

**Agenda**  
Shady Cove Regular City Council Meeting  
Thursday, December 16, 2021  
6 PM

<https://us02web.zoom.us/j/82715714165?pwd=OFkrL2ZYNXJOeVI3alRJcDcxWFVtdz09>

Meeting ID: 827 1571 4165

Passcode: 217394

One tap mobile

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**I. Call to Order**

- A. Roll Call
- B. Swearing in of New Councilor
- C. Pledge of Allegiance
- D. Announcements by Presiding Officer

- 1. This meeting is being digitally recorded.
- 2. The next regularly scheduled meeting of the City Council will be held on January 6 at 6 PM, both in Council Chambers and via Zoom.
- 3. The next regularly scheduled meeting of the Planning Commission is January 13 at 6 PM, both in Council Chambers and via Zoom.
- 4. The next meeting of the Parks and Rec Commission is not scheduled at this time.
- 5. The next meeting of the Emergency Management Commission is not scheduled at this time.
- 6. Public may comment on agenda items - Public must state name, address and standing to discuss an issue. Issues must have a City-wide impact and not be personal issues. Depending on number of comments and time constraints, Council may limit the amount of time to 3 minutes per speaker.
- 7. These meeting dates and times are subject to change.

- II.** Discussion and decision on previously heard Public Hearing - Council will consider an after the fact Floodplain Development Permit for a pedestrian bridge constructed in the Special Flood Hazard Area in the Low Density (R-1-20) zone (and associated Riparian Permit for ongoing vegetation control within the riparian protection corridor) for property located at 128 Penny Lane, Shady Cove Oregon. Said parcel is legally described as 34-1W-21AA, Tax Lot 2600 and is currently zoned R-1-20 (Low Density Residential).

**III. Public Comment on Agenda Items**

**IV. Consent Agenda (pgs 4-11)**

- A. Bills Paid Report 11/24/21-12/9/21, \$ 11,704.01
- B. Minutes of 120221
- C. Budget Report – November (Pending)

**V. Items Removed from Consent Agenda**

**VI. Staff Reports**

- A. Jackson County Deputy
- B. Fire Chief Winfrey, FD4
- C. Commissions/Committees
- D. City Administrator

**VII. New Business**

- A. CDBG Covid Impact Assistance Program (pg 12)
- B. SOREDI funding
- C. Events Committee Description, Duties
- D. Contract Bids
- E. Ordinance #304, An Ordinance of the City of Shady Cove, Defining Nuisances and Offenses and Providing for Abatement Procedures and Penalties and Repealing Ordinance # 301 (pgs 13-24)
- F. Discussion of Repeal of Ord #296, An Ordinance Regulating General Traffic, Vehicle Parking, and Storage in the City of Shady Cove, Oregon, and Providing Penalties (pgs 25-45)

**VIII. Old Business**

- A. 2nd Reading – Ordinance #303, an Ordinance of the City of Shady Cove Dedicating Certain Real Property for Street Purposes (pgs 46-47)
- B. Bench station update (pgs 48-58)

**IX. Written Communication**

**X. Public Comment on Non-Agenda Items**

**XI. Council Comments on Non-Agenda Items**

- A. Mayor Tarvin
- B. Councilor McGregor
- C. Councilor Nuckles
- D. Councilor Evertt
- E. Councilor Murders

**Adjournment**

Check Issue Date	Check	Payee	Description	Amount
11/29/2021	50190	Postmaster	Sewer Billing Indicia Account	1,100.00
12/09/2021	50191	City of Shady Cove - Petty Cash	Petty Cash	92.03
12/09/2021	50192	City of Shady Cove - Utilities	22451 Hwy 62 11/21	46.00
12/09/2021	50192	City of Shady Cove - Utilities	2501 Indian Creek Rd 11/2021	45.00
12/09/2021	50192	City of Shady Cove - Utilities	1008 Celtic Cir 11/2021	46.00
12/09/2021	50193	Crystal Fresh	City Hall bottled water 10/2021	60.00
12/09/2021	50194	David Christian	Radio 11/29-12/03	90.00
12/09/2021	50194	David Christian	Radio 11/08-11/12	90.00
12/09/2021	50194	David Christian	Radio 11/15-11/19	90.00
12/09/2021	50194	David Christian	Radio 11/22-11/25	90.00
12/09/2021	50195	DiJulio Displays, Inc.	Flags - Happy Holiday Banners	530.00
12/09/2021	50196	Hornecker Cowling, LLP	File 32076-001 MSB	136.00
12/09/2021	50197	Jackson County - Elections	Special Election - Council Member Race	2,364.68
12/09/2021	50198	KAS & Associates, Inc.	Engineering Roadway Design	2,250.00
12/09/2021	50199	KNBE, LLC	December Shop Rent - Celtic Circle	865.00
12/09/2021	50200	Michael Richter	Sewer account 1534.01 Refund	49.15
12/09/2021	50201	Pacific Power	Aunt Carolines 10/21-11/22/21	29.37
12/09/2021	50201	Pacific Power	Street lights 11/24/2021	640.94
12/09/2021	50201	Pacific Power	City Hall 10/22-11/23/21	206.61
12/09/2021	50201	Pacific Power	Nork Lane 10/22-11/23/2021	331.28
12/09/2021	50202	Perfection Cleaning	City Hall office cleaning 11/2021	300.00
12/09/2021	50203	Pitney Bowes Global Financial	Lease Charges 09/30-12/29/21	144.93
12/09/2021	50204	Project A, Inc.	web developement/dev/hosting	461.25
12/09/2021	50205	Shady Cove Hardware, LLC	Tarp for Park	44.99
12/09/2021	50205	Shady Cove Hardware, LLC	Knife, snap blade, post eye light control	20.57
12/09/2021	50205	Shady Cove Hardware, LLC	nails, screws, nuts and bolts	35.88
12/09/2021	50205	Shady Cove Hardware, LLC	CM SCKT	9.59
12/09/2021	50205	Shady Cove Hardware, LLC	DB Polypro Rope	17.89
12/09/2021	50205	Shady Cove Hardware, LLC	Garden Hose - City Hall	16.99
12/09/2021	50205	Shady Cove Hardware, LLC	Gorilla Tape, Bungee Cords for City hall	35.53
12/09/2021	50205	Shady Cove Hardware, LLC	Filter Air Pleat	9.98
12/09/2021	50205	Shady Cove Hardware, LLC	Cord outdoor City Hall	9.99
12/09/2021	50205	Shady Cove Hardware, LLC	TapCube HD GRND GRN BLK for City Hall	11.18
12/09/2021	50206	Southern Oregon Sanitation	2501 Indian Cr Rd 10/26/21	58.50
12/09/2021	50206	Southern Oregon Sanitation	22451 Hwy 62 11/2021	40.22
12/09/2021	50206	Southern Oregon Sanitation	490 Nork Lane 11/2021	40.22
12/09/2021	50206	Southern Oregon Sanitation	2501 Indian Cr Rd 11/21	58.50
12/09/2021	50207	Teamster Local 223	Dues 12/1-12/31/21	204.00
12/09/2021	50208	TouchPoint Networks, LLC	WatchGuard T15W Firebox	31.00
12/09/2021	50209	Upper Rogue Independent	Zone change - Council	90.00
12/09/2021	50209	Upper Rogue Independent	City Council Kretzer	90.00
12/09/2021	50209	Upper Rogue Independent	Public hearing - Planning, Collins	90.00
12/09/2021	50210	WECO - Carson	Gas/Diesel 11/17/21, 11/22/21	163.08
12/06/2021	120621	JP Morgan Chase	Amazon Prime	12.99
12/06/2021	120621	JP Morgan Chase	Amazon Marketplace - Park Supplies	74.99
12/06/2021	120621	JP Morgan Chase	Adobe Acropro	14.99
12/06/2021	120621	JP Morgan Chase	Staples-Toner for finance printer	6.43
12/06/2021	120621	JP Morgan Chase	Staples	6.97
12/06/2021	120621	JP Morgan Chase	Apple.com App	2.99
12/06/2021	120621	JP Morgan Chase	Apple.com App	.99
12/06/2021	120621	JP Morgan Chase	BeenVerified	22.86
12/06/2021	120621	JP Morgan Chase	Rackspace-Council	66.47
12/06/2021	120621	JP Morgan Chase	Rackspace-Admin	39.88
12/06/2021	120621	JP Morgan Chase	Rackspace-Parks	13.29
12/06/2021	120621	JP Morgan Chase	Rackspace-Planning	13.29
12/06/2021	120621	JP Morgan Chase	Staples	8.98
12/06/2021	120621	JP Morgan Chase	B Matrix	59.99

Check Issue Date	Check	Payee	Description	Amount
12/06/2021	120621	JP Morgan Chase	Staples	19.37
12/06/2021	120621	JP Morgan Chase	Walmart - SD card for park	18.88
12/06/2021	120621	JP Morgan Chase	C Bar C Truck Sales	125.00
12/06/2021	120621	JP Morgan Chase	Ferguson	59.30
Grand Totals:				<u>11,704.01</u>

City of Shady Cove  
**City Council Regular Meeting and Public Hearing Minutes**  
Thursday, December 02, 2021, 6:00 PM  
Meeting was held via Zoom with members of Council being present at City Hall.

**I. CALL TO ORDER**

Mayor Tarvin called the Regular City Council Meeting to order at 6:00 PM

Council Present: Mayor Tarvin, Councilor Evertt, Councilor Nuckles, Councilor Murders with Councilor McGregor via Zoom

Sworn/Oath of Tanda Murders.

Staff Present: Thomas J. Corrigan, City Administrator

The Pledge of Allegiance was recited.

**I.C. ANNOUNCEMENTS**

The Mayor made the announcements on the agenda.

