

REQUEST FOR COUNCIL ACTION

Title: Ordinance for Recreational Vehicle (RV) Towing

Preferred Agenda: February 14, 2023

Submitted By: Robert Snyder, City Attorney

Reviewed By: Kelcey Young, City Manager

Type of Action: Resolution___ Motion___ Roll Call___ Other_x___

Relevant Code/Policy: SHMC Chapter 10.08 Stopping, Standing And Parking

Towards Council Goal: Goal 2 (1) Update and streamline processes and Goal 3(2) Improve community safety.
Vision Statement I & II WE ASPIRE to have a desirable community and an effective and efficient local government.

Attachments: SHMC 10.28.020(A)
SHMC 10.08.030(G)

PURPOSE FOR THIS RCA:

Presentation of a proposed additional section to SHMC Chapter 10.08 in Ordinance form concerning the custody, towing and disposition of recreational vehicles in violation of SHMC 10.28.020(A) that restricts RV parking on public streets and public alleys.

BACKGROUND/CONTEXT:

The City recently passed in ordinance form SHMC 10.28.020(A) that restricts the parking of an RV on certain public streets and public alleys. As part of the enforcement of this part of the SHMC the proposed ordinance sets forth procedures to follow for the custody, removal and disposition of the RV if left in violation of the code. The proposed ordinance uses portions of ORS 819 (that deal in part with the towing of abandoned vehicles and hazard vehicles on a roadway) and current SHMC Chapter 10.08 (that deals in part with parking on city streets) provisions to direct how the City will proceed when a towing is necessary. In short the proposed ordinance treats the RV as if it were an “abandoned vehicle” which calls for a notification before towing by “posting” on the RV a notice telling a parking offender what is going to happen if the RV is not moved and his/her rights to appeal etc. It further sets forth the procedure to follow when the RV is towed directly after the posting/appeal period or a month later by treating the RV that is in violation of SHMC 10.28.020(A) as if the RV were a “traffic hazard” vehicle

which means it can be towed but then notice is given to the appropriate parties listed in the ORS after the tow with a right to appeal and the rights and duties of the parties to the tow ect. SHMC 10.08.030(G) already sets forth the useage of the above sections of ORS 819 for other violations of parking within the City. The 48 hours to post is the same time frame that the City uses for a vehicle parked on a city street. ORS 819.190(6) referred to in the proposed ordinance only allows for one hearing whereas the proposed ordinance allows two since they may be some time apart in certain cases.

The Notwithstanding subsection limits the time that the City can use the “abandoned vehicle” process to then proceed to the “traffic hazard” to one year and to parking offenders who have had an opportunity to contest the “abandoned vehicle” process. These terms will enhance the ordinance with a review court and should not impact the enforcement of the ordinance.

The proposed ordinance also addresses the issuance of a municipal court violation citation. The idea of eliminateing it during the 48 hours and appeal time is so that there is no misunderstanding about time lines and what a parking offender has to do. Finally the 24 hour warning before a citation is given is so that the parking offender has an opportunity to come into compliance with the code.

THE CHALLENGE/PROBLEM:

Should the City of Sweet Home pass the proposed ordinance ?

STAKEHOLDERS

Staff- for an ordinance provision that will be helpful in dealing with the enforcement of the code in regard to custody, towing and disposal of a RV that is in violation of SHMC 10.28.020(A).

City Council - for an effective remedy for RV parking in violation of city code.

Citizens of Sweet Home - for effective and efficient local government in dealing with parking of RVs within the city.

ISSUES & FINANCIAL IMPACTS:

The financial terms of the proposed ordinance are towing fees .

ELEMENTS OF A STABLE SOLUTION:

Using the state law and city code provisions that are already being used by the city to set forth the procedures in taking custody of an RV and towing and disposing of it.

OPTIONS:

1. Do Nothing- Keep the current ordinance without the new provisions.
2. Motion to conduct a first reading of the proposed ordinance as presented- If the voting is unanimous, a second reading, by title only, may take place during the same meeting.
3. Motion to conduct a first reading of the proposed ordinance with changes- The Council may make changes to the proposed ordinance. If the voting is unanimous, a second reading, by title only, may take place during the same meeting.
4. Direct Staff to research other ways to accomplish the same goals.

RECOMMENDATION:

Option 2 is the recommended option: Motion to conduct a first reading of the proposed ordinance as presented.

