

# CITY OF GERVAIS

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The Gervais City Council will hold a Work Session starting at 6:30 PM on Monday, February 13, 2023. This meeting will be held in person, with an option to participate by Zoom. If anyone wants to participate with Zoom, the instructions for accessing the meeting are below.

## GERVAIS CITY COUNCIL AGENDA

### Meeting Sign-in Instructions:

Topic: February 13, 2023 City of Gervais Worksession

Time: February 13, 2023 06:30 PM Pacific Time (US and Canada)

TO JOIN THE MEETING VIA WEBSITE/TABLET/MOBILE:

<https://us06web.zoom.us/j/81109059157?pwd=d3hnVEVjckl3U1NreUx3SERtSTIHQT09>

Meeting ID: 811 0905 9157

Passcode: 246115

TO JOIN THE MEETING VIA TELEPHONE ONLY:

1-253-215-8782 US (Tacoma)

Meeting ID: 811 0905 9157

Passcode: 246115

NOTE: A link will also be on the City of Gervais home page at [www.gervaisoregon.org](http://www.gervaisoregon.org).

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Discussion about yard parking and parking ordinances
5. Adjourn

Gervais is a charming, dynamic rural community with a rich cultural heritage, valuing the past and anticipating the future...a wonderful and tranquil place to work, play and live.

**The City of Gervais is an Equal Opportunity Provider and Employer. Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, DC 20250-9410**



# ***Gervais Police Department***

592 4<sup>th</sup> Street, P.O. Box 329

Gervais, OR 97026-0329

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## **Gervais City Council Work Session on Parking Ordinances**

**February 13, 2023**

**10.08.050- Prohibited parking generally**

**17.80.030- No parking in the yard**

### **COMMUNITY POLICING PHILOSOPHY:**

The Police Department's approach to ordinance enforcement has been to work in a cooperative manner with residents in hopes to gain voluntary compliance through education, conversations and warnings prior to issuing citations.

### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED):**

CPTED has been in existence for over fifty years, becoming a best practice for law enforcement agencies to employ to reduce crime and increase livability. CPTED is community policing in every measure of the term. The goals are achieved by four tenants:

- 1- Natural surveillance
- 2- Natural access control
- 3- Territorial reinforcement
- 4- Maintenance

Code compliance is a key part to these tenants by creating an environment that reduces the potential of crime occurring. CPTED reinforces the "broken window" theory. Compliance of our parking ordinances has been a successful part of keeping Gervais a safe, livable community. Community support and buy-in are essential parts of this process. We believe in a balanced approach where identifying more obvious, flagrant and repeated violations first helps encourage community buy-in.

### **INITIATION OF A COMPLAINT:**

Ordinance violations can start by an officer observing a violation, and/or a complaint by a citizen or other City staff. The City has traditionally taken a proactive approach to addressing ordinance violations by encouraging our officers, during preventative patrol time, to look for and address ordinance violations.

### **DOCUMENTATION OF INITIAL COMPLAINT:**

An officer will either be dispatched to the violation or create a CAD (Computer Aided Dispatch) report using their MDC (Mobile Data Computer) outlining the violation. The CAD will contain the complainant's name and contact information. Anonymous complaints and officer initiated complaints begin in the same manner.

The officer reviews the violations, comparing the parking violation to the Gervais City Code. Depending on the circumstances of the violation and the history (such as repeated problems), the officer will make a decision on how to proceed. At a minimum, the officer will input notes into the CAD as to the action, or lack of action taken, depending on the totality of the circumstances. At times, initial contact is all that is needed, and no further follow-up or documentation is needed.

### **EDUCATION/CONTACT WITH RESIDENTS:**

Depending on the circumstances (first offense, repeated violation and probationary status), the officer's action can range from leaving a simple warning citation on the car (street parking issues) or making contact with the resident and/or the landlord of the property, providing education of the ordinance. At times the resident/landlord is given a copy of the ordinance. Depending on the totality of the circumstances, the officer may issue a citation to appear in court.

If contact is made with the person or persons responsible, the officer discusses the violation and establishes an agreement and time frame for compliance. We believe that making personal contact is the preferred method but not always possible or practical. We try to listen, be reasonable and take into consideration the reason for the violation before making a decision.

