



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, April 1, 2025

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

5:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>



Home of the Tualatin River National Wildlife Refuge

5:30 PM CITY COUNCIL WORK SESSION

1. **Tannery Site Cleanup Project Update**
(Jason Water, City Engineer)
2. **Sherwood Chamber of Commerce – 2025 Business Plan**
(Craig Sheldon, City Manager)
3. **Housing Bill Updates**
(Eric Rutledge, Community Development Director)

7:00 PM REGULAR CITY COUNCIL SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
 - A. **Approval of March 18, 2025, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. **Resolution 2025-018, Authorizing the City Manager to Execute a Construction Contract for the Edy Road Grind and Inlay Project** (Rich Sattler, Interim Public Works Director)
6. **CITIZEN COMMENTS**
7. **PRESENTATIONS**
 - A. **Proclamation, Proclaiming April 25, 2025 as Arbor Day** (Mayor Rosener)
8. **PUBLIC HEARING**
 - A. **Ordinance 2025-001, Amending Sherwood Municipal Codes 8.04 and 10.08 and removing 9.60 regarding Ticketing and Towing Vehicles** (*Second Hearing*)
(Sebastian Tapia, Interim City Attorney)
 - B. **Resolution 2025-019, Amending Section 3 of the City's Schedule of Fees for Parking Violations and Police Services and Establishing an Effective Date**
(Sebastian Tapia, Interim City Attorney)
9. **CITY MANAGER REPORT**
10. **COUNCIL ANNOUNCEMENTS**

AGENDA

SHERWOOD CITY COUNCIL April 1, 2025

5:30 pm City Council Work Session

7:00 pm City Council Regular Session

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

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11. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time. Assisted Listening Devices available on site.



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
March 18, 2025

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 5:35 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Keith Mays and Doug Scott. Councilor Dan Standke was absent.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, IT Director Brad Crawford, Police Chief Ty Hanlon, Community Development Director Eric Rutledge, Economic Development Manager Erik Adair, HR Director Lydia McEvoy, Interim Public Works Director Rich Sattler, Finance Director David Bodway, Sherwood Arts Center Manager Chanda Hall, and City Recorder Sylvia Murphy.

4. TOPICS:

A. Family Justice Center

Speaker was not present, topic to be rescheduled.

B. Pedestrian Bridge Medallion Art Project

Assistant City Manager Kristen Switzer stated the Sherwood Cultural Arts Commission had been working on this project. Sherwood Center for the Arts Manager Chanda Hall recapped the Sherwood Pedestrian Bridge Medallion Art presentation (see record, Exhibit A) and explained the drawing from KPFF showing the specs and placement of the medallions. She stated there was a total of 8 medallions and four of them were 18 inches wide and four were 24 inches wide. She explained the themes had emerged over the years from gathering public comments and citizen input and people were looking for things that were family friendly, emphasized Sherwood's natural settings and wildlife, and honored the history of the area. She recapped medallion examples and explained where they were from. She further explained a theme, of "Who Walked Here". She stated they wanted to create a "stop and look" moment and provided examples of wildlife footprints that were native to the area. She shared examples of "placemaking" markers and explained. She stated stainless steel was the material recommended by KPFF. She explained the opportunity to have a QR code for digital engagement. Comments were received that the QR code and its content could be changed and updated. Mayor Rosener stated he loved the idea of the history elements and asked if the medallions could be expanded beyond the pedestrian bridge and provided examples. Councilor Giles asked how the stainless steel would weather over time. Chanda explained there were other options, including a composite option of glass fibers and stated they weather very well. She stated stainless steel holds up better and will be a bit of an investment and brass and

concrete composites were other options. Kristen Switzer stated that KPFF scoped stainless steel for the project, but the city could look at other options. Discussion followed. Chanda explained next steps and said if the Council was happy with the direction, staff would put out a call for artists with the goal of bridging the gap between pedestrians and their environment, having something that is engaging and draws people to the bridge that's interactive and has digital access. Comments were received that the QR codes did not need to be on the medallions and placed elsewhere on the bridge. Brief discussion followed regarding the information that can be obtained through a QR code, the benefits of a QR code in conjunction with other city events, and the ability to capture historic information, and the importance of signage durability. Mayor Rosener commented regarding capturing historical emphases of Sherwood in prior years and current times. Kristen Switzer asked to clarify, and if staff was going to add the other elements to the city and focus on the history specific to an area, history that might have been outside of Smockville, and then expand and focus on historical elements, like at Stella Olsen Park and have it be truly symbolic, or do you want to tell the history of Sherwood through the bridge? Mayor Rosener replied the first one and discussion followed. Council spoke on expanding medallions citywide and the design of the medallions on the bridge. Discussion followed and the City of Tualatin was provided as an example. Staff reminded that the bridge would have 8 medallions and informed on their placement. Comments were received to utilize Sherwood historians and having them attend Cultural Arts meetings to gather input on the design as well as contacting the Sherwood School District for youth involvement. Members of the Sherwood Cultural Arts Commission were present and shared their feedback with the Council. Council comments were received to have the artist and team work on multiple designs, more than just for the eight medallions. Jane with the Cultural Arts Commission commented regarding student engagement and the idea of having art displayed on the bridge and expanding art concept throughout Sherwood as it's a very walkable community. Comments were received to have the QR code on separate plaques as technology changes.

