazing: 0—20% glazing on street-facing side(s) = 0; >20% glazing on at least one street-facing side (inactive, display or facade windows) = 1; >20% glazing on all street-facing sides (inactive, display or facade windows) = 2 (2 points if there is only one street-facing side and it is >20% glazing with inactive windows); >20% glazing on at least one street-facing side (active glazing - actual windows) = 3; >20% glazing on all street-facing sides (active glazing-actual windows) = 4.
- (d) Fenestration (on street-facing elevation(s): One distinct "bay" with no vertical building elements = 0; multiple "bays" with one or more "bay" exceeding 30 feet in width = 1; vertical building elements with no "bay" exceeding 30 feet in width = 2; vertical building elements with no "bay" exceeding 20 feet in width = 3.
- (e) Entrance Articulation: No weather protection provided = 0; weather protection provided via awning, porch, etc. = 1; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered = 3; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc provided near the entrance and covered = 4.
- (f) Structure Size: To discourage "big box" style development. Greater than 80,000 square feet = 0; 60,000—79,999 square feet = 1; 40,000 = 59,999 square feet = 2; 20,000—39,999 = 3; less than 20,000 square feet = 4. (Note: If multiple buildings are proposed, average the building sizes in the development)

- (2) Building Location and Orientation (6 Total Points Possible, Minimum 3 Points Required).
- (a) Location: Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) = 0; building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) = 1; building(s) flush to all possible rights-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") = 2. Note: If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.
  - (b) Orientation: Single-building site primary entrance oriented to parking lot = 0; single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) = 2; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot = 0; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian = 2.
  - (c) Secondary public entrance: Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk = 2 (Note: if primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance).
- (3) Parking and Loading Areas (13 Total Points Possible, Minimum 7 Points Required).
- (a) Location of Parking: Greater than 50 percent of required parking is located between any building and a public street = 0; 25 to 50 percent of required parking is located between any building and a public street = 1; less than 25 percent of required parking is located between any building and a public street = 2; no parking is located between any building and a public street = 3.
  - (b) Loading Areas: Visible from public street and not screened = 0; visible from public street and screened = 1; not visible from public street = 2.
  - (c) Vegetation: At least one "landscaped" island every 13—15 parking spaces in a row = 0; at least one landscaped "island" every 10—12 parking spaces in a row = 1; at least one landscaped "island" every 8—9 parking spaces in a row = 2; at least one landscaped island every 6—7 parking spaces in a row = 3.
  - (d) Number of Parking Spaces (% of minimum required): >120% = 0; 101—120% = 1; 100% = 2; <100% (i.e. joint use or multiple use reduction) = 1 bonus point.
  - (e) Parking surface: Impervious = 0; some pervious paving (10—25%) = 1; partially pervious (26—50%) = 2; mostly pervious(>50%) = 3.

- (4) Landscaping (24 Total Points Possible, Minimum 14 Points Required).
- (a) Tree Retention (based on tree inventory submitted with development application): Less than 50% of existing trees on-site retained = 0; 51—60% of existing trees on-site retained = 1; 61—70% of existing trees on-site retained = 2; 71—80% of existing trees on-site retained = 3; 81—100% of existing trees on-site retained = 4.
  - (b) Mitigation trees: Trees mitigated off-site or fee-in-lieu = 0; 25—50% of trees mitigated on-site = 1; 51—75% of trees mitigated on-site = 2; 76—100% of trees mitigated on-site = 3. Note: When no mitigation is required, the project receives zero points.
  - (c) Landscaping trees (in addition to mitigated trees on-site, does not include Water Quality Facility Plantings): Less than one tree for every 500 square feet of landscaping = 0; 1 tree for every 500 square feet of landscaping = 1; 2 trees for every 500 square feet of landscaping = 2; 3 trees for every 500 square feet of landscaping = 3; 4 trees for every 500 square feet of landscaping = 4.
  - (d) Landscaped areas: Greater than 25% of landscaped areas are less than 100 square feet in size = 0; less than 25% of landscaped areas are less than 100 square feet in size = 1; no landscaped areas are less than 100 square feet in size = 2.
  - (e) Landscaping trees greater than 3" caliper: <25% = 0; 25—50% = 1; >50% = 2.
  - (f) Amount of Grass (shrubs and drought resistant ground cover are better): >75% of landscaped areas = 0; 50—75% of landscaped areas = 1; 25—49% of landscaped areas = 2; <25% of landscaped areas = 3. Note: Schools automatically receive the full 3 points and are not penalized for amount of grass.
  - (g) Total amount of site landscaping (including visual corridor): <10% of gross site = 0; 10—15% of gross site = 1; 16—20% of gross site = 2; 21—25% of gross site = 3; >25% of gross site = 4.
  - (h) Automatic Irrigation: No = 0; partial = 1; yes = 2.
- (5) Miscellaneous (10 Total Points Possible, Minimum 5 Points Required).
- (a) Equipment Screening (roof): Equipment not screened = 0; equipment partially screened = 1; equipment fully screened = 2; equipment fully screened by materials matching building architecture/finishing = 3.
  - (b) Fences and Walls (including retaining walls): Standard fencing and wall materials (i.e. wood fences, CMU walls, etc) = 0; fencing and wall materials match building materials = 2.
  - (c) On-site pedestrian amenities not adjacent to building entrances (benches, tables, plazas, water fountains, etc): No = 0; yes (1 per building) = 1; yes (more than 1 per building) = 2.
  - (d) Open Space provided for Public Use: No = 0; yes (<500 square feet) = 1; yes (500—1,000 square feet) = 2; yes (>1,000 square feet) = 3.
  - (e) Green building certification (LEED, Earth Advantage, etc.) = 3 bonus points.