**II. PUBLIC HEARING**

Public Hearing to Consider a Public Hearing for a Request for an after the fact Floodplain Development Permit for a pedestrian bridge constructed in the Special Flood Hazard Area in the Low Density (R-1-20) zone (and associated Riparian Permit for ongoing vegetation control within the riparian protection corridor) for property located at 128 Penny Lane, Shady Cove Oregon. Said parcel is legally described as 34-1W-21AA, Tax Lot 2600 and is currently zoned R-1-20 (Low Density Residential) Planning File # FPA 21-02

Read Public Hearing Open Statement.  
No Jurisdiction Questions  
No Conflict of Interest

Staff Comments: First Hearing was closed, the applicant and his attorney asked to reopen the hearing. This is the Second hearing on the matter to accept additional testimony and significant evidence from the applicant and his attorney. In the first hearing the applicant did not meet criteria specified in Chapter 151.045, 0.46 and .49 and Ordinance 279.

Applicants Testimony: Garrett West Attorney for applicant. Additional documents submitted to the record including letter dated 11/24/21 to City Staff and City Attorney, it contains in-depth response to staff comments. Second document is a letter from applicant addressing the statements about applicants conduct in maintaining the island. Third document is a letter from applicant's engineer addressing flood damage materials. Fourth document shows that applicant has 2.5 million in coverage. Fifth document is a response from applicant's attorney in response to letters from Mr. Nuckles. City Attorney commented that Councilor Nuckles, having said she could vote objectively, did not have a conflict nor was there a conflict of interest.

**Motion to Close the Public Hearing and Close the Record:**

Motion: Councilor Nuckles Second: Councilor McGregor  
Motion Carried:3-2, Councilors Evertt and Murders voted nay.

**Hearing is closed at 7:21pm**

**Motion to Deliberate on Public Hearing December 16, 2021**

Motion: Councilor Nuckles Second: Councilor Evertt  
Motion Carried:5-0

**II. PUBLIC COMMENT ON AGENDA ITEMS**

No Public Comment

**II. CONSENT AGENDA**

Items in Consent Agenda

- A. Bills Paid Report 10/22/21-11/10/21 \$112,735.25
- B. Bills Paid Report 11/11/21-11/23/21 \$ 13,659.84
- C. Monthly Budget Report
- D. Minutes of 11/04/21 Meeting

**Motion to Accept Consent Agenda, Bills Paid Report of 10/22-11/10 and 11/11-11/23**

Motion: Councilor McGregor Second: Councilor Nuckles  
Motion Carried 5-0

**III. ITEMS REMOVED FROM CONSENT AGENDA**

No items removed

**IV. STAFF REPORTS**

- A. Jackson County Deputy – Deputy Mateos. Juvenile problems at Aunt Caroline's Park. Abandoned RV within City limits, tagging to have them removed.
- B. Fire Chief Winfrey, FD4 – 111 calls in November, 65 were inside the city limits. No fires, just medicals. Response time is 5 minutes, 25 seconds. Majority of calls are non-emergent. Be cautious with space heaters and Christmas decorations. Maintain your heating appliances. Children's Christmas Party will be happening on 12/11.
- C. Commissions/Committees – not in attendance
- D. City Administrator – Charlie Brown Christmas Tree lighting happens tomorrow at 6 PM. Vandalism at the park on picnic table. Numerous phishing scams, be careful what you click on in your email. City County Insurance Services provides learning opportunities to Councilors as well as Staff. Zoom had a federal settlement against it, we should receive

\$25. New seismic rehab grants available, opportunity to perform a study on the City Building. Fire money is still available, including ODF Landscape and BLM fire resiliency fire recovery. Reminder that City Hall will be closed on 11/23 and 11/24. Working with Caselle to gather information on Express Bill Pay. This will allow residents to pay and view sewer bill online. Council gives permission to reserve Mac's for Volunteer Appreciation Dinner.

## V. NEW BUSINESS

- A. First Reading – Ordinance #303, an Ordinance of the City of Shady Cove, Oregon, dedicating certain real property for street purposes.

**Motion to Approve Ordinance #303, an Ordinance of the City of Shady Cove, Oregon, Dedicating Certain Real Property for Street Purposes:**

Motion: Councilor Nuckles Second: Councilor Evertt  
Motion Carried 5-0

- B. Appointment of President of the Council.

**Motion to Appoint Councilor Evertt for President of the Council:**

Motion: Mayor Tarvin Second: Councilor Murders  
Motion Carried 3-2, Councilors Nuckles and McGregor voted Nay.

- C. Discussion to Dissolve Parks and Rec Commission.

**Motion to Dissolve Parks and Rec Commission and form the Events Committee:**

Motion: Councilor Evertt Second: Mayor Tarvin  
Motion Fails: 2-3

Nays: Councilor McGregor, Councilor Nuckles, Councilor Murders

**Motion to Create Events Committee without dissolving Parks and Rec Commission:**

Motion: Councilor Murders Second: Councilor Nuckles  
Motion Carried: 4-1, Councilor McGregor voted Nay.

- D. Contract Bids – Received bid from one company. The City is hoping to obtain services from the same. City Administrator will add RFP advertisement in Mail Tribune and State site.

Councilor McGregor signed off at 8:07pm

**Motion to extend meeting until 8:30:**

Motion: Councilor Nuckles Second: Councilor Murders  
Motion Carried: 4-0



## VI. OLD BUSINESS

- A. Second Reading – Ordinance #302, Amending the Comprehensive Plan and changing the zoning map of Shady Cove.

**Motion 302, an Ordinance of the City of Shady Cove Oregon, Amending the Comprehensive Plan and Changing the Zoning Map of Shady Cove:**

Motion: Councilor Nuckles Second: Councilor Murders  
Motion Carried: 4-0

- B. Second Reading – Ordinance #299, Amending an Ordinance of the City of Shady Cove, Oregon, establishing a Public Safety Act and Imposing a Surcharge for Police Funding and Repealing Ordinance #264.

**Motion Ordinance #299, Amending an Ordinance of the City of Shady Cove, Oregon, establishing a Public Safety Act and Imposing a Surcharge for Police Funding and Repealing Ordinance #264.**

Motion: Councilor Nuckles Second: Councilor Evertt  
Motion Carried: 3-1

- C. Second Reading – Ordinance #300, Amending the Ordinance of the City of Shady Cove, Oregon, Adopting System Development Charges for the City of Shady Cove and Repealing Ordinance #271.

**Motion Ordinance #300, Amending the Ordinance of the City of Shady Cove, Oregon, Adopting System Development Charges and Repealing Ordinance #271.**

Motion: Councilor Nuckles Second: Councilor Murders  
Motion Carried: 4-0

- D. Second Reading – Ordinance 301, Defining nuisances and offensive and providing for abatement procedures and penalties and repealing Ordinance 251

**Motion Ordinance 301, and Ordinance of the City of Shady Cove, Oregon, Defining nuisances and offensive and providing for abatement procedures and penalties and repealing Ordinance 251:**

Motion: Councilor Nuckles Second: Councilor Murders  
Motion Carried: 4-0

- E. Cares Act Funding- We need to let SOREDI know how we are proceeding. Mayor proposes to try to get signage from I-5 Medford, so that we can get tourists to visit Shady Cove. Lighting and Benches are still options as well. American Rescue Funds are available. We would also need to engage the County and State for road signs as well.

**Motion to use the CARES ACT for Signage and Lighting:**

Motion: Councilor Nuckles Second: Councilor Murders  
Motion Carried: 4-0

- F. Community Benches – City approved benches. Tom can prepare information for Council to review. Mayor would like benches to be up by Spring if possible.

#### **VII. WRITTEN COMMENT**

None

#### **VIII. PUBLIC COMMENT ON NON-AGENDA ITEMS**

Greg Winfrey – Council is invited to the Strategic Planning Process. City will put out a possible quorum notice.

Paige Winfrey – Offered to cater Volunteer Appreciation Dinner.

#### **IX. COUNCIL COMMENTS ON NON-AGENDA ITEMS**

- A. Councilor Murders – Thank you, excited to be here and a part of the Council. Looking forward to forming relationships with all of everyone and working to better the City we all love. Echo City Administrator's comments about Phishing Schemes, fraud is heavy this time of year. Most will target the elderly. Please be diligent to what you are looking at and responding too.
- B. Councilor Nuckles – Looking forward to working with Tanda. Condolences to Wayne Lee of Upper Rogue Independent on the recent lost his wife to Covid. Thanks to Paige for decorating the Holiday Tree. Tomorrow is the tree lighting, there will be music drinks and cookies and Santa on the Fire Truck. We encourage you all to join us. It starts at 6pm.
- C. Councilor Evertt – Welcomed Councilor Murders. Thanked Colleen Roberts for attending. Christmas Tree cutting time, snow levels are still high so the access to Christmas Trees is good. Do not put candles on the Christmas Trees.
- D. Councilor McGregor – none
- E. Mayor Tarvin – Tried to attend RVCOG meeting but unable to report due to Internet issues. Kathy reminded us about Santa and the Tree lighting. Hope all the Councilors will be there. Thanks for Paige Winfrey for decorating. Love the wreaths. Thanks to Spencer for all the decorating outside.

#### **X. ADJOURNMENT**

There being no further business before the Council, the Mayor adjourned the meeting at 8:31 PM.

Approved:

Attest:

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Shari Tarvin  
Mayor

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Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Tarvin  
Councilor McGregor  
Councilor Nuckles  
Councilor Evertt  
Councilor Murders

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DRAFT

**Food Bank/Child Care Assistance &**

**Broadband Assistance for LMI Families and Communities**

In the effort to accommodate much needed assistance to mitigate the impact of Covid-19, funding is available for:

- **Food Bank Assistance**—food bank facility expansion or storage rental, and food distribution to accommodate for expanded services to LMI families caused by COVID-19.
- **Emergency Childcare Assistance**—providing childcare to low- and moderate-income kids to allow parents to return back to work
- **Broadband Assistance**—assist in providing broadband/internet connection assistance to low- and moderate-income (LMI) families and planning for expansion to LMI communities to allow distance learning, telehealth, and remote work from home and social distancing purposes.
- **Special Economic Development Assistance**—to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease.

**Maximum Grant/Applicant:**  
\$250,000

**Public Facilities Improvements & Special Economic Development**

- **Buildings (Including Public Facilities) Improvements**—to accommodate facilities necessary to respond to impact of infectious disease, such as construct a facility for testing, diagnosis, or treatment; rehabilitate a community facility to establish an infectious disease treatment clinic.