C. Transient Lodging Tax (TLT)

Mayor Rosener stated the Council asked to review TLT during their recent Goal Setting session and Finance Director David Bodway presented information (see record, Exhibit B). David stated the city goal was Pillar 3, Livability and Workability. David explained what the tax was and stated the city implemented a 3% tax effective April 2019. Councilor Scott asked if the city wanted to change the rate, was there a limit. David stated he would get to that and further explained the Washington County 9% tax and State of Oregon 1.5% tax for a total of 13% tax in Sherwood. He explained ORS 320.350 stated that 70% of the net revenue must be used to fund tourism promotion or tourism-related facilities, finance or refinancing of debt of tourism-related facilities. He provided an example with the City of Beaverton. He stated that the other 30% of net revenue is unrestricted and can be used to fund city services. He stated the total tax Sherwood has collected since inception was \$632,290. Mayor Rosener referred to the ORS and stated that there are a few bills in Salem. David stated that in 2020 the Hampton Inn opened in Sherwood and prior to this hotel, the city collected an average of \$4000 annually. David stated that in 2023 the Council met in a work session to determine how the funds were to be divided and said currently all the funds are transferred into the Arts Center fund. He stated this allows for unrestricted dollars to help fund economic development and promotion fund (\$70,000), and this is helping to pay for the Old Town Strategic initiative. He said 30% (\$45,000) supported the Sherwood Center for the Arts and 23.3% (\$35,000) is for the public art fund that is currently being used to help pay for the round-about art and other future projects. David further explained that currently in the legislative long session, HB3556 would allow city or counties to use net revenues from its hotel tax to fund the costs of public safety and possibly costs that are tied to infrastructure, such as park trails and possibly streets due to wear and tear from

tourism. Council President Young provided an update on the HB testimony received to date and said there had been around 40 public comments with 4 in support and the remainder were opposed. She stated the opposing testimony were mostly Chamber of Commerce, tourism related and the testimony in favor were more from coastal communities. Mayor Rosener added that it's a real problem for coastal communities and the LOC is helping to support it. Council discussion occurred. David said staff is in the process of preparing the biennium budget and is seeking council direction or discussion on whether to keep the current funding model, reevaluate when a second hotel opens, or wait to see what occurs with the legislature. Mayor Rosener replied he thinks we need to discuss further after the legislature concludes and reminded the Council that the Sherwood Chamber of Commerce will be coming to the council at a future work session with a business plan presentation. He stated he believed the council had some boxes to check before the current model is changed. Council President Young commented regarding considering the options and recapped prior history with TLT discussions and funding options for the Arts Center and Chamber. Mayor Rosener reminded that the TLT is one source of funding and there are many other sources. Councilors Scott asked regarding the maximum tax increase allowed and David replied he needs to look into this and believed there needed to be an ordinance to increase it, and it could be increased temporarily to build something related to tourism. Council discussion followed regarding what the cap was. David added that his research shows that Sherwood's tax was on the lower end in comparison to other cities and will do further research on the cap amount. Council discussion followed regarding a temporary increase and the legislature providing cities with more latitude. Councilor Mays added that he believed the county rate plays a role. Councilor Brouse asked if the City's Charter affected the rate, and Councilor Mays replied no as it was not impacting a residential household and it was a choice. Councilor Scott referred to the \$45,000 that helped fund the Arts Center and asked if this balanced the books or if they are still in a deficit. Staff confirmed they are still in a deficit. Councilor Scott added that he is in support of the art center funding and funding of economic development with a possible reduction when the Old Town initiative is done, and he was in support of public art. He commented that there could be an opportunity for the medallion program to get funding from TLT. He further stated that the Council should have a plan to spend funds over the future to have an impact in the community that is noticeable. Councilor Mays replied he is in support of the current configuration and said there will be an opportunity once the Old Town work is completed to deploy those resources in a different manner. He said he is also curious on legislative limits if any. Councilor Brouse stated she was comfortable with current funding levels and commented regarding public safety and the passage of the bill. She added that if the Council was going to consider the Chamber, they should also consider Main Street. She commented regarding future planning of Sherwood West and medallion art and to consider this for future funding. Councilor Giles commented regarding needing to rebrand the city as colors and logo will affect the TLT if the city will be advertising. He provided examples of advertising and use of the city logo and commented that the logo was outdated and doesn't speak to the current vibe the city is going for. He added he was in support of raising the tax to help pay for design services for rebranding. Comments were received regarding delay of rebranding due to capacity and not necessarily funding. Discussion followed. Council President Young commented that she agreed with Councilor Giles regarding branding and commented regarding the passage of public safety and to know how much the police department is impacted by tourism before expending funds. She stated she would like to see what the Chamber brings to the Council and would consider Main Street. She stated the Chamber represents citywide and Main Street represents a smaller area. Mayor Rosener commented that for now he is fine with the allocations and the comments received and wants to see what Salem says, and what the Chamber and potentially Main Street present and then he may adjust a bit. He stated that the city is going to continue to grow, and some projects will drop off and there will be opportunities to allocate funds and stated again that this is just one funding source for the city and there were many opportunities with grants. He added that the

conversation was more of determining what funding streams can fund. Finance Director Bodway interjected and informed the Council that the city had not received any CEP (Community Enhancement Program) applications, and the application submission period closed on April 15th. Councilor Scott added that he wants to hear what the Chamber or Main Street has to say and said generally he is not predisposed to want to just give any organization money and wants to see something similar to the CEP. Mayor Rosener added that Chambers can be a powerful economic development tool, and these are all things that the Council needs to discuss further. Council President Young added to consider having a conversation to potentially increasing the 30% and looking at what surrounding communities are doing. David replied he would get the information and forward it to the Council. Interim City Attorney Tapia referred to Section 47 of the City Charter and stated that it would apply if you planned on increasing more than 2%. Comments were received and Councilor Mays stated that he disagrees with the interpretation, and it was incorrect and Mayor Rosener added that commercial rates do not fall under that and asked staff to double check. Council comments were received regarding next steps and possibly having an ordinance to increase the rates, waiting and having a plan first, supporting the current model, if the rates are below market, increasing to get to the market rate, and consider the upcoming budget and shortfalls with WCCLS. Mayor Rosener stated that the Council will reschedule the Family Justice Center presentation. Discussion followed regarding the remaining time and the Council agreed to convene the executive session.