- e. As an alternative to the above standards 7a—7c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
  - f. As an alternative to the above standards 7a.—7e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.
8. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards shall include the following:
- a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) shall meet any four of the following six design criteria:
    - (1) A minimum 15% window glazing for all frontages facing an arterial or collector.
    - (2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).
    - (3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).
    - (4) Parking is located to the side or rear of the building when viewed from the arterial or collector.
    - (5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If the loading area are visible from an arterial or collector, they must be screened with vegetation or a screen made of materials matching the building materials.
    - (6) All roof-mounted equipment is screened with materials complimentary to the building design materials.
  - b. As an alternative to 8.a above, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):
    - (1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.
    - (2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.
    - (3) Support the City's goals of economic development.
    - (4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.4.H.
    - (5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.
    - (6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.

- (7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).
- 9. Driveways that are more than twenty-four (24) feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.

#### E. Approvals

The application shall be reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action shall include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.

#### F. Time Limits

Site plan approvals shall be void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. For site plan approvals granted on or after January 1, 2007 through December 31, 2009, the approval shall be extended until December 31, 2013.

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)



## Chapter 16.94

### OFF-STREET PARKING AND LOADING

#### Sections:

#### **16.94.010 General Requirements**

#### **16.94.020 Off-Street Parking Standards**

#### **16.94.030 Off-Street Loading Standards**

#### **16.94.010 General Requirements**

##### **A. Off-Street Parking Required**

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

##### **B. Deferral of Improvements**

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.

##### **C. Options for Reducing the Required Parking Spaces**

1. Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.
  - a. Within commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within five hundred (500) feet of the property line of the use to be served.
  - b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
    - (1) There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
    - (2) That the peak hours of operation of such establishments do not overlap, and
    - (3) That an exclusive permanent easement over a delineated area has been granted for parking space use.
2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a

secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:

- a. Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.
- b. Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.
- c. Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.

#### D. Prohibited Uses

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

#### E. Location

1. Residential off-street parking spaces:
  - a. Shall be located on the same lot or development as the residential use.
  - b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).
2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.
3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.
  - a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.
  - b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

#### F. Marking

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

#### G. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.
2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.

#### H. Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.

#### I. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.

#### J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.

#### K. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2000-2001, § 3; Ord. 2000-2001, § 3; Ord. 86-851, § 3)

### **16.94.020 Off-Street Parking Standards**

#### A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

**Table 1: Minimum and Maximum Parking Standards**  
**(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)**

	<b>Minimum Parking Standard</b>	<b>Maximum Permitted Parking Zone A<sup>1</sup></b>	<b>Maximum Permitted Parking Zone B<sup>2</sup></b>
Single, two-family and manufactured home on lot <sup>3</sup>	1 per dwelling unit	None	None
Multi-family <sup>4</sup>	1 per unit under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None
Hotel or motel	1 per room	None	None
Boarding house	None	None	None
General retail or personal service	4.1 (244 sf)	5.1	6.2
Vehicle sales, nursery	4.1	5.1	6.2
Furniture/appliance store	4.1	5.1	6.2
Tennis racquetball court	1.0	1.3	1.5
Golf course	None	None	None
Sports club/recreation facility	4.3 (233 sf)	5.4	6.5
General office	2.7 (370 sf)	3.4	4.1
Bank with drive-thru	4.3 (233 sf)	5.4	6.5
Eating or drinking establishment	15.3 (65 sf)	19.1	23.0
Fast food drive-thru	9.9 (101 sf)	12.4	14.9
Movie theater	0.3 per seat	0.4	0.5
Day care	None	None	None
Elementary and junior high	None	None	None
High school and college	0.2 per student + teacher	0.3	0.3
Places of worship	0.5 per seat	0.6	0.8
Nursing home	None	None	None
Library	None	None	None
Industrial	1.6	None	None

