

CODE

Ordinance No. 4205

**AN ORDINANCE AMENDING CHAPTER 6 OF THE BEAVERTON CODE
ESTABLISHING STANDARDS AND PROCEDURES FOR ALLOWING
EXTENDED PARKING BY PERMIT IN DESIGNATED RESIDENTIAL
AREAS AND THE DOWNTOWN AREA**

Section 1 BC 6.02.055, Definitions, is amended by adding the following text as subsection F.16 and renumbering the remaining text thereafter:

F. Major Issue - :

16. Designation or modification of a residential permit parking district.

Section 2 BC 6.02.055, Definitions, is amended by adding the following definition as subsection G and relettering the remaining definitions thereafter:

G. Residential permit parking district - A geographic area within the City designated as a permit parking district.

Section 3 BC 6.02. is amended by adding a new subsection 6.02.080 to read as follows:

6.02.080 Designation of a Residential Permit Parking District or Amendment of an Existing Residential Permit Parking District. To protect residential areas from polluted air, excessive noise, and refuse related to use of motor vehicles by persons not residing in such residential areas, to protect residents of such areas from unreasonable burdens in gaining access to and from their residences, to preserve the residential character of these areas, and to enable timely emergency services, the City may designate and from time to time amend residential permit parking districts in accordance with this section.

A. Procedure. A request to designate a residential permit parking district or amend an existing residential permit parking district shall be processed as a Major Issue. If a request is received, the City shall initiate the required

studies in subsection C. of this section to determine if the proposed area meets the standards.

B. Fees. The Traffic Commission shall recommend a parking permit fee for each residential permit parking district established under this section based on the cost to implement and administer the district. The final written order shall include the fee. The fee shall not exceed the City's costs to administer and enforce the permit program.

C. Standards. Designation of a residential permit parking district or amendment to an existing district shall require the following findings in addition to the standards of BC 6.02.060 A.:

1. The boundary of the proposed residential permit parking district or amendment to an existing district includes one or more public streets and all properties abutting the street(s), to be shown by a text description and a drawing.

2. At least seventy-five percent (75%) of the available parking spaces on the public streets within the proposed district boundaries are occupied at least four days per week for at least 16 weeks in any 52-week period. If parking spaces are not marked, the City shall determine the number of available parking spaces.

3. Designation of a residential permit parking district or an amended designation will not diminish traffic safety, substantially increase vehicle miles traveled or cause occupancy of available parking spaces in any adjacent residential area to rise to the levels stated in subsection 2 of this section.

4. A survey conducted by the City shows that persons representing the owners of at least two thirds of all residential properties within the district have responded in favor of the proposal. The survey shall include both a textual and graphic description of the proposed district boundary and shall be mailed to the owner of record for each property. Only one response shall be accepted for each residential property within the proposed district. The survey area for an amended designation shall be limited to only those properties within the proposed amended area.

a. The survey form shall solicit responses in favor or in opposition to the proposal. The response form shall also include the option to abstain from supporting or opposing the proposal. When the respondent chooses to abstain, that property shall be deducted from the total number of properties prior to calculating the two-thirds majority. Responses that do not show if the respondent favors or opposes the proposed district shall not be counted in determining the required majority. A response must be received no later than 30 days from the date of mailing to be counted.

b. Failure of any person to receive a response form shall not invalidate survey results.

D. Obtaining a residential parking permit. A person wishing to obtain a vehicle parking permit authorized by this subsection shall abide by the applicable provisions of BC 6.02.390.

Section 4 BC 6.02.390 is amended to read:

PERMIT PARKING AREAS

6.02.390 The following provisions shall apply to residential permit parking districts authorized by BC 6.02.080 and to the following Beaverton Downtown Permit Parking District:

A. Beaverton Downtown Permit Parking District Eligibility Area. The boundaries of the Beaverton Downtown Permit Parking District for purposes of parking permit eligibility under subsection D of this section are as follows:

On the north, the Tri-Met light rail right of way from Cedar Hills Boulevard to Lombard Avenue;

On the west, Cedar Hills Boulevard from the Tri-Met light rail right of way to Farmington Road, east along Farmington Road to Stott Avenue, and Stott Avenue from Farmington Road to 3rd Street;

On the south, 3rd Street from Stott Avenue to Tucker Avenue, Tucker Avenue from 3rd Street to 2nd Street, and 2nd Street from Tucker Avenue to Lombard Avenue;

On the east, Lombard Avenue from 2nd Street to Broadway, Broadway from Lombard Avenue to Canyon Road, Canyon Road from Broadway to Lombard Avenue, Lombard Avenue from Canyon Road to the Tri-Met light rail right of way.

Also included are those tax lots abutting the south line of 2nd Street from Tucker Avenue to Lombard Avenue.

B. A vehicle parking permit for a specified residential permit parking district allows parking of a permitted vehicle in excess of the posted parking time limit in the specified residential permit parking districts authorized by BC 6.02.080. In the Beaverton Downtown Permit Parking District, a vehicle parking permit allows parking of a permitted vehicle in excess of the posted parking time limit along the following City streets and in the following city-owned parking lots:

1. S.W. Broadway St. between S.W. Watson and S.W. Cedar Hills Blvd.,

2. S.W. 2nd St. between S.W. Hall Blvd. and S.W. Lombard Ave.,

3. S.W. 2nd Street between S.W. Watson Avenue and S. W. Angel Avenue.

4. City-owned parking lots:

a. Angel and Farmington Road

b. Betts and Farmington Road

c. At the corner of Broadway and Canyon, east of Tax lot 1S115BA00900

d. Chapman Street between 1st and 2nd

e. Beaverton-Hillsdale Highway between Broadway and Lombard Avenue.

