



## **ORDINANCE 2025-001**

### **AMENDING SHERWOOD MUNICIPAL CODES 8.04 AND 10.08 AND REMOVING 9.60 REGARDING TICKETING AND TOWING VEHICLES**

**WHEREAS**, the Sherwood Police Department has identified a number of areas in Sherwood Municipal Code Chapters 8.04, 9.60 and 10.08 that are in need of updating in order to make them more workable for enforcement and to better target the types of situations where enforcement is warranted; and

**WHEREAS**, based on these concerns and pursuant to a comprehensive review of the existing code language, staff prepared a proposed replacement for the existing Chapters 8.04 and 10.08; and

**WHEREAS**, Existing chapter 9.60 is an inventory policy that belongs in the Sherwood Police Department policy manual. Having it located in both code and policy introduces the possibility of inconsistencies between the code provision and the policy manual; and

**WHEREAS**, ORS 819.190 requires a tow hearing to be held within 36 hours of receiving a request for such a hearing, and the existing code provision does not match that requirement; and

**WHEREAS**, the City Council held public hearings on the proposed ordinance on March 18, 2025 and April 1, 2025; and

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

- Section 1.** After full and due consideration of the information presented at the public hearings, the City Council finds that the Sherwood Municipal Code, Chapters 8.04 and 10.08, should be amended to read as shown in Exhibit 1, attached hereto.
- Section 2.** Sherwood Municipal Code, Chapters 9.60 shall be removed so that the inventory policy exists only in the Sherwood Police Department policy manual.
- Section 3.** The City Manager is hereby directed and authorized to adopt rules, designate permanent or temporary parking restrictions, and to take such other actions as may be necessary to implement this ordinance.
- Section 4.** The Sherwood Municipal Court Administrator is directed and authorized to adopt rules and take such other actions as necessary to implement this ordinance.

**Section 5.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council on April 1, 2025.**

  
\_\_\_\_\_  
Tim Rosener, Mayor

04.01.2025  
Date

Attest:  
  
\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Giles	<u>✓</u>	_____
Scott	<u>✓</u>	_____
Mays	<u>✓</u>	_____
Standke	<u>✓</u>	_____
Brouse	<u>✓</u>	_____
Young	<u>✓</u>	_____
Rosener	<u>✓</u>	_____

As used in this chapter, unless the context requires otherwise:

"Abandoned" or "abandoned vehicle" means a vehicle left in the same location for more than forty-eight (48) hours, when one or more of the following conditions exist:

1. The vehicle has expired, cancelled, altered, or missing license plates or tags;
2. The vehicle appears to be inoperative or disabled; or
3. The vehicle appears to be wrecked, partially dismantled, or junked.

"City" means the City of Sherwood.

"Costs" means the expense of removing, storing and selling an impounded vehicle.

"Hazardous" or "hazardous vehicle" means a vehicle left in a location or condition such as to constitute an immediate threat to public safety, the environment, or safety of vehicular or pedestrian traffic, or in a manner prohibited by SMC 8.04.040.

"Law enforcement officer" is a law enforcement officer of the city or other city employee authorized to enforce this chapter.

"Owner" means any individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

"Stored" or "stored vehicle" means a vehicle that has remained in the same location or within a five hundred-foot radius of its earlier position for more than one hundred twenty (120) hours.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices used exclusively upon stationary rails or tracts.

#### 8.04.030 - Abandoned vehicles-Offense.

- A. A person commits the offense of abandoning a vehicle if a vehicle which the person owns, as shown in the records of the department of motor vehicles, is abandoned on any public right-of-way or on public property of the city.
- B. The civil penalty associated with this violation is listed in the City's fee schedule.

#### 8.04.035 - Stored vehicles-Offense.

- A. A person commits the offense of storing a vehicle if a vehicle which the person owns, as shown in the records of the department of motor vehicles, is stored on any public right-of-way or on public property of the city.
- B. The civil penalty associated with this violation is listed in the City's fee schedule.

#### 8.04.040 - Hazardous vehicles-Offense.

- A. No person shall park or leave standing a motor vehicle of any kind as follows:
1. Blocking a driveway;
  2. Obstructing a fire lane;
  3. Causing a motor vehicle to block, impede, or interfere with the vision or normal flow of vehicular, bicycle, or pedestrian traffic on public streets or sidewalks;
  4. Parking a motor vehicle on a City street when the vehicle poses an immediate danger to the public or environmental safety;
  5. Parking a motor vehicle or leaving a motor vehicle standing on a street, public parking lot, or other area where immediate access is or could be needed, in the event of an emergency, by emergency services personnel or their equipment; or
  6. Blocking, parking or leaving a motor vehicle standing within ten feet of a fire hydrant.
  7. Parking a motor vehicle on a City street within any area marked as a loading zone other than for the purpose of loading or unloading.
- B. The civil penalty associated with this violation is listed in the City's fee schedule.
- C. The owner of the hazardous vehicle, as shown by the records of the department of motor vehicles, shall be responsible for the hazardous condition of the vehicle.

