

**GLADSTONE CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
March 28, 2017 – 6:30 PM**

6:30 p.m.

CALL TO ORDER
ROLL CALL
FLAG SALUTE

AGENDA ADDITIONS OR CORRECTIONS

BUSINESS FROM THE AUDIENCE

Visitors: Presentations not scheduled on the Agenda are limited to three (3) minutes. Longer presentations should be submitted to the Assistant City Administrator two weeks prior to the Tuesday City Council meeting. Cards are available in the back of the room for anyone who wishes to comment.

CONSENT AGENDA – None

CORRESPONDENCE – None

REGULAR AGENDA

1. Consider Removal of Two Park & Recreation Board Members and Appointment of Two New Members (4 applications received for 2 positions)

Work Session #1: Emergency Services Consulting International (ESCI) Study for the Fire Department – Fire Chief Tom O'Connor

Work Session #2: Municipal Ordinance Code Enforcement – Police Chief Jeff Jolley

BUSINESS CARRIED FORWARD – Update

BUSINESS FROM THE AUDIENCE – This is the second opportunity for the Audience to address Council on any item not on the Agenda.

BUSINESS FROM THE COUNCIL

ADJOURN



REGULAR AGENDA

City of Gladstone Staff Report

Report Date: March 21, 2017
Meeting Date: March 28, 2017
To: City Council
From: Jacque M. Betz, Assistant City Administrator

AGENDA ITEM:

Consider removal of two members of the Park & Recreation Board and appoint two new members.

History/Background:

The Park and Recreation Board consists of seven (7) members appointed to three year terms by the Mayor with the approval of the City Council. The Park Board includes one representative each from the Planning Commission and City Council. Appointees must be residents of the City of Gladstone.

At the March 14, 2017 Council meeting concerns were expressed about the lack of attendance of Martha and Leed Woodridge at Parks & Recreation Board meetings. Council asked Public Works Director Jim Whynot to contact the Woodridge's to let them know that the Council will discuss replacing the both of them at the March 28, 2017 Council meeting. Mr. Whynot encouraged them to attend the Council meeting and express their continued interested to remain on the Board.

Proposal:

Section R(1)(e) of the City Council Rules, Commissions, Boards, Committees, Organizations & Media: Citizen appointment and removal states, *"With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the terms of office."*

If the Council decides to remove Leed and Martha Woodridge from the Parks & Recreation Board, staff recommends that the Council consider appointing two new members from the applications obtained during the previous vacancy on the Board. Notice of the committee vacancy was advertised in the City's newsletter, on the city's website and in the Clackamas Review. The remaining applications are:

- Harold "Jack" Elder
- Bruce Hildreth
- James Miller
- William Preble

One term expires 12-31-17 and the other term expires 12-31-19.

Options:

- 1) Remove Leed and Martha Woodridge from the Park & Recreation Board and appoint two new members to the Park & Recreation Board.
- 2) Do nothing

Cost Impact: No impact.

Staff Recommendation: This is a Council decision outlined by the process set forth in Section R (1) (e) of the City Council Rules, Commissions, Boards, Committees, Organizations & Media: Citizen appointment and removal.

Department Head:

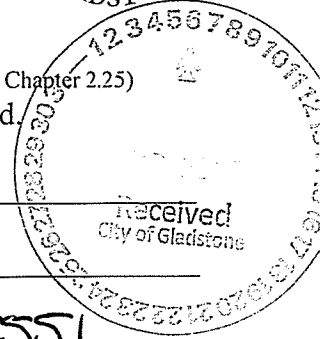
Date:

Administration: Eric Swanson

Date: 03/08/2017

CITY OF GLADSTONE

APPLICATION FOR APPOINTMENT TO CITIZENS COMMITTEES



 Budget Committee Park & Recreation Board
 Planning Commission (Review GMC Chapter 2.28) Library Board (Review GMC Chapter 2.25)
 Traffic Safety Comm. Senior Center Advisory Bd.

NAME: HAROLD L. "Jack" ELDER

ADDRESS: 17733 SE Kirkwood Road

TELEPHONE: (HOME) 503-794-1780 (WORK) 503-706-5551

EMAIL: oregonjack@comcast.net

HOW LONG HAVE YOU LIVED IN GLADSTONE: 9 years

OCCUPATION/EMPLOYER (state your specific line of business): OREGON SPORTS ACTION
EXECUTIVE OFFICER SPORTS NON PROFIT DEDICATED TO OLYMPIC SPORT DEVELOPMENT

DESCRIBE YOUR ACTIVITIES AND INTERESTS: operator of sports offices of Oregon with 15 nonprofit tenants
founder of Portland Bocce League, co founder Milwaukie Sunday Farmers Market,
Play Bocce, Lawn Bowl, camping, collector cars, AND reader.

PREVIOUS AND CURRENT COMMUNITY AFFILIATIONS AND ACTIVITIES, INCLUDING CITY APPOINTMENTS: president Milwaukie Rotary,
VP US OLYMPIANS ASSOC. Past Boards Clackamas County Tourism, Gov. Council Physical
Fitness Oregon Ski Industries Board, Mt Hood Recreation Assoc.

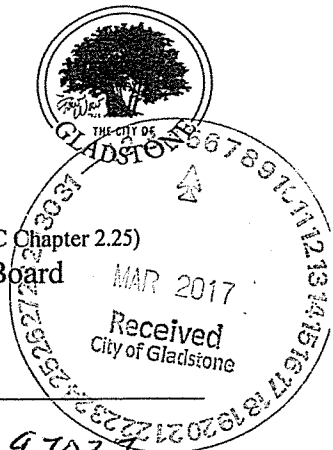
Have you ever applied for a Committee Position Before? YES NO
If yes, when? 2015 ? What Committee? LIBRARY ADVISORY COMM.

Why would you like to serve on this Commission, Board or Committee?
(Attach additional materials or information if you wish). I believe I bring a unique
perspective of Recreation in an aging population.

SIGNATURE: Harold L Elder DATE: 3-2-17

CITY OF GLADSTONE

APPLICATION FOR APPOINTMENT TO CITIZENS COMMITTEES



- Budget Committee
- Planning Commission (Review GMC Chapter 2.28)
- Traffic Safety Commission
- Audit Committee
- Park & Recreation Board
- Library Board (Review GMC Chapter 2.25)
- Senior Center Advisory Board

NAME: Bruce Hildreth

ADDRESS: 7560 Ridgewood Dr. Gladstone, OR 97027

TELEPHONE: (HOME) 503-781-0989 (WORK/CELL) 503-781-0989

EMAIL: hildreth@comcast.net

HOW LONG HAVE YOU LIVED IN GLADSTONE: _____

OCCUPATION/EMPLOYER (state your specific line of business): WestPac Wealth Partners
Park Ave. Securities - Financial Advisor

DESCRIBE YOUR ACTIVITIES AND INTERESTS: winter sports including snowboarding,
X country skiing, snowshoeing. Golfing, hiking,
walking. Spending time in the parks w/grandchild &
Time at the coast.

PREVIOUS AND CURRENT COMMUNITY AFFILIATIONS AND ACTIVITIES, INCLUDING CITY APPOINTMENTS: Gladstone Education
Foundation (13yrs) Director 2001-2013, Volunteer Executive
Director for N. Clackamas program Boy Scouts of American (5yrs) President
of Sherie Hildreth Ovarian Cancer Foundation - 13 yrs.

Have you ever applied for a Committee Position Before? YES NO
If yes, when? Nov. 18, 2016 What Committee? Park & Recreation Board

Why would you like to serve on this Commission, Board or Committee?
(Attach additional materials or information if you wish).
To make a positive affect on the total overall use
by our community members. Neighbors and neighborhood
involvement along with park utilization will keep our
parks clean and vibrant

SIGNATURE: Bruce Hildreth DATE: 3/5/17

CITY OF GLADSTONE

APPLICATION FOR APPOINTMENT TO CITIZENS COMMITTEES

Budget Committee

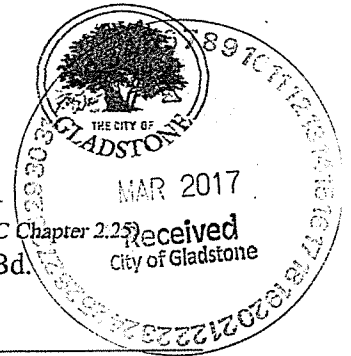
Planning Commission (Review GMC Chapter 2.28)

Traffic Safety Comm.

Park & Recreation Board

Library Board (Review GMC Chapter 2.25)

Senior Center Advisory Bd.



NAME: JAMES MILLER

ADDRESS: 1450 CORNELL AVE GLADSTONE, OR. 97027

TELEPHONE: (HOME) 503-467-9542 (WORK) 503-467-9542

EMAIL: JIMDUCKS@CENTURYLINK.NET

HOW LONG HAVE YOU LIVED IN GLADSTONE: 30 YEARS

OCCUPATION/EMPLOYER (state your specific line of business): RETIRED - PREVIOUS EMPLOYER
OCC - HEADED/MANAGED UNDERCOVER TEAM

DESCRIBE YOUR ACTIVITIES

AND INTERESTS: LEONS CLUB BOARD MEMBER, FISHING, HUNTING
EYE CLINIC WORK IN MEXICO. I GRADUATED FROM UOFL

WITH A DEGREE IN YOUTH AGENCIES AND MEXICAN PARKS &
RECREATION. I'M VERY INTERESTED IN UPGRADE AND
PREVIOUS AND CURRENT COMMUNITY AFFILIATIONS MAINTENANCE OF OUR PARKS.
AND ACTIVITIES, INCLUDING CITY APPOINTMENTS:

NO CITY APPOINTMENTS. GRADUATED AND WAS CLASS PRESIDENT
AT BPSST. COACHED BASEBALL IN GLADSTONE YOUTH PROGRAM
AND SOCCER FOR MANY YEARS.

Have you ever applied for a Committee Position Before?

YES NO

If yes, when? _____ What Committee? _____

Why would you like to serve on this Commission, Board or Committee?

(Attach additional materials or information if you wish). I WANT OUR COMMUNITY TO
COME TOGETHER AROUND OUR PARKS PROGRAMS - I BELIEVE WE NEED
TO MOVE IN A DIRECTION OF COMMUNITY OUTREACH, BY LISTENING
AND FINDING COMMON GROUND TO MOVE FORWARD. I HAVE THE
TIME AND ~~ABILITY~~ ABILITY TO ATTEND MEETINGS WITH THE
PUBLIC AND THE BOARD.

SIGNATURE: J Miller

DATE: 3/6/2017

Council Members

March 14, 2017

I'm unable to attend tonight's meeting due to a previously scheduled appointment. I'd like to thank you for your consideration of appointment to the Parks and Recreation Board.

I applied for this position because I feel our parks and recreational opportunities are a vital resource to all Gladstone residents. As a child growing up in Eugene my parents taught me the value of enjoying all aspects of the recreation and great outdoors. My best memories as a child center around playing in a park, fishing, hunting, playing organized ball and hiking all over this great state. I would like to think many of these experiences help mold me into the person I am today.

I believe that parks and a variety of recreational opportunities are vital to families and the social welfare of our community. I'm proud to say that during the past 30 years I've lived in Gladstone I've coached baseball and soccer to many children living in Gladstone. Although those coaching days are now gone, I believe there is great value in having quality recreation programs, facility's and parks for our citizens to enjoy. Not everyone takes advantage of what our community parks and recreation programs offer. I believe we need to reach out to all our community members to inform and listen to their needs and ideas of how to better improve our parks and recreation programs. I also believe it is vital for us to preserve the parks we current have and find ways to make improvements.

For most of my life I've worked in public service. I graduated from the University of Oregon with a degree in Parks and Recreation, working in that field for five years. I changed career direction and went to work for the State of Oregon conducting child abuse investigations in Multnomah County. In 1981 I joined the Oregon Liquor Control Commission (OLCC), attended and graduated as class president from the Police Academy in Monmouth, Oregon. My last 10 years with the OLCC I managed a 12-person unit working undercover all over Oregon. In 2002 I retired from the OLCC with a rank of Lieutenant.

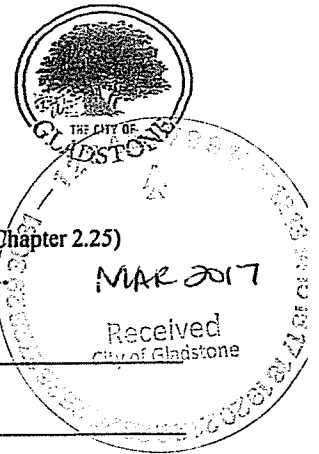
Because of my training and experience I've learned how to work with a large variety of people with varied interests. I've learned how to listen and find value in every one's opinion. I've learned that through consensus building you can achieve a common goal. As a board member, I would strive to be inclusive and work in a constructive manner with all board members to improve our parks and recreational opportunities for all our citizens. I believe because of my training and experience I would make an excellent addition to the Parks and Recreation Board.

Again, thank you for considering me for appointment to this position.

James Miller

CITY OF GLADSTONE

APPLICATION FOR APPOINTMENT TO CITIZENS COMMITTEES



- Budget Committee
- Planning Commission (Review GMC Chapter 2.28)
- Traffic Safety Comm.
- Park & Recreation Board
- Library Board (Review GMC Chapter 2.25)
- Senior Center Advisory Bd.

NAME: WILLIAM PREBLE

ADDRESS: 18300 OATEFIELD RD

TELEPHONE: (HOME) 503-720-4102 (WORK) NA

EMAIL: LPREBLE@COMCAST.NET

HOW LONG HAVE YOU LIVED IN GLADSTONE: 52 YRS

OCCUPATION/EMPLOYER (state your specific line of business): RETIRED

DESCRIBE YOUR ACTIVITIES AND INTERESTS: RAISING GRANDCHILDREN, WOODWORKING, PHOTOGRAPHY, GARDENING

PREVIOUS AND CURRENT COMMUNITY AFFILIATIONS AND AC

I currently serve as a member of "Friends of Gladstone Nature Park" organization as well as the organizing committee for the Arbor Day Celebration to be held at the Gladstone Nature Park. I have previously spent time in the community volunteering at park restoration projects as well as laying sod for the Gladstone High School football field. I have also volunteered as a coach for football, basketball, baseball, and soccer, at the youth level in Gladstone.

Have you ever applied for a Committee Position Before? YES NO

If yes, when? LAST OPENING What Committee? PARK & REC

Why would you like to serve on this Commission, Board or Committee? (Attach additional materials or information if you wish).

Being recently retired I now have time to give back to the Gladstone community. I have lived in Gladstone for 50+ years and have enjoyed and am familiar with a majority of the parks in the city. I believe I would be a valuable asset to the committee due to my knowledge of the varied uses of all of the parks within the city.

SIGNATURE: [Signature] DATE: 3/6/2017

WORK SESSION

#1

City of Gladstone Staff Report

Report Date: March 22, 2017
Meeting Date: March 28, 2017
To: City Council
From: Fire Chief Tom O'Connor

WORK SESSION ITEM

Work session to present 2016 Emergency Services Consulting International (ESCI) Survey & Service Delivery Options Analysis.

History/Background

ESCI is the consulting firm used in 2010 to do an organizational survey of the City of Gladstone Fire Department (GFD) "to assist elected officials and others to evaluate emergency service and plan the future of that service." It was largely on the basis of this survey that a full-time Fire Chief was hired in March of 2016.

ESCI was commissioned in September 2016 to update all elements of the 2010 survey and provide a more robust statistical analysis of GFD operations and service delivery. The lead consultant on the 2016 survey is Don Bivins, retired Fire Chief of the City of Vancouver, Washington.

Presentation

Mr. Bivins will present a short PowerPoint presentation highlighting major elements of the 2016 ESCI Survey & Analysis and will be available for questions. Chief O'Connor will have hard copies of the 78 page survey for all Councilors to take with them, will lead a short review of the contents of the document and its relevance to the upcoming budget process, and engage in discussion and take questions as needed.

Options: To be determined.


Cost Impact: To be determined.

Relevancy to Council Goals and Objectives Identified in the Strategic Plan

3.1 Develop organization necessary to efficiently provide services

Recommended Staff Action:

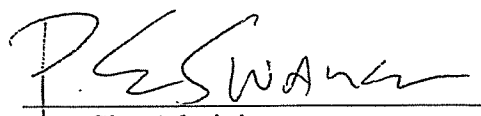
No action, information only.



Department Head
Signature

3-22-17

Date



City Administrator
Signature

3-22-17

Date



Gladstone Fire Department

SURVEY UPDATE & SERVICE DELIVERY OPTIONS ANALYSIS



Emergency Services Consulting International

Scope of Study

- **Update survey conducted in 2010 with 2017 data**
 - Provides a report card of department and evaluates the following areas:
 - Service Delivery Overview Governance & Structure Overview
 - Fiscal Overview Management Overview
 - Human Resources Overview Staffing Overview
 - Training Overview Fire Prevention Overview
 - Capital Overview
- **Service Delivery Analysis**
 - How does GFD perform as measured against internal and industry standards?



