

January 13, 2014

**STAFF REPORT AND ORDINANCE REPEALING AND REENACTING CHAPTER 6  
OF THE FOREST GROVE CODE, ENTITLED "VEHICLES AND TRAFFIC",  
AND AMENDING CODE SECTIONS 3.210, 5.060, AND 9.620**

**PROJECT TEAM:** Sue Hudson-Rau, Municipal Court Supervisor  
Paul Downey, Director, Administrative Services  
Anna Ruggles, CMC, City Recorder  
Michael Sykes, City Manager

**ISSUE STATEMENT:** The Public Hearing and First Reading of Ordinance No. 2013-13 was held December 9, 2013. Staff is recommending an amendment to Code Section 6.710 of the proposed Ordinance, Exhibit A, prior to Second Reading for enforcement-related purposes.

Code Section 6.710 prohibits a person from storing a discarded vehicle on private property in excess of 72 hours unless the vehicle is completely enclosed within a "building". The Police Department has encountered issues with people storing vehicles in temporary canvas canopies, tents or other metal carports and trying to pass these temporary structures as "buildings". The Development Code allows "Accessory Buildings or Structures" as long as the height and setback requirements are met pursuant to Development Code Section 10.07.020 and is permitted under a Type I land use procedure. Staff is recommending amending Code Section 6.710 (Page 6 – 30) to add an enclosed accessory structure which has been permitted pursuant to the Development Code, for enforcement-related purposes:

**6.710**

**Prohibited Action.**

No person shall keep, permit or suffer the storing of discarded vehicle(s) on private property within the City in excess of 72 hours unless the vehicle is:

- a) Completely enclosed within a building; or
- b) Completely enclosed within a City permitted accessory structure pursuant to Development Code Section 10.07.020;  
or
- c) Kept in connection with a lawfully conducted business enterprise dealing in junked vehicles.

Lastly, staff is recommending amending Code Section 6.725 (Page 6 -31) to add language clarifying the purposes of the citation and allowing the Court to make a finding of the violation as noted below:

**6.725      Hearing by Municipal Court.**

- (1) Should a property or vehicle owner file a petition described in Section 6.720(2) or pursuant to a citation issued for violation of Section 6.710, the Municipal Court shall fix a time for a hearing and notify the parties as to the time and place thereof. At the hearing, and upon a finding of violation of Section 6.710, the Court may:
  - a) ~~Continue the matter to obtain additional information;~~
  - a) Order abatement of the vehicle(s) by the owner of the property and or vehicle(s);
  - b) Authorize the City's entry on the property and removal of the vehicle(s) or otherwise abate the nuisance;
  - c) Impose civil penalties pursuant to Section 6.765; and/or
  - d) Take any all such other actions as the Court deems necessary or appropriate to effect the purposes of the City's regulations of discarded vehicles.

**STAFF RECOMMENDATION:** Staff recommends the City Council adopt the attached ordinance repealing and reenacting Chapter 6 of the Code, entitled "Vehicles and Traffic" as outlined in Exhibit A, as amended, and amending Code Sections 3.210, 5.060, and 9.620 as outlined in Exhibit B.

**ORDINANCE REPEALING AND REENACTING CHAPTER 6  
OF THE FOREST GROVE CODE, ENTITLED "VEHICLES AND TRAFFIC",  
AND AMENDING CODE SECTIONS 3.210, 5.060, AND 9.620**

**WHEREAS**, the City of Forest Grove desires to repeal and reenact the City's current vehicles and traffic regulations, codified in Chapter 6 of the Forest Grove Code, to be consistent with state laws and current practices;

**WHEREAS**, Chapter 6 of the City Code authorizes enforcement of specified traffic and vehicle regulations within the City of Forest Grove; and

**WHEREAS**, there are inconsistencies in Chapter 6 (Vehicles and Traffic), as well as Code Section 3.210, 5.060, and 9.620, of the City Code making it increasingly challenging to enforce and administer the Code; and

**WHEREAS**, on September 9 and November 25, 2013, the City Council held work sessions to review the proposed code amendments, which consist of minor housekeeping items, such as transferring certain sections of the code to new areas as well as renumbering code sections for better flow within the code; new definitions were added, minor language amendments were made and certain sections deleted due to provisions of the code not consistently followed by the public and are cumbersome to enforce by the City; and

**WHEREAS**, the proposed code amendments will not have any fiscal impact to the City and no new penalties were added; existing language pertaining to penalties and violations were renumbered to coincide with pertinent sections within the Code.