### **INCIDENT REPORT DOCUMENTATION:**

An officer will then create an incident report in our RMS (Records Management System, Mark 43) and enter all the necessary data, upload the pictures taken of the violation and write a narrative report documenting the action taken. The officer indicates in their report their recommended action in the future, including dates and the time frame for a follow-up compliance inspection. Generally, officers recommend a formal letter be mailed.

### **FORMAL EDUCATIONAL LETTER:**

Once the report is approved by a supervisor and forwarded to the Administrative Assistant, the Administrative Assistant writes an educational letter to the person or persons listed in the report. The letter contains specific instructions for compliance, referencing the code, which includes the exact language of the code. The letter is then uploaded and saved for documentation in our RMS (Record Management System).

### **INVESTIGATIVE FOLLOW-UP:**

The officer assigned to the incident will check in on the progress of compliance, answer questions, give further clarification, and provide flexibility for an extension for compliance if needed and/or warranted. If compliance is obtained, the case is closed. If compliance is not accomplished, a citation is issued to appear in court.

### **COURT APPEARANCE:**

We continue to monitor the progress up until the court date. We conduct a final inspection before court for the Judge. If the violation has been abated, and this is the first offense for the resident, we recommend the citation be dismissed.

If the resident does abate, but there have been previous ordinance violations, we recommend six months court probation, with a \$75.00 probation fee.

If the resident does not abate the offense we inform the Court of our inspection findings. The Judge asks questions, listens to the resident's situation and converses with them to develop a plan and agreement for abatement, using a Restorative Justice process.

**STATISTICAL INFORMATION:**

Total community contacts, including follow-up of ordinances the past ten years:

Year	Contacts	Year	Contacts
2013	274	2018	445
2014	354	2019	328
2015	439	2020	219
2016	651	2021	282
2017	507	2022	184

**ADDITIONAL INFORMATION:**

**The following information was shared with the Council in the Police Department's Council report in October 2022:**

The Police Department is assigned the primary responsibility to abate/enforce the City of Gervais Ordinance violations. Our philosophical approach has been to work in a cooperative manner with residents in hopes to gain voluntary compliance.

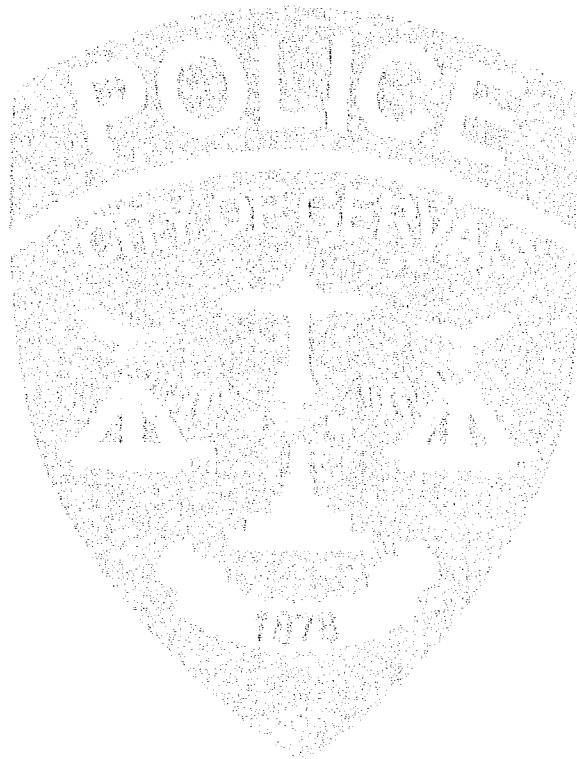
While ordinance abatement/enforcement is important, often other higher priority calls, such as crimes against persons or property including traffic enforcement take precedent.

We try to focus in on the larger, more flagrant violations and those which we have received complaints. Our first step is to talk with the property owner, tenant or both about the violation. Once contact is made, the officer seeks to help the resident understand the violation and the time to comply. Depending on the situation, a verbal agreement to abate may occur and or a written warning or a citation issued (parking violations). Depending on the violation, we take pictures, complete an incident report and send a formal letter. If the resident is unable to be contacted, we will forward a letter. Generally, residents are given thirty days to abate. We check on the status over the next thirty days. At the end of thirty days, we inspect the property for abatement. If the ordinance is abated, the case is closed. If the violation still exists, the resident is cited into the next month's court.

