

ORDINANCE NO. 4951

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 13.21, REGULATIONS FOR MOTOR VEHICLE PARKING, SECTIONS 13.21.140 THROUGH 13.21.170 AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Albany Municipal Code Sections 13.21.140 through 13.21.170 are hereby amended to read as follows:

13.21.140 Responsibility of owner for parking violations. (a) The owner of a vehicle parked in violation of AMC 13.21.~~110~~ 010 through 13.21.120, shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

(b) In a prosecution of a vehicle owner charged with a violation of AMC Sections 13.21.~~110~~ 010 through 13.21.120, proof that at the time of the alleged violation the vehicle was registered with the appropriate motor vehicle licensing authority of any state as belonging to the defendant shall raise a disputable presumption that he was the owner at the time of the violation in question.

13.21.150 Penalties for parking violations. Notwithstanding AMC 1.04.010, violations of AMC Sections 13.21.~~110~~ 010 through 13.21.120 shall be punishable only through the imposition of a civil penalty in an amount not to exceed \$100 per violation.

13.21.160 Methods of charging parking violations. Whenever any officer having enforcement responsibility as provided in AMC Section 13.21.130 shall have reasonable cause to believe that a vehicle is parked in violation of any of the provisions of AMC Section 13.21.~~110~~ 010 through 13.21.120, he shall issue a citation in conformance with ORS 221.340, and file the original thereof with the Municipal Court Clerk or such other person as the Clerk may designate to receive such citations.

13.21.170 Forfeiture. (a) Before midnight on the 14th day following the date of the alleged violation, any person charged with a violation of AMC Section 13.21.~~110~~ 010 through 13.21.120 may, without personal appearance before the Municipal Judge, make a forfeiture deposit in the amount shown on the citation charging such offense, which amount shall be for an alleged violation of:

(1) AMC Section 13.21.020(a), 13.21.030(1) through 13.21.030(14), 13.21.050(a), 13.21.070, 13.21.080, 13.21.090, 13.21.100, and any other violation of 13.21.010 through 13.21.120 and any other parking regulations for which a specific forfeiture deposit is not set forth below, \$7.00.

(2) AMC Section 13.21.020(b), 13.21.040, \$5.00.

(3) AMC Section 13.21.030(12), \$12.00.

(4) AMC Section 13.21.050(b) and (c), \$25.00.

(b) After the period set forth in subsection (a) of this section, and before midnight of the 30th day following the date of the alleged offense, any person so charged may, without personal appearance before the Municipal Judge, make a forfeiture deposit in the amount designated in this subsection.

If the amount under subsection (a) of this section for the alleged violation is:

(1) \$5.00, then the forfeiture shall be \$15.00 ~~\$10.00~~.

(2) \$7.00, then the forfeiture shall be 17.00 ~~\$10.00~~.

(3) \$12.00, then the forfeiture shall be \$22.00 ~~\$15.00~~.

(4) \$25.00, then the forfeiture shall be \$35.00.

(c) After midnight of the 30th day following the date of the alleged offense, any person so charged may, without personal appearance before the Municipal Judge, make a forfeiture deposit in the amount designated in this subsection. If the amount under subsection (a) of this section for the alleged violation is:

- (1) \$5.00, then the forfeiture shall be ~~\$25.00~~ ~~\$15.00~~.
- (2) \$7.00, then the forfeiture shall be ~~\$27.00~~ ~~\$15.00~~.
- (3) \$12.00, then the forfeiture shall be ~~\$32.00~~ ~~\$18.00~~.
- (4) \$25.00, then the forfeiture shall be \$45.00.

(d) The Municipal Judge may, in the exercise of his discretion and where he deems cause to exist therefore in a particular case, remit all or any portion of the forfeiture set forth in this section, or require any additional sum he deems necessary up to the maximum civil penalty prescribed in AMC Section 13.21.150.

Section 2. Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by Council: February 13, 1991

Approved by Council President: February 14, 1991

Effective Date: February 13, 1991

*Murray R. Satter*  
Council President

ATTEST:

*Debbie Andrews*  
Deputy City Recorder