Survey Components

- **Major improvements have been made since 2010**
- **Examples:**
 - Full time fire chief hired
 - Fire department budget managed by fire chief
 - Fire department purchasing managed by fire chief
 - Hiring & firing authority moved from Volunteer Association to city
 - Code of Ethics established
 - Electronic access to rules & regulations for all personnel
 - Administrative/policy function separation from the Gladstone Volunteer Association
 - Occupancy inspections interval improved
 - ISO rating improved
 - Blue Card training and certification



Survey Components

- **Some elements still require action**
- **Examples:**
 - Develop a fire department strategic plan
 - Develop and implement appropriate staffing model to meet SOC standards
 - Develop a GFD capital improvement plan (CIP) with funding mechanism identified
 - Fire station, "... lacks enough living space (kitchen, quarters, showers) if a decision is made to lower GFD arrival times by staffing with response-ready personnel." (2010)
 - Update organization chart to meet more efficient flow
 - Administrative clerical support needed

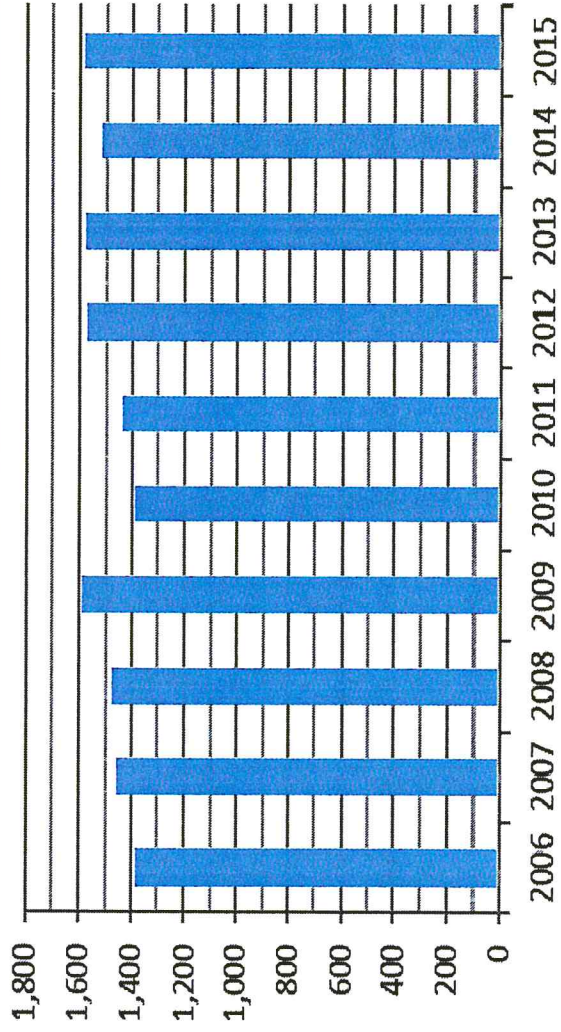


Major Findings & Recommendations

- **Overnight Staffing:** Providing for on-site or near on-site overnight staffing will improve turnout time and thus, total response time by as much as four minutes.
- **Organization Chart Changes:** Realign existing structure to include a training/safety division, a community risk reduction division, and an operations division.
- **Regional Cooperation:** GFD enjoys a robust relationship with neighboring agencies, which is required to achieve its effective response force for moderate or higher risks in the community. While beyond the scope of work of this report, integration with neighboring agencies will not likely result in significantly improved services, and will likely result in significantly higher cost.
- **Community Risk Reduction:** Implementation of this philosophy will result in a safer community, reduced demand for emergency services, engage the community in a partnership with GFD, and improve emergency management

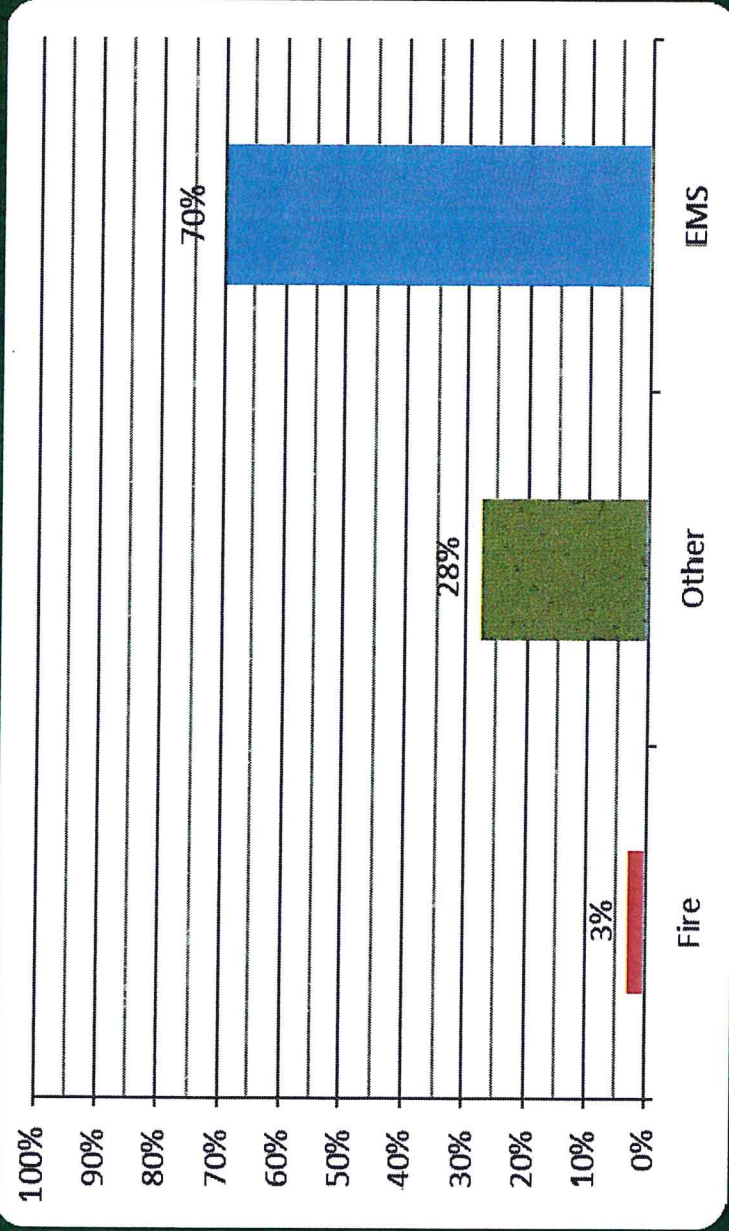


GFD Annual Service Demand, 2006–2015

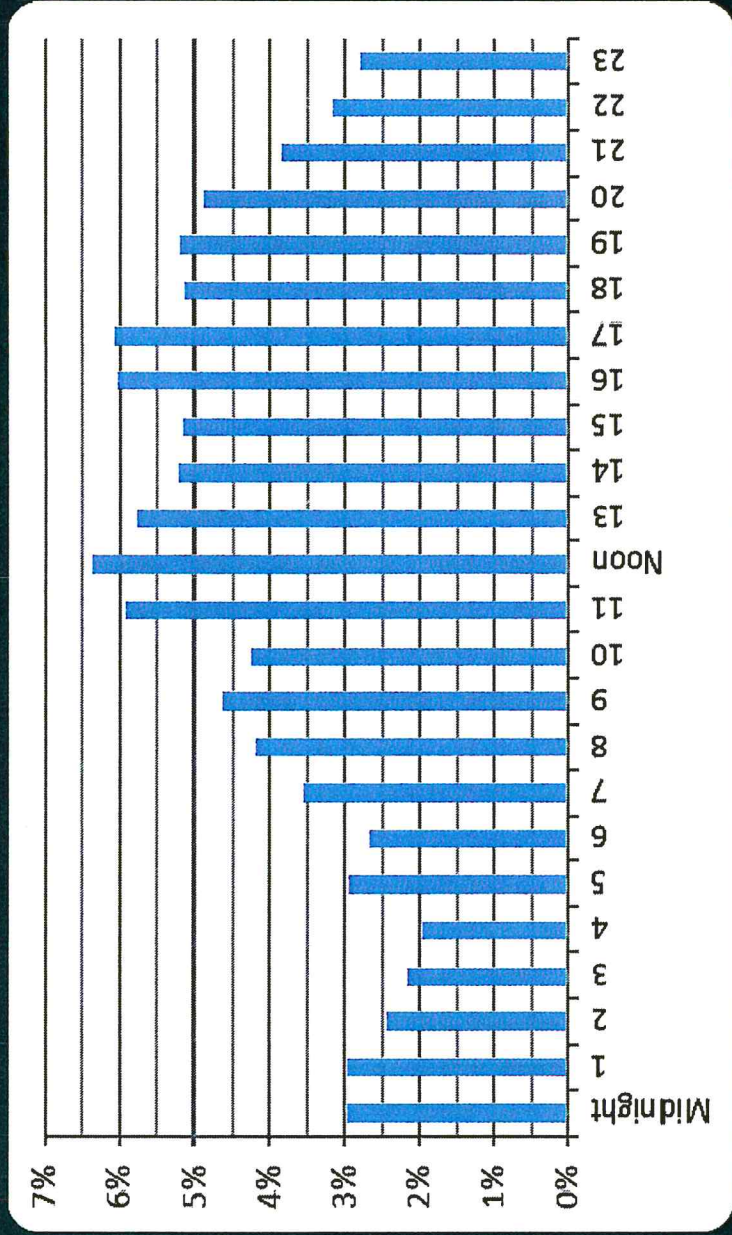


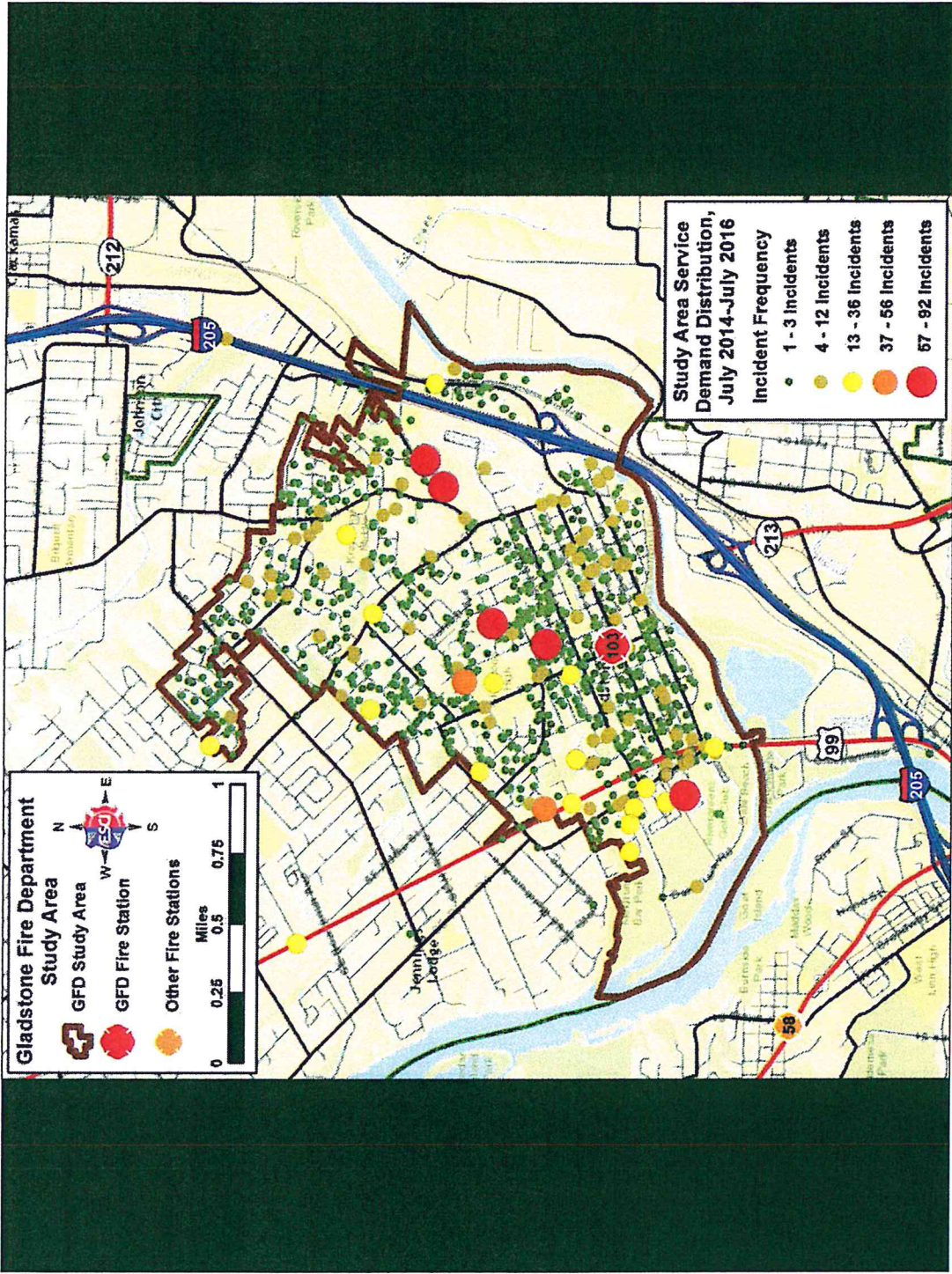
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Annual Incidents	1,384	1,457	1,474	1,585	1,389	1,434	1,569	1,571	1,518	1,577

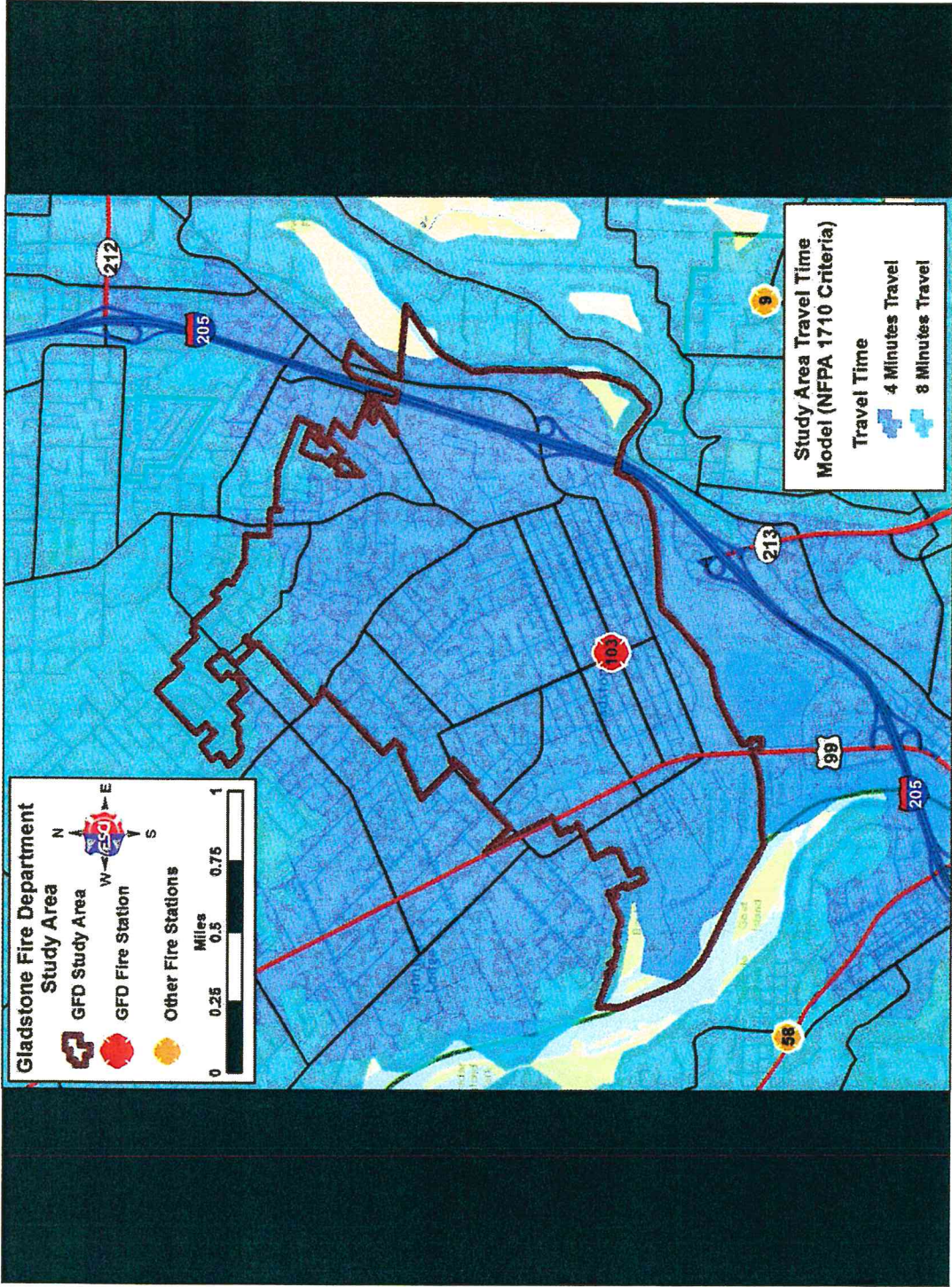
GFD Service Demand by Incident Category, July 2014–July 2016



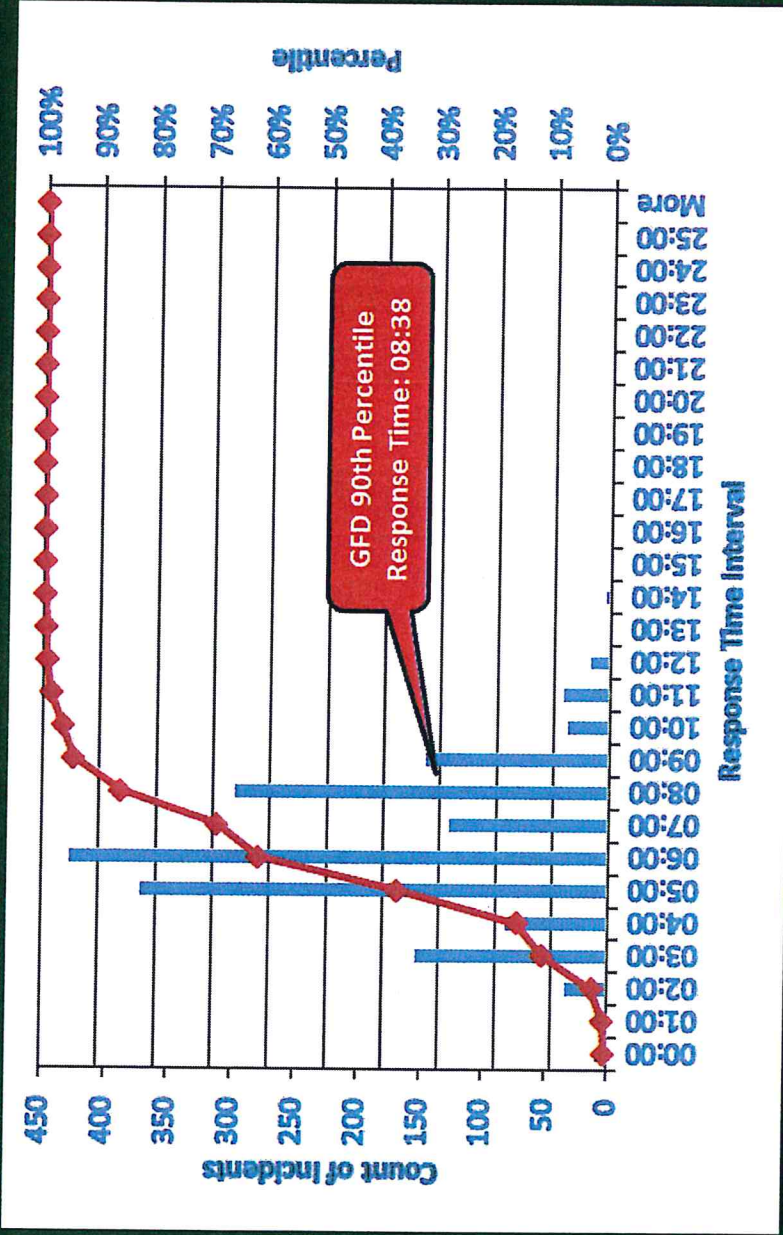
GFD Service Demand by Hour of the Day, July 2014–July 2016