	<b>Minimum Parking Standard</b>	<b>Maximum Permitted Parking Zone A<sup>1</sup></b>	<b>Maximum Permitted Parking Zone B<sup>2</sup></b>
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3	0.4	0.5

<sup>1</sup> Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

<sup>2</sup> Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

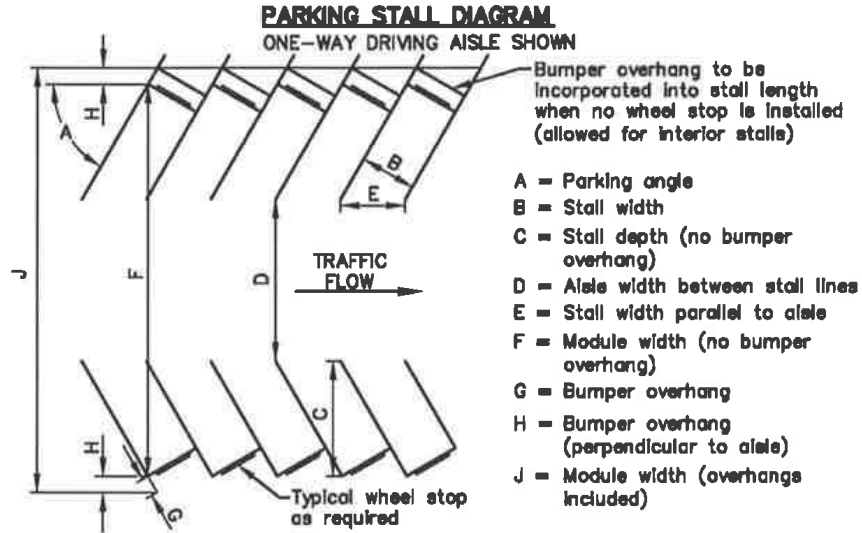
<sup>3</sup> If the street on which the house has direct access is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit. (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. × 20 ft.) parking space is required.

<sup>4</sup> Visitor parking in residential developments: Multi-family dwelling units with more than ten (10) required parking spaces shall provide an additional fifteen (15) percent of the required number of parking spaces for the use of guests of the residents of the development. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

#### **B. Dimensional and General Configuration Standards**

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.
2. **Layout**

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.



**Table 2: Minimum Parking Dimension Requirements**  
One-Way Driving Aisle (Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	13.0	11.3	46.0	3.0	2.5	51.0
	9.0	18.5	12.0	12.7	49.0	3.0	2.5	54.0
60°	8.0	17.0	18.0	9.2	52.0	3.0	2.5	57.0
	9.0	19.5	16.0	10.4	55.0	3.0	2.5	60.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	23.0	9.3	61.0	3.0	3.0	67.0
90°	8.0	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

**Table 3: Two-Way Driving Aisle**  
(Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
90°	8.0	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

### 3. Wheel Stops

- a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.
- b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.
- c. The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

### 4. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

### 5. Credit for On-Street Parking

- a. **On-Street Parking Credit.** The amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.
- b. The following constitutes an on-street parking space:
  - (1) Parallel parking, each twenty-four (24) feet of uninterrupted curb;
  - (2) Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;
  - (3) Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;
  - (4) Curb space must be connected to the lot which contains the use;
  - (5) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;
  - (6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

### 6. Reduction in Required Parking Spaces

Developments utilizing Engineered storm water bio-swales or those adjacent to environmentally constrained or sensitive areas may reduce the amount of required parking spaces by ten (10) percent when twenty-five (25) through forty-nine (49) parking spaces are required, fifteen (15) percent when fifty (50) and seventy-four (74) parking spaces are required and twenty (20) percent when more than seventy-five (75) parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.



## 7. Parking Location and Shared Parking

Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

## C. Bicycle Parking Facilities

### 1. General Provisions

- a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.
- b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.
- c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
- d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
- e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

### 2. Location and Design.

#### a. General Provisions

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
- (3) **Lighting.** Bicycle parking shall be at least as well lit as vehicle parking for security.
- (4) **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
- (6) **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

#### b. Short-term Bicycle Parking

- (1) Provide lockers or racks that meet the standards of this section.