5. ADJOURN

Mayor Rosener adjourned the work session at 6:27 pm and convened an Executive Session.

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Rosener called the executive session to order at 6:29 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Keith Mays and Doug Scott. Councilor Dan Standke was absent.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, IT Director Brad Crawford and Finance Director David Bodway.
4. **TOPIC:**

A. ORS 192.660(2)(f), Exempt Public Records

5. ADJOURN

Mayor Rosener adjourned the executive session at 7:18 pm and convened the regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:25 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Keith Mays and Doug Scott. Councilor Dan Standke was absent.

- 3. STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, IT Director Brad Crawford, Police Chief Ty Hanlon, Community Development Director Eric Rutledge, Economic Development Manager Erik Adair, HR Director Lydia McEvoy, Interim Public Works Director Rich Sattler, Finance Director David Bodway, Sherwood Arts Center Manager Chanda Hall, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

Mayor Rosener addressed approval of the agenda and asked for a motion.

MOTION: FROM COUNCIL PRESIDENT KIM YOUNG TO ADOPT THE AGENDA, SECONDED BY COUNCILOR RENEE BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. COUNCILOR DAN STANDKE WAS ABSENT.

Mayor Rosener addressed the next agenda item and asked for a motion.

5. CONSENT AGENDA

- A. Approval of March 4, 2025, City Council Meeting Minutes**
- B. Resolution 2025-015, Adopting City Council Goals and Deliverables for FY2025-26**
- C. Resolution 2025-016, Authorizing the City Manager to Execute an Oregon Transportation Infrastructure Bank Loan for Construction of Ice Age Drive**
- D. Resolution 2025-017, Authorizing the City Manager to enter into an Intergovernmental Agreement with Clean Water Services for the Construction of the Brookman Trunk Sewer Extension Project**

MOTION: FROM COUNCILOR RENEE BROUSE TO ADOPT THE CONSENT AGENDA, SECONDED BY COUNCIL PRESIDENT KIM YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR. COUNCILOR DAN STANDKE WAS ABSENT.

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENTS

There were no citizen comments. Prior to Mayor Rosener addressing the next agenda item, Interim City Attorney Tapia introduced Chelsea Alatraste a law clerk working in the city attorney's office. Chelsea came forward and introduced herself and provided the Council with her background and future plans. Chelsea stated she would be with the city through the end of April 2025. Council had questions for Chelsea and welcomed her to the city.

Mayor Rosener addressed the next agenda item, and the City Recorder read the public hearing statement.

7. PUBLIC HEARING

- A. Ordinance 2025-001, Amending Sherwood Municipal Codes 8.04 and 10.08 and removing 9.60 regarding Ticketing and Towing Vehicles**

Interim City Attorney Sebastian Tapia provided a presentation (see record, Exhibit C) and stated that the ordinance had come before the City Council with coordination of the Sherwood Police department and a

thorough review of cases from other cities and counties. Mr. Tapia recapped the presentation and explained due process to include pre-towing notification and a prompt hearing and stated that these are considered in the proposed code amendments. He explained that it was common practice for law enforcement to have a vehicle towed following an arrest. He explained that the courts indicated that if a car is parked in a location that is not interfering with traffic or interfering with pedestrians that the city's action in moving it was a fifth amendment taking. He said with that in mind, staff was mindful in the development of the code and its enforcement. He addressed preemption and said under Oregon state statute, if a vehicle is towed pursuant to the statute there is a requirement to have a hearing within 3 days of the request. He said Sherwood's current code is a 5-day request. He stated it was not clear if a preemption applied, but it probably does. He explained that in coordination with the Sherwood municipal court he added language allowing for remote hearings. He addressed long-term violation procedures and said it was part of the existing code with a couple of strategic amendments. Mr. Tapia provided examples of first and second types of violations. He referred to administrative fees and said the Council will be considering fees at their April 1st meeting. He explained third and fourth stage violations and provided examples. He addressed new code provisions of reoccurring offenses and explained he got this language from the City of Bend. He explained the provisions and provided examples. Mayor Rosener asked Police Chief Hanlon how many tows were done within a year. Chief Hanlon replied he did not know the number but it's a handful and said they are really hamstrung on when they can tow and provided examples. He said about 95% of Sherwood tows are crash related incidents. Mr. Tapia explained additional terms for towing vehicles to include abandoned vehicles, stored vehicles and hazardous vehicles, and provided examples. Councilor Scott asked regarding city lots and Mr. Tapia explained the allowable provisions. Councilor Giles provided an example of a vehicle in place for an extended period of time and Mr. Tapia stated that that would be considered a stored vehicle if it remained for 120 hours. Council comments were received regarding vehicles parked for a period of time in a residential area and Chief Hanlon replied many situations are complaint driven and explained their process to address the situation. Mr. Tapia addressed Vehicle Removal Without Notice – Immediate Tow and five reasons of Hazardous Conditions, Criminal Circumstances (amended code), Registration Issues (new code), Driver Violations (amended code) and Fire Scene (amended code) and explained and provided examples. Councilor Mays addressed immediate tow and provided an example of an event in town that was permitted and properly noticed with no parking signs and asked how these vehicles are addressed. Mr. Tapia replied he introduced a No Parking Zone that could be temporary or permanent in nature as designated by the City Manager, and provided an example of a parade and needing to clear the streets, and said it would indicate three days prior to the restriction, the date, time and duration of the restriction and someone parked in the no parking zone would be an immediate tow. Mr. Tapia addressed impound procedures and said there are notification procedures before and after a tow and explained, Noticing Requirements, Notice Content, Post-Removal Notice and Reasonable Efforts. He provided an example of "Reasonable Efforts". Mr. Tapia explained Vehicle Release and Hearing Process and said the release requirements were simplified and explained that with the amendment he looked at the least number of restrictions to get the vehicle back to the owner or someone designated by the owner. Councilor Mays asked if tow and storage charges are set and regulated and if so by who. Mr. Tapia replied they are and stated that each Sheriff's office is authorized to set standards within their county and cities must comply. He explained that if a vehicle is towed, it could be towed to a number of different tow yards in the area and an IGA describes the procedures and requirements. Chief Hanlon added that if the IGA is agreed to, there are standards that must be met and tows are done on a rotation. He further added that individuals would be notified of the tow location. He stated that when a tow is conducted, the information is entered into the LEDS database. Councilor Brouse asked if the LEDS system is used to track the violations and hours or is that a separate system. Chief Hanlon replied that is incumbent on the officer and working with court to determine those. He provided an example and their use of an "Orange Sticker", which is a notice of tow. He said they will track them and work with court on prior violations. Chief Hanlon

