

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) CHAPTER 13.21 TITLED REGULATIONS FOR MOTOR VEHICLE PARKING.

WHEREAS, the City of Albany is amending AMC Chapter 13.21, Motor Vehicle Parking, to differentiate general parking throughout the city and the downtown parking area; and

WHEREAS, general parking is enforced by police and the downtown parking area is enforced by Parkwise; and

WHEREAS, this will bring parking fees and forfeiture to a consistent standard throughout the City

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS.

Amending AMC Title 13, Vehicles and Traffic. AMC Title 13.21 is hereby amended to add Section 13.21 155 and revised Sections 13.21 160-13.21 170.

Sections.

13.21.155 Methods of charging parking violations – General.

13.21 160 Methods of charging parking violations – Downtown parking area.

13.21 170 Forfeiture.

13.21.155 Methods of charging parking violations – General.

(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 AMC 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.

(a) Before an appearance in front of the Albany Municipal Court Judge, any person charged with a violation of AMC 13.21.010 through 13.21.120 may, without personal appearance before the Albany Municipal Court Judge, make a forfeiture deposit in the amount shown on the citation charging such offense, which amount shall be set by City Council Resolution.

13.21.160 Methods of charging parking violations – Downtown parking area.

(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 AMC 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.~~

(12) 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 in this subsection.

(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 in this subsection. 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) through (iii) 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 \$35 00 Thereafter, the forfeiture amount shall increase to \$40.00 if paid before midnight on the thirtieth day following the alleged violation. If not paid by such date, the forfeiture amount shall increase to \$70 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)(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 \$15 00 Thereafter, the forfeiture amount shall increase to \$20 00 if paid before midnight on the thirtieth day following the alleged violation. If not paid by such date, the forfeiture amount shall increase to \$30 00 (Ord. 5884 §§ 1, 2, 2016, Ord. 5706 § 4, 2008, Ord. 5026 § 1, 1993, Ord. 4951 § 1, 1991, Ord. 4702 § 2, 1986).


13.21.170 Forfeiture.

- (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 **set by City Council Resolution.** ~~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), [____].~~
- (2) After the period set forth in subsection (1) of this section, and before midnight of the thirtieth 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~~ **by City Council Resolution.** ~~If the amount under subsection (1) of this section for the alleged violation is:~~
 - (a) ~~[a], then the forfeiture shall be [b].~~
 - (b) ~~[a], then the forfeiture shall be [b].~~
 - (c) ~~[a], then the forfeiture shall be [b].~~
 - (d) ~~[a], then the forfeiture shall be [b].~~
- (3) ~~After midnight of the thirtieth 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 (1) of this section for the alleged violation is:~~
 - (a) ~~[a], then the forfeiture shall be [b].~~
 - (b) ~~[a], then the forfeiture shall be [b].~~
 - (c) ~~[a], then the forfeiture shall be [b].~~
 - (d) ~~[a], then the forfeiture shall be [b].~~
- (3) **After the period set forth in subsection (2) of this section the forfeiture deposit shall be increased as set by City Council Resolution and sent to collections.**
- (4) The Municipal Judge may, in the exercise of his/her discretion and where he/she deems cause to exist therefor in a particular case, remit all or any portion of the forfeiture set forth in this section, or require any additional sum he/she deems necessary up to the maximum civil penalty prescribed in AMC 13.21.150 (Ord. 5706 § 5, 2008; Ord. 5026 § 1, 1993, Ord. 4951 § 1, 1991, Ord. 4796, 1987, Ord. 4752 § 2, 1987, Ord. 4702 § 2, 1986).

Passed by Council. March 28, 2018

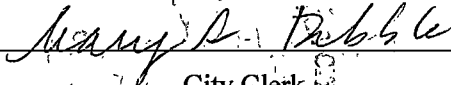
Approved by Mayor March 28, 2018

Effective Date: April 27, 2018



Mayor

ATTEST



City Clerk