Eligible Activities are:

- acquisition construction, reconstruction, or installation of public works, facilities, and site or other improvements
- rehabilitation of buildings and improvements including interim assistance)

**Maximum Grant/Applicant:**  
\$750,000

**Public Services**

This grant program is dedicated to provide new or quantifiable increased public services in response to infectious disease. Eligible Activities are:

- Provision of new or quantifiably increased public services

**Maximum Grant/Applicant:**  
\$50,000

Project Turnkey Public Service Maximum: may be up to \$250,000; subsequent grant administration up to 10% of grant award.

**Project Completion Period**

All activities must be completed and the Project Completion Report submitted within **12 months from contract execution.**

**Eligible Applicants**

Oregon cities, counties and tribes.

Detailed eligibility activities can be found in the [Application Guide \(/biz/Publications/CDBG\\_CV\\_Application\\_App\\_Guidelines.pdf\)](#). Check out the Frequently Asked Questions (and answers) ([/biz/programs/CDBG/Pages/FAQs\\_and\\_Answers.aspx](#)) page.

**How to Apply**

- Applications are due May 31, 2022, OR until available funds are fully obligated.
- Current Notice of Funding Availability ([/biz/programs/CDBG/Pages/Notice\\_of\\_Funding\\_Availability\(NOFA\).aspx](#))
- [Application Guide \(/biz/Publications/CDBG\\_CV\\_Application\\_App\\_Guidelines.pdf\)](#) and sample [Affidavit Duplication of Benefit \(/biz/Publications/CV1-Affidavit-Sample.pdf\)](#)
- Pre-application form (<https://biznews.oregon.gov/acton/fs/blocks/showLandingPage/a/14786/p/p-005d/t/page/fm/0>)

Applications must be submitted through the Business Oregon online system. For questions regarding the application process, contact Jeremy McVeety (<mailto:Jeremy.McVeety@oregon.gov>), 971-375-8051 For questions regarding program or community eligibility please contact your local Regional Development Officer ([/biz/aboutus/regions/Pages/default.aspx](#)).

**Note**

The CDBG Program is subject to many federal requirements that cover a wide range of activities as identified within Chapter 4 of the [most current MOD \(/biz/Publications/2021MODhudApproved.pdf\)](#) and further detailed in the most current Grant Management Handbook ([/biz/programs/CDBG/Pages/CDBG\\_Handbook.aspx](#)).

City of Shady Cove

Ordinance No. 304

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE  
DEFINING NUISANCES AND OFFENSES AND PROVIDING FOR  
ABATEMENT PROCEDURES AND PENALTIES. AND REPEALING  
ORDINANCE # 301.

**Whereas**, The City Council of the City of Shady Cove desires to consolidate and update the Nuisances and Offenses Ordinances into one Ordinance; and

**Whereas**, The City Council of the City of Shady Cove desires to remove obsolete, redundant, and generally update the Ordinances adopted over 10 years ago.

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS  
FOLLOWS:**

SECTION 1: Oregon Criminal Code Adopted

The provisions of Oregon Revised Statutes, Chapter 161, relating to defenses, burdens of proof, general principles of criminal liability, parties to crime or offense, and general principles of justification and responsibility apply to nuisances and offenses defined and made punishable by this Ordinance.

SECTION 2: Definitions

A. For the purpose of this Ordinance, the following mean:

**Abatement.** The process of eliminating a condition that adversely affects the health and safety.

**Animal husbandry:** The keeping or raising of farm animals including, but not limited to horses, cattle, sheep, goats and pigs, except as approved as a Conditional Use Permit, defined in the City's Zoning Ordinance.

**Camping.** No person shall camp in or on public property that is not specifically designated for such purpose. Camping shall include staying for all or part of a night in the open or in temporary lodging, such as cars, tents, campers, trailers or motor homes.

**Curfew:** No person under the age of 18 shall idle, wander, stroll, or play in or upon the public streets, sidewalks, parks, playgrounds or other unsupervised places, between the hours of 10:00 PM and 4:00 AM unless:

1. The person is accompanied by a parent or legal guardian.
2. The person is engaged in a lawful activity which requires the person's presence after the hours noted above.
3. The person is emancipated pursuant to ORS 419.B.550 to 419B.558.

**Dangerous buildings.** Buildings in such a condition to affect public health, safety and/or welfare including but not limited to:

1. a structure that, for lack of proper repairs, or because of age and dilapidated condition, or of poorly installed or defected wiring, plumbing, gas, or other utilities, or for any other reason, is liable to cause fire, and which is situated or occupied in a manner that endangers other property or human life;
2. a structure containing combustible or explosive material or inflammable substances liable to cause fire or danger to the safety of the building, premises or to human life;
3. a structure that is in a filthy or unsanitary condition liable to cause the spread of contagious or infectious disease;
4. a structure in such weak, dilapidated or deteriorated condition that it endangers a person or property because of the probability of partial or entire collapse.

**Discharge of Weapons.** The firing, discharging or use of a gun, weapon, slingshot, crossbow, bow and arrow, or weapon, by any person other than a peace officer, or person(s) designated by a police officer, that propels a projectile by force of pressurized air or gas or gun powder or other explosive, jet or rocket propulsion with the City.

**Dog Control.** The owner or keeper of a dog shall not allow the dog to become a public nuisance. A dog is a nuisance if it:

1. Is not on the premises of its owner or keeper, if not on a leash.
2. Bites, injures or causes injury to a person.
3. Chases or threatens vehicles or persons.
4. Damages or destroys property other than that of its owner or keeper.
5. Scatters garbage.
6. Trespasses onto private property.
7. Disturbs other persons by frequent or prolonged barking or other noises
8. Is rabid.
9. Obstructs the reasonable use of public or private property.

#### **Drinking in Public Places.**

- A. No person shall drink or consume alcoholic liquor in or on a motor vehicle, public sidewalk, street, alley, mall, parking lot or structure, school property or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission.
- B. This shall not prohibit the consumption of alcoholic liquor in the above listed public places during special events for which the operators(s) have obtained a special permit from the City and have obtained a special permit from the Oregon Liquor Control Commission.

**Exotic animals.** The keeping or raising of wild or exotic animals including, but not limited to lions, tigers, other big cats, deer, bear, antelope, wolves, snakes, buffalo, alligators, wild reptiles, dangerous animals or insects.

**Illegal Lodging.** No person shall lodge in, or occupy a car, outbuilding or other place not intended for that purpose.

#### **Lodging in Recreational Vehicles.**

- A. The following regulations pertain to recreational vehicles parked outside of recreational vehicle parks, mobile home or manufactured home parks, or other areas that are specifically designated for such vehicles.

1. No person shall occupy a recreational vehicle for sleeping or living purposes on a public street or right-of-way.
2. No person having ownership, or other responsibility for property in Shady Cove, shall occupy or allow the occupancy of any recreational vehicle upon the premises as a permanent living quarters, unless approved for such use by the Shady Cove City Council.
3. A recreational vehicle may be parked on private property and used for sleeping and cooking purposes by guests of the residents of the premises for a period not to exceed 30 days within any three-month period of the year, provided the vehicle has self contained sewage facilities or the vehicle's occupants are utilizing the facilities in their host's residence, unless approved for a longer period in advance, by the Shady Cove City Council.
4. Any unoccupied recreational vehicle shall not be stored on any roadway or within any public right-of-way.
5. A recreational vehicle shall not occupy a space within an approved mobile home park unless that space has been specifically approved by the City for short-term recreational vehicle use.

**Noxious vegetation.** The presence of vegetation on property outside of the Riparian Zone or in the right-of-way of a street, alley, or sidewalk abutting the property, anytime during the year including:

1. Weeds or grass more than 10 inches high.
2. Blackberry bushes that extend into a public thoroughfare or across a property line.
3. Poison oak or ivy.
4. Vegetation that is a health hazard, a fire hazard or other hazard because it is near other combustibles, or a traffic hazard because it impairs the view of the public thoroughfare or otherwise makes use of the thoroughfare hazardous for pedestrians and/or vehicles.
5. Vegetation within defined Riparian Zones will be maintained per the Riparian Ordinance.



**Nuisances and Offenses.** Conditions that adversely affect public health, safety or welfare.

**Person:** A natural person, firm, partnership, association or corporation, whether acting as an individual for themselves, or as the clerk, servant, employee or agent of another.

**Person in charge of property:** An owner, agent, occupant, lessee, contract purchaser or other person having possession or control of property or supervision of a construction project.

**Person responsible:** The owner or the person in charge of the property.

**Public Indecency.** An act of urination or defecation, except in toilets provided for that purpose.

**Temporary Signs:** Temporary signs include, but are not limited to election, campaign, and yard/garage sale signs.

**Unenumerated nuisances and offenses.** Nuisances and offenses not specifically enumerated in this Ordinance including a substance or act that is determined to be injurious to public health, safety, or welfare.

**Unnecessary Noise.** Any unreasonably frequent and prolonged noise which interferes with the health and /or public welfare, including, but not limited to:

1. The keeping of any bird or animal which, by causing frequent or prolonged continuous noise, shall disturb the comfort and repose of any person in the vicinity.
2. The use of a vehicle engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grating, grinding, rattling or other noise.
3. The sounding of a horn or signaling device on a vehicle on a street, or public or private place, except as necessary warning of danger.
4. The use of mechanical devices operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.

5. The use of a gong or siren upon a vehicle, other than police, fire or other emergency vehicle.
6. Noise from construction activities including erection, excavation, demolition, alteration, repair between 6:00 p.m. and 7:00 a.m., except in case of urgent necessity in the interest of the public welfare and safety as determined by the City.
7. The owner of a property may conduct such activities on property occupied by the owner between the hours of 7:00 a.m. and 9:00 p.m. providing such activity does not unnecessarily affect the public health, safety and/or welfare.
8. The creation of excessive noise on a street adjacent to a school, institution of learning, church or court of justice while same are in use, or adjacent to a hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution, or which unduly disturbs or annoys patients, and clients.
9. The discharge of the exhaust of a steam engine, internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.
10. The use or operation of an automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound amplifying device as to disturb person in the vicinity thereof or in such a manner as renders the use thereof a nuisance. Upon application to the City, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as part of a public event, festival or outstanding event of a noncommercial nature. The amplification shall not be audible at a distance of more than 1,000 feet from the source of amplification, and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result.
11. The conducting, operating or maintaining of a garage within 100 feet of a residential unit in such a manner as to cause loud or disturbing noises between the hours of 9:00 p.m. and 7:00 a.m.
12. The making of a noise by crying, calling or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer,

drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention or inviting patronage of a person to a business.