**The following information was shared with the Council in the Police Department's Council report in January 2023:**

The police department has the primary responsibility to abate/enforce the City of Gervais ordinance violations. In the October council report, we shared that our philosophical approach has been to work in a cooperative manner with residents in hopes to gain voluntary compliance and the process leading up to abatement or issuing a citation.

We would like to share with you the process once the citation is issued. We continue to monitor the progress up until the court date. We conduct a final inspection before court for the Judge. If the violation has been abated, and this is the first offense for the resident, we recommend the citation be dismissed. If the resident does abate, but there have been previous ordinance violations, we recommend six months court probation, with a \$75.00 probation fee. If the resident does not abate the offense we inform the Court of our inspection findings. The Judge asks questions, listens to the resident's situation, and converses with them to develop a plan and agreement for abatement, using a Restorative Justice process.



## COMMUNITY COMMENTS:

We solicited our community's comments and suggestions on how to address the parking problems we continue to face. We have been told that parking problems have existed in certain areas since the housing developments were completed. The following are those comments and suggestions from community members and staff:

- No changes are needed.
- Paint all the 'No Parking' areas with yellow paint.
- No warnings. Stricter enforcement is needed.
- Tag and tow abandoned cars.
- Issue residential parking permits for areas with parking problems.
- Limit the number of cars allowed to park per household.
- No enforcement. Just leave people alone.
- Allow yard parking, change the code.
- Only enforce the code when there is a named complainant.
- Evaluate each request, and allow some limited expansion of yard parking on a case by case basis.
- Create a parking lot on the vacant lot on E. Elm Dr.
- Widen the road on Black Walnut to the entrance of the park for additional parking.
- Create a parking lot in part of the Black Walnut park.
- Create a City parking lot on the end of Juniper Ave, with a walkway to E Ivy Ave and Bonefant Ct.
- Have the City purchase the burnt, vacant home on Lantana Ln. Turn the lot into a parking lot for the neighbors.
- Pave more of the grass streets, so residents can park on the pavement.
- Require the teachers to park in front of the school and in the school parking lot instead of the residential area.
- More gravel/better maintenance is needed in the grassy/muddy areas in the residential areas, like 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> streets.

**10.08.050 Prohibited parking generally.**

- A. Definitions. For the purposes of this section, the following definitions apply:
1. "Truck tractor" means any motor vehicle used or designed for use with a semi-trailer for carrying, conveying or moving over the highways any freight, property, article or thing, and having a combined weight of vehicles and maximum load to be carried thereon of more than eight thousand (8,000) pounds.
  2. "Truck trailer" means every vehicle without motive power (except a tractor trailer) which:
    - a. Has a combined weight of vehicle and maximum load to be carried thereon of more than eight thousand (8,000) pounds, and
    - b. Is designed for carrying property and for being drawn by a motor vehicle.
  3. "Motor truck" means every motor vehicle designed or used for carrying, conveying or moving over the highways of this state any freight, property, article or thing, and having a combined weight of vehicle and maximum load to be carried thereon of more than eight thousand (8,000) pounds.
- B. Prohibited Parking. In addition to the State Motor Vehicle laws prohibiting parking, no person shall park or stand:
1. A vehicle upon a bridge, viaduct or other elevated structure used as a street or within a street tunnel, unless authorized;
  2. A vehicle in an alley for a period not in excess of thirty (30) consecutive minutes, except for loading or unloading materials;
  3. A vehicle upon a street for the principal purpose of:
    - a. Displaying the vehicle for sale,
    - b. Repairing or servicing the vehicle, except repairs necessitated by an emergency,
    - c. Displaying advertising from the vehicle, and
    - d. Selling merchandise from the vehicle, except when authorized under the ordinances of the city;
  4. A vehicle upon a parkway or freeway, except as authorized; and
  5. A vehicle in such a manner that it damages or causes to be damaged any public improvement within the city, including streets, alleys, parking strips, rights-of-way or other public ways. The person shall be liable to the city for any damage caused thereby.
- C. Storage and Parking Trucks, Trailers, Boats, Campers, Car Units and Other Vehicles.



1. It is unlawful for any person, firm or corporation owning or having control of any truck tractor, truck trailer or motor truck to park the same in any residential district, as defined in Chapter 17.12, within the city limits of Gervais. The provisions of this subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the city during the actual loading or unloading of goods, wares or merchandise; provided, however, that loading or unloading as used in this subsection, shall be limited to the actual time consumed in such operation. In addition thereto, the provisions of this subsection shall not be deemed to prohibit minor repairs on any such vehicles described above, wherein total lapsed time in making such repairs does not exceed eight hours duration. The parking of any equipment under authority of this subsection shall in no event be within twenty (20) feet of the intersection of property lines at any intersection, except alleys. Any vehicle mentioned in this subsection parked upon any street, avenue, parking strip or public way within the city in violation of this subsection may be towed and impounded. The registered owner or operator shall be liable for all expenses incurred.
2. It is unlawful for any person, firm or corporation owning or having control of any bus or vacation house trailer, camper, boat and/or boat trailer, motor home, fifth-wheel, tent trailer, utility trailer or any motorized or unmotorized vehicle to park upon any street or on any parking strip, avenue or public way within the city for longer than seventy-two (72) hours.

D. Penalties.

1. A violation of this section constitutes a Class III, civil infraction.
2. Each day that a violation of this section is committed or permitted to continue shall constitute a separate offense.

(Ord. 95-4 §§ 1—4)

(Ord. No. 18-006, § 1(Exh. A), 8-2-2018)

**17.80.030 No parking in yard areas.**

Exclusive of driveways, no parking shall be allowed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may not be used for parking of vehicles, except in designated parking areas.

The yard areas adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles.

(Ord. 17-2003 § 1 (part))

City Officials,

I am writing this letter for my specific neighborhood streets, however I understand these conflicts exist across the city. My home is located on the original Winfield Street, accessed through Mesquite and Lantana Lane. We are a single young family, living in a single family home with 2 cars. We choose to park in our driveway and do not contribute to the parking in the city street.

Our neighbors have different circumstances. Some are multigenerational, with additional children of driving age and other relatives. Others have roommates, trailers or specialty vehicles. When traffic was restricted to parking on one side of the street, this created a problem for many families. Our neighbors chose to park in front of our home. Some others chose to create spaces near their driveways. I understand this was not always done properly through city ordinances. I ask the city to remedy the ease of homeowners to increase their own parking.

That street parking restriction in town has made invitations to friends and relatives very limited, as there is no place for them to park. Many neighbors choose to ignore the parking restriction for their large gatherings and events as there are no other options. In addition, I am concerned about the value of my home decreasing if we were to consider a sale, as my neighbors leave at least one, sometimes two cars parked in front of my home. I ask the city to consider parking space locations in neighborhoods to reduce this problem.

One idea to consider is creating parking in alley spaces that already exist around town. I do not know the reason for the alley spaces between certain houses/streets, but what if we paved those areas and allowed cars to park at an angle on one side? I know it will not provide help to my neighborhood, but there seems to be some unused land around the city that might help in other areas.

The biggest concern, that prompted this letter is as follows. We are a family with multiple small children. There are many, school age and non-school aged children on our block. With the recent development of the new Winfield Street, Kalmia Ave and 8th Street, we have seen significant traffic increases, particularly off of Lantana. Semi trucks full of gravel, concrete, lumber, roofing materials, bathtubs, appliances, moving trucks, the list goes on. The new residents know they need to access their home from 8th street, but my understanding is Winfield Street will be made to connect that development with the new apartment construction. As many neighbor cars are parked at the end of the blockade, this will only add to the problems on my street. I am not happy to see so many trucks in our neighborhood, nor the young adults and teenagers who drive with excessive speed. Opening that street is going to increase the risk of harm to the children on our block. I am asking the city to keep the blockade on Winfield intact. Help me keep traffic volume down and add additional parking to our block.

Thank you,

Melissa Brownell