



ORDINANCE 2024-005

AMENDING SHERWOOD MUNICIPAL CODE 12.12 LIMITING LIABILITY FOR THE CITY OF SHERWOOD AND OTHER PARTIES FROM PRIVATE CLAIMS RESULTING FROM USE OF TRAILS IN PUBLIC EASEMENTS OR UNIMPROVED RIGHTS-OF-WAY UNDER ORS 105.668

WHEREAS, ORS 105.668(2) limits the liability of certain cities, adjacent property owners within those cities, and certain nonprofit groups for personal injuries or damage to property that results from the public's non-motorized use of trails or structures that are in a public easement or an unimproved right of way; and

WHEREAS, ORS 105.668 immunity extends automatically to cities with populations of 500,000 or more and allows smaller cities that opt in to the same immunity by adopting a resolution or ordinance; and

WHEREAS, the City of Sherwood has trails, structures in public easements, and unimproved rights of way that are open to the public's use for non-motorized activities, such as walking, hiking, or biking; and

WHEREAS, the City of Sherwood seeks to protect the City, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails or structures so that the public may continue to access, use, and enjoy such trails or structures; and

WHEREAS, the City of Sherwood previously adopted Resolution 2017-012 to support legislation promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who are acting within the scope of their employment or duties so to allow Oregonians to access their lands for recreational use and enjoyment; and

WHEREAS, adopting this Ordinance will codify the limitation of liability as part of the Sherwood Municipal Code; and

WHEREAS, ORS 105.668 extends immunity to the city's officers, employees, and agents; and

WHEREAS, ORS 105.668 offers landowners an incentive to grant public easements and rights of way by providing increased protections from liability in the same manner as it does cities and their officers, employees, and agents.

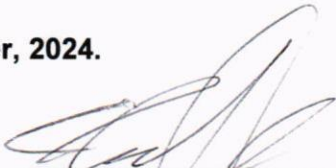
NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Sherwood Municipal Code, shall be amended to add section 12.12.260, titled "Limited Liability" and states as follows:

The City of Sherwood elects to join the limited liability protection granted under ORS 105.668.

Section 2. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 17th of December, 2024.



Tim Rosener, Mayor

Attest:


Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Giles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosener	<input checked="" type="checkbox"/>	<input type="checkbox"/>