

ORDINANCE NO. 4752

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE SECTIONS 13.21.050, PARKING IN VIOLATION OF SIGNS, AND 13.21.170 FORFEITURE, AND DECLARING AN EMERGENCY.

THE PEOPLE OF CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code Section 13.21.050, Parking in violation of signs is hereby amended to read as follows:

13.21.050 Parking in violation of signs. (a) No person shall stand or park a vehicle in violation of any sign posted by the City of Albany regulating the manner in which vehicles may be parked ~~whether such sign is placed~~ upon a public street or upon a public parking lot.

(b) **No person shall stand or park a vehicle in violation of any sign posted by the City of Albany, or the owner of a private parking lot, regulating the manner in which vehicles may park or stand upon said private parking lot when all businesses served by said lot are closed.**

(c) **No person shall cause a vehicle to enter upon a private parking lot in violation of any sign posted by the City of Albany, or the owner of a private parking lot, regulating or restricting entry upon said private parking lot.**

(d) **It shall be an affirmative defense to the alleged violation of subsections (b) or (c) of this section that the operator of the vehicle in question had express permission from the owner of the private parking lot in question to park, stand, or enter upon the lot in the manner alleged by the City.**

(e) **It shall be an affirmative defense to the alleged violation of subsections (b) or (c) of this section that the signs regulating or restricting parking, standing, or entry were not clearly visible or did not prescribe the conduct in question with reasonable clarity.**

Section 2: Albany Municipal Code Section 13.21.170, Forfeiture, is hereby amended to read as follows:

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 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, \$5.00.

(2) AMC Section 13.21.020(b), 13.21.040, \$3.00.

(3) AMC Section 13.21.030(12), \$10.00.

(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:

amc.13.21

- (1) \$3.00, then the forfeiture shall be \$7.50.
- (2) \$5.00, then the forfeiture shall be \$7.50.
- (3) \$10.00, then the forfeiture shall be \$12.50.
- (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 the subsection (a) of this section for the alleged violation is:

- (1) \$3.00, then the forfeiture shall be \$12.00.
- (2) \$5.00, then the forfeiture shall be \$12.00.
- (3) \$10.00, then the forfeiture shall be \$15.00.
- (4) \$25.00, then the forfeiture shall be \$45.00.**

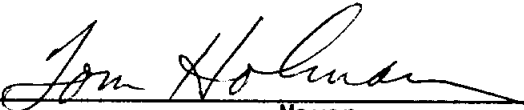
(d) The Municipal Judge may, in the exercise of his discretion and where he deems cause to exist therefore in a particular case, remit all or any portion of the forfeiture set forth in this section, or require any additional sum he deems necessary up to the maximum civil penalty prescribed in AMC Section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

Section 3: 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 the Council: February 25, 1987

Approved by the Mayor: February 27, 1987

Effective Date: February 25, 1987



Mayor

ATTEST:



City Recorder