### SECTION 3: Nuisances Declared

A. The following conditions are declared to be nuisances affecting public health.

1. Accumulation of debris, rubbish, manure and other refuse that are not removed within a reasonable time.
2. Stagnant water that affords a breeding place for mosquitoes and other insect pests.
3. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial waste or other substance placed in or near the water in a manner that will cause harmful material to pollute the water.
4. Decayed or unwholesome food offered for human consumption.
5. Liquid waste drained from private premises.
6. Mastics, oil, grease or petroleum products allowed to be introduced in the sewer system by a user.
7. Animal carcasses on streets or private or public property.
8. Animals or birds maintained, kept or housed in such a number to create offensive odors or noise.
9. An open vault or privy constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with the Oregon State Board of Health regulations.
10. The keeping or raising of farm animals including, but not limited to horses, cattle, sheep, goats and pigs, except as approved as a Conditional Use Permit, defined in the City's Zoning Ordinance.

B. The following conditions are declared to be nuisances affecting public safety.

1. Woodpiles, wood, lumber, rocks, bricks, blocks or metal within the streets, alleys or sidewalks for a period of time longer than 24 hours of placement of such material without first obtaining a permit from the City.
2. A container with a compartment of more than one cubic foot of capacity with a door or lid that locks or fastens automatically

when closed that cannot be easily opened from the inside, maintained, or left, in a place accessible to children

3. A well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of 12 inches or more uncovered, not fenced or without a suitable protective construction.
4. Unguarded machinery, equipment or other devices placed or stored in a manner to be appealing, dangerous and accessible to children.
5. Lumber, logs or piling placed or stored in a manner to be appealing, dangerous and accessible to children.
6. Noxious vegetation.
7. The presence of combustible materials stored in such a manner as to constitute a fire hazard.
8. Dumping on public or private property of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would likely injure a person, animal or vehicle traveling on a public way.
9. Trees, bushes or shrubs on property abutting a street, alley or sidewalk that interfere with vehicle or pedestrian traffic.
  - a. The person in charge of the property shall keep all trees, bushes or shrubs on the premises, including the adjoining parking strip, trimmed so that any overhanging portions are at least 8 feet above the sidewalk, and at least 14 feet above the roadway, public right-of-way, or parking area.
10. Snow, ice or rain water which adversely affects the safety of users and which falls from the building or structure onto a street or public walkway or right-of-way or is allowed to remain thereon.
  - a. The person in charge of the property shall install and maintain in a proper state of repair, adequate drainpipes or drainage systems so that the overflow water accumulating on the roof or about the building is not carried across or on the sidewalk or other property. City of Shady Cove

C. The following conditions are declared to be nuisances affecting public welfare.

1. Operation of an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.
  2. Accumulation of any old or scrap copper, brass, pipe, rope, wire, rags, batteries, paper, plastic, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped or ruined appliances, motor vehicles or other vehicles or appliances, motor vehicle or other vehicles parts, iron, steel, or other old or scrap ferrous or nonferrous material, metal or nonmetal materials on private property within the sight of the public.
- D. Unnecessary noise is declared to be a nuisance which affects public health, safety and/or welfare.

#### SECTION 4: Nuisances and offenses Prohibited.

- A. No person, person in charge of, or person responsible for a parcel of real property shall allow or permit a nuisance or offense to occur on that parcel as defined in this Ordinance.

#### SECTION 5: Complaint.

- A. Any person who believes a violation of this Ordinance exists may file a complaint with the City. The City of Shady Cove Police Department will investigate and make a determination for complaints of violation, including complaints involving fire hazards and noxious vegetation. A citizen may sign a citation if that individual is willing to testify and present evidence to nuisances and offenses which are not witnessed by an individual with police powers.

#### SECTION 6: Abatement Notice.

- A. When a nuisance or offense is determined to exist, the City will place a notice on the premises in question directing the offending party to abate the nuisance or offense. If the occupant is not the property owner or person in charge of the property, a copy of the notice will be provided to such individual as well as to the property owner, either in person or by certified mail, at the property owner's last known address.
- B. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or other person or failure of the owner to pick up his or her mail will not make the notice void, and in such case the posted notice will be sufficient. The abatement notice will include:
1. The address or other description of the real property involved.
  2. A description of the nuisance or offense.

3. A demand that the nuisance or offense be abated within 14 days or such other period of time as the Chief of Police may determine to be appropriate.
4. Notice that failure to comply may result in the City abating the nuisance or offense at the offending party's expense.
5. Notice that the offending party has 10 days to file an appeal of the abatement notice, in writing, with the City.

#### SECTION 7. Abatement by Owner.

- A. The owner, or person in charge of the property, will remove the nuisance or offense in accordance with the abatement notice, or show that no nuisance or offense exists.

#### SECTION 8. Abatement by the City.

- A. If the nuisance or offense is not abated within the time allowed, the City may authorize abatement by whatever means are appropriate. This action may be enforced by a law enforcement officer. Necessary personnel will have the right, at reasonable times, to enter into, or upon, the involved property.
- B. The City will keep an accurate record of the expenses incurred by the City for abatement costs and will add, separately noted, a charge of 25 percent of the expenses for administrative overhead.

#### SECTION 9. Summary Abatement.

- A. Where an immediate threat to life or property exists, any law enforcement officer, or their agent may cause the nuisance or offense to be abated without written notice.

#### SECTION 10. Assessment of Costs.

- A. The City will send to the responsible party and involved property owner a notice showing the total cost of abatement, including administrative overhead. The notice will also state that the total amount of the assessment is due to the City within 30 days. If the assessment is not paid on time, it will become a lien on the property, and that unpaid assessments will incur interest at the rate of 1.5 percent per month.

#### SECTION 11. Appeal.

- A. The owner, or person in charge protesting that no nuisance or offense exists, shall file with the City, a written statement which will specify the basis for the protest. The statement will be referred to the City Council or Municipal Court Judge, as appropriate, as part of the next

scheduled meeting or court date. At the time set for consideration of the abatement, the owner or other person may appear and be heard and the Council or Municipal Court Judge, as appropriate will thereupon determine whether or not a nuisance or offense, in fact, exists. If it is determined that it does exist, the owner, or other person shall, within 10 days of that determination complete the abatement.

- B. If the owner, or person in charge of the property, objects to the assessment for abatement, a written objection may be heard by the City Council in the manner described in "A" above.

SECTION 12. Penalties and Damages.

- A. In addition to the cost and assessments provided in this Ordinance, a violation may be prosecuted in the Municipal Court of the City of Shady Cove, and be punished by a fine or not more than \$500.
- B. Each day's violation constitutes a separate violation. The abatement shall not constitute a penalty for violating the Ordinance. City of Shady Cove
- C. The remedies specified herein will not be deemed exclusive and the City may, at its option, seek to enforce the provisions of this Ordinance by exercising its legal or equitable remedies in any court of competent jurisdiction.
- D. When an offense has been committed that results in ascertainable damages to any person, based upon conviction thereof, in addition to any other sentence, the Court may order that the defendant make restitution to the victim.

SECTION 13. Infraction. Neither party shall have the right to a jury trial at the trial of any infraction.

SECTION 14. Severability.

- A. Invalidity of a section or part of a section of this Ordinance will not affect the validity of remaining sections or parts of Sections.

SECTION 15. Repeal.

- A. Ordinance #271, is hereby repealed in its entirety.

SECTION 16. Savings Clause.

- A. The repeal of any Ordinance noted in Section 15, will not preclude any action against any person violating this Ordinance prior to the effective date of this Ordinance.

**Adopted** by the City Council of the City of Shady Cove this \_\_\_\_ day of \_\_\_\_, 2021.

Approved:

Attest:

\_\_\_\_\_  
Shari Tarvin  
Mayor

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Tarvin \_\_\_\_\_  
Councilor McGregor \_\_\_\_\_  
Councilor Nuckles \_\_\_\_\_  
Councilor Evertt \_\_\_\_\_  
Councilor Murders \_\_\_\_\_

DRAFT



## ORDINANCE NO. 296

### AN ORDINANCE REGULATING GENERAL TRAFFIC, VEHICLE PARKING, AND VEHICLE STORAGE IN THE CITY OF SHADY COVE, OREGON; PROVIDING PENALTIES AND REPEALING ORDINANCE NOS. 70 and 93.

The people of the City of Shady Cove ordain as follows:

#### § 296.01 SPEED LIMITS

After approval by the State Transportation Commission, where the approval is required by motor vehicle laws of the state, and for the best use of the streets, in the public interest, the City Council may designate by resolution speed limits on various streets, or portions thereof, within the City limits.

#### § 296.02 STATE CRIMINAL CODE ADOPTED.

The provisions of ORS Ch. 161 relating to defenses, burdens of proof, general principles of criminal liability, parties to a crime or offense and general principles of justification and responsibility apply to offenses defined and made punishable by this chapter.

§ 296.03 DEFINITIONS. As used in this ordinance, the following words, except where the context clearly indicates otherwise, mean:

Abandoned vehicle means a vehicle that appears to be inoperable and has any characteristics that include but are not limited to expired license plate, missing rear vehicle license plate, flat tire(s), broken windshield, extensive body damage or rust, wrecked or partially dismantles and has been left on any public way for a period in excess of 72 hours without authorization by statute or local ordinance.

Alley means any public right-of-way for the secondary access of a property not intended for general traffic use.

Commercial vehicle means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire or a vehicle marked and directly used in association with a licensed business or a truck or tractor/trailer that is 10,000 pounds or more gross weight, and/or 20 feet or more in length, and/or eight feet or more in width.

Electric vehicle means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof. Electric vehicle may include a battery electric vehicle, a plug-in hybrid vehicle, a neighborhood electric vehicle, and a medium-speed electric vehicle.

