

## ORDINANCE BILL NO.6 FOR 2023

### ORDINANCE NO.1312

#### SWEET HOME ORDINANCE CREATING SHMC SECTION 10.08.033 PERTAINING TO RECREATIONAL VEHICLE CUSTODY, TOWING AND DISPOSITION WITH EXPEDIENCY CLAUSE

WHEREAS, The City of Sweet Home has recently passed by ordinance SHMC 10.28.020(A) that restricts recreational vehicle parking on certain public streets and public alleys and this ordinance pertaining to the custody, towing and disposal of a recreational vehicle found in violation of said SHMC subsection should be passed as soon as possible to help implement said SHMC subsection and protect the public health, safety and welfare, therefore an expediency clause is included in this ordinance;

Now therefore,

The City of Sweet Home does ordain as follows:

Section 1. SHMC Section 10.08.033 is titled hereby to read as RECREATIONAL VEHICLE TOWING and is created to read as follows:

- A. After 48 hours (This is in place of the 24-hour period for notice as set forth for an abandoned vehicle in ORS 819.) a recreational vehicle that is in violation of SHMC 10.28.020(A) may be taken into custody, towed and disposed of as if it were an “abandoned vehicle” under SHMC 10.08.030(G) except if a recreational vehicle has been posted (i.e. attaching notice to the recreational vehicle) as part of an above “abandoned vehicle” process for this subsection and a police report or code enforcement report has been made verifying same and the time for the above process has expired then thereafter (except during an appeal as proscribed therein) if the recreational vehicle is found anywhere within the City of Sweet Home out of compliance with SHMC 10.28.020(A) the recreational vehicle can be taken into custody, towed and disposed of pursuant to SHMC 10.08.030(G) as if it were a “traffic hazard” vehicle. When processing an “abandoned vehicle” herein a hearing request shall be made not more than five days from the date of posting the notice and ORS 819.190(6) does not apply to the above subsection.
- B. Notwithstanding the above provisions in this section and subsection 10.08.030(G):
  - 1. No recreational vehicle shall be towed as a “traffic hazard” based on a prior “abandoned Vehicle” police report or code enforcement report as

stated in this section more than one year after the date of the posted notice on the recreational vehicle.

2. No recreational vehicle shall be towed as a "traffic hazard" based on a prior "abandoned Vehicle" police report or code enforcement report as stated in this section if the parking offender has not had the opportunity to contest the "abandoned vehicle" process herein.

3. All hearings for an "abandoned vehicle" and a "traffic hazard" shall be supported by reliable, probative, and substantial evidence on the whole record.

C. No municipal court violation citation shall be issued for violation of SHMC 10.28.020(A) for the time of the posting and appeal time.

D. Before a municipal court violation citation for violating SHMC 10.28.020(A) is issued a 24-hour notice of the requirements of said subsection shall be given to the parking offender.

Section 2. EXPEDIENCY CLAUSE. It is hereby adjudged and declared by the Sweet Home City Council that existing conditions are such that this ordinance is needed to be in effect at the time and date of its passage by the City Council and approval by the Mayor and it is hereby declaring an emergency to promote the public health, safety and welfare.

PASSED by the Council and approved by the Mayor this 28<sup>th</sup> day of February, 2023.

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Mayor

ATTEST:

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City Manager - Ex Officio City Recorder