stated staff was figuring it out and said it was worth it to have something in place. Council President Young asked regarding internal tracking processes and provided an example of a tow notice issued by an officer and after 72 hours that officer is not on duty, how does that information transfer to an on-duty officer. Chief Hanlon replied and said they would communicate with each other and could ask the CSO (Community Services Officer) to handle it. Mr. Tapia commented that that information would need to be documented and provided to his office so that we can prove the person did not move the vehicle, or if something else happened in between the shift changes. Mr. Tapia addressed the hearing process and said this was a change per the required state statute requiring a hearing within three days, this was a change from seven days to be in compliance. Councilor Scott asked regarding a tow hearing and Mr. Tapia replied and provided an example that a hearing can be requested before a tow occurs if the individual feels a tow should not occur. Mr. Tapia addressed Parking Restrictions and explained Time and Location and stated the language was an amendment. He explained amendments to the Fee Schedule and explained they are referred to Administrative Fees in terms of the money the city takes in, versus having to pay the county and the state and said we actually pay the county and state \$75 off the top of a ticket if we call it a fine. He stated that calling it an Administrative Fee is in line with other cities and standard practices. Councilor Mays commented regarding the budget process and budget committee reviewing of fees and Mr. Tapia stated the Fee Schedule is planned to come before the council on April 1st for each new section. Brief discussion occurred regarding the fees along with all city fees being a part of the annual adoption of the city's budget. Mr. Tapia addressed No Parking Zones and said the City Manager is authorized to designate a location to be a No Parking Zone, permanently or temporarily. He explained an Immediately Tow being authorized when two or more municipal judgements are due or unpaid. Mayor Rosener asked regarding a permitted parking area and provided an example of an unauthorized vehicle parked in the permitted zone, is it considered a no parking zone. Mr. Tapia replied it could be and it would depend on how the City Manager designated the location as he would have the authority to impose conditions. Mayor Rosener clarified and said, if it's a permitted parking area, it should be covered by our code. Mr. Tapia confirmed. Councilor Mays and Mayor Rosener thanked the city attorney for the work on the proposed code amendment. Mayor Rosener opened the public hearing to received testimony, and with none received he closed the public hearing. He continued the public hearing to the April 1st Council meeting. Councilor Mays asked the City Manager if he was supportive of the proposed ordinance. Mr. Sheldon replied yes and stated it helped the police department and allowed the city to be current with our code, with no parking zones and parking lots. Mayor Rosener commented regarding the city's intent of being compliant with current state laws and having a tool to deal with nuisance situations.

8. CITY MANAGER REPORT

City Manager Sheldon reported on the pedestrian bridge project and upcoming road closures. He informed the council that staff was working with a software to help with reporting, tracking, measuring and delivering on Council Goals.

9. COUNCIL ANNOUNCEMENTS

Councilor Giles reported that the planning commission did not meet, and he attended a Metro Mixer with local leaders and the Metro Council. He stated he attended a Policy Advisory Board meeting (CDBG) (Community Development Block Grant) as the alternate liaison to Council President Young. He stated he was in attendance as some of the pedestrian bridge work was being done and complimented staff on their project management.

Councilor Brouse reported on the Senior Advisory Board meeting and their conversations of working with the Parks and Recreation Advisory Board to have some adult friendly equipment at a Sherwood Park and stated Langer Park was the spoken location. She added this was in conjunction with the Age Friendly City conversation and plan. She reported on Sherwood Chamber of Commerce Cruis'In event and said there are opportunities to be a vendor and volunteers were needed. She reported on a recent trip to Washington D.C. with a group of Sherwood students. She reported on an upcoming open house of a new build-out at Just Compassion of Washington County located in Tigard. She reminded that there were still CEP (Community Enhancement Program) grants available, and the application period closed April 15th.

Councilor Mays congratulated all those involved with the pedestrian bridge project and instillation of the first section and thanked those involved in capturing the photos and timelapse videos. He reported on the recent Cultural Arts Commission meeting and said they will be submitting applications for CEP grants, and they have been working on the pedestrian bridge medallion program.

Councilor Scott commented regarding the pedestrian bridge project and said it's a beacon and will be a big part of Sherwood's identity and provided kudos to all those involved. He reported on a recent Parks & Recreation Advisory Board meeting and their discussion of removal of hazardous trees and replanting of trees. He stated that the Parks Board was very excited about the joint partnership with the Senior Advisory Board and the work they can jointly do in the city's parks. He mentioned Langer Park and said Langer Park is owned by the city but operated by an HOA, and stated he believed there was an opportunity for the city to take this on and treat it like all other city parks.

