

**ORDINANCE NO. 881**

**AN ORDINANCE OF THE CITY OF WILSONVILLE ADOPTING WILSONVILLE CODE SECTIONS 10.800 THROUGH 10.870 GOVERNING PARKING IN CITY-OWNED PARKING LOTS.**

WHEREAS, recent changes in state law may impact the use and potential misuse of City-owned parking lots; and

WHEREAS, the City currently lacks clear regulation concerning use of City-owned parking lots; and

WHEREAS, the City Council seeks to efficiently and nimbly respond to issues and concerns regarding use of City-owned parking lots; and

WHEREAS, in order to appropriately respond to use of City-owned parking lots, the City Council seeks to empower the City Manager by delegating authority to the City Manager to determine site-specific regulations for the various City-owned parking lots.

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

Section 1. Findings. The above-stated recitals and the staff report accompanying this Ordinance are incorporated as the City Council's findings to support the consideration and adoption of this Ordinance.

Section 2. The City Council hereby adopts Wilsonville Code Section 10.800 governing parking in City-owned parking lots, which is attached hereto and incorporated by referenced herein as **Exhibit A**.

Section 3. The City Recorder is hereby authorized to correct any scrivener's errors and to conform Section 10.800 to the Wilsonville Code with appropriate numbering.

Section 4. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 18<sup>th</sup> day of September, 2023, and scheduled the second reading on October 2, 2023 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:  
*Kimberly Veliz*  
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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 2<sup>nd</sup> day of October, 2023, by the following votes:

Yes: 4            No: 0

DocuSigned by:  
*Kimberly Veliz*  
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Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 2<sup>nd</sup> day of October, 2023

DocuSigned by:  
*Julie Fitzgerald*  
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JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Linville	Yes
Councilor Berry	Yes
Councilor Dunwell	Excused

EXHIBIT:

A. Wilsonville Code Section 10.800

## PARKING REGULATIONS FOR CITY-OWNED PARKING LOTS

10.800	Purpose
10.810	Definitions
10.820	City Manager Authority
10.830	Public Notice
10.840	Temporary Rules and Emergency Rules
10.850	Council Review of Administrative Rules
10.860	Enforcement of Parking Rules
10.870	Severability

### **10.800 Purpose.**

The purpose of these regulations is to provide for administrative parking regulations for all public parking spaces owned by the City of Wilsonville.

### **10.810 Definitions.**

- (1) “Parking Regulations” means the regulations governed by Wilsonville Code Section 10.800 through 10.870.
- (2) “Parking Rules” means the rules governing City-owned parking lots issued pursuant to Section 10.820 herein.
- (3) “City” means the City of Wilsonville, Oregon.
- (4) “City Manager” means the City of Wilsonville City Manager or designee.
- (5) “Council” means the City Council of the City of Wilsonville.

### **10.820 City Manager Authority.**

- (1) Delegation of Authority. The City Manager is delegated the authority to issue Parking Rules to govern the use of the public parking spaces in City-owned parking lots.
- (2) Evidentiary Record Not Required. Unless otherwise required by law, the adoption, amendment, or repeal of a Parking Rule need not be based upon, or supported by, an evidentiary record.
- (3) Effective Date. The City Manager will designate a date upon which a proposed Parking Rule will become effective.
- (4) Notice Required. Except as allowed in Section 10.840, the City Manager must provide notice to the public in the manner described in Section 10.830 herein prior to adopting, amending, or repealing a Parking Rule.

(5) Parking Rules Publication. Parking Rules issued by the City Manager must be filed with the City Recorder. Copies of the current Parking Rules must be made available to the public on the City's website.

**10.830 Public Notice.**

(1) Prior to the adoption, amendment, or repeal of Parking Rules, the City Manager must:

(a) Give public notice in the manner described in subsection (b) herein of the proposed Parking Rules that:

- (i) Generally states the proposed Parking Rules;
- (ii) States the time, place, and manner for persons to submit written comments about the proposed Parking Rules; and
- (iii) States the date upon which the proposed Parking Rules will become effective.

(b) The notice must be posted on the City's website and in at least one conspicuous location in the Library.

(2) The City Manager must allow at least seven (7) calendar days to receive written comments after posting notice. For clarity, the date of posting is not included in the calculation of the seven (7) calendar days for written comment.

(3) If the City Manager receives any comments within the time allowed for written comments, the City Manager must consider such comments received prior to adopting the Parking Rules that are the subject of the notice; however, the City Manager is not required to change the City Manager's proposed Parking Rules due to comments received.

**10.840 Temporary Rules and Emergency Rules**

(1) Temporary Rules. Parking Rules may be adopted without notice or opportunity to comment if needed to implement the provisions of any new or amended ordinance upon the ordinance's effective date.

(2) Emergency Rules. Parking Rules may be adopted, amended, or suspended without prior notice or opportunity to comment, or upon an abbreviated notice and opportunity to comment, if the City Manager adopts written findings that an emergency exists, and the failure to act promptly may result in prejudice or harm to the public interest.

(3) Duration of Temporary and Emergency Rules. Any temporary or emergency Parking Rule adopted, amended, or suspended is effective for a period of not more than 180 calendar days from effective date. The adoption of a temporary or emergency Parking Rule does not

preclude the subsequent adoption of an identical Parking Rule that the City Manager adopts in accordance with Section 10.820 and 10.830.

#### **10.850 Council Review of Administrative Rules**

No Council action is required for the City Manager to adopt or implement a Parking Rule; however, the Council has the opportunity to review any Parking Rule as follows:

- (1) The Council, upon its own motion, may review a proposed or adopted Parking Rule at any time.
- (2) After review of a proposed or adopted Parking Rule, the Council may decide to take no action, amend, or repeal a Parking Rule.
- (3) If the Council chooses to amend or repeal a Parking Rule, the amendment or repeal of the Parking Rule must be by resolution of the Council.

#### **10.860 Enforcement of Parking Rules**

Parking Rules may be enforced in the manner prescribed in Chapter 1 of the Wilsonville Code.

#### **10.870 Severability**

If any section, paragraph, subdivision, clause, sentence, or provision of these Parking Regulations shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the validity of the remaining portions of the Parking Regulations.