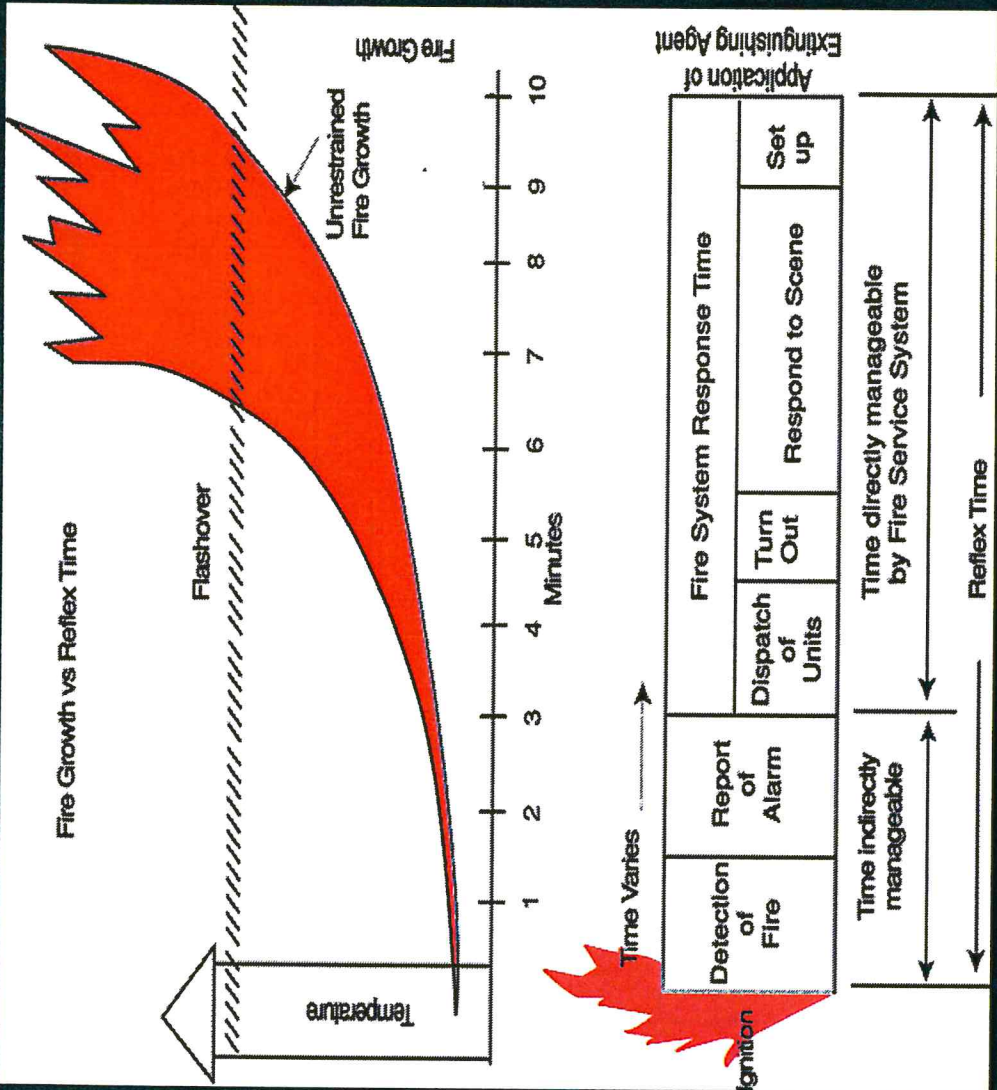




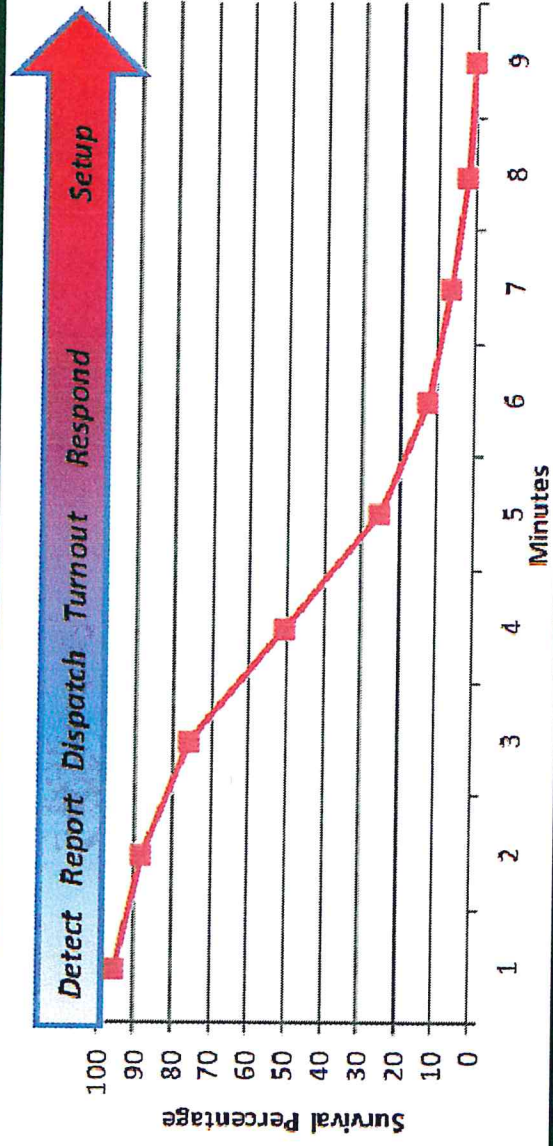


GFD Emergency Response Time Performance, July 2014–July 2016





Cardiac Arrest Event Sequence



Community Risk Reduction

- **Measure community risk**
 - Based on historical emergency response activity
- **Engage community segments who are impacted by the risk**
 - Develop programs and partnerships to address risk as a community
 - Fire Dept. is a convener of the community and a partner, not the driver
 - Implement programs, evaluate effectiveness, adjust as appropriate, repeat
- **Concepts may include:**
 - Citizen “hands only” CPR instruction – **already being performed**
 - AED distribution – could be bolstered
 - PulsePoint (or similar) – **already instituted**
 - Smoke alarm distribution emphasis
 - Home fire escape planning & self-inspection of businesses
 - Disaster preparedness – **CERT program implementation already under way**



Emergency Services Consulting International
Providing Expertise and Guidance that Enhances Community Safety

Major Findings & Recommendations

- **Overnight Staffing:** Providing for on-site or near on-site overnight staffing will improve turnout time and thus, total response time by as much as four minutes.
- **Organization Chart Changes:** Realign existing structure to include a training/safety division, a community risk reduction division, and an operations division.
- **Regional Cooperation:** GFD enjoys a robust relationship with neighboring agencies, which is required to achieve its effective response force for moderate or higher risks in the community. While beyond the scope of work of this report, integration with neighboring agencies will not likely result in significantly improved services, and will likely result in significantly higher cost
- **Community Risk Reduction:** Implementation of this philosophy will result in a safer community, reduced demand for emergency services, engage the community in a partnership with GFD, and improve emergency management



QUESTIONS?

Thank you!



Emergency Services Consulting International
Providing Expertise and Guidance that Enhances Community Safety

Gladstone Fire Department Final Report

**WORK
SESSION
#2**



MEMORANDUM

TO: Honorable Tamara Stempel
Gladstone City Councilors

FROM: David Doughman, City Attorney's Office

SUBJECT: Draft Amendments to Gladstone Municipal Code

DATE: March 22, 2017

The city attorney's office presents this memo in conjunction with the public work session the Gladstone City Council will hold on Tuesday, March 28 regarding the Gladstone Police Department's ("GPD") proposed changes to the Gladstone Municipal Code ("GMC").

Generally, the changes look warranted and are legally sufficient. I would like to address a few issues as the council considers them for adoption at a future meeting.

1. The definition of a "Membrane or Fabric Covered Storage Area" should be included in either the GMC's general definitions (Chapter 1.04) or in the chapter where these regulations will ultimately reside in the GMC. I believe adding this definition to the GMC is implied in the GPD's draft, but I wanted to clarify that point.
2. The vacant building regulations will be a useful tool for the city to use to address vacant properties and compelling their owner to register them and maintain them. Once the chapter is ultimately codified into the GMC, I would recommend it become GMC Chapter 8.18.
3. Regarding changes to the nuisance code, a policy issue the council may wish to discuss is whether to direct property owner appeals to the municipal court rather than to the council. As currently written, the chapter provides that the council will hear appeals. *See* GMC 8.04.160. Other clients we represent have their respective municipal courts hear and rule on these appeals.
4. Regarding changes to the traffic code, I agree with GPD that other persons besides sworn officers should be authorized to enforce GMC Chapter 10.04, particularly when it comes to parking enforcement. In addition to the changes GPD has drafted, Judge Belof has requested the city to consider defining the term "abandoned" for the purposes of the traffic code. This issue came up in a case last year involving a citation of a Gladstone resident.

- a. Whether a vehicle is abandoned largely rests on how a jurisdiction defines the term. There are typically a variety of characteristics that reasonably indicate a vehicle is abandoned. They include:
 - i. Condition, appearance. Body damage, missing or flat tires, missing doors or other major parts, broken windshields or windows, garbage or other debris inside the vehicle, evidence of fire damage, signs of vandalism, trash accumulating around the vehicle.
 - ii. Missing or outdated license plates and other documentation (inspection stickers, local registration decals).
 - iii. Location (parked on public streets or other public property).
 - iv. Length of time at location. This can vary from a very short period for highways or limited- access roads, to longer periods in parking facilities, to somewhere in between for street parking.
 - v. Notification, nonresponse. Most jurisdictions require that stickers or some other warning be applied to cars or sent to registered owners before they can move a vehicle. If the owner does not respond within a specified time frame, the vehicle can be towed.

- b. The council could consider the definition in Portland's code: "A vehicle that remains in violation of this chapter for more than 24 hours and one or more of the following conditions exist: (a) the vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration; or (b) the vehicle appears to be inoperative or disabled; or (c) the vehicle appears to be wrecked, partially dismantled or junked."

We look forward to discussing these issues further.

City of Gladstone Staff Report

Report Date: March 22, 2017
Meeting Date: March 28, 2017
To: City Administrator Eric Swanson
From: Police Chief Jeff Jolley

AGENDA ITEM

Propose updating the following six areas of the current Gladstone Municipal Code:

- nuisances (amend)
- traffic regulations (amend)
- vacant buildings & registration (new)
- public drinking (amend)
- graffiti
- membrane structures (new)

HISTORY/BACKGROUND

The Gladstone Municipal Code underwent its last major revision in 1993. As such, the code has not kept up with and/or does not currently address several contemporary issues that impact enforcing nuisance violations. This, in turn, creates less-than-desirable livability issues in various neighborhoods due to code enforcement limitations.

Historically, the Gladstone Police Department has been charged with nuisance code enforcement with jurisdiction of addressing “appearance and livability” type issues. The current code does not provide adequate enforcement options related to parking, junk-keeping, vacant homes or graffiti removal to meet today’s community expectations.

Also, please remember that *enforcement related to zoning and building permits is handled by Clackamas County*. A perception issue as to the extent of nuisance code enforcement as allowed by the code can occur if this distinction is not kept in mind.

PROPOSAL

It is proposed that city council review the suggestions outlined for the six stated areas as provided in the current report and adopt these changes. A more extensive and comprehensive evaluation of the entire municipal code could continue in the future, should that be requested and funded.

OPTIONS

- Approve the six current recommendations to improve nuisance code enforcement.
- Keep the municipal code “as is” without implementing the six proposed changes at this time.

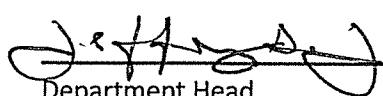
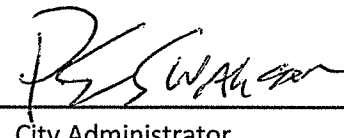
COST IMPACT

Costs related to development of the recommended changes have been absorbed by the Gladstone Police Department. Future costs would include review by the city attorney, and if approved, costs related to having the Code Publishing Company reflect the changes in the municipal code.

RECOMMENDED STAFF ACTION

In order to enable code enforcement to have the tools necessary to more effectively address livability issues that impact our community, it is recommended that the proposed changes be adopted by making the following motion:

“I make a motion to approve the six proposed changes to the Gladstone Municipal Code following review by the city attorney.”

 
Department Head Date City Administrator Date

City Code

The intent of amending or creating city ordinances is to improve the livability for the citizens who live in the city and to beautify and clean up the appearance for people visiting or traveling through the City of Gladstone.

These ordinances are either outdated, difficult to enforce or needed. Please review the proposed changes and additions for the city code.

1. Nuisances (amend)
2. Traffic Regulations (amend)
3. Vacant Building and Registration (new)
4. Public Drinking (amend)
5. Graffiti (amend)
6. Membrane Structures (new)

Chapter 8.04 NUISANCES

I. General Provisions

8.04.010 Interpretation and definitions.

For the purpose of this chapter, except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine, and the following mean:

- (1) "City Administrator" means the City Administrator or person authorized by the City Administrator.
- (2) "Solid waste" means all putrescible and non-putrescible wastes, as defined by ORS [459.005](#) (24), including but not limited to garbage, rubbish, refuse, waste paper, cardboard and, grass clippings, cans, bottles, containers, street refuse, swill, demolition and construction waste, manure, plant or vegetable or garden materials and dead animals.
- (3) "Junk," as used in this chapter, includes all motor vehicles which may not be operated due to lack of legal requirements, where the registration stickers or registration card has been expired by 90 days and/or are not capable of being operated or driven, motor vehicle parts, abandoned motor vehicles, machinery, machinery parts, appliances or parts thereof, scrap iron, or other metal, glass, paper, lumber, wood, abandoned appliance or other abandoned or discarded material.
- (4) "Owner" means "to have or hold real or personal property or to have power or mastery over such property."
- (5) "Person in charge of property" means an agent, occupant, lessee, contract purchaser or person, other than the owner, having possession or control of real or personal property.
- (6) "Public place" means a building, place of accommodation, whether publicly or privately owned, open and available to the general public.

Statutory Reference: ORS [221.410](#).

History: Ord. [670](#) §1, 1964; Ord. [1387](#), 2007.

II. Nuisances Affecting Public Health

8.04.020 Scattering rubbish.

No owner or person in charge may throw, dump, deposit, or allow to remain upon public or private property an injurious or offensive substance or any kind of rubbish, trash, debris, or refuse or any substance which would mar the appearance, create a stench or detract from the cleanliness or safety of such property, or would be likely to injure an animal, vehicle or person traveling upon a public way.

Statutory Reference: ORS [221.410](#).

History: Ord. [670](#) §2, 1964; Ord. [1387](#), 2007.

8.04.030 Junk keeping.

(1) Keeping of Junk a Nuisance. It is determined and declared that the keeping of any junk out-of-doors on any street, lot or premises within the city, or in a building that is not wholly or entirely enclosed except doors for use for ingress and egress, is a nuisance and unlawful.

(2) Keeping of Junk Without Enclosure Unlawful. No owner or person in charge of property may keep or allow to be kept any junk out-of-doors, on any street, or on any lot, or premises within the city; or, in a building that is not wholly or entirely enclosed except doors used for ingress and egress.

Statutory Reference: ORS [221.410](#).

History: Ord. [1035](#) §2, 1984; Ord. [1162](#) §1, 1992, Ord. [1387](#), 2007.

8.04.060 Prohibited and designated.

No owner or person in charge of property may permit or cause a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this chapter:

(1) Privies. 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.

~~(2) Debris on Private Property. Accumulations of debris, rubbish, manure and other refuse located on private property that are not removed within a reasonable time and that affect the health, safety or welfare of the city.~~

~~(3)~~(2) Stagnant Water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.

~~(4)~~(3) Water Pollution. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.

~~(5)~~(4) Food. Decayed or unwholesome food which is offered for human consumption.

~~(6)~~(5) Odor. Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.

~~(7)~~(6) Surface Drainage. Drainage of liquid wastes from private premises.

~~(8)~~(7) Solid Waste.

(a) Solid waste not contained in a closed container stored in a manner not unreasonably offensive to surrounding neighbors.

(b) Storage of solid waste for more than 10 days from the date of deposit, except that leaves and trimmings may be stored in a manner not unreasonably offensive to surrounding neighbors.

~~(9)~~(8) Smoke, Etc. Dense smoke, noxious fumes, gas soot or cinders in unreasonable quantities.

~~(10)~~(9) Harborage for Rats. Accumulation of any litter, filth, garbage, decaying animal or vegetable matter, which may or does offer harborage or source of food for rats.

~~(11)~~(10) Properties Declared "Unfit for Use." Property placed on the Oregon Health Division "unfit for use list" because it has been used for the manufacture of illegal drugs, until the property has been issued a "Certificate of Fitness" by the Oregon Health Division.

Statutory Reference: ORS 221.410.

History: Ord. 670 §6, 1964; Ord. 1387, 2007.

III. Nuisances Affecting Public Safety

8.04.070 Abandoned ice boxes.

No owner or person in charge of property may leave in a place accessible to children an abandoned, unattended or discarded ice box, refrigerator or similar container which has an airtight door with a snap lock or lock or other mechanism which may not be released for opening from the inside, without first removing such lock or door from such ice box, refrigerator or similar container.