Council President Young reported on her attendance at a ribbon cutting event at a new Sherwood business and commented regarding the future ribbon cutting of another new business. She reported on her recent attendance at the National League of Cities Conference in Washington D.C. with Mayor Rosener, Councilor Brouse, Assistant City Manager Switzer and five Sherwood high school students and shared her favorite experiences as well as their meetings with Representative Salinas and Senator Merkley. She spoke of other conference events. She reported on her scheduled testimony for Senate Bill 974-1 and rescheduling of the testimony. She reported on the CDBG Policy Advisory Board meeting and their funding of grants, that are dependent on federal funding. She explained the make-up of the advisory board team and the work they do.

Mayor Rosener Complimented staff and all those involved for their work on the pedestrian bridge project. City Manager Sheldon thanked all those involved including outside agencies. Mayor Rosener commented regarding the NLC (National League of Cities) Conference and echoed Council President Young's comments. He spoke of the conversations the students had with congressional staff and future opportunities for internships and stated that the overall conference was great. He reported on his recent public testimony in Salem on an infrastructure bill and reported on his attendance at an MPAC and WCCC meeting.

10. ADJOURN

Mayor Rosener adjourned the meeting at 8:25 pm and convened an Urban Renewal Agency Board of Directors meeting. See URA Board meeting records.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

TO: Sherwood City Council

FROM: Rich Sattler, Interim Public Works Director

Through: Craig Sheldon, City Manager and Sebastian Tapia, Interim City Attorney

SUBJECT: Resolution 2025-018, Authorizing the City Manager to Execute a Construction Contract for the Edy Road Grind and Inlay Project

Issue: Should City Council authorize the City Manager to execute a construction contract with the lowest responsive bidder for the construction of pavement rehabilitation within SW Edy Road?

Background: SW Edy Road (from 100 feet west of SW Terrapin Drive to 100 feet east of SW Houston Drive), currently has deficient pavement in need of replacement. The proposed street work for SW Edy Road will consist of grinding the existing surface and overlaying a new asphalt surface. New ADA compliant sidewalk ramps will be installed in the vicinity of the surface rehabilitation. Full depth pavement rehabilitation will occur in areas showing greater deterioration.

Grind and inlay were chosen to provide a smooth driving surface at a lower cost than a full pavement removal and cement treatment.

The city solicited competitive bids from contractors and opened bids on March 20, 2025, to determine the lowest responsive bid. The lowest responsive bidder was S-2 Contractors, Inc. with a total bid of \$176,781.00. The required seven (7) day protest period has been completed.

Work is expected to begin April 2025, with completion in May 2025. City staff provided notification to area residents of the upcoming project. The grind and inlay portion of the work will likely be completed in one day between 8:30am and 4:30pm to minimize peak traffic impacts.

Financials: The construction of the street improvements has a budgeted Base Contract Amount of \$176,781.00 with an additional 15% added for contingency (\$26,517.15). Funding for the project is included in the FY2024-25 budget.

Recommendation: Staff respectfully requests City Council adoption of Resolution 2025-018, authorizing the City Manager to execute a construction contract for the Edy Road Grind and Inlay Project.



RESOLUTION 2025-018

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE EDY ROAD GRIND AND INLAY PROJECT

WHEREAS, the City has identified the pavement on SW Edy Road (from 100 feet west of SW Terrapin Drive to 100 feet east of SW Houston Drive) to be deficient; and

WHEREAS, the City completed the design, produced bid documents and solicited contractors using a competitive bidding process per ORS 279C, OAR 137-049; and

WHEREAS, the City opened bids on March 20, 2025 and issued the Notice of Intent to Award with the mandatory seven (7) day protest period being completed; and

WHEREAS, S-2 Contractors, Inc. has been identified by City staff as the lowest responsive bidder; and

WHEREAS, the City has budgeted for the construction cost of this project within the FY2024-25 budget.

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

Section 1: The City Manager is hereby authorized to execute a construction contract with S-2 Contractors, Inc. in a base contract amount of \$176,781.00 with construction contingency of \$26,517.15 (15%) of the base contract amount for the Edy Road Grind and Inlay Project.

Section 2: This Resolution shall be in effect upon its approval and adoption.

Duly passed by the City Council this 1st day of April 2025.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Public Hearing (*Second Hearing*)

TO: Sherwood City Council

FROM: Sebastian Tapia, Interim City Attorney

SUBJECT: **Ordinance 2025-001**, Amending Sherwood Municipal Codes 8.04 and 10.08 and removing 9.60 regarding Ticketing and Towing Vehicles

Issue:

Shall the City Council amend Sherwood's code regarding ticketing and towing of vehicles?

Background:

Council met on March 18, 2025 and April 1, 2025 to consider amendments to Sherwood Municipal Code, Chapters 8.04, 9.60 and 10.08, relating to ticketing and towing of vehicles to make them more workable for enforcement and to better target the types of situations where enforcement is warranted. In particular, the Sherwood Police Department had concerns that the current language was outdated and unclear; that it provides very limited circumstances when an immediate tow is authorized; that it does not provide flexibility to address temporary restrictions when City events cause certain streets to be closed.

In response to the Sherwood Police Department's concerns, the City Attorney's Office performed a comprehensive review of the existing language, relevant caselaw authority, as well as surveying other City's parking codes. Staff proposes the attached amendments to Chapters 8.04 and 10.08 and removal of Chapter 9.60. Staff recommends removing Chapter 9.60 because an inventory policy exists in the Sherwood Police Policy Manual. Having the policy in two places introduces the possibility that they may not be identical, which in turn increases the likelihood that an inventory will be performed incorrectly and thereby cause critical evidence to be excluded in a criminal trial.