- (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.
- c. Long-term Bicycle Parking
  - (1) Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).
  - (2) Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.
  - (3) All of the spaces shall be covered.
- d. Covered Parking (Weather Protection)
  - (1) When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
  - (2) Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.
  - (3) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

**Table 4: Minimum Required Bicycle Parking Spaces**

Use Categories	Minimum Required Spaces
<b>Residential Categories</b>	
Household living	Multi-dwelling — 2 or 1 per 10 auto spaces. All other residential structure types — None
Group living	1 per 20 auto spaces
<b>Commercial Categories</b>	
Retail sales/service office	2 or 1 per 20 auto spaces, whichever is greater
Drive-up vehicle servicing	None
Vehicle repair	None
Commercial parking facilities, commercial, outdoor recreation, major event entertainment	4 or 1 per 20 auto spaces, whichever is greater
Self-service storage	None
<b>Industrial Categories</b>	
Industrial	2 or 1 per 40 spaces, whichever is greater
<b>Public and Institutional Categories</b>	
Park and ride facilities	2 or 1 per 20 auto spaces
Community service essential service providers parks and open areas	2 or 1 per 20 auto spaces, whichever is greater
Schools	High schools — 4 per classroom

Use Categories	Minimum Required Spaces
	Middle schools — 2 per classroom
	Grade schools — 2 per 4th & 5th grade classroom
Colleges, medical centers, religious institutions, daycare uses	2 or 1 per 20 auto spaces whichever is greater

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009 § 8; Ord. 2000-2001 § 3; Ord. 86-851 § 3)

### **16.94.030 Off-Street Loading Standards**

#### **A. Minimum Standards**

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.
4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
  - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.
  - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

#### **B. Separation of Areas**

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

#### **C. Exceptions and Adjustments.**

The review authority, through Site Plan Review, may approve loading areas within a street right-of-way in the Old Town Overlay District when all of the following conditions are met:

1. Short in duration (i.e., less than one (1) hour);
2. Infrequent (less than three (3) operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
3. Does not unreasonably obstruct traffic; [or] Does not obstruct traffic during peak traffic hours;
4. Does not obstruct a primary emergency response route; and
5. Is acceptable to the applicable roadway authority.

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 86-851, § 3)

## Chapter 16.96

### ON-SITE CIRCULATION

#### Sections:

#### 16.96.010 On-Site Pedestrian and Bicycle Circulation

#### 16.96.020 Minimum Residential Standards

#### 16.96.030 Minimum Non-Residential Standards

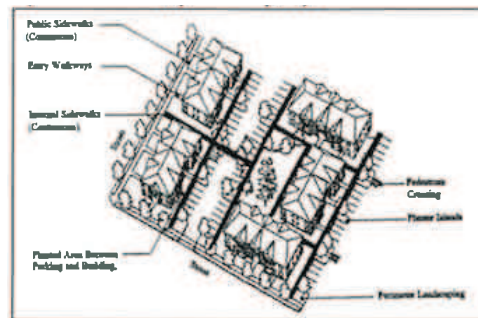
#### 16.96.040 On-Site Vehicle Circulation

#### 16.96.010 On-Site Pedestrian and Bicycle Circulation

##### A. Purpose

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single-family detached housing), shall provide a continuous system of private pathways/sidewalks.

#### On-Site Circulation System (Multi-Family Example)



##### B. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

##### C. Joint Access

Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.

##### D. Connection to Streets

1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways with paved sidewalk.

## Chapter 16.106

### TRANSPORTATION FACILITIES\*

#### Sections:

**16.106.010 Generally**

**16.106.020 Required Improvements**

**16.106.030 Location**

**16.106.040 Design**

**16.106.060 Sidewalks**

**16.106.070 Bike Lanes**

**16.106.080 Traffic Impact Analysis (TIA)**

**16.106.090 Rough Proportionality**

#### **16.106.010 Generally**

##### **A. Creation**

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the Transportation System Plan (TSP) Map (Figure 15) and other applicable City standards. The following table depicts the guidelines for the street characteristics.

