

ORDINANCE NO. 804

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 5 BY RENUMBERING SECTION 5.245 AS SECTION 5.250 AND ADDING A NEW SECTION 5.245 TO CREATE A RESIDENTIAL PARKING ZONE PROGRAM, AMENDING CHAPTER 5, SECTION 5.420, TO REFERENCE THE NEW SECTION 5.245, AND AMENDING SECTION 5.210 TO ADD A NEW SUBSECTION 5.210(13).

WHEREAS, the City of Wilsonville recognizes the need to preserve the livability of residential neighborhoods and to ensure residents' adequate ingress and egress, while also maintaining reasonable public access to City streets; and

WHEREAS, the City of Wilsonville recognizes the need to provide adequate ingress and egress for emergency and ambulatory vehicles to quickly reach residents in need of emergency assistance; of waste management to collect residents' trash and recycling; and of the United States Postal Service to access residents' mailboxes; and

WHEREAS, residents of certain Wilsonville neighborhoods have expressed the following concerns related to non-residents parking on their neighborhood streets: (1) difficult for emergency vehicle access to residences in certain neighborhoods due to on-street parking that may delay response times; (2) the presence of trash, inappropriate behavior, noise, and other public nuisances occurring within residential neighborhoods related to street parking; and (3) vehicles blocking mailboxes, intersections, driveways, and fire hydrants. Residents have identified the primary cause of these concerns as non-residents driving into their residential neighborhoods and parking their vehicles overnight or for extended periods of time; and

WHEREAS, the City of Wilsonville recognizes the need of residents and non-residents to travel through residential neighborhoods and to have public access to the City's streets and on-street parking; and

WHEREAS, in certain instances where residential streets experience a significant amount of regular non-resident parking at night or for extended periods of time, limiting the hours and times non-resident vehicles can be parked in residential neighborhoods should lead to a reduction of traffic and parking congestion; safety issues; a reduction in noise and other nuisance complaints; and more efficient and effective service from emergency personnel, waste

management, and the United States Postal Services; while still providing both residents and non-residents with access to the City's public roads;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Section 5.245 of Chapter 5 of the Wilsonville Municipal Code, entitled "Exemption," is renumbered as Section 5.250, and the following new Section 5.245, entitled "Residential Parking Zones," is added to Chapter 5:

"5.245 Residential Parking Zones

(1). Definitions.

- (a). Residents means the individuals that reside within the area where a Residential Parking Zone is being applied for.
- (b). Non-Residents means those individuals who do not live within the Residential Parking Zone.
- (c). Residential Parking Zone means an identified geographic area, approved by the City Manager, to be designated for parking by Residents and their guests, only, during all or some identified and posted hours of the day.

(2). Process.

- (a). The City Manager may establish a Residential Parking Zone at the request of the Residents within the proposed affected geographic area in the manner set forth below in subsection (b). The purpose of a Residential Parking Zone is to prohibit on-street parking by Non-Residents during specific time periods and/or limiting the duration Non-Residents may park within specific geographic areas used predominantly for residential purposes. The City Manager shall clearly define the geographic limits of the area affected by the zone and the hours during which parking by Non-Residents will be prohibited and/or the allowable duration of Non-Resident parking. Residents within the Residential Parking Zone must obtain parking permit(s) from the City Manager, or his/her designee, pursuant to subsections (b) through (h) of this section, in order to allow Residents and their guests to park within the Residential Parking Zone during the restricted hours.
- (b). Residents of an area may apply to have an area designated as a Residential Parking Zone through a community-initiated petition, with signatures of the owners representing at least sixty percent (60%) of

the affected addresses (one signature per address), to be submitted to the City Manager. This petition shall include:

- (i) A detailed description of the parking problem;
 - (ii) The probable cause(s) of the problem;
 - (iii) The geographic boundaries of the impacted area which the petitioners seek to designate as a Residential Parking Zone;
 - (iv) A listing of all individual addresses and property owners located within the proposed Residential Parking Zone and a list of all their vehicle license plate numbers;
 - (v) The type of on-street parking restrictions requested, which may include the following restrictions: (1) prohibiting all unpermitted parking during specified hours; (2) limiting unpermitted parking to a specific duration of time; or (3) a combination of (1) and (2); and
 - (vi) The proposed maximum number of resident and guest parking permits to be available for issuance to each Resident.
- (c). Upon receipt of a petition, in full conformance with subsection (b), the City Manager will investigate whether the affected area is eligible for a Residential Parking Zone. To investigate the eligibility of a Residential Parking Zone, the City Manager may consider some or all of the following:
- (i) Survey of vehicles parked on-street within the affected area at different times of the day or evening, and a determination of the percentage of vehicles parked that are Non-Resident vehicles (based on the list of Resident license plate numbers supplied by the petitioning Residents);
 - (ii) Statements of Residents within the affected area;
 - (iii) Review of police reports and parking tickets issued in the affected area;
 - (iv) Statements from police or other emergency personnel, postal personnel, and waste management personnel concerning access and safety issues;
 - (v) Any research, analysis, or review conducted by City departments regarding the affected area and parking issues within the affected area; and
 - (vi) Information supplied by the petitioners, and any other information the City Manager deems relevant.
- (d). Based on the findings of the City Manager's investigation, the City Manager will determine if a petitioned area is eligible for a Residential Parking Zone. The City may request additional information from petitioners if insufficient information is available to make a decision. If a petitioned area is approved as eligible for a Residential Parking

Zone, the City Manager may propose a Residential Parking Zone. The proposal by the City Manager shall state:

- (i) The boundaries of the proposed area of the Residential Parking Zone;
 - (ii) The type of on-street parking restrictions proposed, which may include: (1) prohibiting all unpermitted parking during specified hours; (2) limiting unpermitted parking to a specific duration of time; or (3) a combination of (1) and (2); and
 - (iii) The number of resident and guest parking permits available for purchase by each Resident.
- (e). The City Manager's proposal will be mailed to all Residents within 500 feet of the proposed Residential Parking Zone, with a notice of a public meeting to be held at City Hall. After the public meeting, the proposal will be refined and a ballot prepared. A ballot will be mailed to all addresses within the proposed Residential Parking Zone within thirty (30) days after the public meeting. One legal owner per address in the proposed Residential Parking Zone is eligible to vote. (In other words, only one vote per residence, even if more than one legal owner.) The ballot must be received by the City Manager on or before the date specified in the mailing. A minimum of seventy percent (70%) of the ballots must be returned, out of which a minimum of seventy-five percent (75%) must be "yes" votes, to approve the Residential Parking Zone.
- (f). If the vote in subsection (e) is negative, a minimum of twelve (12) months must elapse before any new proposal can be initiated. If the vote in subsection (e) is positive, the City Manager will notify all owners within the Residential Parking Zone of the approval. (Permit fees from all of the Residents requesting permits within the Residential Parking Zone must be collected prior to the installation of customized parking signs by the City.)
- (g). Once a Residential Parking Zone is approved, Residents may apply for on-street parking permits by completing a resident parking permit application and providing the City Manager proof of residency within the Residential Parking Zone and proof of vehicle ownership of vehicle(s) registered to that address. A Resident may apply for a residential parking permit for each vehicle registered to that address. In addition to vehicles registered to Residents who reside in the Residential Parking Zone, Residents may also apply for the number of guest parking permits approved per Resident by the City Manager, based on input from the Residents, which provides a guest of the Resident with the same rights and permissions as resident parking

permits. *(The cost of each resident and guest parking permit will be determined by the City Manager, based on reasonable cost recovery, each year and is subject to change annually.)* Residents must reapply and pay each year for all parking permits. Residents who may need additional guest parking permits for an event may borrow them from other Residents. In all cases, the parking permit must be clearly displayed in the front window of the vehicle so as to be easily visible to Residents and law enforcement officers. All permits, regardless of when obtained, expire one year from the date of City Manager approval of the Residential Parking Zone.

- (h). Designation of the Residential Parking Zone will automatically renew annually, unless:
 - (i) The City Manager receives a petition, representing at least sixty percent (60%) of the addresses within the designated Residential Parking Zone (one signature per address), requesting termination of the Residential Parking Zone; or
 - (ii) The designated Residential Parking Zone or Residents do not meet or follow the rules or procedures established by the City Manager. In such a case, the City Manager will send notice of a public meeting to the Residents in the Residential Parking Zone. After the public meeting, the City Manager will determine whether to terminate the Residential Parking Zone. The City Manager's determination will be mailed to Residents in the Residential Parking Zone within thirty (30) days of the last public meeting. If the City Manager terminates the Residential Parking Zone, a minimum of twelve (12) months must elapse before any new proposal can be initiated.
- (3). Signs. The City Manager will cause official signs for Residential Parking Zones to be installed and maintained. The signs shall clearly identify the on-street parking restrictions for Non-Residents and the exception to those restrictions for permit holders within the Residential Parking Zones. A permitted vehicle, displaying the authorized parking permit (whether resident or guest), which is parked on-street in accordance with the Residential Parking Zone signs, and in accordance with parking regulations, generally is permitted to be parked in excess of the Non-Resident parking limit, as long as legally parked.

(4). Violations and Enforcement.

(a). Residential Parking Permit Zone Violations:

- (i) During permit designated hours, it is unlawful and a violation for an unpermitted vehicle to be parked on-street in the Residential Parking Zone.
- (ii) This Ordinance will be enforced on a complaint-driven basis. Therefore, Residents within the Residential Parking Zone are responsible for monitoring and notifying the police of violations.
- (iii) Police officers may issue parking citations or warnings and may also have a vehicle towed if a repeat offense or if the officer deems a health or safety risk is present, at the officer's discretion. If no health or safety issue exists, a complaint regarding a parking permit violation will be a low priority police call, and police response may be delayed.
- (iv) Any vehicle without a parking permit prominently displayed in the front window may be subject to ticketing and/or towing. Therefore, if a Resident fails to display the parking permit or a guest of the Resident fails to display a guest permit, those vehicles may be subject to towing and/or ticketing.

(b). Other Violations: It is further unlawful and a violation for any person to:

- (i) Provide false information in connection with an application for a resident or guest permit.
- (ii) Fail to surrender a permit, when requested to do so, when the person is no longer entitled to the permit.
- (iii) Use a permit when the permit holder is no longer entitled to the permit.
- (iv) Use, or allow the use of, a residential parking permit in connection with a vehicle other than the Resident's vehicle for which the permit was issued.
- (v) Sell, transfer, purchase, or otherwise acquire for value any permit issued by the City of Wilsonville.
- (vi) Use, or allow the use of, a permit in a manner inconsistent with the terms and limitations of the permit.

(c). Any violation under subsection (3).(b) may result in the immediate revocation of a resident and/or guest parking permit.

- (5). Notice After Towing; Vehicle Inventory and Report. Notice after towing shall be provided in accordance with Wilsonville City Code Section 5.420. Vehicle Inventory and Report shall be in accordance with Wilsonville City Code Section 5.425.
 - (6). Appeals. The decision of the City Manager with respect to any of the foregoing is final and is not subject to appeal. Any party who wishes to contest the tow may do so to the City's Municipal Court, pursuant to Code Sections 5.430, 5.435, 5.440, and 5.445.
 - (7). Payment of Towing Charges; Liens and Storage Charges; Release of Vehicle; Sale of Vehicle. All of the foregoing shall be governed by Wilsonville City Code Chapter 5, Sections 5.450, 5.455, and 5.460.”
2. Subsection 5.420(1) of Wilsonville Municipal Code, Chapter 5, Section 5.420, which is entitled “Notice after removal; methods; contents,” is amended to add a reference to Section 5.245 to the series of applicable Section references.
 3. Section 5.210 of Chapter 5 of the Wilsonville Municipal Code, entitled “Prohibited Parking or Standing,” is amended to add a new subsection 5.210(13), to read as follows:

“(13). No vehicle shall be parked in any Residential Permit Parking Zone without a residential parking permit clearly displayed in the window for that Residential Parking Zone, as more particularly described in Chapter 5, Section 5.245.”
 4. The City Recorder is directed to amend Wilsonville Code Chapter 5, Sections 5.245 and 5.250, Subsection 5.420(1),_and Section 5.210, as approved above, and to make such format, style, and conforming changes to match the format and style of the Vehicles and Traffic Chapter of the Wilsonville Code.
 5. Except as set forth above, Chapter 5 of the Wilsonville Municipal Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 19th day of January, 2017, and scheduled for second reading on the 6th day of February, 2017, commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 6th day of February, 2017, by the following votes:

Yes: -5-

No: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 7th day of February, 2017.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

| | |
|-------------------------|-----|
| Mayor Knapp | Yes |
| Council President Starr | Yes |
| Councilor Stevens | Yes |
| Councilor Lehan | Yes |
| Councilor Akervall | Yes |