A final version of the codes, if adopted, is attached as Exhibit A to the ordinance. A redline version showing the proposed changes is attached as Exhibit 1 to this staff report.

Financial Impacts:

No financial impacts are anticipated through adoption of this ordinance, other than costs associated with codification.

Recommendation:

Staff respectfully recommends the City Council hold a public hearing and consider adopting Ordinance 2025-001, Amending Sherwood Municipal Codes 8.04 and 10.08 and removing 9.60 regarding Ticketing and Towing Vehicles.

Attachments:

Exhibit 1 – Redline Changes to the Current Code Language

8.04.020 - Definitions.

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

"Abandoned" or "abandoned vehicle" means a vehicle left in the same location, ~~or within a five hundred foot radius of its earlier position,~~ 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 offense The civil penalty associated with this violation is listed in the City's fee schedule. described in this section is a Class B violation.~~

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-cause:

1. Blocking a driveway;

2. Obstructing a fire lane;

4-3. Causing a motor A vehicle to block, impede, or interfere with the vision or normal flow of vehicular, bicycle, or pedestrian traffic on public streets or sidewalks;

2-4. A-Parking a motor vehicle on a City street when the vehicle -to-poses an immediate danger to the public or environmental safety;

3-5. A vehicle to be parked Parking a motor vehicle or left-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. A vehicle to block, be parked, or left standing Blocking, parking or leaving a motor vehicle standing- within ten feet of a fire hydrant.

4-7. 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.

~~B. The offense described in this section is a class B violation.~~

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 any offense a crime and, if such removal is reasonably necessary to obtain or preserve such evidence;

G-D. An unattended vehicle is found illegally parked, and the vehicle's registration has been expired for a year or longer. ~~has no current registration stickers;~~

E. A law enforcement officer reasonably believes that the person in possession of the vehicle has committed ~~one or more of the following offenses:~~ 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
- ~~1. 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;~~
- ~~2. Driving while uninsured in violation of ORS 806.010;~~
- ~~3. Driving while suspended or revoked in violation of ORS 811.175 or 811.182;~~
- ~~2. Driving while under the influence of intoxicants in violation of ORS 813.010;~~

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

8.04.060 - ~~Removal of vehicles after notice~~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. ~~Notice shall be given by~~ At least seventy-two (72) hours before removal, the city shall by affixing a notice to the vehicle with the required information. ~~The notice shall be affixed to the vehicle at least forty-eight (48) hours before taking the vehicle into custody.~~
- 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;
 - ~~4.3.~~ 3. The ordinance violated and under which the vehicle will be removed;
 - ~~2.4.~~ 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;
 - ~~3.5.~~ 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;
 - ~~4.6.~~ 6. That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid;
 - ~~5.7.~~ 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
 - ~~6.8.~~ 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 days¹⁷

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 ~~may~~ includes posting of notice in the area in which the vehicle was located prior to removal and at least one public location.

B.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.

C.D. ~~Any Notice~~ 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~~ 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. A vehicle removed under this Chapter shall be released to a person entitled to lawful possession upon compliance with the following:~~

- ~~1. Submission to the police department of proof of ownership or right to possession;~~
- ~~2. Submission to the police department of proof that a person with valid driving privileges will be operating the vehicle;~~
- ~~3. If the vehicle was removed pursuant to SMC 8.04.050.C or D, submission to the police department of proof that the vehicle no longer constitutes evidence of any offense, or that the department no longer needs to preserve such evidence through possession of the vehicle;~~
- ~~4. Submission to the police department of proof of compliance with financial responsibility requirements for the vehicle;~~
- ~~5. Payment to the police department of an administrative fee determined by the city to be sufficient to recover its administrative costs; and~~
- ~~6. Payment of any reasonable towing and storage charges.~~

E.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.

D.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 paid. 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.

E.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.~~260~~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 ~~set a time for have~~ a hearing within ~~seven-three~~ business days after receipt of ~~the 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.

~~Chapter 9.60—INVENTORY PROCEDURES~~

~~9.60.010—Purpose.~~

~~This chapter sets out the process for conducting an inventory of personal property found in a lawfully impounded vehicle as well as to the personal property in the possession of a person in police custody. It is not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for any other purpose.~~

~~(Ord. 07-005 § 1 (part))~~

~~9.60.020—Definitions.~~

~~For the purpose of this chapter, the following definitions shall apply:~~

~~"Closed container" means a container whose contents are not exposed to view.~~

~~"Open container" means a container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.~~

~~"Police custody" means:~~

- ~~1. The imposition of restraint as a result of an arrest as that term is defined at ORS 133.005(1);~~
~~or~~
- ~~2. The imposition of actual or constructive restraint by a police officer pursuant to a court order;~~
~~or~~
- ~~3. The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 426; or~~
- ~~4. The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to Oregon law.~~

~~"Police officer" means any officer of the Sherwood police department.~~

~~"Valuable" means:~~

- ~~1. Cash money of an aggregate amount of fifty dollars (\$50.00) or more; or~~
- ~~2. Individual items of personal property with a value of over five hundred dollars (\$500.00).~~