Statutory Reference: ORS 221.410.

History: Ord. 670 §7, 1964; Ord. 1387, 2007.

8.04.080 Attractive nuisances for playing children.

(1) No owner or person in charge of property may permit:

(a) Unguarded machinery, equipment or other devices on such property which are attractive, dangerous and accessible to children;

(b) Lumber, logs or piling placed or stored on such property in a manner so as to be attractive, dangerous and accessible to children; or

(c) An open pit, quarry, cistern or other excavation without erecting adequate safeguards or barriers to prevent such places from being used by children.

(2) This section shall not apply to authorized construction projects, if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

Statutory Reference: ORS 221.410.

History: Ord. 670 §8, 1964.

8.04.090 Snow and ice removal.

No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk may permit:

(1) Snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen;

(2) Ice to cover or remain on a sidewalk, after the first two hours of daylight after the ice has formed. Such person shall remove ice accumulating on the sidewalk or cover the ice with sand, ashes or other suitable material to assure safe travel.

Statutory Reference: ORS 221.410.

History: Ord. 670 §9, 1964.

8.04.100 Sidewalk repair.

(1) Owner Responsibility. It is the duty of all property owners in the city to keep the sidewalks on the streets thereof adjacent to or abutting on their respective real property in a good state of repair so as to eliminate the hazard of injuries to pedestrians using the same.

(2) Owner Liability. The owner or owners of real property in the city shall be liable to any person suffering injury by reason of any defect in the sidewalk adjacent to or abutting on the real property of the respective owner or owners.

(3) Maintenance and Repair Required. Real property owners in the city shall maintain and keep in repair all sidewalks, curbs and driveways, not to exceed one-half-inch vertical uplift or as determined by the City Administrator, along the streets and highways of the city in front of and as are adjacent to or abut on such owner's or owners' real property.

Statutory Reference: ORS 221.410.

History: Ord. 1398, 2008.

8.04.120 Certain fences.

(1) No person may construct or maintain a barbed wire fence or allow barbed wire to remain as a part of a fence along a sidewalk or public way, unless such wire is placed not less than six inches above the top of a board of picket fence which is not less than six feet high.

(2) No person may install, maintain or operate an electric fence within the city except to enclose livestock as such are defined in Section 17.06.250. In no event shall such an electric fence be located within a required yard setback area.

Statutory Reference: ORS 221.410.

History: Ord. 670 §12, 1964; Ord. 1048 §1, 1985.

8.04.130 Falling ice or snow from structures—Drainage of surface waters—Obstructing natural water course.

(1) No owner or person in charge of any building or structure may suffer or permit rain water, ice or snow to fall from such building or structure onto a street or public sidewalk or to flow across such sidewalk.

(2) The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon the sidewalk.

(3) No person may construct or maintain any fence, dam or other obstruction of any kind in a natural water course such that water backed up by the obstruction would significantly affect any other property or improved public street.

Statutory Reference: ORS 221.410.

History: Ord. 670 §13, 1964; Ord. 1354, 2004.

8.04.140 Clear-vision area.

(1) Obstructions Prohibited. On property at any corner formed by the intersection of two streets, or a street and a railroad, it is unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstructions to the view higher than three feet above the level of the center of the adjacent intersection with that triangular area between the property line and a diagonal line joining points on the property lines at the distance from the intersection specified in this regulation. In the case of rounded corners, the triangular areas shall be between the lot lines extended in a straight line

to a point of intersection and so measured, and a third side which is a line across the center of the lot joining the nonintersecting ends of the other two sides. The following measurements shall establish clear-vision areas:

Right-of-Way (in feet)	Measurement Each Lot Line (in feet)
80	20
60	30
50 or less	40

(2) Exceptions. The provisions set out in subsection (1) of this section shall not apply to:

(a) Public utility poles; trees trimmed (to the trunk) to a line at least eight feet above the level of the intersection; provided that the remaining limbs and foliage of the trees must be trimmed as to leave, at all seasons, a clear and unobstructed cross-view of the intersection; saplings, or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view of the intersection; supporting members of appurtenances to permanent buildings existing on the date when the ordinance codified in this chapter becomes effective; official warning signs or signals; places where the contour of the ground is such that there can be no cross-visibility at the intersection; or to signs mounted 10 or more feet above the ground and whose supports do not constitute an obstruction as defined in subsection (1) of this section.

(b) At corners of an intersection of a street controlled by stop signs or a traffic signal if the intersection has an unobstructed sight distance specified in a 2001 publication titled, "A Policy on Geometric Design of Highways and Streets" prepared by the American Association of State Highway and Transportation Officials (AASHTO), summarized in the table below.

Minimum Posted Speed	Intersection Sight Distance
20	225 ft.
25	280 ft.
30	335 ft.
35	390 ft.
40	445 ft.
45	500 ft.

Statutory Reference. ORS 221.410.

History: Ord. 670 § 15A, 1964; Ord. 844 § 1, 1975; amended during 1980 codification; Ord. 1359 §1, 2005.

IV. Other Nuisances

8.04.141 Noxious vegetation.

No owner or person in charge of property may maintain or allow noxious vegetation on any property or within public rights-of-way adjacent to that property:

(1) The term "noxious vegetation" includes:

- (a) Weeds more than 10 inches high;
- (b) Grass more than 10 inches high;
- (c) Trees, bushes, roots, other natural growth, soil or solid waste that obstructs public sidewalks or roadways;
- (d) Dead or decaying trees or tree limbs, dead bushes, stumps, and any other thing likely to cause a fire or that presents a safety hazard to the public or to abutting property owners;
- (e) Uncontrolled or uncultivated growth of weeds, brush, berry vines, poison oak, poison ivy, tansy ragwort, or grasses which offer vector or rodent harborage, contribute noxious pollens to the atmosphere, constitute a fire hazard or unreasonably interfere with the use and enjoyment of abutting public or private property.

(A) Exception: A buffer strip cut to a height of six inches for a width of ten feet from the property lines shall be deemed an effective method of preventing propagation of wild grasses, weeds, thistles, and berry vines to neighboring properties. This exception does not apply in where conditions offer vector or rodent harborage or constitute a fire hazard:

- (f) Vegetation that is a health hazard;

(g) Trees, bushes, hedges, shrubbery, natural growth or other obstructions, weeds, grass or debris on property, or on adjoining street or public right-of-way, which interfere with street or sidewalk traffic, impair the view of a public thoroughfare, or otherwise make use of the thoroughfare hazardous. This includes trees and bushes on property and on the adjoining right-of-way which are not trimmed to a height of not less than seven and one-half feet above sidewalk level, over the street area at an elevation of not less than 11 feet above the street level and to a height of not less than 14 feet above the street level on any street designated as an arterial or one-way street, and where parking has been prohibited.

(2) The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop, unless that vegetation is a fire, health or traffic hazard and is vegetation within the meaning of subsection (1) of this section. The term "noxious vegetation" does not include vegetation that is part of the natural topographic condition of city or state parks and greenway areas.

Statutory Reference: ORS [221.410](#).

History: Ord. [670](#) § 110, 1964; Ord. [1387](#), 2007.

8.04.143 Garage, estate and yard sales.

No owner or person in charge of property shall conduct or allow to be conducted garage, estate, yard or similar sales ~~for more than five days in any calendar month or for more than three consecutive days in any one week~~ on more than two (2) occasions within any one calendar year at the same location. Such sales are limited to no more than seventy-two (72) consecutive hours; otherwise sales are regulated as second hand dealers pursuant to Chapter [5.40](#) of the Gladstone Municipal Code.

Statutory Reference: ORS [221.410](#).

History: Ord. [1378](#) §1, 2006.

8.04.144 Radio and television interference.

(1) No person may operate or use an electrical, mechanical or other device apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception; provided, that the radio or television receiver interfered with is of good engineering design.

(2) This section does not apply to electrical and radio devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

Statutory Reference: ORS [221.410](#)

History: Ord. [1035](#) §2, 1984.

8.04.145 Vehicle storage on private property.

(1) It is unlawful for any owner or person in charge to allow any vehicle to be parked on any tract of land owned by any person, occupied or unoccupied, except on duly constituted and licensed trailer courts or sales lots

(a) Exception, such vehicle may be parked or stored on the property provided it:

(A) Does not constitute a hazard to traffic on the public streets or sidewalk;

(B) Does not restrict vision of motorists on the public street;

(C) Does not obstruct the view from any other property;

(D) Has a current valid license or registration;

(E) Is parked on a concrete, asphalt or gravel driveway or pad which is free of any weeds or vegetation.

8.04.146 Notices and advertisements.

(1) No person may affix or cause to be distributed any placard, bill, advertisement or poster upon real or personal property, public or private, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs or advertising.

(2) No person, either as principal or agent, may scatter, distribute or cause to be scattered or distributed on public or private property any placards or advertisements or other similar material.

(3) This section does not prohibit the distribution of advertising material during a parade or approved public gathering.

Statutory Reference: ORS [221.410](#).

History: Ord. [1035](#) §2, 1984.

8.04.148 Declaration of nuisance.

(1) The acts, conditions or objects specifically enumerated and defined in this chapter are declared to be public nuisances and such acts, conditions or objects may be abated by any of the procedures set forth in this chapter.

(2) In addition to those nuisances specifically enumerated within this chapter, every other thing, substance or act which is determined by the council to be injurious or detrimental to the public health, safety or welfare of the city is declared to be a nuisance and may be abated in this chapter.

Statutory Reference: ORS [221.410](#).

History: Ord. [1035](#) §2, 1984.

V. Abatement Procedure

8.04.149 Options for abatement.

The City Administrator or designee may abate nuisances through the municipal court in accordance with procedures as prescribed in Chapter [1.08](#) and/or as described in Sections [8.04.150](#) through [8.04.200](#) of this chapter.

Statutory Reference: ORS 221.410.

History: Ord. 1387, 2007.

8.04.150 Notice—Posting and mailing—Contents.

(1) Upon determination by the City Administrator that a nuisance as defined in this chapter and Chapter 9.12 (cruelty to animals) or any other ordinance of the city exists, the City Administrator shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.

(2) At the time of posting, the City Recorder shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or person in charge of the property at the last-known address of such owner or other person.

(3) The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on which such nuisance exists;

(b) A direction to abate the nuisance within 10 days from the date of the notice;

(c) A description of the nuisance;

(d) A statement that unless such nuisance is removed the city may abate the nuisance and the cost of abatement shall be a lien against the property; and

(e) A statement that the owner or other person in charge of the property may protest the abatement by giving notice to the City Recorder within 10 days from the date of the notice.

(4) Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.

(5) 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 shall not make the notice void and in such a case the posted notice shall be sufficient.

Statutory Reference: ORS 221.410.

History: Ord. 670 §18, 1964.

8.04.160 Abatement by owner.

(1) Within 10 days after the posting and mailing of the notice as provided in Section 8.04.150, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.

(2) The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement which shall specify the basis for so protesting.

(3) The statement shall be referred to the council as a part of the council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person may appear and be heard by the council and the council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.

(4) If the council determines that a nuisance does in fact exist, the owner or other person shall within 10 days after such council determination abate such nuisance.

(5) An owner or person in charge of property may not protest a determination of a public nuisance when the nuisance has been already determined by the City Council.

Statutory Reference: ORS 221.410.

History: Ord. 670 §19, 1964; Ord. 1354, 2004.

8.04.170 Abatement by city.

(1) If within the time allowed the nuisance has not been abated by the owner or person in charge of the property, the City Administrator may cause the nuisance to be abated.

(2) The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.

(3) The City Recorder shall keep an accurate record of the expense incurred by the City in abating the nuisance and shall include therein a charge of 20% of the expense for administrative overhead.

Statutory Reference: ORS 221.410.

History: Ord. 670 §20, 1964.

8.04.180 Assessment of costs.

(1) The City Recorder, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

(a) The total cost of abatement including administrative overhead, including, but not limited to, the costs of police services incurred in city abatement of nuisances;

(b) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice; and

(c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the City Recorder not more than 10 days from the date of the notice.

(2) Upon the expiration of 10 days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.

(3) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as determined by the council shall be made by the City Administrator and shall thereupon entered in the docket of city liens, and upon such entry being made shall constitute a lien upon the property from which the nuisance was removed or abated.

(4) The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate of eight percent per year. Such interest shall commence to run from the date of the entry of the lien in the lien docket.

(5) An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

Statutory Reference: ORS 221.410.

History: Ord. 670 §21, 1964; Ord. 872 §1, 1976; Ord. 1435 §1, 2011.

8.04.190 Not exclusive.

The procedure provided by this chapter is not exclusive but is in addition to procedure provided by other ordinances and the health officer, the chief of the fire department and chief of police may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

Statutory Reference: ORS 221.410.

History: Ord. 670 §22, 1964.

VI. Penalty

8.04.200 Violation—Penalty.

Violation of any provision of this chapter shall be a Class "A" infraction.

(1) Each day's violation of a provision of this chapter constitutes a separate offense.

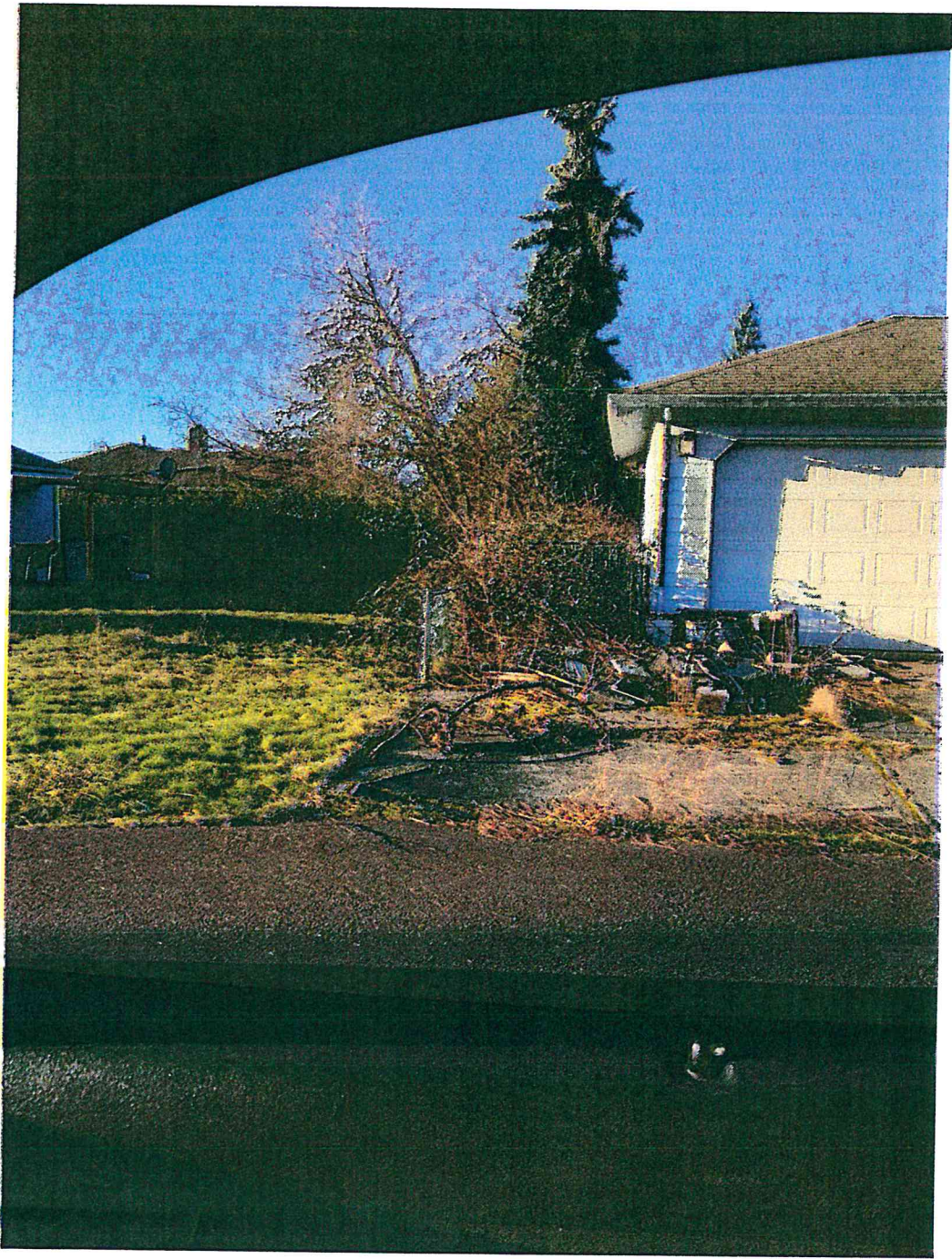
(2) The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

Statutory Reference: ORS 221.410.

History: Ord. 670 §§23, 24, 1964; Ord. 1035 §3, 1984.







SUMMARY OF PROPOSEDED CHANGES

10.04.080 – Changes to section (1) and (2) are proposed to clarify who has the authority to enforce this section of the code. An issue was raised about whether the code officer had the authority to issue parking citations under the current language. Additionally it does not make sense to limit the ability to direct traffic.

10.04.205 – This section of code already exists as a parking restriction under 10.04.230(3). Under current language this is a parking violation with a \$25.00 penalty which is most likely to be served on the vehicle owner. Moving and renumbering this section of code will make the violation a class D infraction which has a \$90 penalty that can issued directly to the business owner.

10.04.230 – Proposing eliminating the exception in subsection (1)(g)(A). This exception creates difficulty with enforcement. The 14 day parking period is hard to track and a new 14 day period restarts if the vehicle is simply moved 200'. The term “inadequate off street parking” is simply vague.

10.04.230 – Proposing reducing how long a motorhome or similar vehicle may be parked on the street under the exception in (1)(h)(A). 10 days is simply too long a period of time and it is difficult to enforce. Often neighbors do not complain about the situation until the vehicle has already been parked on the street for two weeks. Since we do not know when the vehicle arrived the 10 day period starts when the complaint comes in essentially allowing the vehicle to be parked on the street in excess of three weeks.

10.04.230 – Proposing the restriction related to the parking of trailers on the street as subsection (j). We regularly receive complaints about trailers being stored on the street. Enforcement can be difficult because we cannot identify the owner do to lack of plates or registration. We often see small utility trailers or boats on trailers that are being stored on the street. When these vehicles are tagged the owners often simply just move the vehicle to a different location circumventing enforcement.