#### 8.04.050 - Removal of vehicles without notice.

A vehicle may be removed without prior notice when:

- A. The vehicle is a hazardous vehicle;
- B. A law enforcement officer reasonably believes the vehicle is stolen;
- C. A law enforcement officer reasonably believes that the vehicle or its contents constitute evidence of a crime and such removal is reasonably necessary to obtain or preserve such evidence;
- D. An unattended vehicle is found illegally parked, and the vehicle's registration has been expired for a year or longer. ;
- E. A law enforcement officer reasonably believes that the person in possession of the vehicle has committed the offense of:
  1. Criminal driving while suspended or revoked in violation of ORS 811.182 and the location of the parked vehicle jeopardizes public safety or the efficient movement of traffic; or

Driving while under the influence of intoxicants in violation of ORS 813.010 and the location of the parked vehicle jeopardizes public safety or the efficient movement of traffic;

F. The vehicle is parked in violation of 10.08.020(C), 10.08.040, or 10.08.060(A)-(F).

8.04.060 -Impoundment. Notice prior to removal.

- A. A vehicle may be removed after a law enforcement officer provides notice as set forth in this section if the vehicle is abandoned or stored, or in violation of 10.08.20(A),(B) or 10.08.030.
- B. The law enforcement officer shall provide notice and an explanation of procedures available for obtaining a hearing. At least seventy-two (72) hours before removal, the city shall affix a notice to the vehicle with the required information.
- C. The notice must contain the following:
  - 1. The current location of the vehicle;
  - 2. The date and earliest time the vehicle will be towed;
  - 3. The ordinance violated and under which the vehicle will be removed;
  - 4. The place where the vehicle will be held in custody or the telephone number and address of the police department that will provide the information;
  - 5. That the vehicle, if taken into custody and removed, will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents;
  - 6. That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid;
  - 7. That the owner, possessor, or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and removal, if a hearing is timely requested; and
  - 8. The time within which a hearing must be requested and the method for requesting a hearing.

8.04.070 Impoundment. Notice after removal.

- A. If the city removes a vehicle, the city shall provide, by certified mail, within two business days after the removal, notice with an explanation of procedures available for obtaining a hearing to the owner(s) of the vehicle and any lessors or security interest holders as shown in the records of the department of motor vehicles. The notice shall state that the vehicle has been removed and shall give the location of the vehicle and describe procedures for the release of the vehicle and for obtaining a hearing.
- B. If the person(s) required to be provided notice under subsection A cannot be located in the records of the department of motor vehicles, whether because the vehicle lacks necessary identifying information, is not registered with the department of motor vehicles, or otherwise, the city shall make reasonable efforts to provide such notice, which includes posting of notice in

- the area in which the vehicle was located prior to removal and at least one public location.
- C. If a vehicle is towed pursuant to 08.04.050(E), the driver must be given the opportunity to call a legal driver to retrieve the vehicle. If a legal driver is not reached before the driver is lodged with the jail, the arrested person shall personally receive notice, as required below.
- D. Notice given under this section shall state all of the following:
1. That the vehicle has been removed by the city;
  2. The ordinance violated and under which the vehicle was removed;
  3. The place where the vehicle is being held in custody or the telephone number and address of the appropriate authority that will provide the information;
  4. That the vehicle is subject to towing and storage charges, the amount of the charges that have accrued to the date of the notice and the daily storage charges;
  5. That the vehicle and its contents are subject to lien for payment of the towing and storage charges and that the vehicle and its contents may be sold by the City of Sherwood or the towing and storage facility where the vehicle is located to cover the charges if the charges are not paid within fifteen (15) calendar days;
  6. That the owner, possessor, or person having interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of removing it and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested;
  7. That a hearing to contest the validity of the tow must be requested not more than five business days after the mailing date of the notice and the method for requesting a hearing;
  8. That the vehicle and its contents may be immediately reclaimed by complying with the provisions of this chapter for reclaiming a vehicle and setting forth the applicable requirements.

#### 8.04.080 - Release of removed vehicles.

- A. A vehicle removed under this chapter may be held until a person entitled to lawful possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a court having jurisdiction over the matter. The person recovering the vehicle must also submit proof of their ownership or right to possess the vehicle.
- B. Each person who obtains release of a removed vehicle shall sign a copy of the receipt issued, indicating that they have received notice of their right to a hearing.
- C. A person shall have a lien on a vehicle and its contents if the person, at the request of the city, tows a vehicle. A lien established under this subsection shall be on the vehicle and its contents for the just and reasonable charges for the towing service performed and any storage provided. The lien shall be subject to the provisions for liens under ORS 98.812(3). The person holding the lien may retain possession of the vehicle and contents until the charges on which the lien is based are

A lien described under this subsection does not attach to the contents of any vehicle taken from public property until 15 calendar days after removing the vehicle.