~~(Ord. 07-005 § 1 (part))~~

~~9.60.030—Inventories of impounded vehicles.~~

- ~~A. The contents of all vehicles impounded by a police officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:~~
- ~~1. If there is a reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or~~
 - ~~2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.~~
- ~~B. The inventory of an impounded vehicle is conducted to:~~
- ~~1. Promptly identify personal property to establish accountability and avoid spurious claims as to that property;~~
 - ~~2. Assist in the prevention of theft of property;~~
 - ~~3. Locate toxic, flammable or explosive substances; and~~
 - ~~4. Reduce the danger to persons and property.~~
- ~~C. Inventories of impounded vehicles will be conducted according to the following procedure:~~
- ~~1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.~~
 - ~~2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:~~
 - ~~a. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked car-top containers; and~~
 - ~~b. Any locked compartments including (but not limited to) locked vehicle trunks, locked hatchbacks and locked car-top containers if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.~~
 - ~~3. Unless otherwise provided in this Chapter 10.30, closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes.~~
 - ~~4. Upon completion of the inventory, the police officer will complete a report as directed by the chief of police.~~
 - ~~5. Any valuables located during the inventory process will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. The valuables will be dealt with in such a~~

~~manner as directed by the chief of police.~~

~~{Ord. 07-005 § 1 (part)}~~

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-time Limit~~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 ~~threetwenty-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 ~~two consecutive days~~ (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.

G.E.

~~10.08.060—Prohibited parking or standing.~~

~~No person shall park or leave standing a motor vehicle of any kind or character, whether motorized or not, as follows:~~

~~A. Within ten feet of a fire hydrant;~~

~~B. Within any portion of a crosswalk;~~

~~C. Within any area marked as a loading zone other than for the purpose of loading or unloading cargo.~~

~~(Ord. 04-004 § 1 (Exh. A)(part))~~

10.08.070 - Parking prohibited on certain streets.

~~No person shall park a motor vehicle of any kind, whether motorized or not, on the following designated portions of the following public streets, except as may be necessitated by an emergency:~~

~~At any time:~~

~~On the southeasterly side of 1st Street from the intersection of 1st Street with Park Street to the intersection of 1st Street with Main Street.~~

~~On North Sherwood Blvd. from the intersection of North Sherwood Blvd. with 3rd Street through the intersection of North Sherwood Blvd. with Southwest Pacific Highway (Highway 99W).~~

~~On the southwesterly side of Gleneagle Drive from the intersection of Gleneagle Drive with Southwest Pacific Highway to the intersection of Gleneagle Drive with North Sherwood Boulevard.~~

~~On the northeast side of Northwest Park Street from the intersection of Northwest Park Street with Southwest 1st street to the intersection of Northwest Park Street and Railroad Street.~~

~~On the east side of Roy Street from the intersection of Roy Street and Oregon Street to the intersection of Roy Street and G. & T. Drive.~~

~~On Meinecke Road between the Cedar Creek Bridge and the intersection of Meinecke Road and Lee Drive.~~

~~On the northwest side of Highway 99 West from the point of its intersection with the southeast corner of tax lot 1400, assessor's tax map #2S130D, said lot being more particularly described in instrument recorded in Washington County Deed Records in Book 7800 at page 5379, thence southwest a distance of 305.68 to the southwest corner of said parcel and tax lot.~~

~~On the Southerly side of Willamette Street from its intersection with Washington Street to approximately two hundred sixty (260) feet easterly of its intersection with Lincoln Street.~~

~~On the Northerly side of Willamette Street from its intersection with Highland Drive to approximately two hundred twenty (220) feet Westerly of Lincoln Street.~~

~~On the northeasterly side of Northwest Park Street from Railroad Street to Northwest 2nd Street.~~

~~On the northeasterly side of Northwest Main Street from Railroad Street to Northwest 3rd Street.~~

~~On the northeasterly side of North Pine Street from Railroad Street to Northeast Oregon Street and from the alleyway between Northeast 2nd Street and Northeast 3rd Street to Northeast 3rd Street.~~

~~On the northeasterly side of Northeast Oak St. from Northeast Oregon St. to the end of the curb approximately one hundred fifty (150) feet north of Northeast 2nd Street.~~

~~On the northwesterly side of Northeast Ash Street from Northeast Oregon Street to the end of the curb at approximately one hundred fifty (150) feet northerly of Northeast 1st Street.~~

~~On Northeast Oregon Street from North Pine Street to the railroad crossing.~~

~~On the northwesterly side of Northeast 1st Street from Northwest Park Street to Northwest Main Street and the northwesterly side of Northeast 1st Street from North Pine Street to approximately one hundred (100)-feet easterly of Northeast Ash Street.~~

~~On the southeasterly side of Northwest 2nd Street from Northwest Park Street to North Pine Street.~~

~~On the southeasterly side of Northeast 2nd Street from North Pine Street to Northeast Oak Street and on the northwesterly side of Northeast 2nd Street from Northeast Oak Street to the end of the curb at approximately one hundred fifty (150) feet easterly of Northeast Oak Street.~~

~~On the northwesterly side of Northwest 3rd Street from Northwest Main Street to North Pine Street.~~

~~No parking shall be allowed on the southeasterly side of Northeast 3rd Street from North Pine Street to fifty (50) feet easterly of Pine Street and on the northwesterly side of Northeast 3rd Street.~~

~~Between the hours of eight a.m. and four p.m., on Monday through Saturday, in excess of two hours continuously in any one location on any city street outside of a residential district, as defined by subsection 1 of ORS 801.430.~~

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. Request to move vehicle posted on the vehicle itself. no

2. Second violation - If vehicle is not relocated within a twenty-four (24) hours after the first citation period, 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. 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.

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. 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~~also state that ~~further violations at this location may result in the vehicle is subject to ticket as a Class A violation and~~ immediate towing if the vehicle is subsequently parked in the same ~~area~~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 - ~~For If~~ the same vehicle is parked in the same ~~area~~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, ~~these the~~ vehicles will be ticketed and ~~are~~ subject to immediate towing. Ticket for fourth and subsequent violations is ~~for a fine~~issued. The civil penalty associated with this violation is listed in the City's fee schedule. 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~~required in subsection 3 above. If a vehicle is immediately towed under this subsection, the city will provide notice pursuant to SMC 8.04.070,

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.