Inoperable vehicle means a vehicle which has been left out of an enclosed structure on private property for more than 30 days; has a broken or missing window, windshield, wheels or tires; lacks an engine or has an inoperable engine; or lacks a transmission or has an inoperable transmission.

Legal owner means the person or entity with a financial interest in the vehicle and whose name is on the title of the vehicle; the person who is entitled to the possession and use of the vehicle under a security agreement including a lease agreement.

Planting strips means that portion of the roadway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area.

Public right-of-way means the area on, below, or above a public roadway, highway, street, bridge, bicycle lane, or public sidewalk in which the municipality has an interest, including other dedicated rights-of-way for travel purposes and utility easements.

Recreational vehicle (RV) means a motorized vehicle designed primarily for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to motor home, bus, van, truck camper, travel trailer, camping trailer, tent trailer, camper mounted on a vehicle, fifth wheel, and boat on trailer.

Registered owner means the person in whose name title to a vehicle is issued, and who is entitled to possession and use of the vehicle.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons standards or otherwise, so as to be plainly discernible.

Shoulder means that area of the roadway between the traveled portion of the roadway and the planting strip or other area commonly for use by pedestrians, for the accommodation of stopped vehicles and for emergency use.

Standing means halting of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Storing means the keeping of a vehicle on the public right-of-way in excess of 72 consecutive hours.

Street means the portion of a public right-of-way owned, improved, and maintained by a public entity for vehicular traffic exclusive of the shoulder; also described as a road, roadway or highway.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway including but not limited to any car, truck, motorcycle, motor home, trailer including utility trailer, towed object, or other motorized automobile.

#### § 296.04 PARKING ON PUBLIC STREETS AND RIGHTS-OF-WAY.

(A) Parking or standing a vehicle shall be permitted in a street parallel with the edge of the roadway, headed in the direction of lawful traffic movement, with curbside wheels within 12 inches of the edge of the curb, except where the street is marked for angle parking.

(B) Parking is prohibited:

1. Where the street/road surface is less than 20 feet wide.

2. Where a time limitation or parking restriction is marked by traffic markers, yellow or orange strips, or otherwise, so as to be plainly discernible.
3. On the roadway side of any vehicle stopped or parked on the edge or curb of a street.
4. On a sidewalk, planting strip, or bike lane.
5. Within 20 feet of an intersection or crosswalk.
6. Where official signs or barricades are placed prohibiting parking.
7. Upon a bridge or other elevated structure.
8. In the area between roadways of a divided highway.
9. Within a fire zone, a fire exit, or within 15 feet of a fire hydrant, or 30 feet of a fire station driveway entrance.
10. Within 5 feet of a public or private driveway.
11. Where stopping or parking a vehicle would obstruct traffic or adequate view of an intersection.
12. Where stopping or parking a vehicle cannot be done without compromising safety.

(C) A person commits the offense of unlawful parking in a space reserved for persons with disabilities if the person parks a vehicle in any parking space that is on private or public property and that is marked or signed to provide parking for persons with disabilities and the vehicle does not conspicuously display a disabled person parking permit described in ORS 811.602 or 811.606 or a disabled parking permit issued by another jurisdiction.

(D) No person shall park, store, abandon, or display for sale a vehicle of any kind on a public right-of-way in excess of 72 hours.

(E) No person shall park on any street or public right-of-way:

1. A vehicle selling merchandise except when authorized by the City of Shady Cove.
2. Trailers of any kind disconnected from a motor vehicle unless they are securely blocked to prevent movement.
3. Campers or canopies of any kind not on a vehicle.
4. Boats not on a trailer designed for transporting boats.

(F) Exceptions from prohibitions of parking on public streets or rights-of-way are:

1. When applicable, school buses and worker transport buses may stop on a roadway to load or unload children or workers, providing flashing school bus safety lights are operating.
2. When applicable, vehicles may stop, stand, or park momentarily to pick up or discharge a passenger.
3. When applicable, vehicles may stop, stand, or park momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.
4. When applicable, publicly-owned vehicles may stop, stand, or park to perform maintenance or repair work on a roadway.

5. When applicable, the driver of an unavoidably disabled vehicle may stop and temporarily leave the vehicle to seek assistance.

#### § 296.05 PARKING AND STORING VEHICLES ON PRIVATE PROPERTY.

The following regulations shall be applicable to vehicles parked, stored, or maintained in an R-1, R-2, R-3, or G-C zone, or any other property utilized for residential purposes.

- (A) Subject to the requirements of subsection B of this section, automobiles, buses, motor homes, motor trucks, vans, campers/camper shells mounted on a vehicle, camp trailers, boats on trailers, and tent trailers may be parked in a portion of a yard clearly visible to a public right-of-way provided that the vehicles are:
1. Fully operable, completely assembled, supported by inflated tires, and not supported by blocks, jacks, or similar supports, except that such vehicles may be safely leveled to maintain the proper flow of propane or other gas to built-in appliances.
  2. Currently registered for operation on public streets.
  3. Located entirely on the subject property with no overhang or encroachment permitted into the public right-of-way or adjacent private property.
  4. Parked or stored on an approved residential parking space or on an approved residential driveway.
- (B) Subject to the requirements of subsection A of this section, buses, motor homes, unmounted campers, camper shells mounted on a vehicle, camp trailers, boats on trailers, and tent trailers may be parked in a front or side yard if there is no access to the rear yard and no other approved location can be made available on the property for parking; and:
1. Such vehicle or piece of equipment is stored and parked safely and in accordance with Ordinances 90.01 through 90.99.
  2. Buses have a maximum capacity of no more than 18 adult persons.
  3. Unmounted camper stored on dollies or jacks must have lockable wheels with the lowest portion of such camper not to exceed a height of 12 inches above ground level.
  4. Any area used for parking or storing vehicles or equipment shall be graveled or paved with concrete or asphalt.
  5. No portion of any vehicle or equipment is located on that part of a corner lot within a front or side yard in a manner that will obstruct clear view of the intersection.
- (C) Authorized emergency vehicles or tow trucks, as determined by the Oregon Vehicle Code, Chapter 801, may be parked in yard if:
1. The operator or owner of the tow truck possesses a towing permit that has been approved by the City.
  2. An overweight vehicle permit has been obtained from the City for vehicles which exceed a maximum gross weight of three tons.

3. The operator or owner of the vehicle possesses a valid contract with the Oregon State Police Department, Jackson County Sheriff Department, or an insurance company to provide emergency service on a 24-hour basis.

(D) Exceptions from prohibitions of parking and storage of vehicles on private property are:

1. Antique vehicles as defined in Oregon Vehicle Code Chapter 801.125 and registered as required by Oregon Vehicle Code Chapter 805.010.
2. Vehicles of special interest as defined in Oregon Vehicle Code Chapter 801.605 and registered as required by Oregon Vehicle Code Chapter 805.020.
3. Vehicles or portions of vehicles used as part of a landscape plan approved by the City.
4. Vehicles not designed for street use (race cars, off road vehicles) or trailers not requiring a license, such as golf carts, utility trailers, etc.

#### § 296.06 AGREEMENT WITH STATE OF OREGON AND JACKSON COUNTY.

- (A) City Council by its enactment hereby authorizes and endorses the State of Oregon to make such mutually agreeable traffic regulations upon Highway 62 as may be agreed to by the City and the State. Oregon Vehicle Code Chapter 811 defines, establishes and limits parking on State and federal land within Shady Cove.
- (B) City Council by its enactment hereby authorizes and endorses Jackson County to make such mutually agreeable traffic regulations upon county-owned roadways and easements as may be agreed to by the City and the County. Jackson County Codified Ordinances Chapter 440 defines, establishes and limits parking on County facilities within Shady Cove.

#### § 296.07 VIOLATION

- (A) No person shall cause or permit any vehicle owned or controlled by him/her to be parked in violation of any provision of this chapter; violators will suffer any disability or legal disadvantage based upon conviction thereof.
- (B) Parking violations under this chapter may be charged by an unsworn written notice subject to the provisions of ORS 221.333.
- (C) Citations or notices charging parking violations may be issued by the Jackson County Sheriff, Deputy Sheriff, or any other officer or employee of the Jackson County Sheriff Department designated by the Shady Cove City Administrator for this purpose.

#### § 296.08 PENALTY.

Any person found in violation under this chapter shall be subject to, as applicable, provisions of Jackson County Codified Ordinance 440.99 and state statute.

## § 296.09 VEHICLE TOWING AND IMPOUND REGULATIONS AND PROCEDURES

- (A) A vehicle may be impounded subject to the provisions of ORS 809.725, or successor statutes.
- (B) If a vehicle is parked, abandoned, stored, displayed, or is otherwise in violation of any provision of this chapter, any person authorized to issue citations under this chapter may cause the vehicle to be towed or impounded pursuant to the provisions of ORS 819.110 and ORS 819.120.
- (C) Upon payment of an administrative fee to the City of Shady Cove, (as established by resolution and contained within the city fee resolution), the owner/agent may receive a release from the City.
- (D) After acquiring a release from the City of Shady Cove, the owner/agent may then retrieve his/her vehicle from the tow company upon satisfaction of the accrued towing, impound, and storage fees.
- (E) Any hearings related to towing and impounding of vehicles under this subsection, shall be provided by the Jackson County Sheriff's Department to which the authority is hereby granted to make final disposition of the issues as prescribed by Jackson County Codified Ordinance 440.04.

## § 296.10 SAVING AND SEVERABILITY

- (A) Effect of Repeal of Code Sections and Ordinances. Repeal of a code section or ordinance does not revive a code section or ordinance in force before or at the time the repealed code section or ordinance took effect. The repeal does not affect a punishment or penalty incurred before the repeal took effect, not a suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the repealed code section or ordinance.
- (B) Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

## § 296.11 REPEAL

- (A) Shady Cove, OR Code of Ordinances Chapter 70: General Traffic and Parking Regulations, is repealed.
- (B) Shady Cove, OR Code of Ordinances Chapter 93: Abandoned Vehicles, enacted is repealed.