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of Curb)	Median Width
Principal Arterial (99W)	122'	4-6	12'	Prohibited	6'	6'	5'	14'
Arterial	60-102'	2-5	12'	Limited	6 feet	6-8'	5'	14' if required
Collector	58-92'	2-3	11'	8' optional	6'	6-8'	5'	14' median turn lane
40' Commercial/Industrial Not Exceeding 3000 vehicles per day	64'	2	20'	8'	none	6'	5'	none
50' Commercial/Industrial Exceeding 3000 vehicles per day	64'	2	12'	8'	5'	6'	5'	none
Neighborhood 1,000 vehicles per day	64'	2	18'	8'	None	8'	5' with 1' buffer	none

\***Editor's note**—Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by repealing former Ch. 16.106, §§ 16.106.010—16.106.040, and adding a new Ch. 16.106. Former Ch. 16.106 pertained to improvement plan review, and derived from Ord. 86-851; Ord. 91-922; and Ord. No. 2010-015, adopted October 5, 2010.

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of Curb)	Median Width
Local	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	none
Alley	16-25'	1-2	10-12'	One side if 20'	none	none	none	none
Down-town Street Standard	60'	2	11'	7'	none	12' pedestrian zone	4' (included in pedestrian zone)	none

#### B. Street Naming

1. All streets created by subdivision or partition will be named prior to submission of the final plat.
2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.
3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.
4. All streets named shall conform to the general requirements as outlined in this Section.
5. At the request of the owner(s), the City may approve a private street name and address. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

#### C. Street Name Standards

1. All streets named or renamed shall comply with the following criteria:
  - a. Major streets and highways shall maintain a common name or number for the entire alignment.
  - b. Whenever practicable, names as specified in this Section shall be utilized or retained.
  - c. Hyphenated or exceptionally long names shall be avoided.
  - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.
  - e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.
2. The following classifications (suffixes) shall be utilized in the assignment of all street names:
  - a. Boulevards: North/south arterials providing through traffic movement across the community.
  - b. Roads: East/west arterials providing through traffic movement across the community.
  - c. Avenues: Continuous, north/south collectors or extensions thereof.
  - d. Streets: Continuous, east-west collectors or extensions thereof.
  - e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.
  - f. Lanes: Short east/west local streets under 1,000 feet in length.
  - g. Terraces: short north/south local streets under 1,000 feet in length.
  - h. Court: All east/west cul-de-sacs.

- i. Place: All north/south cul-de-sacs.
  - j. Ways: All looped local streets (exceeding 180 degrees).
  - k. Parkway: A broad landscaped collector or arterial.
3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.
  4. All proposed street names shall be approved, prior to use, by the City.

#### D. Preferred Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

1. Original holders of Donation Land Claims in Sherwood.
2. Early homesteaders or settlers of Sherwood.
3. Heirs of original settlers or long-time (50 or more years) residents of Sherwood.
4. Explorers of or having to do with Sherwood.
5. Indian tribes of Washington County.
6. Early leaders and pioneers of eminence.
7. Names related to Sherwood's flora and fauna.
8. Names associated with the Robin Hood legend.

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

### **16.106.020 Required Improvements**

#### A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Right-of-way requirements are based on functional classification of the street network as established in the Transportation System Plan, Figure 15.

#### B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

#### C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

#### D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall



include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.

2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
  - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
  - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
  - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
  - d. The improvement would be in conflict with an adopted capital improvement plan;
  - e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or
  - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.

#### E. Transportation Facilities Modifications

1. A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.
2. A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:
  - a. Reduced sight distances.
  - b. Vertical alignment.
  - c. Horizontal alignment.
  - d. Geometric design (length, width, bulb radius, etc.).
  - e. Design speed.
  - f. Crossroads.
  - g. Access policy.
  - h. A proposed alternative design which provides a plan superior to these standards.
  - i. Low impact development.
  - j. Access Management Plans
3. Modification Procedure
  - a. A modification shall be proposed with the application for land use approval.
  - b. A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.

- c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.
  - 4. Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:
    - a. Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.
    - b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
    - c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.
    - d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.
    - e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.
- (Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

### **16.106.030 Location**

#### **A. Generally**

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

#### **B. Street Connectivity and Future Street Systems**

- 1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 16).
- 2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.
  - a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.

- b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.
  - c. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.
  - d. Driveways that are more than 24 feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.
3. Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.
  4. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.
  5. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.
  6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.
  7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
    - a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
    - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
    - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

#### C. Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

#### D. Additional Setbacks

Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

	<b>Classification</b>	<b>Additional Setback</b>
1.	Principle Arterial (99W)	61 feet
2.	Arterial	37 feet
3.	Collector	32 feet
4.	Neighborhood Route	32 feet
5.	Local	26 feet

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

#### **16.106.040 Design**

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.

##### **A. Reserve Strips**

Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.

##### **B. Alignment**

All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.