10.04.230(j) – Proposing that a vehicle on the street with expired registration for any period of time a violation as subsection (k). Under current code subsection (j) only vehicles with registration expired by 90 days is a violation. A vehicle with expired registration is not legally able to be operated on the road and therefore should not be permitted to park on the road.

10.04.230(k) – Renaming this section of code from (k) to (l).

Chapter 10.04 TRAFFIC REGULATIONS*

I. General Provisions

10.04.010 Title.

The ordinance codified in this chapter may be cited as the Gladstone Uniform Traffic Ordinance.

Statutory Reference: ORS 221.410

History: Ord. 798 §1, 1972.

10.04.020 Applicability of state traffic laws.

Violation of Oregon Revised Statutes, Chapters 801 through 826 (Oregon Vehicle Code), as now or hereafter constituted shall be an offense against the city.

Statutory Reference: ORS 221.410

History: Ord. 798 §1, 1972.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

10.04.030 Definitions and interpretation.

In addition to those definitions contained in the Oregon Revised Statutes chapters mentioned in GMC Section 10.04.020, the following words or phrases, except where the context clearly indicates a different meaning, shall be defined as follows:

- (1) "Bicycle" means a non-motorized vehicle designed to be ridden, propelled by human power, and having two or more wheels the diameter of which are in excess of ten inches or having two or more wheels where any one wheel has a diameter in excess of fifteen inches.
- (2) "Bus stop" means a space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.
- (3) "City Administrator" means the City Administrator or authorized representative.
- (4) "Holiday" means Sunday and legal holidays.
- (5) "Loading zone" means a space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.
- (6) "Motor vehicle" means every vehicle that is self-propelled, including tractors, forklift trucks, motorcycles, road building equipment, street cleaning equipment, and any other vehicle capable of moving under its own power, not withstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.
- (7) "Park or parking" means the condition of:
 - (a) A vehicle that is stopped while occupied by its operator with the engine turned off if so equipped;
 - (b) A vehicle that is stopped while unoccupied by its operator whether or not the engine is turned off if so equipped.

(8) "Pedestrian" means a person on the public right-of-way except:

(a) The operator or passenger of a vehicle or bicycle;

(b) A person leading, driving or riding an animal or animal-drawn conveyance.

(9) "Person" means a natural person, firm, partnership, association or corporation.

(10) "Stand or standing" means the stopping of a vehicle while occupied by its operator with the engine running except stopping in obedience to the instructions of a traffic officer or traffic-control device or for other traffic.

(11) "Stop" means complete cessation of movement.

(12) Street and Other Property Open to Public Travel:

(a) "Highway," "road," and "street," when used in this chapter or in the Oregon Revised Statutes chapters incorporated in this chapter, shall be considered synonymous, unless the context precludes such construction. "Street," as defined in this chapter, consists of roadway and shoulder portion of the public right-of-way and includes alleys, sidewalks and parking areas and access ways owned by the city.

(b) "Roadway" means the portion of a street that is improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.

(c) "Shoulder" means a portion of a street contiguous to the roadway that is primarily used by pedestrians and for accommodation of stopped vehicles and does not include a portion of right-of-way not primarily used by the public for parking and pedestrian purposes;

(d) "Private street" means open to general vehicular traffic, whether or not periodically closed to public use upon which the public operates vehicles either by express or implied invitation other than streets as defined in paragraph "a" of this section. The term "private street" is limited to that which provides access and parking on public school property or provides access to more than one property, as determined by the City Council on a case-by-case basis, or if parking on a private street is determined by the police or fire chief or designee to constitute an emergency.

(13) "Taxicab stand" means a space on the edge of a roadway designated by sign for use by taxicabs.

(14) "Traffic-control device" means a device to direct vehicular or pedestrian traffic, including but not limited to a sign, signaling mechanism, barricade, button or street or curb marking installed by the city or other authority.

(15) "Traffic lane" means that area of the roadway used for the movement of a single line of traffic.

(16) "Vehicle," as used in this chapter, means any vehicle that is self-propelled, including but not limited to tractors, forklift trucks, motorcycles, road building equipment, street cleaning equipment, any vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws and every device in, upon or by which any person or property is or may be transported or drawn upon any public street, including the following:

(a) "Camper" as defined in ORS 801.180;

- (b) "Commercial vehicle" as defined in ORS 801.210;
- (c) "Mobile home" as defined in ORS 801.340;
- (d) "Mobile home" as defined in ORS 801.350;
- (e) "Motor truck" as defined in ORS 801.355;
- (g) "Recreational vehicle" as defined in ORS 446.003;
- (h) "Trailer" as defined in ORS 801.560;
- (i) "Travel trailer" as defined in ORS 801.565; and
- (j) "Truck trailer" as defined in ORS 801.575.

(17) "Vehicle sales, repair, or servicing business" means a business that sells, repairs or services new or used vehicles that may be owned by customers or by the business, such as "trade-in" vehicles.

(18) As used in this chapter, the singular includes the plural and the masculine includes the feminine.

Statutory Reference: ORS Ch. 801

History: Ord. 798 §3, 1972; Ord. 1373, 2006

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

II. Administration

10.04.040 City council—Authority and powers.

(1) Subject to state laws, the City Council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated by the ordinance codified in this chapter or by another ordinance.

(2) The powers of the council shall include but not be limited to:

- (a) Designation of through streets;
- (b) Designation of one-way streets;
- (c) Designation of truck routes;
- (d) Designation of parking meter zones;
- (e) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
- (f) Authorization of greater maximum weights or length for vehicles using city streets and specified by state law;
- (g) Initiation of proceedings to change speed-zones;

- (h) Revision of speed limits in parks;
- (i) Designation of stop sign locations;
- (j) Limitation of vehicle width, vehicle height and vehicle weight to a standard less than imposed by state statute. This power will be exercised only when there is a clear showing that a particular street, portion thereof, or bridge presents a clear danger to motorists traveling there upon which danger will be lessened by the imposition of more restrictive standards.

Statutory Reference: ORS 801.040, 810.010 to 810.250

History: Ord. 798 §4, 1972; Ord. 883 §11 1976.

10.04.050 City administrator—Duties.

The City Administrator or his designate shall exercise the following duties:

- (1) Implement the ordinances, resolutions and motions of the council and his own orders by installing traffic-control devices. Such installations shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways;
- (2) Establish, maintain, remove or alter the following classes of traffic controls:
 - (a) Crosswalks, safety zones and traffic lanes;
 - (b) Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns and the time when the prohibition applies;
 - (c) Parking areas and time limitations, including the form of permissible parking, (e.g. parallel or diagonal);
- (3) Issue oversize or overweight vehicle permits.

Statutory Reference: ORS 801.040

History: Ord. 798 §5, 1972.

10.04.060 City administrator—May order installation of temporary traffic-control devices.

Under conditions constituting a danger to the public, the City Administrator or his designate may install temporary traffic-control devices deemed by him to be necessary.

Statutory Reference: ORS 801.040

History: Ord. 798 §6, 1972.

10.04.070 City administrator—Regulations designated—Standards.

The regulations of the City Administrator or his designate shall be based upon:

- (1) Traffic engineering principles and traffic investigations.
- (2) Standards, limitations and rules promulgated by the State Highway Commission.
- (3) Other recognized traffic-control standards.

Statutory Reference: ORS 801.040

History: Ord. [798](#) §7, 1972.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

10.04.080 ~~Police and fire officers~~ City administrator —Authority.

(1) ~~It shall be the duty of Police Officers~~ The City administrator or designee shall have the authority to enforce the provisions of this chapter.

(2) In the event of a fire or other public emergency, ~~officers of the police and fire department~~ the City administrator or designee may direct traffic as conditions require, notwithstanding the provisions of this chapter.

Statutory Reference: ORS [221.410](#)

History: Ord. [798](#) §8, 1972.

10.04.090 Traffic-control devices—Obedience to and alteration of.

(1) No person shall disobey the instruction of a traffic officer or a traffic-control device.

(2) No unauthorized person shall install, move, remove, obstruct, alter the position of, deface or tamper with a traffic-control device.

Statutory Reference: ORS [810.200](#) to [810.250](#)

History: Ord. [798](#) §9, 1972.

10.04.100 Traffic-control devices—Existence establishes evidence.

The existence of a traffic-control device shall be prima facie evidence that the device was lawfully authorized and installed.

Statutory Reference: ORS [810.200](#) to [810.250](#)

History: Ord. [798](#) §10, 1972.

10.04.110 Traffic-control devices—Installed prior to adoption—Authorization.

Traffic-control devices installed prior to the adoption of the ordinance codified in this chapter are lawfully authorized.

Statutory Reference: ORS [810.200](#) to [810.250](#)

History: Ord. [798](#) §11, 1972.

III. Operational Regulations

10.04.120 Rules of the road.

In addition to state law, the following shall apply to the operation of vehicles upon the streets of the city:

(1) The operator of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic, and shall yield the right-of-way to moving traffic and pedestrians.

(2) The operator of a vehicle in the traffic lane shall have the right-of-way over an operator of a vehicle departing from a parking space.

(3) No operator of a vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal when other traffic may be affected.

(4) Where a stop sign is erected at or near the entrance to an intersection, the operator of a vehicle approaching shall bring the vehicle to a stop before crossing a stop line or crosswalk; or, if none, then before entering the intersection. Stopping at a point which does not yield an unobstructed view of traffic on the intersecting street shall not constitute compliance with the requirements of this section.

(5) Notwithstanding an indication by a traffic- control device to proceed:

(a) No operator of a vehicle shall enter an intersection unless there is sufficient space on the opposite side of the intersection to accommodate his vehicle without obstructing the passage of other vehicles.

(b) No operator of a vehicle shall enter a marked crosswalk, whether or not at an intersection, unless there is sufficient space on the opposite side of the crosswalk to accommodate his vehicle without obstructing the passage of pedestrians.

Statutory Reference: ORS 221.410, 801.040

History: Ord. 798 §12, 1972.

10.04.130 Crossing private property.

(1) No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property.

(2) This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

Statutory Reference: ORS 221.410, 801.040

History: Ord. 798 §13, 1972.

10.04.140 Emerging from vehicle.

No person shall open the door of a motor vehicle into a traffic lane without first ascertaining that it can be done safely.

Statutory Reference: ORS 221,410, 801.040

History: Ord. 798 §14, 1972.

10.04.150 Unlawful riding.

(1) No operator shall permit a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person riding within a truck body in space intended for merchandise.

(2) No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

Statutory Reference: ORS 221.410, 801.040

History: Ord. 798 §15, 1972.

10.04.160 Clinging to vehicles.

(1) No person riding upon a bicycle, motorcycle, coaster, roller skates, sled, or other device shall attach the device or himself to a moving vehicle upon a street.

(2) Nor shall the operator of a vehicle upon a street knowingly allow a person riding on any of the vehicles or devices mentioned in subsection (1) of this section, to attach himself, the vehicle, or the device to his vehicle.

Statutory Reference: ORS [221.410](#), [801.040](#)

History: Ord. [798](#) §16, 1972.

IV. Street Use Regulations

10.04.170 Sleds on streets.

No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.

Statutory Reference: ORS [221.410](#), [801.040](#)

History: Ord. [798](#) §17, 1972.

10.04.180 Damaging sidewalks and curbs.

(1) The operator of a vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

(2) No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

(3) No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond, if required. A person who causes damage shall be held responsible for the cost of repair.

Statutory Reference: ORS [221.410](#), [801.040](#)

History: Ord. [798](#) §18, 1972.

10.04.190 Obstructing streets.

(1) No unauthorized person shall obstruct the free movement of vehicle or pedestrian using the streets.

(2) No person shall park or stand a vehicle in such a manner or location that it constitutes a hazard to public safety or an obstruction on the street.

Statutory Reference: ORS [221.410](#), [801.040](#)

History: Ord. [798](#) §19, 1972.

10.04.205 Business parking.

(1) It is unlawful for any person engaged in vehicle sales, repair, or servicing business to cause or permit any vehicle to be parked on a street except abutting their business while such vehicle is in the custody of the business for the purpose of being offered for sale, repaired, or serviced. If a vehicle is parked on a street while in the custody, control or possession of a vehicle sales, repair or servicing business for the purpose of being stored, serviced or repaired, it is prima facie evidence that the person engaged in such business caused or permitted such vehicle to be so parked.

10.04.200 Responsibility to remove glass and debris.

A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street.

Statutory Reference: ORS 221.410, 801.040

History: Ord. 798 §20, 1972.

10.04.210 Trains not to block streets.

No person shall direct or operate a train or permit railroad cars to block the use of any street for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

Statutory Reference: ORS 221.410, 801.040

History: Ord. 798 §21, 1972.

10.04.215 Portable storage containers.

Portable storage containers, as defined in Section 5.22.010, that are placed in the public right-of-way are regulated by Chapter 5.22.

Statutory Reference: ORS 221.410, 801.040

History: Ord. 1392§10, 2007.

10.04.216 Building relocation.

(1) A relocation permit must be obtained from the City prior to using public right-of-way for relocating any building ordinarily attached to real property.

(2) The fee for relocation permits shall be set by resolution of the City Council.

(3) No permit shall be valid without providing the City with a certification of liability insurance naming the city as additionally insured providing minimum coverage of \$2,000,000 per occurrence general liability and \$2,000,000 per occurrence auto liability including non-owned and hired.

(4) No person shall relocate a building to a site within the City without demonstrating compliance with Title 17 of the Gladstone Municipal Code.

(5) A relocation permit shall be subject to general provisions specified by the Oregon Department of Transportation in a "Special Transportation Permit for House Moves" if relocation uses State right-of-way in the City.

(6) No person shall temporarily post a street for "no parking" without at least twenty-four (24) hour prior notice to businesses and residents affected by the relocation as determined by the City Administrator or designee, and no street shall be posted for more than twenty-four (24) hours without approval by the City Administrator or designee.

(7) Temporary storage of a building in the public right-of-way or on private property is prohibited.

Statutory Reference: ORS 221.410

History: Ord. 1401, 2008.

V. Parking

10.04.220 Method.

- (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 curb side wheels of the vehicle within twelve 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 in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.
- (3) The operator who first begins maneuvering his vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive him of his priority or block his access.
- (4) Whenever the operator of a vehicle discovers that his vehicle is parked 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.

Statutory Reference: ORS 810.160, 811.550 to 811.640

History: Ord. 798 §22, 1972; Ord. 1373

10.04.225 Adoption of state statutes.

Oregon Revised Statutes 811.550 through 811.585 are hereby adopted in their entirety.

Statutory Reference: ORS 810.160, 811.550 to 811.640

History: Ord. 1090 §2, 1987.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

10.04.230 Prohibited—Certain vehicles and places.

- (1) No person shall park, store, or leave standing:
 - (a) A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel unless authorized;
 - (b) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials but in no case for a period in excess of thirty consecutive minutes;
 - (c) A vehicle upon a parkway or freeway, except as authorized;
 - (d) A vehicle in a manner which causes a traffic hazard to any normal flow of traffic;
 - (e) A vehicle in a manner which violates ORS 811.550, prohibiting parking on sidewalks, parkways, near fire hydrants, private drives, within intersections, crosswalks, double parking or parking in violation of posted regulatory signs;
 - (f) A vehicle subject to the motor carrier tax for use of highways established by ORS 767.815 on a residential street or on property adjacent to a residential street except when parking is required for deliveries to adjacent properties between 7:00 a.m. and 7:00 p.m. For purposes of this section, a residential street is any street which abuts property on either side of that which is zoned R-7.2, R-5 or M-R. Nothing in this section shall prohibit the parking of only the truck (or tractor) portion on private property.

(g) A vehicle upon a public street or other public property controlled by the city in excess of 72 hours. Failure to move a motor vehicle for 72 hours constitutes prima facie evidence of storage. Specific types of vehicles are subject to more stringent parking requirements as set forth in GMC Section [10.04.230](#) (1)(h).

~~(A) Exception: Inadequate Off-street Parking. A vehicle may be parked on a shoulder adjacent to the lot of the vehicle owner's residence if the owner's residence does not have a driveway or other off-street parking facility. Failure to move a vehicle for fourteen (14) days constitutes prima facie evidence of storage;~~

(h) No person shall at any time park, store, or leave standing a house or camping trailer, motor home or recreational vehicle whether attended or unattended, on any improved public highway, public street or other public way within the city limits, for a period of greater than thirty (30) minutes, between the hours of twelve a.m. and six a.m.

(A) Exception: A house or camping trailer, motor home or recreational vehicle may be parked on a public street longer than the period allowed in GMC Section [10.04.230](#)(l)(h) if: (1) It is owned by the resident or guest of the resident of the property in front of which it is parked; (2) it is parked on the public street adjacent to the lot of the resident; and (3) it is parked on the public street no longer than ~~ten days~~ in any calendar year 72 hours. Failure to move a motor vehicle for ~~ten days 72 hours~~ constitutes prima-facie evidence of violation of this section. Such vehicle must be parked in a manner which does not interfere with traffic or create a hazard by obstructing the view of drivers.

(i) Failure to move a vehicle or other personal property regulated by this section after expiration of any of the time periods set forth in subsections (g) and (h) of this section constitutes prima facie evidence of violation of this section. For purposes of subsection (g) of this section, "move" is defined as transporting the vehicle or personal property a distance of one city block or 200 feet, whichever is less. For purposes of subsection (h) of this section, "move" means transporting the house or camping trailer, motor home or recreational vehicle off the city's public streets.

~~(j) No trailer shall be parked upon any roadway unless it is attached to a motor vehicle by which it may be propelled or drawn. This paragraph shall not apply to trailer which are disabled to such an extent that the driver cannot avoid temporarily leaving the disabled trailer on the roadway, provided that the trailer is parked in a manner which does not interfere with traffic or create a hazard. A disabled trailer must be removed within 72 hours.~~

~~(k)~~(k) No vehicle shall be parked or operated on a street when the vehicle registration as indicated by registration stickers or registration card ~~has been expired for ninety (90) days or more is expired~~.

~~(l)~~(l) No vehicle shall obstruct the driveway of any post office or postal station, or park within ten feet (10') of a private mailbox during the hours of delivery.