## § 296.12 EFFECTIVE DATE

City Charter of Shady Cove, Jackson County, Oregon:

**Section 34: A non-emergency ordinance takes effect on the thirtieth day after its adoption or on a later date the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.**

City of Shady Cove

Ordinance No. 211

**AN ORDINANCE OF THE CITY OF SHADY COVE  
ESTABLISHING AN ABANDONED VEHICLE ORDINANCE  
AND REPEALING ORDINANCE NO. 194.**

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS  
FOLLOWS:**

SECTION 1: Definitions

- A. For the purpose of this Ordinance, the following means:
1. **"Abandoned vehicle"** means any vehicle which reasonably appears to be inoperable, wrecked, discarded, abandoned or totally or partially dismantled and has been on any public way for a period in excess of 24 hours without authorization by statute or local ordinance.
  2. **"Inoperable Vehicle"** means a vehicle which has been left out of an enclosed structure on private property for more than thirty (30) days, or has broken or missing windows, windshield, wheels or tires, lacks an engine or has an inoperable engine, or lacks a transmission or has an inoperable transmission.

SECTION 2: Nuisance Declared

No person, business, or entity shall knowingly keep, allow to remain or exist on any private property, or within a public road, right-of-way or property, an abandoned or inoperable vehicle, or to accumulate, collect, store or display an abandoned or inoperable vehicle on private property, or within a public road, right-of-way, or property.

SECTION 3: Oregon Criminal Code Adopted

The provisions of Oregon Revised Statutes, Chapter 161, relating to defenses, burdens of proof, general principles of criminal liability, parties to a crime or offense, and general principles of justification and responsibility apply to offenses defined and made punishable by this Ordinance.



SECTION 4: Violation

A person commits an infraction by violating provisions of this Ordinance and will suffer any disability or legal disadvantage based upon conviction thereof.

SECTION 5: Penalties

- A. A person violating any provision of this Ordinance and the rules authorized and established pursuant to this Ordinance shall, upon conviction in the Municipal Court for the City of Shady Cove, be punished by a fine of not more than \$500.
- B. Each day's violation of a provision of this Ordinance constitutes a separate offense.
- A. The remedies specified herein shall not be deemed exclusive, and the City may, at its option, seek to enforce the provisions of this Ordinance by exercising its legal or equitable remedies in any court of competent jurisdiction.
- B. Neither party shall have the right to a jury trial at the trial of any infraction.

SECTION 6: Damages

When an offense has been committed that results in ascertainable damage to any person or property, in addition to any other sentence, the court may order the defendant make restitution to the victim and to the City of Shady Cove.

SECTION 7: Procedures

Procedures for abatement of abandoned vehicles shall be established and enumerated by and within Departmental Policy.

SECTION 8: Severability

Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections.

City of Shady Cove  
Ordinance No. 211  
Abandoned Vehicle Ordinance  
First Reading 10/2/03; 2<sup>nd</sup> Reading 11/6/03  
Page 3

SECTION 9: Ordinance No. 194, adopted October 5, 2000 is repealed.

**PASSED AND APPROVED** by the Common Council of the City of Shady Cove this 6<sup>th</sup> day of November 2003.

Approved:



Tom Anderson  
Mayor

Attest:




Gretchen Meloth  
Deputy City Recorder

**Council Vote:**

Councilor Curtis	<u>Yes</u>
Councilor Holland	<u>Yes</u>
Councilor Kyle	<u>Yes</u>
Councilor Wendt	<u>Absent</u>
Mayor Anderson	<u>Yes</u>

*Shady Cove Police Department  
Policies*

<i>Subject</i> <b>Abandoned or Hazardous Motor Vehicles Tows, Inventories, Impounds and Releases</b>	<i>Effective Date</i> November 6, 2003	<i>Number</i> <b>5.14-2</b>
	<i>Review Date</i> November 6, 2004	<i>No. Pages</i> 7
<i>Kim L. Gibson</i> <i>Chief of Police</i> 		

**I. PURPOSE**

The purpose of this policy is to provide officers with guidelines for determining when and how motor vehicles which are abandoned or which constitute a hazard should be towed, inventoried, impounded, and/or released.

**II. POLICY**

Motor vehicles are subject to towing, inventories, impoundment and subsequent release for many and varied reasons ranging from preserving evidential value in a criminal case, constituting a hazard, parking violations, and to safeguard property.

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the agency against claims of lost, stolen or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle.

It is the policy of this law enforcement agency to conduct motor vehicle tows, inventories, impounds, and releases only in accordance with the following procedures.

**III. DEFINITIONS**

**Security Tow:** a tow of a vehicle in the custody of the Department which must be held in security storage. This includes a vehicle towed for a prisoner's property, safekeeping, and an impoundment for evidence.

**Penalty Tow:** a tow of any vehicle impounded for a violation of law or ordinance or under a court order.

**Abandoned Vehicle Tow:** a tow of any vehicle which is deemed "Abandoned" under applicable state law or city ordinance, or which is impounded as a hazard or obstruction to traffic under O.R.S.483.382.

**Owner Request Tow, Non-Preference:** the towing and storage of privately owned vehicles, when the operator, owner or person entitled to possession of the vehicle specifically requests towing services without preference for a particular towing company and at their own expense.

**Owner Request Tow, Preference:** the towing and storage of privately owned vehicles, when the operator, owner, or person entitled to possession of the vehicle specifically requests a preference as to which company should provide the services and at their own expense.

**Police Request Tow:** Towing and storage in which the City may be responsible for the charges, or in which the owner or operator cannot or will not indicate who they prefer to tow the vehicle (such as motor vehicle accidents involving injury or death, and the vehicle does not meet "Security Tow" requirements).

**Vehicles Constituting a Hazard:** the towing and storage of vehicles which constitute a hazard as described under ORS 819.120 will be taken into custody under that authority.

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*Abandoned Vehicle:* means any vehicle which reasonably appears to be inoperable, wrecked, discarded, abandoned or totally or partially dismantled and has been on any public way for a period in excess of 24 hours without authorization by statute or local ordinance.

**IV. ABANDONED VEHICLES**

Personnel who receive complaints of vehicles being abandoned should obtain all pertinent information including license number, description, location, and lapse of time involved. A case file for each abandoned vehicle complaint will then be created with a case number.

**A. Abandoned Procedures.**

1. A check of stolen vehicle files will be conducted. Both license number and VIN numbers will be used when practical.
2. If the stolen status is negative, the officer will determine if the vehicle has been on the street for 48 hours before attaching a Police Tow notice on the vehicle. At this time a dispatch/card report will be completed and the registration information attached.
3. If the vehicle remains abandoned 48 hours after affixing the tow notice, the Officer will issue a parking citation.
4. If the vehicle remains abandoned after another 48 hours (144 total) another parking citation will be issued.
5. Notice will be mailed to the registered and legal owners of the vehicle advising of the city's intent to tow the vehicle. The vehicle may be towed five days following the letter.
6. Vehicles which are obviously inoperable, no engine, transmission, stripped, etc., may be towed after 24 hours per ORS. A dispatch/card report will be completed when the Tow Notice is attached to the vehicle.

**B. Disabled Vehicle Procedure.**

1. If a vehicle is disabled at the scene of an accident or other incident and constitutes a hazard or obstruction to traffic, and the owner or operator cannot or will not specifically request a preference or non-preference tow, it is considered an abandoned vehicle tow. An incident report, Tow Notice and Vehicle Disposition Form are required for all abandoned vehicles.

**V. PENALTY TOWS**

Required reports - Vehicle disposition form.

It is the policy of the Department to utilize ORS 809.715 and 809.716 to tow vehicles only when it is deemed probable by the officer to prevent a further offense, or in the interest of public welfare. This ORS may be enforced only when the impoundment is the result of a traffic stop.

Police officers may order a vehicle towed when the officer has probable cause to believe the driver of that vehicle is:

**A. DWS Felony, Revoked, Misdemeanor.**

If an officer has probable cause to believe the driver is felony suspended or revoked, or misdemeanor suspended, the officer may order the vehicle towed.

**B. DWS Infraction.**

If the officer has probable cause to believe the driver is currently infraction suspended, the officer may order the vehicle towed.

**C. DUII.**

When an officer arrests the driver of a vehicle for DUII, the officer may order the vehicle towed. If the driver is the registered owner, the officer may also choose to release the vehicle to a responsible, valid driver with the permission of the arrested person. If the driver is not the registered owner, the officer may attempt to locate the owner to pick up the vehicle.

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**D. Driving uninsured and No Operators License.**

It will not be common practice for an officer to tow a vehicle solely on the grounds that the driver has no license or insurance. The intent of this policy is to try and target repeat offenders, or offenders who pose a threat to public safety. The officer shall take into account the totality of the circumstances before towing a vehicle for these reasons.

**E. Claiming a Vehicle.**

To claim a vehicle which has been towed under ORS 809.715 or 809.716 the owner must bring to the police department:

1. Proof of ownership, i.e. vehicle registration or title. If the owner is not available to come to the police department to recover the vehicle, the owner may send a notarized letter that authorizes a specific person named in the letter to pick up the vehicle. That person is required to have a valid drivers license, and proof of insurance on the impounded vehicle.
2. Proof of current insurance.
3. Valid driver's license.
4. Exact currency, cashiers check, money order, or travelers check for the amount of the administrative fee.

**F. Release Letter.**

After the owner has provided the department with the above information, the officer or department member authorizing the release of the vehicle will provide the owner with a letter to the tow company authorizing the release of the vehicle. The owner of the vehicle is responsible for all towing and storage charges accrued by the towing company.

**VI. INVENTORY PROCEDURES**

**A. Legal Authority to Inventory**

1. An authorized member of this agency may conduct a motor vehicle inventory without a warrant or probable cause when
  - a. the vehicle has been lawfully seized or impounded pursuant to the arrest of the driver; after towing the vehicle for violations, or for related enforcement or safety reasons as defined by state law, and
  - b. When officers conduct the inventory within the scope of this policy as an administrative procedure, as directed under Departmental Policy 5.14 and City Ordinance or,
  - c. When an accident requires the tow of a vehicle and the owner or operator is not available, such as death and serious injury accident.
2. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers shall be guided by this agency's policy on motor vehicle searches when engaged in these actions.

