

MEMORANDUM

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: SECOND VOTE FOR ORDINANCE NO. 3164 AMENDING TITLE 10
VEHICLES AND TRAFFIC

DATE: October 19, 2022

Background

Previously the City Council held the first vote on Ordinance No. 3164 that establishes regulations for camping on a street within the community.

The regulations in the ordinance are proposed to protect the safety of all users of the streets by requiring anyone camping in a vehicle in the street to comply with the following:

- The vehicle is parked in conformance with all established parking regulations.
- Vehicle is not parked within 100 feet of a public or private school, established licensed daycare or public playground.
- The vehicle is operational and can legally operate on the street.
- No material, items, supplies or waste are on the street, sidewalk, bike lane or planting strip.

The ordinance also prohibits camping in a tent or other non-vehicle in the street including the bike lane, planting strip or sidewalk.


The definitions of street are linked to the state definitions of alley, highway and roadway. The term street has been used throughout the entire Title 10.

Recommendation

That the City Council hold the second vote on Ordinance No. 3164 amending Title 10 Vehicles and Traffic.

Cost

No Cost



Richard Meyers, City Manager

ORDINANCE NO. 3164

AN ORDINANCE AMENDING TITLE 10 OF THE COTTAGE GROVE MUNICIPAL CODE REGARDING VEHICLES AND TRAFFIC

WHEREAS, the incidence of homelessness in Oregon and the City of Cottage Grove continues to increase; and

WHEREAS, the Council finds that individuals are camping in vehicles throughout the community of Cottage Grove; and

WHEREAS, the City Council has investigated various options to address homeless campsites on public property; and

WHEREAS, the Council has authorized the development of an emergency shelter location to provide alternative shelters for those experiencing homelessness; and

WHEREAS, the Council has established an overnight camping program to provide opportunities for public and private individuals and entities to participate in addressing homelessness within the community of Cottage Grove; and

WHEREAS, the Council desires to establish regulations to allow camping in vehicles in the street while balancing the need for shelter and ensuring safe and efficient transportation facilities for motorists, cyclists and pedestrians; and

WHEREAS, the authorization to camp in vehicles in the street continues to accomplish the Council's goal of addressing homelessness within the community.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Section 10.040.010 is hereby amended to read as follows:

10.04.010 Title.

The ordinances codified in Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40 may be cited as the "Cottage Grove Traffic Ordinance."

Section 2. Section 10.040.020 is hereby amended to read as follows:

10.04.020 Definitions.

In addition to those definitions contained in the Oregon Vehicle Code, the following words and phrases shall apply in this title, except where the context clearly indicates a different meaning:

A. "Bus stop" means a space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

B. "Holiday" means New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the council to be a holiday.

C. "Loading zone" means a space on the edge of a street designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

D. "Motor vehicle" means every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road-building equipment, street-cleaning equipment, and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

E. "Person" means a natural person, firm, partnership, association or corporation.

F. "Street" means highway, roadway or alley, as defined in ORS 801.110, 801.305 and 801.450, including the entire width of the right-of-way.

G. "Taxicab stand" means a space on the edge of a street designated by sign for use by taxicabs.

H. "Traffic lane" means that area of the street used for the movement of a single line of traffic.

I. "Vehicle," as used in subsequent sections of Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.32 and 10.40, includes bicycles.

Section 3. Subsection 10.04.030 (A.) is hereby amended to read as follows:

- A. Subject to state laws, the City Council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated in Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40 or by another ordinance.

Section 4. Section 10.04.070 is hereby amended to read as follows:

10.04.070 Administration--Authority of police and fire officers.

- A. It shall be the duty of the police department to enforce the provisions of Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40.
- B. In the event of a fire or other public emergency, police and fire personnel may direct traffic as conditions require, notwithstanding the provisions of Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40.

Section 5. Section 10.04.090 is hereby amended to read as follows:

10.04.090 Citation on illegally parked vehicle.

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by Chapters 10.04, 10.12, 10.20, 10.24, 10.28, 10.30, 10.32 and 10.40 or state law, 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 instructing the operator to answer to the charge at the location and time specified in the citation, or pay the presumptive fine as provided in Section 10.04.100(D) and (E).

Section 6. Chapter 10.30 is hereby amended to read as follows:

10.30.10 Unlawful transfer on a street.

- A. A person commits the offense of unlawful transfer on a street if the person:
1. While a driver or passenger in a vehicle on a street within the boundaries of the city of Cottage Grove, gives or relinquishes possession or control, or allows another person in the vehicle to give or relinquish possession or control of any items, money, or tangible personal property to a pedestrian in a manner which impedes or is likely to impede the flow of traffic or poses a safety risk to the pedestrian or other vehicles; or
 2. While a pedestrian accepts, receives, or retains possession or control of any money or tangible personal property from a driver or passenger in a vehicle on a street within the boundaries of the city of Cottage Grove in a manner which impedes or is likely to impede the flow of traffic or poses a safety risk to the pedestrian or other vehicles; or
 3. While a pedestrian steps, or extends any extremity or instrument, into the roadway to accept or deliver any item, money, or personal property with a driver or passenger of a vehicle in a manner which impedes or is likely to impede the flow of traffic or poses a safety risk to the pedestrian or other vehicles.
- B. This section does not apply if the vehicle is legally parked, or to individuals, charities, or businesses operating under a special event permit issued by the city pursuant to Chapter 10.24, with all appropriate and required permit conditions being met.

10.30.20 Camping in the street.

- A. A person may camp in a vehicle on a city street if:
1. The vehicle is parked in conformance with all established parking regulations.
 2. Vehicle is not parked within 100 feet of a public or private school, established licensed daycare or public playground.
 3. The vehicle is operational and can legally operate on the street.
 4. No material, items, supplies or waste are on the street, sidewalk, bike lane or planting strip.
- B. No camping in a tent, structure, shelter, or other non-vehicle is allowed in the street including bike lanes, sidewalks, and planting strips.

**PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS ___ DAY OF
OCTOBER 2022.**

Jeffrey D. Gowing, Mayor
Dated: _____

ATTEST:

Richard Meyers, City Manager
Dated: _____