(2) No operator shall park and no owner shall allow a motorized or non-motorized vehicle or personal property to be parked upon a street or other public property controlled by the city for the principal purpose of:

(a) Displaying the vehicle for sale;

(b) Displaying advertising from the vehicle;

(c) Repairing or servicing the vehicle, except minor repairs or repairs necessitated by an emergency, if the total lapsed time in making the repairs does not exceed eight hours duration, or that the owner of the vehicle has the express written permission from the Chief of Police or his designee to exceed the eight-hour limitation. In no event shall a vehicle in the process of the repair on a public street be left unattended while it is placed on jacks or blocks, or otherwise elevated.

~~(3) It is unlawful for any person engaged in vehicle sales, repair, or servicing business to cause or permit any vehicle to be parked on a street except abutting their business while such vehicle is in the custody of the business for the purpose of being offered for sale, repaired, or serviced. If a vehicle is parked on a street while in the custody, control or possession of a vehicle sales, repair or servicing business for the purpose of being stored, serviced or repaired, it is prima facie evidence that the person engaged in such business caused or permitted such vehicle to be so parked.~~

Statutory Reference: ORS [810.160](#), [811.550](#) to [811.640](#)

History: Ord. [798](#) §23, 1972; Ord. [951](#) §1, 1980; Ord. [1005](#) §1, 1982; Ord. [1207](#) §1, 1995; Ord. [1244](#) §2, 1997; Ord. [1298](#), 2000; Ord. [1373](#), 2006; Ord. 1380 §1, 2006.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

10.04.250 Use of loading zone.

(1) No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect.

(2) In no case when the hours applicable to the loading zone are in effect shall the stop for loading and unloading of materials exceed the time limits posted.

(3) If no time limits are posted, then the use of the zone shall not exceed thirty minutes.

Statutory Reference: ORS [810.160](#), [811.550](#) to [811.640](#)

History: Ord. [798](#) §25, 1972.

10.04.260 Unattended vehicle—Leaving.

No operator or person in charge of a motor vehicle shall park it or allow it to be parked on a street, on other property open to public travel, or on a new or used car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle and effectively setting the brake. If the vehicle is attended the ignition key need not be removed.

Statutory Reference: ORS [810.160](#), [811.550](#) to [811.640](#)

History: Ord. [798](#) §26, 1972.

10.04.270 Unattended vehicle—Action by police officer.

Whenever a Police Officer finds a motor vehicle parked unattended with the ignition key in the vehicle in violation of GMC Section [10.04.260](#), the Police Officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

Statutory Reference: ORS [811.430](#)

History: Ord. [798](#) §27, 1972.

10.04.280 Buses and taxicabs to use bus stops and taxicab stands.

The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping his vehicle outside a traffic lane while loading or unloading passengers.

Statutory Reference: ORS 810.160, 811.550 to 811.640

History: Ord. 798 §28, 1972.

10.04.290 Restricted use of bus and taxicab stands.

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

Statutory Reference: ORS 810.160, 811.550 to 811.640

History: Ord. 798 §29, 1972.

10.04.300 Lights on parked vehicles.

No lights need be displayed upon a vehicle that is parked in accordance with this chapter upon a street where there is sufficient light to reveal a person or object at a distance of at least five hundred feet from the vehicle.

Statutory Reference: ORS 810.160, 811.550 to 811.640

History: Ord. 798 §30, 1972.

10.04.310 Extension of parking time.

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

Statutory Reference: ORS 810.160, 811.550 to 811.640

History: Ord. 798 §31, 1972.

10.04.320 Exemptions from parking restrictions.

The provisions of this chapter regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county or state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

Statutory Reference: ORS 810.160, 811.550 to 811.640

History: Ord. 798 §32, 1972.

VI. Bicycles

10.04.330 Equipment.

(1) A bicycle operated upon the streets shall be equipped as required by state law. In addition, a bicycle shall be equipped with a brake capable of sliding at least one tire when applied on dry, level, clean pavement.

(2) No bicycle shall be equipped with a siren or whistle.

Statutory Reference: ORS 814.400 to 814.480

History: Ord. 798 §33, 1972.

10.04.340 Operating rules.

In addition to observing all other applicable provisions of this chapter and state law, a rider of a bicycle upon a street shall:

- (1) Yield the right-of-way to pedestrians on sidewalks.
- (2) On a two-way street, ride to the extreme right except when preparing for a left turn; on a one-way street, ride to the extreme curb side of the traffic lane and with the direction of travel designated for that lane; if the curb lane is designated for left turn or right turn only, and the operator is not intending to turn, he shall operate in the through lane.
- (3) Not carry a package, bundle, or article which prohibits him from having full control of the bicycle and unhindered vision.
- (4) Not ride abreast of another bicycle or in any manner other than single file, except on designated bicycle paths.
- (5) Not operate a bicycle in a careless or reckless manner which endangers or would be likely to endanger himself, another, or any property; racing or trick riding shall be included in this offense.
- (6) Not leave a bicycle, except in a bicycle rack; if no rack is provided, he shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance; nor shall he leave the bicycle in violation of the provisions relating to the parking of motor vehicles.

Statutory Reference: ORS 814.400 to 814.480

History: Ord. 798 §34, 1972; Ord. 1021 §1, 1983.

10.04.350 Leaving on public property—Impoundment—Notice to owner—Disposal.

- (1) It is unlawful to leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.
- (2) A bicycle left on public property for a period in excess of twenty-four hours may be impounded by the police department.
- (3) In addition to any citation issued, a bicycle parked in violation of this chapter may be immediately impounded by the police department.
- (4) If a bicycle impounded under this chapter is licensed, or other means of determining its ownership exist, the police shall make reasonable efforts to notify the owner.
- (5) A bicycle impounded under this chapter which remains unclaimed shall be disposed of in accordance with the city's procedures for disposal of abandoned or lost personal property.

Statutory Reference: ORS 814.400 to 814.480

History: Ord. 798 §35, 1972.

VII. Pedestrians

10.04.360 Use of sidewalks.

A pedestrian shall not use a roadway for travel when a sidewalk is available.

Statutory Reference: ORS 814.010 to 814.120

History: Ord. 798 §36, 1972.

10.04.370 Crossing streets—Must use crosswalks.

No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within one hundred fifty feet of a marked crosswalk.

Statutory Reference: ORS 814.010 to 814.120

History: Ord. 798 §37, 1972.

10.04.380 Crossing streets—At right angle required.

A pedestrian shall cross a street at a right angle, unless crossing with a crosswalk.

Statutory Reference: ORS 814.010 to 814.120

History: Ord. 798 §38, 1972.

10.04.390 Obedience to traffic, bridge and railroad signals required.

(1) At an intersection where a pedestrian control light is in operation, no pedestrian shall start to cross the street except when the walk signal is illuminated. Where only vehicle control lights are in operation, no pedestrian shall start to cross the street except when the green light is illuminated.

(2) No pedestrian shall enter or remain upon a railroad grade crossing, an openable bridge, or the approach thereto beyond a crossing gate or barrier after an operation signal indication has been given.

(3) No pedestrian shall pass through, around, over or under crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

Statutory Reference: ORS 814.010 to 814.120

History: Ord. 798 §39, 1972.

VIII. Funeral Processions

10.04.400 General regulations.

(1) A permit shall not be required to conduct a funeral procession.

(2) The procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(3) The procession shall be accompanied by adequate escort vehicles for traffic-control purposes.

(4) All motor vehicles in the procession shall be operated with their lights turned on.

(5) No person shall unreasonably interfere with a funeral procession.

(6) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

Statutory Reference: ORS 801.288, 811.800 to 811.812

History: Ord. 798 §40, 1972.

IX. Traffic Offenses on Other Property Open to Public Travel

10.04.410 Careless driving.

(1) No person shall operate a motor vehicle on other property open to public travel in a careless manner.

(2) As used in this section, "a careless manner" means in a manner that endangers or would be likely to endanger any person or property.

Statutory Reference: ORS [811.135](#)

History: Ord. [798](#) §41, 1972.

10.04.420 Reckless driving.

No person shall operate a motor vehicle on other property open to public travel carelessly and heedlessly in willful or wanton disregard of the rights or safety of others.

Statutory Reference: ORS [811.140](#)

History: Ord. [798](#) §42, 1972.

10.04.430 Driving under influence of liquor, dangerous or narcotic drugs.

No person shall operate a motor vehicle on other property open to public travel while under the influence of intoxicating liquor, dangerous drugs or narcotic drugs.

(1) A person charged with an offense under this section shall be advised that he has a right to a chemical test of his blood, saliva or urine at his expense or chemical test of his breath without expense; that he is not required to submit to any such test and that his refusal will not result in suspension of his driving privileges and that his refusal to submit or failure to request chemical testing cannot be used against him in any criminal proceedings.

(2) As used in this section, "intoxicating liquor," "dangerous drugs," and "narcotic drugs" means the same as those terms are defined by state law.

Statutory Reference: ORS Ch. 813

History: Ord. [798](#) §43, 1972.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

X. Parking Citations

10.04.460 Issuance.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation for the operator to answer to the charge against him or pay the penalty imposed within five days during the hours and at a place specified in the citation.

Statutory Reference: ORS [221.410](#), [801.040](#)

History: Ord. [798](#) §46, 1972.

10.04.470 Failure by owner to comply.

If the operator does not respond to a parking citation affixed to such vehicle within a period of five days, the court clerk or designee may send to the owner of the vehicle to which the parking citation was affixed, a letter informing the owner of the violation and warning the owner that in the event the letter is disregarded for a period of fourteen (14) days from the date of the parking citation, a fine will be referred to a collections agency. A warrant for arrest will not be issued.

Statutory Reference: ORS 221.410, 801.040

History: Ord. 798 §47, 1972; Ord. 1066 §1, 1986; Ord. 1380 §4, 2006.

10.04.480 Owner responsibility for offense.

The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

Statutory Reference: ORS 221.410, 801.040

History: Ord. 798 §48, 1972.

10.04.490 Registration presumes ownership.

In a prosecution of a vehicle owner, charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that he was then the owner in fact.

Statutory Reference: ORS 221.410, 801.040

History: Ord. 798 §49, 1972

XI. Violation—Penalty

10.04.560 Violation—Penalty.

(1) Except as may be limited by Charter, violations of Oregon Revised Statutes provisions made offenses against this city are punishable to the same extent provided in the statutes.

(2) Violation of GMC Sections 10.04.060 through 10.04.210 shall be a Class "D" infraction unless otherwise noted.

(3) Violation of parking regulations GMC Sections 10.04.220 through 10.04.400 is punishable by fine not to exceed ninety dollars (\$90), but will be twenty-five dollars (\$25) if paid within fourteen (14) days from date that the parking citation was issued.

(4) Except as may be limited by charter, violations of GMC Sections 10.04.420 and 10.04.430 are punishable by confinement in the county jail, or by a fine, not to exceed the maximum penalties which could be imposed under state law for similar violations occurring on highways.

Statutory Reference: ORS 221.410

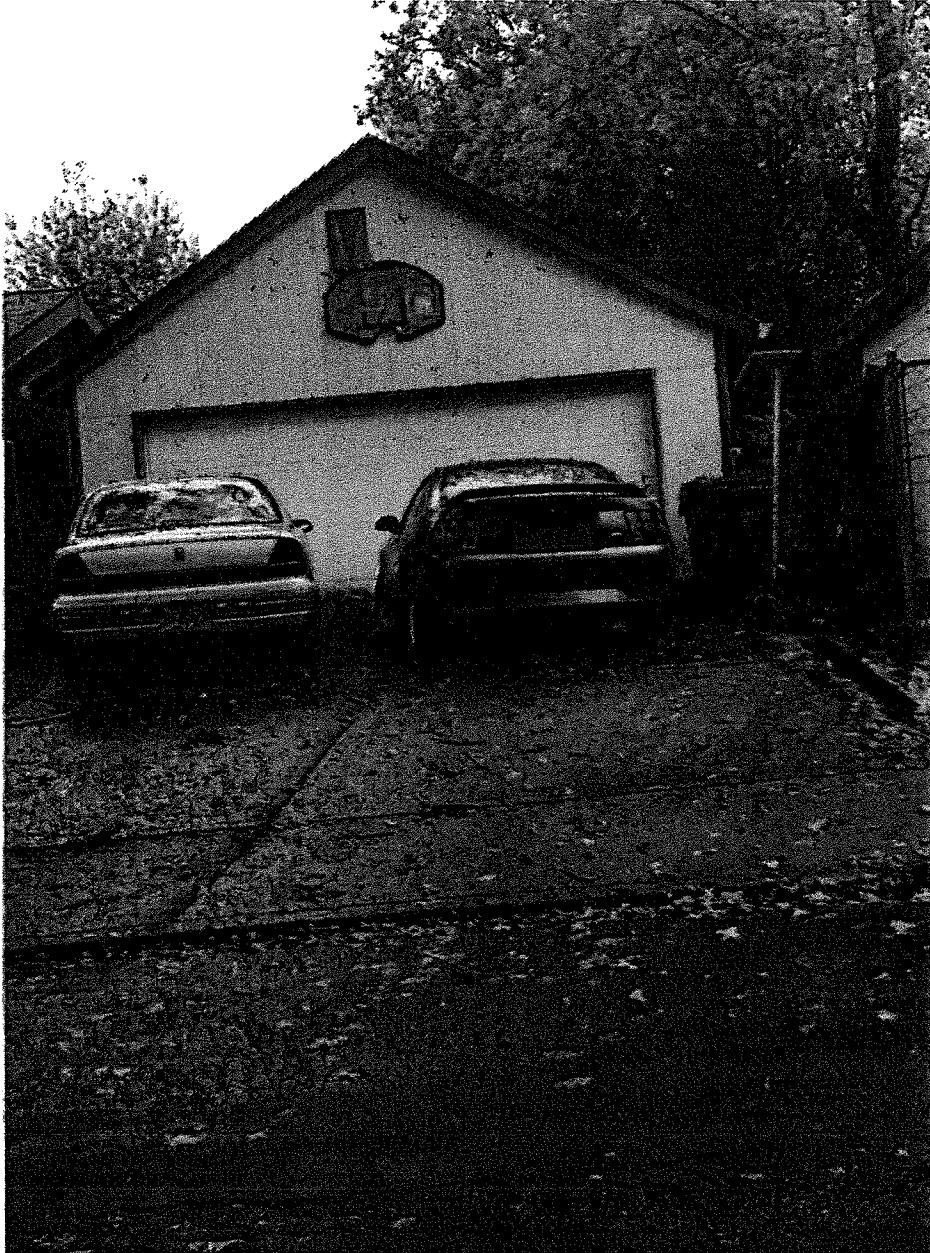
History: Ord. 798 §51, 1972; Ord. 1380 §5, 2006.



This vehicle is inoperable due to many missing engine parts and no license plates.



This vehicle has no engine or license plates.



The Ford Mustang is unlicensed and appears not drivable.



The Jeep is unlicensed and doesn't appear to be operable



Boat is along the front yard on gravel but there is vegetation beginning to be overwhelming



This is parked over grass



This is parked on the street and in front of a home



An RV parked on the street



Parked in a residential driveway but over the sidewalk and roadway.



A utility trailer parked on the street.



A boat parked beside an RV. Neither of these are on a pad of any kind.



This large RV is parked on the roadway and there is a water hose across the yard to the RV



This RV is parked on and across the grass in the front yard of a residence.



These vehicles parked beside a residence on grass.



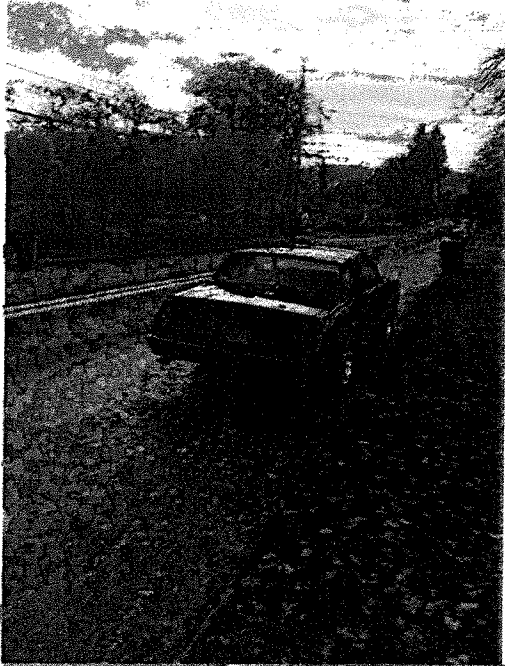
Utility trailer parked on the roadway.



An RV parked in a driveway and over into the roadway.



Vehicle with deflated tires



Parked on the road with March 2014 expired registration.



The RV parked in front of a residence on grass.