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 30th 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

Date

Attest:

Sylvia Murphy, MMC, City Recorder

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

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

April 1, 2025, Page 2 of 19 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.

TO: Sherwood City Council

FROM: Sebastian Tapia, Interim City Attorney

SUBJECT: Resolution 2025-019, Amending Section 3 of the City's Schedule of Fees for Parking Violations and Police Services and Establishing an Effective Date

Issue:

Shall the City Council approve Resolution 2025-019, updating the FY2024-25 fee schedule for parking violation fees?

Background:

An ordinance, also presently before City Council, amends various code sections pertaining to parking and towing. If approved, the City's fee schedule will need to be updated accordingly.

The needed changes have been identified in a track change version, marked as Exhibit 1 to this staff report.

Financial Impacts:

The updated schedule of fees will add three new fees related to prolonged parking violations and one new fee related to repeat parking violations. The fees for public records are also updated to reflect current practice. The proposed changes will have no significant impact on the City's revenue, expenditures, or overall budget.

Recommendation:

Staff respectfully recommends holding a public hearing, considering adoption of Resolution 2025-019, Amending Section 3 of the City's Schedule of Fees for Parking Violations and Police Services and establishing an effective date.

SECTION 3 POLICE

A. Police Reports

Copies of report	Staff hourly rate \$20	per report
Audio recordings	Staff hourly rate \$25	per disc
Police Video	Staff hourly rate, plus	
	\$10	16GB of data
	\$20	16-64GB of data
	\$30	64-128GB of data

B. Vehicle Impound

Whereas, state law and Sherwood municipal codes, ~~chapters 8.04 and 10.08 authorize police officers to as defined in SMC 8.04.060, that authorizes police officers to impound an abandoned vehicle or a vehicle that is disabled, discarded, or hazardously located vehicles under specific circumstances.~~

Police impounded vehicle fees	\$125	per vehicle
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C. Parking Violation Fees

Abandoned Vehicle	\$50
Stored Vehicle	\$50
Hazardous Vehicle	\$250
Prohibited Display	\$50
Parking time limit	\$50
No parking (anytime) zone	\$20 \$100
Parking restrictions on certain types of vehicles	\$100
Method of parking	\$50
Long-term violation per SMC 10.08.090(A)(2)	\$250
Long-term violation per SMC 10.08.090(A)(3)	\$500
Long-term violation per SMC 10.08.090(A)(4)	\$500
Reoccurring offenses per SMC 10.08.090(B)	\$500
Obstructing streets or sidewalks	\$20
Double parking	\$20
Blocking driveway	\$20
Parking in bus zone	\$20
Parking in loading zone	\$20
Parking on wrong side of street	\$20
Parking along yellow curb or in crosswalk	\$20
Parking over space line	\$20
Parking over time limit	\$20

D. Miscellaneous Police Fees

Axon Photo Retrieval	Staff hourly rate \$15	
Copies of digital photographs/photo files	Staff hourly rate \$25	per disc
Fingerprinting*	\$28.61	per card
Records/Background checks*	\$17.16	per request

* Indicates fees that are subject to Resolution 2017-008 - Providing Automatic Annual Inflation-Based Adjustments.



RESOLUTION 2025-019

AMENDING SECTION 3 OF THE CITY'S SCHEDULE OF FEES FOR PARKING VIOLATIONS AND POLICE SERVICES AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Sherwood Municipal Code authorizes certain administrative fees and charges to be established by Resolution of the City Council; and

WHEREAS, the City Council previously approved the FY2024-25 fee schedule by passing Resolution 2024-047; and

WHEREAS, Staff has proposed various amendments to Section 3 of the fee schedule concerning parking violations consistent with Ordinance 2025-001; and

WHEREAS, the City has met the requirement for providing an opportunity for public comment prior to the adoption of this fee resolution as required by ORS 294.160.

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

Section 1. **Adoption:** The City of Sherwood's FY2024-25 Rates and Fees Schedule, Section 3, attached hereto as Exhibit A, is hereby approved and adopted, and the master fee schedule will be updated to reflect this amendment

Section 2. **Effective Date:** This Resolution shall become effective May 1, 2025.

Duly passed by the City Council this 1st day of April 2025.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

SECTION 3 POLICE

A. Police Reports

Copies of report	Staff hourly rate
Audio recordings	Staff hourly rate
Police Video	Staff hourly rate

B. Vehicle Impound Fee

Whereas, state law and Sherwood municipal code chapters 8.04 and 10.08 authorize police officers to impound vehicles under specific circumstances.

Police impounded vehicle fees	\$125 per vehicle
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C. Parking Violation Fees

Abandoned vehicle	\$50
Stored vehicle	\$50
Hazardous vehicle	\$250
Prohibited display	\$50
Parking time limit	\$50
No parking zone	\$100
Parking restriction on certain types of vehicles	\$100
Method of parking	\$50
Long-term violation per SMC 10.08.090(A)(2)	\$250
Long-term violation per SMC 10.08.090(A)(3)	\$500
Long-term violation per SMC 10.08.090(A)(4)	\$500
Reoccurring offenses per SMC 10.08.090(B)	\$500

D. Miscellaneous Police Fees

Axon Photo Retrieval	Staff hourly rate
Copies of digital photographs/photo files	Staff hourly rate
Fingerprinting*	\$28.61 per card
Records/Background checks*	\$17.16 per request

* Indicates fees that are subject to Resolution 2017-008 - Providing Automatic Annual Inflation-Based Adjustments.