**WHEREAS**, the City Council held a duly-noticed Public Hearing on December 9, 2013, and January 13, 2014.

**NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:**

**Section 1.** Chapter 6 of the Forest Grove Code, entitled Vehicles and Traffic, is hereby repealed in its entirety and reenacted as shown in the attached Exhibit A, Vehicles and Traffic.

**Section 2.** Chapter 3.210, 5.060 (deleted), and 9.620 of the Forest Grove Code are hereby amended as shown in the attached Exhibit B, Amendments.

**Section 3.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 4.** This ordinance is effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading the 9<sup>th</sup> day of December, 2013.

**PASSED** the second reading the 13<sup>th</sup> day of January, 2014.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 13<sup>th</sup> day of January, 2014.

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Peter B. Truax, Mayor

## DISCARDED VEHICLES

**6.700**        **Definitions.** For purpose of Sections 6.705 to 6.765, the following term means as described:

Discarded vehicle. A discarded vehicle includes any motor vehicle, boat, aircraft, recreational vehicle or trailer (including major parts thereof, i.e., bodies, engines, transmissions, etc.) having one or more of the following conditions:

- a) Inoperative;
- b) Wrecked;
- c) Dismantled;
- d) Partially dismantled;
- e) Abandoned; or
- f) Junked.

**6.705**        **Declaration of Public Nuisance.**

The storage of discarded vehicle(s) on private property is hereby deemed a public nuisance which may be abated consistent with the provisions of Sections 6.700 to 6.760.

**6.710**        **Prohibited Action.**

No person shall keep, permit or suffer the storing of discarded vehicle(s) on private property within the City in excess of 72 hours unless the vehicle is:

- a) Completely enclosed within a building; or
- b) Completely enclosed within a City permitted accessory structure pursuant to Development Code Section 10.07.020; or
- c) Kept in connection with a lawfully conducted business enterprise dealing in junked vehicles.

**6.715**        **Entry on Private Property.**

(1) An Enforcement Officer is authorized at all reasonable times to enter private property to:

- a) Examine a vehicle to determine whether it is discarded and in violation of Code Section 6.710;
- b) Examine a vehicle to determine ownership; and
- c) Remove the vehicle pursuant to Code Section 6.725.

(2) If entry onto the property by the officer is refused or otherwise prevented, the officer shall obtain a warrant from the Municipal Court authorizing entry onto the property.

**6.720**

**Pre-Abatement Investigation and Notice.**

- (1) When an Enforcement Officer has cause to believe a discarded vehicle on private property exists, the Officer shall provide written notice to both the owner of the affected property and vehicle (if different) by personal service and/or certified mail. The Pre-Abatement Notice shall state:
  - a) The vehicle(s) and property are in violation of Code Section 6.710;
  - b) The vehicle(s) must be removed from the property and either brought to a lawfully conducted business enterprise dealing in junked vehicles or kept completely enclosed within a building;
  - c) The owner(s) of the property and vehicle have the ability to file a petition with the Municipal Court within 10 days of date of the notice and request a hearing to show cause why the vehicle does not qualify as a discarded vehicle.
  - d) That failure to either remove the discarded vehicle from the property or otherwise comply with the terms of Code Section 6.710 may result in the City removing the vehicle from the property and charging the cost for said removal and disposal thereof against the property and may result also in issuance of a citation.
- (2) Should the owner(s) of the property and/or vehicle wish to file a petition challenging the determination the vehicle(s) is discarded, it shall be in writing and set out the facts supporting the claim.

**6.725**

**Hearing by Municipal Court.**

- (1) Should a property or vehicle owner file a petition described in Section 6.720(2) or pursuant to a citation for violation of Section 6.710, the Municipal Court shall fix a time for a hearing and notify the parties as to the time and place thereof. At the hearing, and upon a finding of violation of Section 6.710, the Court may:
  - a) Order abatement of the vehicle(s) by the owner of the property and or vehicle(s);
  - b) Authorize the City's entry on the property and removal of the vehicle(s) or otherwise abate the nuisance;
  - c) Impose civil penalties pursuant to Section 6.765; and/or