##### **C. Future Extension**

Where necessary to access or permit future subdivision or development of adjoining land, streets shall extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length shall comply with the Engineering Design Manual.

A durable sign shall be installed at the applicant's expense. The sign shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."

##### **D. Intersection Angles**

Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.

##### **E. Cul-de-sacs**

1. All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.

2. All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.
3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.

#### F. Grades and Curves

Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.

#### G. Streets Adjacent to Railroads

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

#### H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

#### I. Median Islands

As illustrated in the adopted Transportation System Plan, Chapter 8, median islands may be required on arterial or collector streets for the purpose of controlling access, providing pedestrian safety or for aesthetic purposes.

#### J. Transit Facilities

Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.

5. Provide lighting at a transit stop (if not already existing to transit agency standards).

#### K. Traffic Controls

1. Pursuant to Section 16.106.080, or as otherwise required by the City Engineer, an application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.
2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.

#### L. Traffic Calming

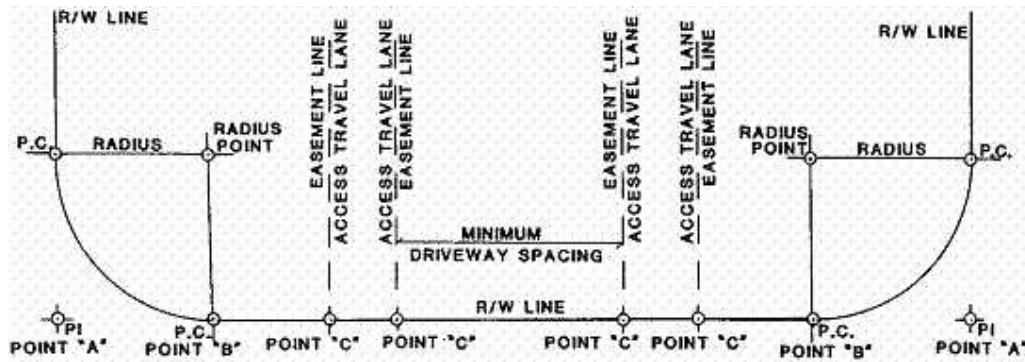
1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
  - a. Curb extensions (bulb-outs).
  - b. Traffic diverters/circles.
  - c. Alternative paving and painting patterns.
  - d. Raised crosswalks, speed humps, and pedestrian refuges.
  - e. Other methods demonstrated as effective through peer reviewed Engineering studies.
2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

#### M. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
  - a. Minimum right-of-way radius at intersections shall conform to City standards.
  - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.
  - c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
  - d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
  - e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:





## 2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

### a. Local Streets:

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

### b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

### c. Collectors:

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.



- d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:
  - (1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
  - (2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:
    - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').
    - (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.
  - (3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.
- 3. Exceptions to Access Criteria for City-Owned Streets
  - a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications).
  - b. Access in the Old Town (OT) Overlay Zone

Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

#### N. Private Streets

1. The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).
2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.
3. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.
4. A private street shall also be signed differently from public streets and include the words "Private Street".

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

### 16.106.060 Sidewalks

#### A. Required Improvements

1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.
2. For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.
3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.

#### B. Design Standards

##### 1. Arterial and Collector Streets

Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi-use path, located as required by this Code.

##### 2. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

##### 3. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

#### C. Pedestrian and Bicycle Paths

Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

(Ord. No. 2011-011, § 1, 10-4-2011)

### **16.106.070 Bike Lanes**

If shown in Figure 13 of the Transportation System Plan, bicycle lanes shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve-inch stripe or other means approved by Engineering Staff, and should be a minimum of five (5) feet wide. (Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

**Editor's note**—Ord. No. 2014-012, § 3, adopted July 17, 2014, amended the Code by repealing former § 16.106.070 in its entirety, and renumbering former § 16.106.080 as a new § 16.106.070. Former § 16.106.070 pertained to the Hwy. 99W Capacity Allocation Program (CAP), and derived from Ord. No. 2011-011, adopted October 4, 2011.

### **16.106.080 Traffic Impact Analysis (TIA)**

#### **A. Purpose**

The purpose of this section is to implement Sections 660-012-0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt performance standards and a process to apply conditions to land use proposals in order to minimize impacts on and protect transportation facilities. This section establishes requirements for when a traffic impact analysis (TIA) must be prepared and submitted; the analysis methods and content involved in a TIA; criteria used to review the TIA; and authority to attach conditions of approval to minimize the impacts of the proposal on transportation facilities.