C. The City Council by resolution may add other City-owned parking lots or remove one or more of those listed in this section. Such action may be temporary or permanent. The vehicle parking permit shall not preclude such action by the City Council nor entitle the permit holder to recover the permit fee or any part thereof.

D. Parking Permit Eligibility.

1. In the Downtown or in a residential permit parking district, a person is eligible to obtain a vehicle parking permit if the person can demonstrate either with a

valid drivers license, vehicle registration or rent or utility receipt that the person currently resides in the district for which the person requests a permit. A person using a vehicle owned by another person must present a notarized statement from the owner stating that the vehicle has been assigned to the applicant for the applicant's personal use.

2. In the Beaverton Downtown Permit Parking District, a person also is eligible to obtain a vehicle parking permit if the person is an employee of a business that is located within the District. The employee shall provide proof of eligibility by any document showing to City's satisfaction that the person is a current employee of a business located within the District and that the business holds a current, valid City business license. A business within the boundary may purchase vehicle parking permits for its employees who work within the Beaverton Downtown Permit Parking District eligibility area if it shows proof of a current valid City business license

E. Permit Applications. A person desiring a vehicle parking permit must apply for same with the City Finance Department on a form prepared by the City and pay applicable fees. Permit fees and changes to permit fees for permit parking districts authorized by this Code shall be by resolution of the City Council. The fee shall not exceed the City's costs to administer and enforce the permit program.

F. Parking Permit Design. Parking permit design shall be unique to each residential permit parking district and to the Beaverton Downtown Permit Parking District's eligibility area.

G. A permit holder shall notify the City Finance Department of loss or theft of a vehicle parking permit within three business days. The permit holder may purchase a replacement for one-half of the current fee unless the person is disallowed from purchase due to improper use.

H. Use and Misuse of a Parking Permit; Suspension; Revocation.

1. A parking permit is valid until expiration, surrender, or revocation so long as the permit holder and its vehicle remain in compliance with all parking area regulations.

2. A parking permit is valid only in the area for which it is issued. A permit may be displayed only on a vehicle currently registered with the State where the vehicle owner resides.

3. The City may revoke and may require the surrender of a vehicle parking permit held by a person who is not eligible to possess or display the permit or who commits misuse of a parking permit as defined in this section.

4. A person commits the offense of misusing a parking permit if a person does any of the following:

a. displays a permit on a vehicle that is not currently registered with the State where the vehicle owner resides;

b. displays a permit obtained without meeting eligibility requirements of BC 6.02.390 (D) and (E);

c. displays a permit that is expired, suspended, or revoked;

d. obtains a permit from the City by misrepresentation;

e. fails to surrender a permit at the City's lawful request;

f. duplicates or attempts to duplicate, by any means, a parking permit authorized under BC 6.02.390., or displays such a duplicate permit on any vehicle.

5. Upon a conviction for misusing a parking permit, in addition to any fines or other penalties that may be imposed, all permits issued to the offender and the right to apply for or display a permit shall be suspended for a period of three months.

6. Upon a second or subsequent conviction for misusing a parking permit within 12 months of a prior conviction for the same offense, in addition to any fines or other penalties that may be imposed the following shall apply:

a. all permits issued to the offender shall be revoked and returned to the City within three (3) days of conviction;

b. the offender shall be disqualified from purchasing or otherwise obtaining or displaying a permit for 12 months following conviction.

7. Fines, suspensions, revocations, and any other punitive action against a person or a person's ability to obtain parking permit privileges may be incorporated into a judgment of conviction for misusing a parking permit.

8. No person fined under this section may apply to display a parking permit until all fines have been paid.

9. Misuse of a parking permit is a violation punishable under BC 6.02.900.

I. Display of a vehicle parking permit does not convey any privileges other than that of exceeding the posted permit parking time limit. It does not authorize parking in any other restricted zone. Permitted vehicles are subject to the provisions of BC 6.02.320 (displaying vehicle for sale; repairing or servicing vehicle). Nothing in this ordinance shall limit the authority of any city police officer from requiring or causing the removal of any parked vehicle in an emergency or where the vehicle is subject to seizure or removal according to law.

J. The Mayor or the Mayor's designee shall be responsible for administration of the vehicle permit parking program under this ordinance and is authorized to prepare appropriate application forms, permit decals and other reasonable and necessary forms and documentation for proper administration. [BC 6.02.390, added by Ordinance No. 3971, 1/7/97; amended by Ordinance No. 4109, 6/5/00]

Section 5. Severability. The provisions of this Code are severable. If a portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Code.

First reading this 6th day of May, 2002.

Passed by the Council this 13th day of May, 2002.

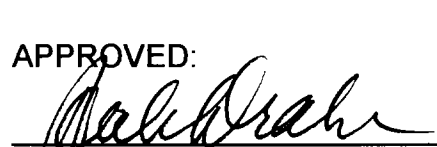
Approved by the Mayor this 15th day of MAY, 2002.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor