

AN ORDINANCE AMENDING CHAPTER 13.21 OF THE ALBANY MUNICIPAL CODE CONCERNING PARKING REGULATIONS AND DECLARING AN EMERGENCY.

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

Section 1: AMC 13.21.115 (3) (a) is replaced with the following:

- (3)(a) Except as provided in subsection (3) (b) and (c) of this section, no person shall:**
- (i) at an area designated for limited time parking or for customer parking;**
 - (ii) cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked in violation of a sign limiting parking beyond the limitations applicable to customer-only parking as provided in subsection (v) below**
 - (iii) cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked in a manner which occupies more than one designated parking space.**
 - (iv) cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked in a city-owned parking space leased by the Albany Downtown Association or Parkwise to someone other than the violator.**
 - (v) cause, allow, suffer or permit any motor vehicle owned, operated or controlled by that person to be parked longer than the time designated for customer-only parking.**

Section 2: AMC 13.21.130 replaced with the following:

13.21.130 Enforcement responsibility.

The Chief of Police and police officers employed by the City shall have the responsibility for the enforcement of the provisions of this chapter. In addition, other persons or corporations including, but not limited to, individuals employed by the Albany Downtown Association or Parkwise to perform parking enforcement duties shall have authority and responsibility to enforce the parking regulation set forth at AMC 13.21.115. Both police officers, having general enforcement authority, and person or corporations contracted to manage parking within the downtown area as noted above, shall be considered “issuing officers” for the purposes of ORS 221.333.

Section 3: AMC 13. 21.140 is amended to read as follows:

13.21.140 Responsibility of owner for parking violations.

- (1) The owner of a vehicle parked in violation of AMC 13.21.010 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.**
- (2) In a prosecution of a vehicle owner charged with a violation of AMC 13.21.010 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/she was the owner at the time of the violation in question.**
- (3) In any prosecution of a vehicle owner charged with a violation of AMC 13.21.115, it shall be an affirmative defense if the violator establishes that, at the time the vehicle is parked in a customer only area, the offender was a customer, patron, or guest, of a business, office, or resident owning or occupying property within the downtown parking area.”**

Section 4: AMC 13.21.160 is amended to read as follows:

13.21.160 Methods of charging parking violations.

- (1) Whenever any officer having enforcement responsibility as provided in AMC 13.21.130 shall have reasonable cause to believe that a vehicle is parked in violation of any of the provisions of AMC 13.21.010 through 13.21.120, **excluding 13.21.115**, he/she 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.
- (2) Whenever any officer having enforcement responsibility as provided in AMC 13.21.130 shall have reasonable cause to believe that a vehicle is parked in violation of any of the provisions of AMC 13.21.115, he/she shall issue a citation as set forth below.
 - (a) The citation shall cite the violator to appear before a board of parking reconciliation which shall be established by the Albany Downtown Association or Parkwise to provide initial adjudication and resolution of parking violations. The Board of Parking Reconciliation is authorized to compromise and settle parking violations with the person charged with a violation upon such terms as the board deems just. If the forfeiture is not paid pursuant to the schedule and amount set forth herein or if the penalty determined by the Board of Parking Reconciliation is not paid, as prescribed by the Board, the enforcement officer who initiated the original citation shall cause a citation to be filed with the Albany Municipal Court and delivered to the Defendant by first-class mail, postage prepaid, addressed to the Defendant at his/her address as shown by the records then maintained by the Oregon Department of Motor Vehicles. The parking citation shall conform to the requirements of section (2) hereof. The penalty established by the forfeiture schedule set forth herein or the Board of Parking Reconciliation, whichever is greater, shall be noted on the parking citation.
 - (b) In order to file a parking citation with the Albany Municipal Court, the original thereof shall be filed with the Municipal Court Clerk or such other person the clerk may designate to receive such citations. The citation shall be in conformance with the requirements of ORS 222.333.”
 - (c) Before midnight on the tenth day following the date of the alleged violation, any person charged with a violation of AMC 13.21.115(3)(a)(i-iv) may, without personal appearance before the Board of Parking Reconciliation, make a forfeiture deposit in the amount shown on the citation charging such offense, which amount shall be \$25.00. Thereafter, the forfeiture amount shall increase to \$30.00 if paid before midnight on the 30th day following the alleged violation. If not paid by such date, the forfeiture amount shall increase to \$60.00
 - (d) Before midnight on the tenth day following the date of the alleged violation, any person charged with a violation of AMC 13.21.115(3)(a)(v) may, without personal appearance before the Board of Parking Reconciliation, make a forfeiture deposit in the amount shown on the citation charging such offense, which amount shall be \$5.00. Thereafter, the forfeiture amount shall increase to \$10.00 if paid before midnight on the 30th day following the alleged violation. If not paid by such date, the forfeiture amount shall increase to \$20.00.

Section 5: AMC 13.21.170 (1) is amended to read as follows:

(1) Before midnight on the fourteenth day following the date of the alleged violation, any person charged with a violation of AMC 13.21.010 through 13.21.120, **excluding AMC 13.21.115**, 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:

- (a) AMC 13.21.020(1), 13.21.030 (1) through (14), 13.21.050(1), 13.21.070, 13.21.080, 13.21.090, 13.21.100, and any other violation of 13.21.010 through 13.21.120, **excluding AMC 13.21.115**, and any other parking regulations for which a specific forfeiture deposit is not set forth below, [_____].
- (b) AMC 13.21.020(2), 13.21.040, [_____].
- (c) AMC 13.21.030(12), [_____].
- (d) AMC 13.21.050(2) and (3), [_____].

Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, and an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: November 12, 2008

Approved by the Mayor: November 12, 2008

Effective Date: November 12, 2008



Mayor

ATTEST:



City Clerk