This section refers to the TSP for performance standards for transportation facilities as well as for projects that may need to be constructed as mitigation measures for a proposal's projected impacts. This section also relies on the City's Engineering Design Manual to provide street design standards and construction specifications for improvements and projects that may be constructed as part of the proposal and mitigation measures approved for the proposal.

#### **B. Applicability**

A traffic impact analysis (TIA) shall be required to be submitted to the City with a land use application at the request of the City Engineer or if the proposal is expected to involve one (1) or more of the following:

1. An amendment to the Sherwood Comprehensive Plan or zoning map.
2. A new direct property approach road to Highway 99W is proposed.
3. The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.
4. An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.
5. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
6. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

#### **C. Requirements**

The following are typical requirements that may be modified in coordination with Engineering Staff based on the specific application.

1. **Pre-application Conference.** The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with

Washington County and ODOT when an approach road to a County road or Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.

2. Preparation. The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.
3. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.
4. Intersection-level Analysis. Intersection-level analysis shall occur at every intersection where the analysis shows that fifty (50) or more peak hour vehicle trips can be expected to result from the development.
5. Transportation Planning Rule Compliance. The requirements of OAR 660-012-0060 shall apply to those land use actions that significantly affect the transportation system, as defined by the Transportation Planning Rule.

#### D. Study Area

The following facilities shall be included in the study area for all TIAs:

1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
2. Roads and streets through and adjacent to the site.
3. All intersections needed for signal progression analysis.
4. In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.

#### E. Analysis Periods

To adequately assess the impacts of a proposed land use action, the following study periods, or horizon years, should be addressed in the transportation impact analysis where applicable:

1. Existing Year.
2. Background Conditions in Project Completion Year. The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.
3. Full Buildout Conditions in Project Completion Year. The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
4. Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.

5. Twenty-Year or TSP Horizon Year. For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.

#### F. Approval Criteria

When a TIA is required, a proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying land use proposal:

1. The analysis complies with the requirements of 16.106.080.C;
2. The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;
3. For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and
4. Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.
5. Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.

#### G. Conditions of Approval

The City may deny, approve, or approve a development proposal with conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to ensure consistency with the future planned transportation system. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities, pursuant to Section 16.106.090. Findings in the development approval shall indicate how the required improvements are directly related to and are roughly proportional to the impact of development.

(Ord. No. 2014-012, § 3, 7-17-2014)

### **16.106.090 Rough Proportionality**

#### A. Purpose

The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality requirements of this section apply to both frontage and non-frontage improvements. A proportionality analysis will be conducted by the City Engineer for any proposed development that triggers transportation facility improvements pursuant to this chapter. The City Engineer will take into consideration any benefits that are estimated to accrue to the development property as a result of any required transportation facility improvements. A proportionality determination can be appealed pursuant to Chapter 16.76. The following general provisions apply whenever a proportionality analysis is conducted.

- B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation

impacts of the proposed development. When applicable, anticipated impacts will be determined by the TIA in accordance with Section 16.106.080. When no TIA is required, anticipated impacts will be determined by the City Engineer.

C. The following shall be considered when determining proportional improvements:

1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.
2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.
3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.
4. Applicable TSP goals, policies, and plans.
5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.
6. Accident history within the impact area.
7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.
8. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.
9. Other considerations as may be identified in the review process pursuant to Chapter 16.72.

(Ord. No. 2014-012, § 3, 7-17-2014)

**STATUTORY REFERENCES  
FOR  
OREGON CITIES**

The statutory references listed below refer the code user to state statutes applicable to Oregon cities. They are current with the 2014 Regular Session legislation effective through July, 1, 2014 and ballot measures on the November 4, 2014 ballot.

**General Provisions**

Incorporation of cities  
ORS § 221.005 et seq.

City charters  
Oregon Const. Art. XI, § 2

Charter amendments  
ORS § 221.210

Boundary changes  
ORS ch. 222

Ordinances  
ORS § 221.275 et seq.

Enforcement of ordinances  
ORS §§ 30.315 and 221.315

Procedures for infractions, violations and  
traffic offenses  
ORS ch. 153

Elections  
ORS §§ 221.180, 221.200, 221.230

Initiative and referendum  
ORS §§ 221.210 and 250.255 et seq.

**Administration and Personnel**

City officers  
ORS § 221.110 et seq.

Municipal courts  
ORS §§ 221.140, 221.336 et seq.

Public meetings  
ORS § 192.610 et seq.

Emergency management and services  
ORS ch. 401

Planning commissions  
ORS § 227.010 et seq.