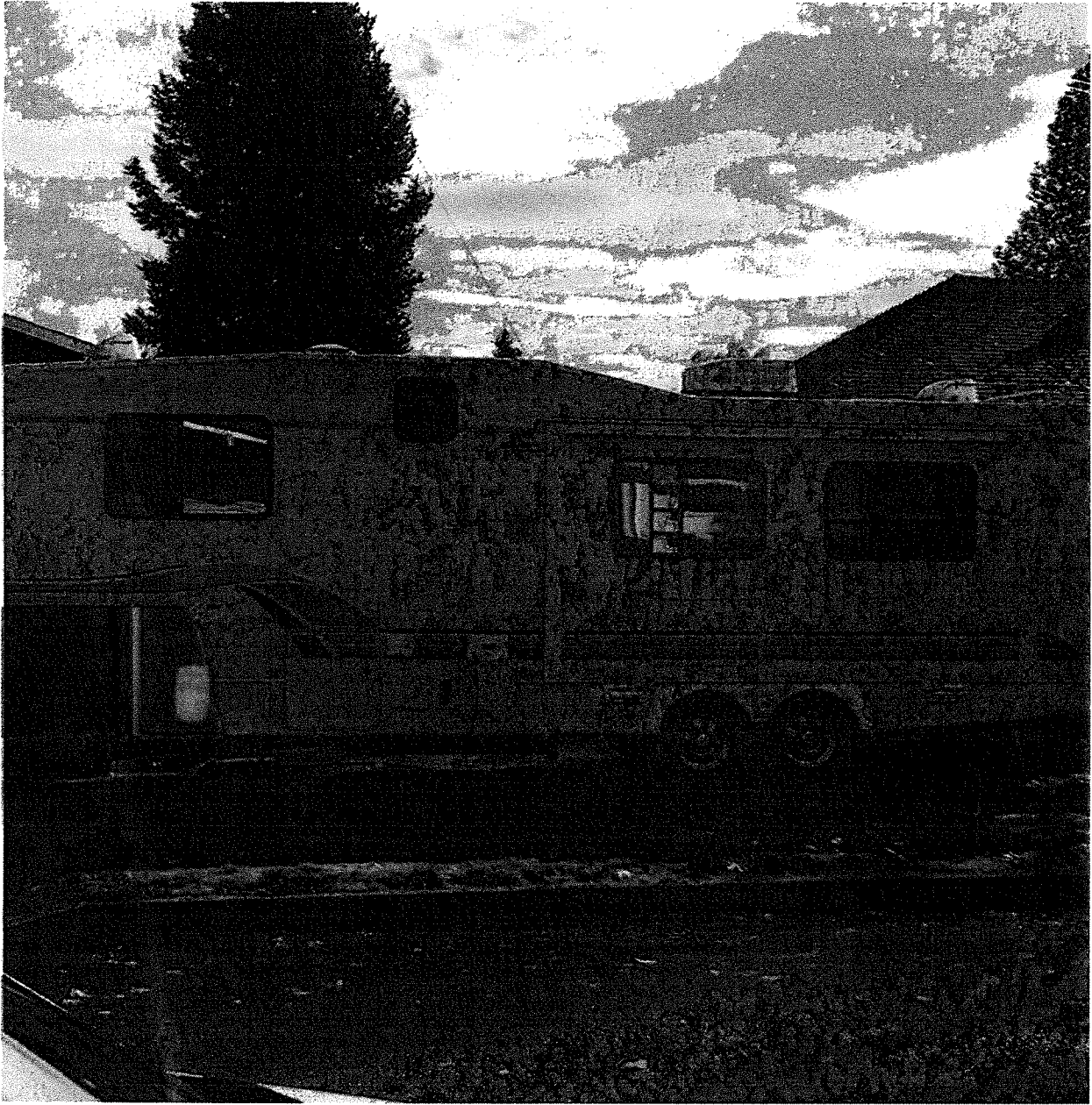
An RV parked in front of a home along the roadway on grass.



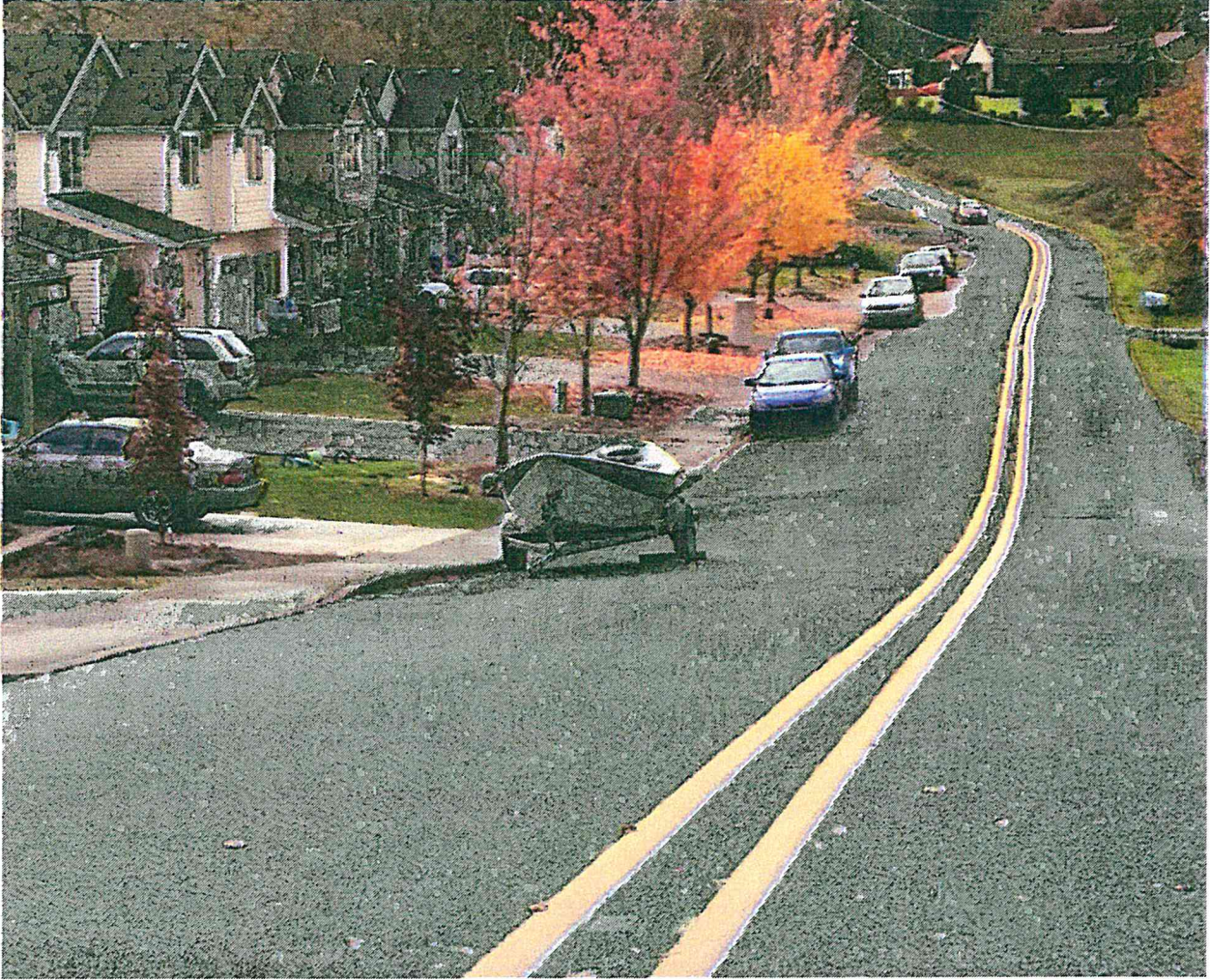
A box trailer parked on the roadway..not registered



A large RV parked along the roadway over grass.



This RV is parked on a cement pad however the RV completely covers the front of the home.



A boat parked on a street



An RV parked on the street without license plates. The condition of the exterior of the vehicle appears as though the vehicle has not been operated for some time.



This large boat parked in front of a residence on the street

VACANT BUILDING & Registration

Sections:

8.24.010 Definitions.

8.24.020 Registration.

8.24.030 Maintenance.

8.24.040 Security.

8.24.050 Inspection.

8.24.060 Local presence or property management required.

8.24.070 Additional authority.

8.24.080 Additional remedies; lien against real property.

8.24.090 Violation

8.24.100 Duties joint and several.

8.24.010 Definitions

As used in this chapter, except as the context otherwise requires:

"Abandoned building" means:

1. A building that is both vacant and subject to either a pending judicial execution sale under ORS 18.901 et seq., or to nonjudicial foreclosure pursuant to ORS 86.735 et seq.; or

2. A building that is both vacant and was the subject of either a judicial execution sale under ORS 18.901 et seq., or nonjudicial foreclosure pursuant to ORS 86.735 et seq. where legal title is retained by the beneficiary(ies) of a foreclosed trust deed or was otherwise transferred to beneficiary(ies) pursuant to a deed in lieu of foreclosure.

"Building" has the meaning supplied in sections 17.26.020 and 17.26.030 of this code.

"Chief" means the Chief of Police of the Gladstone Police Department, or designee.

"City Administrator" means the City Administrator of the City of Gladstone, or designee.

"Commercial building" means a nonresidential building constructed or used for "commercial use" as defined in section 17.26.030 of this code.

"Foreclosed building" means a building upon real estate that an owner obtains as a result of:

1. Foreclosing a trust deed on the real estate;
2. Obtaining a judgment foreclosing a lien on the real estate;
3. Purchasing the real estate at a trustee's sale or a sheriff's sale; or
4. Accepting a deed to the real estate in lieu of foreclosure.

"Industrial building" means a nonresidential building constructed or used for "industrial use" as defined in section 17.26.030 of this code.

"Lender" means any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees, beneficiaries under trust deeds, vendors under conditional land sales contracts, trustees, and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.

"Local" means within 30 miles of a building.

"Owner" means any person holding or claiming to hold any legal title or interest in real property, including, but not limited to, a fee owner, a mortgagee in possession, a vendee under a land sale contract, or a beneficiary under a deed of trust.

"Person" means any natural person, association, partnership, or corporation, or other form of legal entity or entity in fact capable of owning or using property.

"Premises" means real estate, including that upon which a building is located or constructed, that is in the same ownership as the building, and that a reasonable person would associate with ownership or use of the building when viewing the building and premises from outdoors. Where there is more than one building on premises, or where multiple buildings on premises are owned by different owners, the premises are common to each building. Premises are often, but not always, defined by tax lot lines or recorded legal descriptions.

"Real property" means any real property, including but not limited to, lots, parcels, tracts, premises, buildings, houses, rooms, structures, or any separate part or portion thereof, whether temporary or permanent, and whether or not on the ground itself, and any conveyance or any part or portion thereof.

"Tenant" means a residential tenant as defined by the Oregon Residential Landlord and Tenant Act, and any other person holding real property under the terms of a rental agreement.

"Vacant" means:

1. Lack of building habitation or use, or abandonment of habitation or use; or;
2. Use of a building, either intermittent or continuous, by persons with no legal right to be present.

"Vacant building" means:

1. A building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as place of business, employment, residence, or other human activity, for more than 15 days. This includes manufactured housing and mobile homes, whether located in a mobile home park or not. A vacant building also includes any building under construction where no

Substantial work has taken place for more than 60 days. "Vacant building" does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair, and does not otherwise constitute a nuisance; or

2. A building where one or more conditions is present, either singularly or in combination, that would lead a reasonable person to conclude that the building is vacant. Such conditions include, but are not limited to:

a. Overgrown or dead vegetation at the property;

b. Accumulation of newspapers, circulars, flyers, mail, or similar items;

c. Past due utility notices or disconnected utilities;

d. Accumulation of trash, junk, or debris;

e. Absence of furnishings or other items typically found inside a residential, industrial, or commercial building as the case may be;

f. Evidence of criminal mischief or criminal trespass; or

g. Statements or other evidence supplied by neighbors, delivery agents, passers-by, or government employees, that the building is vacant. (Ord. 825 (part), 2013)

8.24.020 Registration

A building owner shall register the building with the city recorder in the event:

1. Of an anticipated judicial foreclosure of the A. property, no earlier than the commencement of any of the actions described by ORS 18.904, 18.906, 18.908 (2012) and not later than the date first set for the execution sale described in ORS 18.930 (2012);

2. Of an anticipated nonjudicial foreclosure of the property under ORS 86.735 et seq. (2012) not later than the date of service or mailing of the notice of sale described in ORS 86.740 (2012); or

3. The owner receives written notice from the chief that the chief believes the building is a vacant building, abandoned building, or foreclosed building.

B. Each registration shall be made on a form approved by the city recorder and shall contain, at a minimum:

1. If 8.24.020(A)(1) or (2) applies, then

a. The name of the lender;

b. The direct address of the lender (post office boxes are not acceptable);

c. A direct contact name and telephone number for the lender;

d. If the lender does not reside in or have a business office in Clackamas County, Oregon, then the name, mailing address, telephone number, and email address of a local individual or entity charged with responsibility by the trustee, mortgagee, or beneficiary, for ensuring compliance with the obligations imposed by this chapter; and

e. A person or entity appointed by the lender who resides in or has a business office in Clackamas County, Oregon who is authorized to receive service of process, if applicable.

2. If 8.24.020(A)(3) applies, then:

a. The name of the owner;

b. The direct address of the owner (post office boxes are not acceptable);

c. A direct contact name and telephone number for the owner;

d. If the owner does not reside or have a principal office in Clackamas County, Oregon, the name, mailing address, telephone number, and electronic mail address of an agent for the owner who resides or has a principal address in Clackamas County, Oregon.

C. Each registration must be accompanied by a payment of a registration fee in an amount to be set by council resolution.

D. The city recorder shall maintain a list of registered buildings and deliver a copy thereof to the chief upon request.

E. If ownership of a registered building changes, the registrant shall send notice of the change to the city recorder within 30 days of the change.

8.24.030 Maintenance

A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building and premises to be maintained in generally well-kept condition, at least consistent with conditions found on surrounding or nearby occupied property, and including all of the following:

1. Keeping the premises free of weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and other items or conditions that would cause a reasonable person to suspect the building or real property is vacant or abandoned.

2. Regular watering, irrigation, cutting, pruning, and mowing of the lawns and other vegetated areas of the subject real property and the removal of all trimming and debris resulting from such work;

3. If there is an outdoor pool or spa on the premises, such facility shall be kept in working order, so that water remains clear and free of pollutants and debris, or drained and kept dry and covered.

B. Compliance with this section does not relieve a person of any obligations imposed by state law, other sections of this code, or any covenants, conditions, and restrictions that apply to the building or premises. (Ord. 825 (part), 2013)

8.24.040 Security

A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building to be secured (including closure and locking of windows, doors, gates and other opening(s))

allowing access to the building) and thereafter maintained so as not to be accessible to unauthorized persons.

B. The owner shall post a direct contact name and a telephone number available 24 hours a day for persons to report problems or concerns with the building or real property. The following standards apply to this notice:

1. The telephone number listed in the notice must:

a. Be answered, or reasonably likely to be answered, by a human being during the hours of 8:00 AM and 5:00 PM;

b. Be connected to a voicemail system that records calls between the hours of 5:00 PM and 8:00 AM, if no human is available to answer the phone; and

c. Be a domestic number or a toll-free number but not an international number

3. The notice must be placed on the interior of a window facing the street to the front of the property so the notice is visible from outside of the building. If no such area exists, then the posting must be placed on the exterior of the building in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather-resistant materials.

4. The notice shall be printed in a typeface at least 12 points in size, and must list the name and contact information of the owner or local individual or entity charged with complying with this chapter, along with the following phrases completed with the appropriate identification and contact information: "THIS PROPERTY OWNED/MANAGED BY: _____," and "TO REPORT PROBLEMS OR CONCERNS CALL _____."(Ord. 825 (part), 2013) 8.24.050

8.24.050 Inspection

A. Every owner of an abandoned building, foreclosed building, or vacant building, shall inspect the building and premises at least once every two (2) weeks to verify the requirements of this chapter, and any other laws applicable to the building, are being met.

B. The owner or agent inspecting the property shall record and post in a conspicuous place on the property the dates of inspection in a form to be provided by the City. (Ord. 825 (part), 2013)

8.24.060--8.24.080 8.24.060

8.24.060 Local presence or property management required

A. If an owner fails to comply with the requirements of this ordinance within fifteen (15) days after the date of any notice required by section 8.24.080(A) below, then the owner shall contract with a property management company with a business office in Clackamas County, Oregon, to perform weekly inspections and to verify that the maintenance and security requirements of sections 8.24.030 and 8.24.040 are being carried out.

B. A property management company retained under this section must post the notice described in section 8.24.040(B).

C. Nothing in this chapter prevents a local owner from contacting with a property management company to assist the owner in meeting the owner's responsibilities under this chapter. (Ord. 825 (part), 2013) 8.24.070

8.24.070 Additional authority

A. The chief may require with city administrator approval, an owner or lender to implement any additional maintenance listed below:

1. Installation and operation of additional security lighting;

2. Increasing frequency of property inspections;

3. Employment of an onsite security guard; and refer any additional actions to the City Council. (Ord. 825 (part), 2013)

8.24.080 Additional remedies; lien against real property

A. In addition to other penalties or enforcement specified in this chapter, if a lender or owner fails to register the building or premises as provided in this chapter, the chief may give notice of such failure by first class mail. The notice shall:

1. Be directed to all persons shown on the assessor's records or otherwise known to the city to be owners;

2. Refer to the real property involved with convenient certainty, a building's street address, if any, being sufficient; and

3. Notify the owner to comply with the registration requirements in this chapter within 15 days of mailing.

B. If a lender or owner fails to maintain, inspect, or secure the building or premises as provided in this chapter, then notwithstanding whether the premises is registered the chief may give notice and abate such conditions as follows:

1. Give written notice to the owner that includes the following:

- a. A statement that the chief has evaluated the building as being a vacant building pursuant to the definition of "vacant building" set forth in section 8.24.010, along with a statement of the reasons why the building has been so evaluated;
- b. A reference to the building with convenient certainty, a building's street address, if any, being sufficient;
- c. Notice of the deficiency in maintenance, inspection, or security that has been observed, and direction to comply with the maintenance, inspection, and security requirements of this chapter within 72 hours of the time described in section 8.24.080(B)(2)(a), below;
- d. Notice that if the condition is not corrected within 72 hours the city may cause the real property to be maintained, inspected, or secured, as provided in this chapter and will charge the costs to the lender and owners and register the same on the city's lien docket against the real property. This subsection 8.24.080(B)(1)(d) constitutes the

authority needed for the city to so maintain, inspect, or secure property to the standards of this chapter.

2. A copy of the notice described in section

8.24.080(B)(1) must, at a minimum, be:

a. Posted to the front door of the building, or to that side of the building fronting the most well-traveled street adjacent to the building, with the date, time of day, and name of the person posting the notice written on the front of the document in permanent ink;

b. Mailed, at least three business days before abatement, to the owner or owners at their last-known mailing addresses on record with the Clackamas County Assessor's office on the date of posting, or available from title company or other documents, by first-class mail and certified mail, no later than the date the real property is posted. If no mailing address is of record with the assessor's office or known to police at the time of posting, then a good-faith effort to locate an address for an owner or owners, conducted on or before the day the notice is posted, will satisfy this section.

3. The chief shall make a good-faith effort to locate the telephone number of the owner, and call the owner on the day notice is posted and give a person reasonably appearing to be meaningfully connected to the real property oral notice that the building has been evaluated as vacant and that there are 72 hours to secure or maintain the building, as the case may warrant. Efforts to locate phone numbers and call the owner qualify as good faith if they are reasonable under the circumstances then existing.