**B. Scope of Inventory**

1. The contents of all motor vehicles that are lawfully seized and/or impounded by this agency shall be subject to inventory in accordance with the provisions of section III-A of this policy.
2. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.
3. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried

*Shady Cove Police Department*

*Policies*

before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.

4. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk and glove compartment.
5. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced open but shall be logged on the impound report as such. If a key or lock combination is available, locked containers may be opened and inventoried.

**C. Property Control**

All contents of the vehicle will be inventoried with the exception of vehicles towed pending the issuance of a search warrant. All items taken into custody during an inventory shall be listed on a Property/Evidence Receipt and a copy given to the owner of the property or to the owner/operator of the vehicle. If no owner or owner/operator is available, the receipt may be left in a conspicuous place in or about the vehicle.

1. Property of extraordinary value (jewelry, watches, cash) is discovered, that property shall be logged on the vehicle report.
2. All items valued at \$100 or more shall be itemized on this agency's property inventory form. Such materials may be turned over to the control of the property room for safekeeping.
3. Control and safekeeping of hazardous materials shall be the responsibility of the evidence custodian. Notification of this fact shall be provided to the Chief of Police.

4. Contraband and evidence discovered during the course of a motor vehicle inventory shall be deposited with the evidence custodian in accordance with procedures for control of criminal evidence. Notification of this fact shall be provided to the Chief of Police.

**VII. HEARING**

**A. Hearing, At Request of Vehicle owner.**

At the request of the vehicle owner, the city is required to set a hearing on the validity of the towing and/or the creation, amount, and reasonableness of the lien.

1. The request for a hearing must be submitted in writing to the department's legal counsel by the vehicle owner, not later than five (5) days after mailing of the impoundment notice, excluding Saturdays, Sundays, and holidays.
2. The hearing date will be set for not more than three working days from the date the request was received, not including the day the request was submitted, and excluding Saturdays, Sundays, and holidays. The hearing may be postponed at the request of the person asking for the hearing.

**B. Officer Appearance.**

When an officer has ordered a vehicle towed and has been notified of a validity hearing, the officer will submit an affidavit to the hearings officer in lieu of making a personal appearance at the hearing.

**C. Burden of Proof.**

When a vehicle is towed pursuant to ORS 809.715 or 809.716, the department shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds to believe that the vehicle was being operated in violation of ORS 806.010, 807.010, 811.175, 811.182 or 813.010.

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**D. Liability.**

If the hearings officer (department's legal counsel) finds the impoundment of the vehicle was proper, the hearings officer shall enter an order supporting the removal, and shall find that the owner or person entitled to possession of the vehicle is liable for usual and customary towing and storage costs. The hearings officer may also find the owner or person entitled to possession of the vehicle liable for costs of the hearing.

If the hearings officer finds the impoundment of the vehicle was improper, the hearings officer shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or person entitled to the possession of the vehicle is not liable for any towing or storage costs resulting from the impounding. If there is a lien on the vehicle for towing and storage charges, the hearing officer shall order it paid by the impounding agency.

**VIII. RELEASE OF TOWED VEHICLES**

Owners of vehicles towed for other than evidentiary value will be directed to the tow company where the vehicle is stored, with the exception of Penalty Tows. Vehicle owners will be required to show some proof of ownership and pay the towing and storage costs.

**A. Vehicles Towed for Evidence.**

Under no circumstances will a vehicle towed as evidence be made available to the owner until approval by the appropriate prosecuting attorney.

Required reports - Incident Report, Vehicle Disposition Form and Evidence sheet.

1. Vehicles towed as evidence shall be held in a secured, designated storage facility.
2. The officer shall accompany the vehicle to the lockup. Keys will be placed into evidence in all instances.

**B. Vehicles Towed from Public Property Subsequent to an Arrest.**

Required reports - Incident Report and Vehicle Disposition Form.

1. Vehicles will be towed and the owner/operator will be notified of the tow when the driver of the vehicle is taken into physical custody and any of the following conditions exist:
  - a. The vehicle is unlawfully parked at the scene of the arrest and there are no passengers who are licensed and capable of taking immediate custody of the vehicle.
  - b. The arrested person refuses to release the vehicle to a passenger and the vehicle is unlawfully parked.
  - c. The vehicle cannot be secured and contains valuables. (This information must be documented in the incident report.)
2. Vehicles will not be towed under the following conditions:
  - a. The driver requests that the vehicle be secured and left parked at the scene and the vehicle is lawfully parked.
  - b. The driver requests a passenger assume responsibility of the vehicle. The passenger must be capable and have a valid operator's license. (The name of the passenger must be documented in the incident report.)

**C. Vehicles Towed from Private Property Subsequent to an Arrest.**

Required reports - Incident Report and Vehicle Disposition Form.

1. If vehicle is parked on private property and the driver does not wish to have a passenger take custody of the vehicle, the officer may tow after first taking into consideration the following conditions:
  - a. Business or residence

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- b. Property owner available
- c. Time of day or night
- d. Business hours
- e. Where is the vehicle parked, e.g., in the driveway or parked out of the way?
- f. Will the arrested person be released prior to the use of the private property?

- 2. If the decision is not to tow, the property owner may exercise the option of calling to have the vehicle towed. The arrested subject should be advised of this possibility.

**D. Vehicles Towed from Private Property.**

Required reports - none.

- 1. Vehicles towed from private property shall be at the request of the owner or person in charge of the property and will be their responsibility.
- 2. The police department will be notified by the towing company when a vehicle is towed from private property.
- 3. Records will be notified and the information entered into the computer.

**E. Repossessed Vehicles - Any vehicle towed at the request of the lien holder.**

Required reports - none.

- 1. The tow company will notify the police department when a vehicle is towed due to repossession.
- 2. Records will enter this information in to the computer.

**F. Scene of an Accident (Vehicle has no Evidentiary Value.**

Required reports - Incident Report.

- 1. Vehicles towed from the scene of an accident are the responsibility of the driver or owner of the vehicle.

- 2. When the driver is injured/transported to the hospital the investigating officer should attempt to inform the driver/owner where the vehicle has been taken and note the information in the report.

**G. Traffic Hazard.**

Required reports - Vehicle Disposition Form, Tow Notice, and Incident Report.

**H. Recovered Stolen Vehicles (This agency's cases or Other Agency).**

Required reports - Incident Report.

- 1. After processing for evidence, confirmed stolen vehicles will be released to the owner at the scene of recovery whenever possible.
- 2. If the owner cannot be contacted, the vehicle will be towed as a security tow for safekeeping. A Vehicle Report will be completed.
- 3. The Patrol Section will retain responsibility for notifying the owner of the recovery until the next normal workday of Records personnel who will then assume responsibility. Patrol supervisors will relay recovery information on to successive shifts who will make reasonable attempts to contact the owner until Records personnel assume that responsibility.
- 4. When a vehicle is recovered for another agency, the agency will be notified.

**I. Notifications**

- 1. **Vehicles Towed as Evidence:** The owner of any vehicle towed as evidence will be notified by the officer. As soon as the evidence is cleared for release, the evidence officer will notify the owner of the vehicle. The notice shall state that the vehicle can now be released and shall be sent certified mail. The evidence officer will notify records as



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- soon as the vehicle is released to owner.
2. All Others: The office will send written notification of all towed vehicles in which a tow notice has been completed to both the registered owner and legal owner or lien holder.
  3. Within 48 hours of city custody, the office will send a notice of the vehicle impoundment, by regular mail, to all known addresses of the registered owner and legal owner or lien holder.

of the location of the vehicle and within 15 days has not reclaimed the vehicle. The authority may sell the vehicle without public auction to a wrecker, or any other person who complies with the provisions of ORS 810.010.

Any towed vehicle appraised at more than \$1,000 which remains unclaimed and not redeemed for a period of (15) days, shall have a an owner notification sent by certified mail that the vehicle will be sold at public action as per Oregon Revised Statues within fifteen (15) days of that notice if not reclaimed.

**IX. APPRAISALS.**

Appraisals of Unclaimed Motor Vehicles towed as abandoned or traffic hazard. Within ten (10) days of any motor vehicle coming into the custody of the city for any reason, the Chief of Police shall cause the vehicle to be appraised by a person possessing a valid appraisal permit under state law.

1. Appraisals on all vehicles will be conducted by Department appointed certified appraisers.
2. Completed appraisals will be filed in the towed vehicle file of the Parking Control Officer.

**X. DISPOSITION OF UNCLAIMED VEHICLES**

Any towed vehicle appraised at less than \$500 and which remains unclaimed and not redeemed for a period of fifteen (15) days after owner notification will be released to a certified "Wrecker" for disposal according to Oregon Revised Statutes.

Any towed vehicle towed as an abandoned or traffic hazard which is appraised at a value of \$1,000 or less, but more than \$500.00, may be disposed of without public auction if the owner has signed a release under oath disclaiming any further interest in the vehicle, or notification has been sent to any owner or lesser owner or security holder

ORDINANCE NO. 50

AN ORDINANCE REGULATING PARKING

The City of Shady Cove does ordain as follows:

SECTION I. METHOD OF PARKING.

(1) 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 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

(2) 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, unless the size or shape of the vehicle makes compliance impossible.

(3) 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 shall immediately remove the vehicle from the area unless otherwise directed by police or fire officers.

(4) No person having control or charge of a motor vehicle shall allow the vehicle to stand on a street unattended without first effectively setting the brakes thereon, and stopping the motor of the vehicle, and when standing upon any perceptible grade, without turning the front wheels of the vehicle to the curb or side of the street.

SECTION II. IDENTITY OF VIOLATOR IN PARKING OFFENSE.

In the trial of any charge of a violation of this Ordinance, any registered owner of the vehicle allegedly parked in violation thereof shall be presumed to be the person who so parked the vehicle at the time and place charged, but such presumption may be rebutted.

SECTION III. PROHIBITED PARKING.

In addition to the areas where parking is prohibited by law, parking is prohibited in the following areas and places:

(1) Within an area marked off by traffic markers or by yellow or orange stripes painted upon the street curbs, pavement, or upon the street curb only, indicating a loading zone, safety zone, crosswalk or pedestrian lane, fire hydrant, theater entrance or exit, police station, fire station, or when "No Parking" signs are posted for any other purpose designated by such official markings.