**Revenue and Finance**

Financial administration  
ORS ch. 294

Public contracts and purchasing  
ORS chs. 279A—279C

Assessments for local improvements  
ORS ch. 223

Limitations on powers of city to assist cor-  
porations  
Oregon Const. Art. XI § 9

Revenue sharing for cities  
ORS § 221.770

**Business Licenses and Regulations**

Taxation of liquor prohibited  
ORS § 473.190

**Animals**

Animal control  
ORS ch. 609

Rabies control  
ORS § 433.340 et seq.

**Health and Safety**

General authority  
ORS § 221.410

Health Hazard Abatement Law  
ORS § 222.840 et seq.



## STATUTORY REFERENCES

Camping by homeless  
ORS § 203.077 et seq.

Fireworks  
ORS § 480.111 et seq.

### **Public Peace, Morals and Welfare**

General authority  
ORS § 221.410

State penal code  
ORS title 16

Curfew  
ORS § 419C.680

Firearms regulation  
ORS § 166.170 et seq.

Public intoxication  
ORS § 430.402

### **Vehicles and Traffic**

Oregon vehicle code  
ORS title 59

Local authority  
ORS §§ 801.038, 801.040

Rules of the road  
ORS ch. 811

Driving under influence of intoxicants  
ORS ch. 813

Off-road vehicles  
ORS ch. 821

Abandoned vehicles  
ORS ch. 819

Parking offenses  
ORS § 221.275 et seq.

Bicycles  
ORS § 814.400 et seq.

### **Streets, Sidewalks and Public Places**

City improvements and works  
ORS ch. 223

City parks, memorials and cemeteries  
ORS ch. 226

### **Public Services**

Municipal utilities  
ORS ch. 225

Regulation of public utilities  
ORS § 221.420 et seq.

City sewers and sanitation  
ORS ch. 224

System development charges  
ORS § 223.297 et seq.

### **Buildings and Construction**

State building code  
ORS ch. 455

Adoption of codes by reference  
ORS § 221.330

Radio antennas  
ORS § 221.295

### **Subdivisions**

Subdivisions and partitions  
ORS ch. 92

### **Zoning**

City planning and zoning  
ORS ch. 227

Ordinance Number	Date	Description	Section	Section this Code
2014-004	2-18-2014	Amendment to the transportation system plan and comprehensive plan		Omit
2014-005	2-18-2014	Amendment to the transportation system plan and comprehensive plan		Omit
2014-006	3- 4-2014	Dimensional table as it relates to front yard setbacks within the Medium Density Residential Low, Medium Density Residential High and High Density Residential zoning districts	2	16.12.030.C
2014-007	4- 1-2014	Declaring certain sidewalks to be defective		Omit
2014-008	4- 1-2014	Repealing Ord. 2014-003 re medical marijuana facilities		Omit
2014-010	6- 3-2014	Sidewalks, construction and repairs	1	12.08.010— 12.08.110
2014-011	6- 3-2014	Authorizing extension of duration of a reimbursement district	1	13.24.010, 13.24.050, 13.24.060, 13.24.100
2014-012	7-17-2014	Transportation System Plan	3	16.10.020
				16.80.030
				16.90.030
				16.94.010— 16.94.030
				16.106.010— 16.106.040
			Rpld	16.106.070
			Rnbd	16.106.080
			as	16.106.070
			Added	16.106.080, 16.106.090
2014-013	8- 5-2014	Cedar Brook Planned Unit Development		Omit
2014-014	8- 5-2014	Alarm systems	1 Rpld	8.08.010— 8.08.110
			Added	8.08.010— 8.08.070
2014-015	8-19-2014	Police advisory board	1 Added	2.10.010— 2.10.060
2014-016	8-19-2014	Relinquishment of easement		Omit
2014-017	9-16-2014	Oregon Mechanical Specialty Code	1	15.04.120
2014-018	9-16-2014	Oregon Structural Specialty Code	1	15.04.110
2014-019	10- 7-2014	Marijuana tax	1 Added	3.25.010— 3.25.130
2014-020	12-16-2014	Oregon Electrical Specialty Code	1	15.04.140
2014-021	12-16-2014	Oregon Plumbing Specialty Code	1	15.04.130
2014-022	12-16-2014	Oregon Residential Specialty Code	1	15.04.150
2015-001	1- 6-2015	Traffic regulations	1 Added	10.12.235
2015-002	2- 3-2015	State Fire Code	1, 2	8.12.010, 8.12.015

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### RUBBISH

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### SYSTEM DEVELOPMENT CHARGES

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