4. Notices mailed under section 8.24.080(B)(2)(b) must be placed in the mail three business days before commencement of city abatement activity under the vacant building ordinance. For this purpose, a business day is any day except a Saturday, Sunday, or a legal holiday observed by the State of Oregon under ORS 187.010 and 187.020.

5. If the building is registered with the city then the chief must also send the notice required under section 8.24.080(B)(2)(b) to the lenders listed in the registration materials. The chief will send this notice concurrently with the notice required under section 8.24.080(B)(2)(b).

6. If the building is not registered with the city, then the chief may send a courtesy copy of the notice required under section 8.24.080(B)(2)(b) to one or more lenders if the lenders have an ownership interest in the property, as opposed to a mere security interest, and if the chief has actual knowledge of the ownership interest on the day the chief sends the owner notice under section 8.24.080(B)(2)(b). This provision does not create or impose a duty on the chief or any other city employee, official, or agent to receive or collect information about lenders or to send courtesy notice to a lender.

C. A lender or owner may, within fifteen days after mailing of any notice, appeal to the city council for relief by filing a petition with the city recorder seeking a hearing before the council.

1. Such petition must include:

- a. A copy of the chief's notice;
- b. Facts upon which petitioner relies for relief from the obligations of this chapter relative to the building or premises;

- c. The petitioner's signature, telephone number, and mailing address. If a petitioner is not a natural person, a natural person must sign the petition on behalf of the petitioner and provide his or her mailing address and direct telephone number; and
- d. The payment of a filing fee, if any is established by city council from time to time for the petition.

2. If the council finds that strict compliance with this chapter would work a real and unnecessary hardship upon the petitioner, then the council may relieve the petitioner of one or more obligations of this chapter.

3. Filing a petition under this subsection does not:

- a. Relieve an owner or lender from complying with any requirement of the vacant building ordinance, including requirements listed in posted or mailed notices;
- b. Stay city abatement of a building or premises;
- c. Require the city to reverse, cancel, or undo any abatement action or effort completed, planned, or in progress at the time the petition is filed; or
- d. Avoid any abatement cost or lien, whether or not the cost or lien has been calculated or, if calculated, charged against real property.

4. Any relief granted under this section operates only upon an owner or lender listed as a petitioner.

D. Nothing in this section obligates the city to remedy the problem conditions alleged in the chief's letter without charging the cost of such abatement as a lien against the real property on which the building is constructed. The total cost of such abatement, including but not limited to time of city employees or contractors, materials, expenses, overhead, and legal fees and costs, shall be included in such lien filing.

E. The city administrator, at or near the time council passes this vacant building ordinance or any amendment thereto, shall promulgate a press release that announces passage of the legislation. A press release is adequately promulgated under this section if it is directed to the media sources customarily contacted by the city manager for distributing newsworthy city information. Failure of or disagreements about compliance with this subsection supply no defense in any action. (Ord. 825 (part), 2013) 8.24.090

8.24.090 Violation

A. Any person who violates any provision of this chapter commits a violation and is subject to the general penalty of 1.08.010. Every day in which the violation is caused or permitted to exist constitutes a separate violation. This violation is a strict liability offense.

B. In addition to the general penalty, a sentencing court may impose an enhanced penalty of up to \$1,000.00 per day if the court finds that a lender's or owner's failure to comply with any requirement of this chapter was willful, purposeful, or demonstrates conscious disregard of a risk that the person would violate, is violating, or will continue to violate one or more requirements of this chapter. (Ord. 825 (part), 2013)

8.24.100 Duties joint and several

A. Where a building or premises is owned by more than one person, any duty created by this chapter is joint and several as to all owners. (Ord. 825 (part), 2013)

Gladstone

Building Owner Registration Form

Building Information

Address: _____ Color of Building: _____

Building Owner: _____

Address: _____

Telephone Number: () - E-Mail: _____

Contact Person/Registered Property Manager

Name: _____

Primary Address: _____

Business Number: () - E-Mail: _____

Is the Property listed for sale? Yes No: _____

If yes, Real Estate Agency: _____

Address: _____

Telephone Number: () E-Mail: _____

Vacant Building Plan: Please check which applies:

1. The building is to be demolished.
2. The building is to remain vacant.
3. The building is to be returned to appropriate occupancy or use.

Signature of owner(s)/owners agent: _____

Date: _____

Registration Fee: _____ (\$100.00- Cash/Money Order/Bank Check)



Photo is that of the front of a vacant home. The rear of the home looks much like the front with solid waste items. The backyard is visible from the street.



This appears to be an abandoned home. Photo is that of the front of the home.



This is the side of the same home with solid waste material stored in the open on the side and back of the home.



This vacant home is located on Oatfield Road near Webster Road.

SUMMARY OF PROPOSED CHANGES

9.08.030 – Proposing further restricting the consumption of alcohol in public areas. Enforcement of current code language requires the drinking of alcohol be observed by an officer. Often there is evidence that drinking in public has occurred, odor on the subjects breath and the presense of an open container. Proposed code language prohibits possesion of an open container in a public place.

9.08.030 Public drinking prohibited.

~~(1) No person shall drink or consume alcoholic liquor in a public place or in a motor vehicle in a public place.~~

(1) It is unlawful to drink or consume any alcoholic liquor or have in one's possession any bottle, can or other receptacle containing any alcoholic liquor which has been opened, or a seal broken, or the contents of which have been partially removed, while in or upon any public street, alley, park or other public grounds, school grounds or municipal buildings; providing, however, that the city council may permit the service and consumption of alcoholic liquors within designated municipal buildings and municipal parks on such terms and conditions as the council may provide.

(2) Nothing in this section shall be deemed to prohibit drinking of any alcoholic liquor in any establishment wherein the same may be sold for on-premises consumption under the laws of the state.

Statutory Reference: ORS [430.325](#)

History: Ord. [1030](#) §2, 1984.

SUMMARY OF PROPOSED CHANGES

9.25.060 – Proposing that graffiti removal by property owner be required.

Chapter 9.25
~~UNLAWFUL APPLICATION AND POSSESSION OF GRAFFITI IMPLEMENTS~~
~~AND PARENTAL RESPONSIBILITY*~~

GRAFFITI

9.25.010 Definitions.

As used in this chapter:

- (1) "Graffiti" means any inscriptions, words, figures, or designs that are marked, etched, scratched, drawn, painted, pasted or otherwise affixed to the surface of property.
- (2) "Graffiti implement" means paint, ink, chalk, dye or other substance or any instrument or article designed or adapted for spraying, marking, etching, scratching or carving surfaces.

Statutory Reference: ORS 221.410

History: Ord. 1218 §1, 1995.

9.25.020 Unlawfully applying graffiti—Community service.

(1) A person commits the offense of unlawfully applying graffiti if the person, having no right to do so nor reasonable ground to believe that the person has such right, intentionally damages property of another by applying graffiti to the property.

(2) Unlawfully applying graffiti is a Class "A" infraction.

(a) In addition to any fine it imposes and pursuant to ORS 137.128 but notwithstanding ORS 137.129, the court may order the defendant to perform up to 100 hours of community service. The community service must include removing graffiti, either those that the defendant created or those created by another, or both.

(3) If the court orders community service, the community service must be completed within six months after entry of the order unless the person shows good cause why community service cannot be completed within the six month period.

Statutory Reference: ORS 221.410

History: Ord. 1218 §1, 1995.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

9.25.030 Unlawfully possessing a graffiti implement—Community service.

(1) A person commits the offense of unlawfully possessing a graffiti implement if the person possesses a graffiti implement with the intent of using the graffiti implement in violation of this chapter.

(2) Unlawfully possessing a graffiti implement is a Class "B" Infraction.

(a) In addition to any fine it imposes and pursuant to ORS 137.128 but notwithstanding ORS 137.129, the court may order the defendant to perform up to 50 hours of community service. The community service must include removing graffiti, either those that the defendant created or those created by another, or both.

(3) If the court orders community service, the community service must be completed within six months after entry of the order unless the person shows good cause why community service cannot be completed within the six-month time period.

Statutory Reference: ORS 221.410

History: Ord. 1218 §1, 1995.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

9.25.040 Community service as a condition of probation.

(1) The court shall impose community service as a condition of a probation sentence when a person is convicted of mischief in the second or third degree and the conduct engaged in consists of defacing property by creating graffiti.

(2) The community service must include removing graffiti, either those that the defendant created or those created by another, or both.

(3) If the defendant does not consent to donate labor as required by ORS 137.128, the period of community service must be served under the supervision and control of the Clackamas County Department of Community Corrections.

Statutory Reference: ORS 221.410

History: Ord. [1218](#) §I, 1995.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

9.25.050 Parental responsibility.

In addition to any other remedy provided by law, the parent or parents of an emancipated minor child shall be liable for actual damages to personal property in connection with the removal of graffiti caused by such child in accordance with the provisions of ORS [30.765](#).

Statutory Reference: ORS [221.410](#)

History: Ord. [1218](#) §I, 1995.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

9.25.060 Graffiti removal required.

The owner or person in charge of any property shall remove, or cause to be removed, any graffiti from such property within (7) days of the graffiti's appearance. In circumstances where the graffiti cannot be removed and paint is used to cover the graffiti the owner or person in charge shall colormatch with the existing color. Failure to remove graffiti shall be a Class A infraction.

MEMBRANE STRUCTURE; CITY ORDINANCE

Accessory buildings and uses.

Membrane or Fabric Covered Storage Area. All membrane and fabric structures:

- a. Shall be located behind the front building line of the primary structure.
- b. Shall not be visible from the abutting right-of-way when viewed at pedestrian level.
- c. Exceptions to these standards may be made by the community development director for temporary storage of materials as long as the membrane or fabric covered storage area is removed within ten days, is not erected for more than twenty days in one calendar year and is not seen as a nuisance to the city.
- d. This section shall be effective on (ordinance effective date here). This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.
- e. This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses.

Effective January 1, 2017, Membrane or Fabric Covered Storage Areas are Prohibited in Gladstone and Must be Removed if Visible from the Street.

The intent of the regulation is to beautify and clean up the appearance of residences in Gladstone by requiring removal of membrane and fabric structures that are visible from the abutting public right-of-way. The new regulation will also help to reduce the accumulation of outdoor junk, inappropriate storage, and solid waste in residential areas, a common nuisance. The regulation ensures that new accessory structures will be compatible with residential structures. The regulation does not apply to membrane covered areas displayed for garden or other active outdoor uses.

What does the Regulation Say?

Membrane or Fabric Covered Storage Area. All membrane and fabric structures:

- a) Shall be located behind the front building line of the primary structure.*
- b) Shall not be visible from the abutting Right-of-Way when viewed at pedestrian level.*
- c) Exceptions to these standards may be made by the City Administrator for temporary storage of materials as long as the membrane or fabric covered storage area is removed within 10 days, is not erected for more than 20 days in one calendar year and is not seen as a nuisance to the city.*
- d) This section shall be effective on March 1, 2017. This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.*
- e) This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses.*

What is a Membrane or Fabric Covered Storage Area?

The definition of Membrane or Fabric Covered Storage Area:

Membrane or Fabric Covered Storage Area - An area covered by a tarp or fabric membrane that is either attached to a rigid framework, natural feature or some other structure that is used for storage. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

Q. What is the point of this new regulation?

A. The intent of the regulation is to beautify and clean up the appearance of residences in Gladstone by requiring removal of membrane and fabric structures that are visible from the abutting public right-of-way. The new regulation will also help to reduce the accumulation of outdoor junk, inappropriate storage, and solid waste in residential areas, a common nuisance. The regulation ensures that new accessory structures will be compatible with residential structures. The regulation does not apply to membrane covered areas displayed for garden or other active outdoor uses.

Q. I have a tarp covering my car/RV/boat: Is that a membrane structure?

A. No, the definition doesn't include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long the covering is attached directly to and covers only the particular item. Recreational vehicles and items stored outside are considered solid waste if they aren't stored properly (i.e. currently tagged and licensed to the resident of the property, stored on a concrete or gravel pad, being used for their intended purpose, etc).

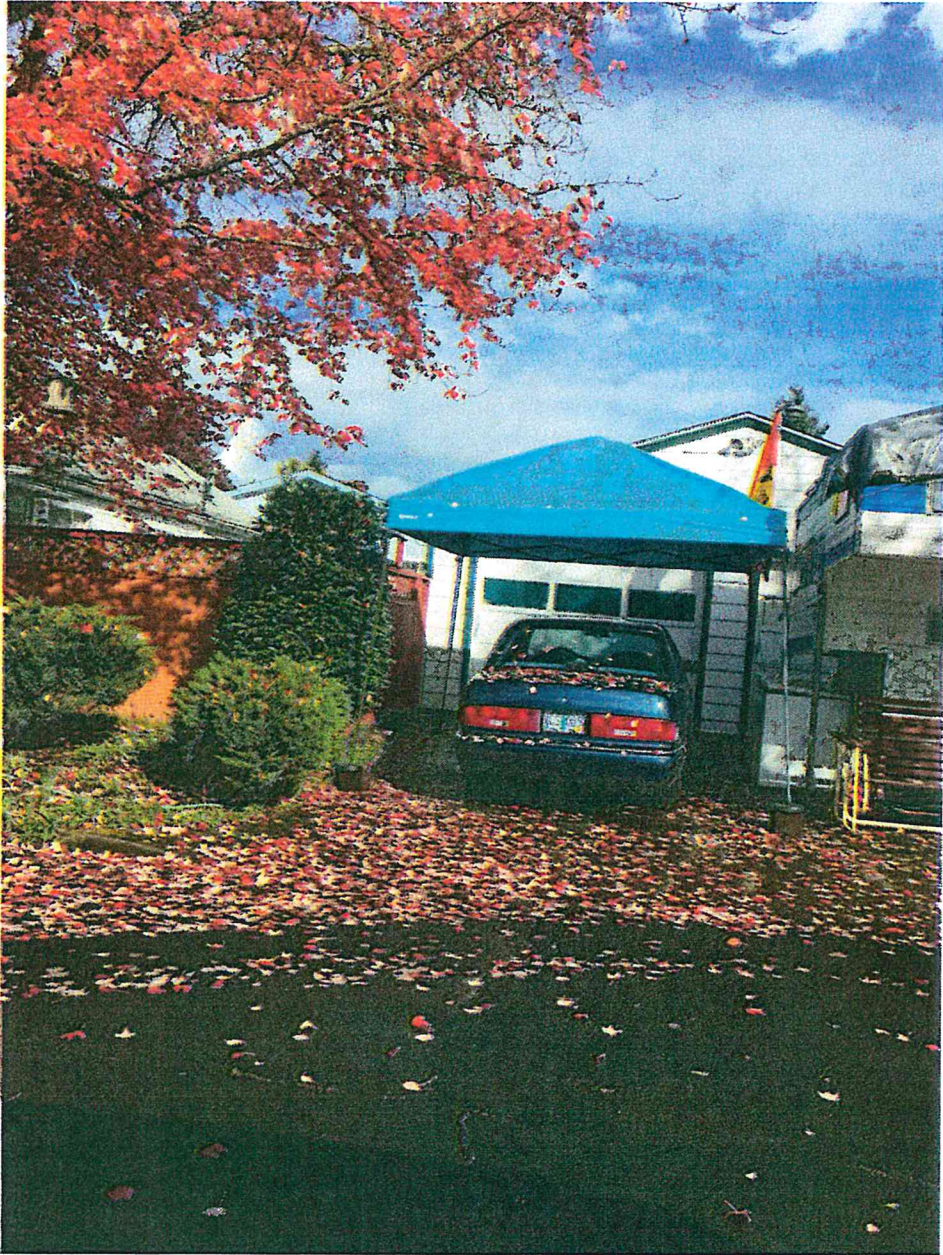
Q. Does this regulation apply to my summer garden gazebo or my kid's tent?

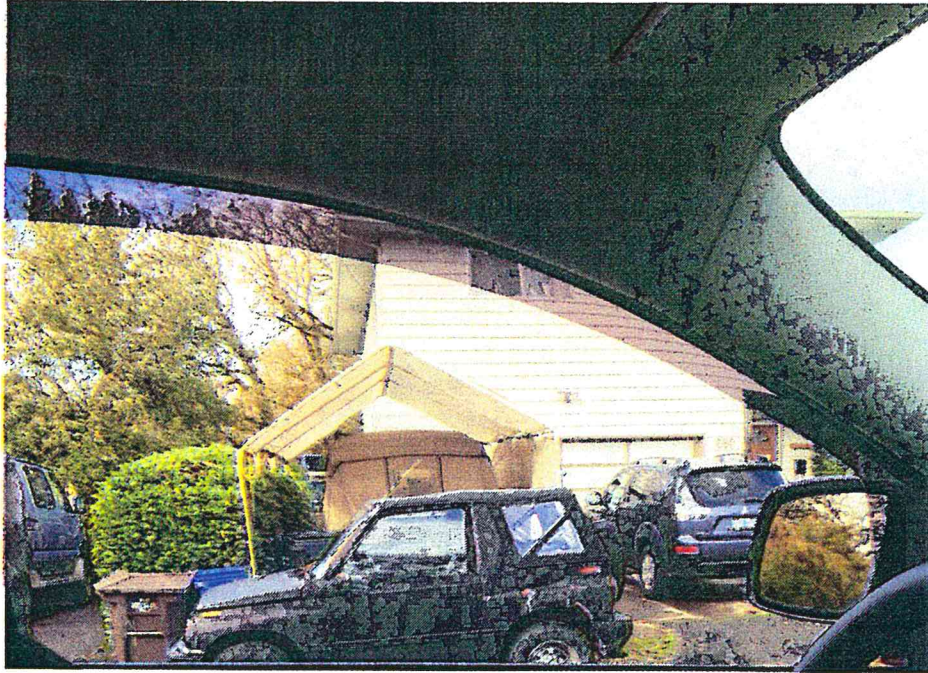
A. No, the regulation doesn't apply to membrane covered areas displayed for garden or other active outdoor uses (so long as they are not used as permanent storage areas).

Q. How will the regulation be enforced?

A. The regulation is enforced by the Gladstone Code Enforcement Division. The property owner or person in charge of the property will be requested to remove the offending structure. Continuing violations will be resolved through a civil court action. Please note that all items stored outside are subject to all city ordinances, covered or not.









Believe this is covered over a dog kennel