(2) In a street intersection, including the area used for crosswalks; within 10 feet of a fire hydrant or 30 feet of a fire station, or across the entrance to an alley or private driveway.

(3) On a sidewalk, or in the area on a street between the curb and property line, or in any place where parking cannot be done with safety.

SECTION IV. STOPPING NEAR INTERSECTIONS.

No person shall stop a vehicle to load or unload anything or passengers, or for any other purpose, with the front or rear

of such vehicle, as the case may be, within less than 15 feet from the intersection of the property lines at an intersection, or to stop a vehicle for the purpose of loading or unloading passengers or anything within a part of a street, intersection, crosswalk, or pedestrian lane.

SECTION V. PENALTIES.

Any person found guilty of violating this Ordinance shall be subject to a fine not to exceed \$25.00 or five days in jail, or both.

SECTION VI. AGREEMENT WITH STATE OF OREGON.

The City Council by its enactment hereof hereby authorizes and endorses the State of Oregon to make such mutually agreeable traffic regulations upon Highway 62 as may be agreed by the City and the State from time to time. In this regard, the attached map showing no parking areas to be designated by the State of Oregon on Highway 62 will be deemed a part of this Ordinance.

SECTION VII. EMERGENCY CLAUSE.

This is deemed necessary for the peace, health, and safety of the citizens of Shady Cove, that an emergency be, and the same is hereby declared to exist and this Ordinance shall be in full

force and effect from and after its passage by the City Council  
of the City of Shady Cove.

PASSED by the Council on this 21st day of June,  
1979.

VOTES: AYES: 4

NAYES: 0

APPROVED by the Mayor this 21st day of June,  
1979.

  
MAYOR

ATTEST:   
CITY RECORDER

City of Shady Cove

Ordinance No. 303

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE DEDICATING CERTAIN REAL PROPERTY FOR STREET PURPOSES**

**WHEREAS**, the Common Council of the City of Shady Cove, Oregon deems it necessary to dedicate certain real property for street purposes to the public.

**NOW, THEREFORE, THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:**

Section 1. That real property owned by the City of Shady Cove, Oregon, more particularly described in Exhibit "A" attached hereto (34-1W-15BB TL 4000) and by reference incorporated, is hereby designated as part of Williams Lane and made part of the City street system.

Section 2. A certified copy of this ordinance and the map attached hereto as Exhibit "A" shall be filed with the Recording Department, Jackson County Courthouse, Medford Oregon, upon passage and adoption of this Ordinance.

Adopted by the Shady Cove City Council on this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Approved:

Attest:

\_\_\_\_\_  
Shari Tarvin, Mayor

\_\_\_\_\_  
Thomas J. Corrigan, City Administrator

**Council Vote:**

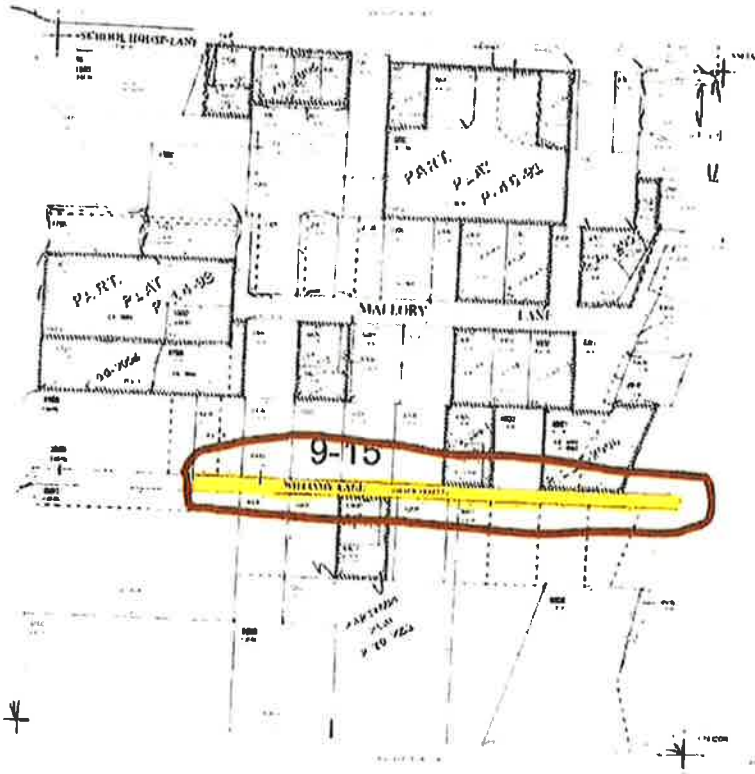
Mayor Tarvin \_\_\_\_\_  
Councilor McGregor \_\_\_\_\_  
Councilor Nuckles \_\_\_\_\_  
Councilor Evertt \_\_\_\_\_  
Councilor Murders \_\_\_\_\_

EXHIBIT 'A'

PLANNING DEPT  
TAMPA, FL 33604

N.W. 1/4 N.W. 1/4 SEC 15 T.34S R. 1W. W.M.  
JACKSON COUNTY  
1" = 100'

34 JW 158B  
SHADY COVE



CLEARING DATA SHEET  
TO BE COMPLETED  
BY THE APPLICANT  
ON THE DATE OF  
SUBMITTING THIS  
APPLICATION TO  
THE PLANNING DEPT.  
ALL INFORMATION  
SHOULD BE ACCURATE  
AND COMPLETE

34 JW 158B  
SHADY COVE  
APPLICANT'S NAME: \_\_\_\_\_  
DATE: \_\_\_\_\_

### Global Industrial™ 6' Vertical Steel Slat Outdoor Park Bench with Back, Black

Item #: T9F694854BK

Original Price: ~~\$679.00~~

**Clearance Price: \$543.00**

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#### Global Industrial™ 6' Vertical Steel Slat Outdoor Park Bench with Back, Black

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LENGTH INCHES	72
WIDTH INCHES	27
HEIGHT INCHES	31
COLOR FINISH	Black
ASSEMBLY	Assembled
BRAND	Global Industrial
CONSTRUCTION	Steel
DESCRIPTION	6' Slatted Metal Bench
FRAME COLOR	Black
FRAME CONSTRUCTION	Steel
MANUFACTURERS PART NUMBER	694854BK
SEAT LENGTH INCHES	66
SEAT HEIGHT INCHES	17
TOP FINISH	Outdoor Powder Coating
TYPE	Steel Slat Bench
WEIGHT LBS	192
WEIGHT CAPACITY	600 lbs
STYLE	Backed Bench with Arms
MOUNT TYPE	Surface

#### Customer Review

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Ground **+\$199.95**

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- Liftgate delivery (no dock) **+\$63.00**
- Residential delivery **+\$60.00**
- Inside delivery (threshold only) **+\$66.00**

[Change to Freight Collect](#)

## Order Summary

Items (1):	\$543.00
Shipping & Handling:	\$199.95
<b>Total Before Tax:</b>	<b>\$742.95</b>
Estimated Tax:	\$0.00
<b>Order Total:</b>	<b>\$742.95</b>

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# 8ft Bench (w/ Back)



PRODUCT NUMBER: **A3-4286-8G**

[Full Size Image](#)

Available Mounting: In-Ground or Surface Mount

[Download Files on CADDetails](#)

(<https://www.caddetails.com/main/company/viewproduct?productID=40750&companyID=3449&isFeatured=False&curr>

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[Round Picnic Table](#)

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[Climber, Disc Pole 54-60in](#)

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- Print
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More Options Available



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#SAF9470NC

★★★★★ (1)

~~\$342.53~~

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- Site Info
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<b>Waste Receptacle Type</b>	Ashtray Waste Bin
<b>Materials</b>	Stainless Steel
<b>Application</b>	Tobacco Product Waste Collection
<b>Capacity Volume</b>	15 gal
<b>Colors</b>	Black
<b>Color Family</b>	Black
<b>Finish</b>	Textured with Aggregate Panels
<b>Shape</b>	Rectangular Prism
<b>Opening Size</b>	
<b>Opening Type</b>	
<b>Lid Type</b>	Integrated Top
<b>Width</b>	13.75"
<b>Depth</b>	13.75"
<b>Height</b>	32.75"
<b>Compliance Standards</b>	GREENGUARD Certified
<b>Pre-consumer Recycled Content Percent</b>	0%
<b>Post-consumer Recycled Content Percent</b>	0%
<b>Total Recycled Content Percent</b>	0%

**Special Features**  
Ash Urn with Side Openings-9" sq. stainless steel urn built into lid. No sand required. Four 9 1/2 x 4 1/2" disposal openings.

<b>Assembly Code</b>	N
<b>Prop 65 Indicator</b>	N
<b>Green Indicator</b>	Y
<b>EPACPGCompliant Code</b>	N

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Gray w/ Ashtone Panels



### QUICK SPECS

Item #: 72051599

**Capacity:** 42 Gal

**Dimensions:** 18½" w x 18½" l x 42¼" h

**Weight:** 66 lbs

**Setting:** Outdoor

**Material:** Plastic

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PolyTec 42 Gallon Square Waste Container with Ashtray Dome Lid

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42-Gallon Ashtray Lid Trash Receptacle with Decorative Stainless Steel Panels

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### CONFIGURE YOUR BIN

### CHOOSE OPTIONS

#### Color



Beige w/ Riverstone Panels



#### Features

**Please note this item requires minor assembly. Hand drill needed for installation.**

All-in-one "Ash and Trash" design with StoneTec® side panel enhancements; covered dome lid has easy access on all four sides. Receptacles perform well both indoor and outdoor. Panels are made using real stone for an attractive, upscale receptacle with extreme durability.

- Smooth surface of the StoneTec panels are easy to keep clean
- Generous 42-gallon trash capacity with a removable ashtray uses 45 gallon trash bags and is perfect for high traffic areas
- Large 13" x 6" Openings on all four sides allow for convenient disposal
- Lid fits snug to base and lifts off for easy trash removal. Trash receptacle includes patented Grab Bag system with additional routed openings to secure trash bag in place
- Waste container molded from high density polyethylene with PCR and panels made from durable, fiber reinforced polymer formula



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