- D. If a vehicle removed under this chapter is not claimed within 30 calendar days after removal, it shall be disposed of as authorized by ORS 819.210 to 819.215.

#### 8.04.090 - Hearing to contest validity of removal.

A person provided notice under this chapter, or any other person who reasonably appears to have an interest in the vehicle, may request a hearing under this section to contest the validity of the removal or the proposed removal by submitting a request for hearing with the municipal court not more than five business days after the mailing date of the notice. A request for hearing shall be in writing and shall state grounds upon which the person requesting the hearing believes that the removal of the vehicle is not justified. A hearing under this section shall comply with all of the following:

- A. If the city proposes to remove a vehicle and receives a request for hearing before the vehicle is removed, the vehicle shall not be removed unless it constitutes a hazard.
- B. The municipal court shall have a hearing within three business days after receipt of a request to contest the validity of a tow and shall provide notice of the hearing to the person requesting the hearing and to the owner(s) of the vehicle and any lessors or security interest holders shown in the records of the department of motor vehicles, if not the same as the person requesting the hearing, and to the city attorney's office. Business days shall not be calculated to include City of Sherwood recognized holidays. The Sherwood Municipal Court is authorized to conduct these hearings by live streaming video.
- C. If the municipal court finds, after a hearing and by substantial evidence on the record, that the removal of a vehicle was or would be:
  1. Invalid, the municipal court shall order the immediate release of the vehicle to the owner or person with right to possession. If the vehicle is released under this subsection, the person to whom the vehicle is released is not liable for any towing or storage charges accruing prior to the order of the municipal court. If the person has already paid such towing and storage charges on the vehicle, the city shall reimburse the person for the charges. The person shall be liable for any additional storage charges incurred after the order. New storage charges for the vehicle will not start to accrue until twenty-four (24) hours after the issuance of the order. If the vehicle has not yet been removed, the city shall not remove the vehicle.
  2. Valid, the municipal court shall order the vehicle to be held in custody until the costs of the hearing are paid by the person claiming the vehicle, and the person claiming the vehicle otherwise complies with SMC 8.04.080. If the vehicle has not yet been removed, the city shall order its removal.
- D. If the person requesting the hearing does not appear at the hearing, the municipal court may

enter an order finding the removal to be valid and any applicable charges to be reasonable.

- E. A person who fails to appear at a hearing under this section is not entitled to another hearing on the same matter unless the person provides reasons satisfactory to the municipal court for the person's failure to appear.
- F. The city is only required to provide one hearing under this section for each time the city removes a vehicle or proposes to do so.
- G. A hearing under this section may be used to determine the reasonableness of the charges for towing and storage of a vehicle. Towing and storage charges, set by law, ordinance, or rule, or that comply with law, ordinance, or rule, shall be deemed reasonable for purposes of this chapter. If the reasonableness of charges for towing and storage of a vehicle are contested through a hearing under this section, the municipal court shall enter an order setting forth the amount of towing and storage charges the court has determined to be reasonable.
- H. The municipal court shall provide a written statement of the results of the hearing to the person requesting the hearing and to the city attorney's office.
- I. The action of the municipal court is final and no appeal can be taken from it.

#### 10.08.020 - Prohibited practices.

- A. Prohibited display. No person shall park a vehicle on the right-of-way of any highway, or upon any public street or public way within the corporate limits of the city for any of the following purposes:
  - 1. Advertising, selling, or offering merchandise for sale;
  - 2. Displaying such vehicle for sale;
  - 3. Washing, greasing, or repairing such vehicle, except as may be necessitated by emergency;
  - 4. Displaying advertising upon such vehicle; or
  - 5. Storage, junk or dead storage.

It is violation of this section when any of the previous activities occur for any period of more than forty-eight (48) hours, except that this subsection shall be subject to the limits elsewhere prescribed in the motor vehicle code of the city, or as may be prescribed by the Oregon State Motor Vehicle Code.

The civil penalty associated with this violation is listed in the City's fee schedule.

- B. Parking time limit.
  - 1. It is unlawful for any person to park or stop any vehicle for a longer period of time than that designated by official signs, parking meters, or other markings placed by or under authority of the city of Sherwood. Such parking time limit shall include the aggregate of time of all stopping or standing of the same vehicle in the same lot or on the same side of the street within a space of three hundred (300) lineal feet measured along the curb line and between



Intersections; and the parking, standing or stopping of any vehicle within such expanse shall not exceed the designated time limit during any twenty-four-hour period.

2. The civil penalty associated with this violation is listed in the City's fee schedule.

C. No Parking Zone.

1. It is unlawful for a vehicle operator to park a vehicle in violation of the City's "No Parking" restrictions, regardless of whether such restrictions are permanent or temporary.  
Temporary parking restrictions shall be approved by the city manager and notice shall be provided to the public at the location where a restriction is to be imposed not less than thirty-six (36) hours prior to the restriction. The owner of a vehicle parked in violation of this section shall be liable for the cost of towing and storage of the vehicle.
2. The civil penalty associated with this violation is listed in the City's fee schedule.

10.08.030 - Parking restrictions on certain types of vehicles.

No person shall, at any time, park or leave standing a motor truck, truck tractor, truck trailer, semi-trailer, bus trailer, commercial bus, commercial bus trailer, trailer as defined in this chapter, whether attended or unattended, on any improved public highway, public street, or other public way within the corporate limits of the city for a period greater than thirty (30) minutes, between the hours of 12:01 a.m. and six a.m. Motor homes, travel trailers connected to a motor vehicle and campers mounted on a motor vehicle may be parked on the street for up to forty-eight (48) hours if the public street or public way meets the criteria listed below:

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

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

The civil penalty associated with this violation is listed in the City's fee schedule.

10.08.040 - Vehicles to be removed from fire scenes.

Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of, or close to a building to which the fire department has been summoned, he or she shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.

10.08.050 - Method of parking.

- A. No person having control or charge of a motor vehicle shall allow it to stand on any street unattended without first fully setting its parking brakes, stopping its motor, and removing the ignition key; and, when standing upon an precipitous grade, the front wheels of the vehicle shall be angled into the curb.
- B. No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the curb, except where the street is marked or signed for angle parking.
- C. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space.
- D. The civil penalty associated with this violation is listed in the City's fee schedule.

10.08.070 - Parking prohibited on certain streets.

The city may establish residential parking districts (districts) to protect specified residential areas from the effects of spillover parking arising as a result of adjacent commercial, employment or mixed-use or other uses that generate a high demand for parking. Parking by those without a permit may be prohibited, within the following guidelines:

- A. A request for creation of a district shall be initially directed to the city manager, who shall make and then forward a written recommendation to the city council for its review.
- B. When evaluating a district's possible designation or any attribute thereof the city manager may, in assessing whether the general welfare of the city is enhanced or promoting thereby, consider the following factors:
  - 1. The residential nature within the district;
  - 2. The volume of traffic and available parking;
  - 3. The surface width of streets within the proposed district;
  - 4. 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
  - 5. The hours of day or night when use of parking within the proposed district is necessary or most convenient.
- C. 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.
- D. 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.

- E. 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.

#### 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.

#### 10.08.090 - Repeat violation procedures.

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

##### A. Long-term violation

1. First violation - The first violation occurs when the vehicle is ticketed for violating any Sherwood Municipal parking codes or State statutes. The officer shall affix a request to move the vehicle, which is posted on the vehicle itself.
2. Second violation - If vehicle is not relocated within twenty-four (24) hours after the first citation, a second ticket is issued. The civil penalty associated with this violation is listed in the City's fee schedule. The officer shall affix a notice on the vehicle indicating that if the vehicle is not moved within seventy-two (72) hours, the vehicle will be towed. The notice shall comply with the requirements of SMC 8.04.060.
3. Third violation - If the vehicle is not relocated within seventy-two (72) hours following the notice required in section 2 above, a third ticket is issued. The civil penalty associated with this violation is listed in the City's fee schedule. The vehicle may be immediately towed. Notice after removal shall be provided pursuant to Sherwood Municipal Code Section 8.04.070. Notice shall also state that further violations at this location may result in immediate towing if the vehicle is subsequently parked in the same lot, same location, or within three hundred (300) lineal feet of the original location as measured along the curb in either direction.
4. Fourth and subsequent violations - If the same vehicle is parked in the same lot, or within a three hundred (300) lineal feet measured of the original location, as measured along the curb in either direction, and said fourth or subsequent violation is within 365 days of the third or subsequent violation, the vehicle will be ticketed and subject to immediate towing. Ticket for fourth and subsequent violations is issued. The civil penalty associated with this violation is listed in the City's fee schedule.. Notice after removal shall be provided as required in subsection 3 above. If a vehicle is immediately towed under this subsection, the city will provide

**B. Reoccurring Offenses**

A vehicle is subject to immediate tow for reoccurring offenses if:

1. The vehicle has outstanding parking violations that are due and remain unpaid.
2. The involved vehicle is illegally parked; and
3. At least one of the previous citations informed the driver that the vehicle would be immediately towed for reoccurring offenses.

If a vehicle is towed under this subsection, the city will provide notice pursuant to SMC 8.04.070.

The civil penalty associated with this violation is listed in the City's fee schedule.