

CODE

ORDINANCE NO. 4742

AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER 6.02 RELATING TO PARKING ENFORCEMENT

Whereas, the City of Beaverton has seen an increase in parking demand on its streets and public parking lots;

Whereas, parking enforcement is an essential piece to a parking system;

Whereas, without parking enforcement, the City of Beaverton would be unable to implement any effective parking management strategies to improve congestion and allow its parking system to operate the way it was designed; and

Whereas, the City would like to modify the existing language in City Code such that the City may take action when individuals do not respond to their parking citations.

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Beaverton Code Chapter 6.02.010 is amended to read as follows:

GENERAL PROVISIONS

6.02.010 Short Title.

BC 6.02.010 to 6.02.900 shall be known and may be cited as the "Beaverton Uniform Traffic and Parking Ordinance" and may also be referred to as "this ordinance."

Section 2. Beaverton Code Chapter 6.02.700 to 6.02.750 is amended to read as follows:

X. PARKING CITATIONS AND OWNER RESPONSIBILITY

6.02.700 Parking Citation on Illegally Parked Vehicle.

A. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance or state law, the parking enforcement officer finding the vehicle shall conspicuously affix to the vehicle a parking citation that clearly states:

1. The date, place, and nature of the charge
2. The time and place for the person's appearance in court
3. The name of the parking enforcement officer issuing the citation
4. The license plate of the vehicle.

B. The parking citation shall instruct the person to answer to the charge or pay the penalty imposed within a specific number of days and during specific hours.

C. The parking citation shall contain a statement notifying the person that a judgment may be entered against the person up to the maximum amount of fines, assessments, and other costs allowed by law for the parking violation if the person does not pay the penalty imposed, or fails to appear at the time, date, and court specified in the parking citation, or fails to appear at subsequently-scheduled hearings in the matter.

D. The parking citation shall also contain a statement notifying the person that the person's vehicle is subject to a tow if there are four or more unpaid parking citations that have been issued to the same vehicle.

6.02.710 Owner Responsibility.

Every person in whose name a vehicle is registered shall be responsible for any parking violation of the provisions of the Code. It shall be no defense that the vehicle was parked illegally by another unless proof is presented that said vehicle has been stolen and has not been returned to the registered owner by the date of the violation. The registered owner of a vehicle is not responsible for any parking violation if proof is presented that said vehicle has been sold prior to the date of the violation, and not re-registered in which case the purchaser shall be responsible.

6.02.720 Parking Enforcement Officers.

The Mayor may authorize a person to issue parking citations on behalf of the city if the person agrees to enforce the city's ordinances and regulations relating to the parking of vehicles as a part of an organized program administered by the City. Such a person shall be considered a parking enforcement officer and shall have full authority to assist in the enforcement of the city's ordinances and regulations relating to parking, including but not limited to the issuance of parking citations.

Section 3. Beaverton Code Chapter 6.02 is amended to include 6.02.801 to 6.02.803:

XI. HEARINGS FOR PARKING CITATIONS

6.02.801 Registered Owner Presumption.

In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

6.02.802 Proof by Preponderance.

Except as otherwise provided by the ORS provisions adopted in BC 6.02.020, proof of any violation of this chapter, Beaverton Code Chapter 6.02, shall be by a preponderance of the evidence.

6.02.803 Procedures without Hearing for Parking Violations.

- A. A Beaverton municipal judge may proceed to make a determination and enter a judgment on a parking citation without a hearing if:
1. None of the registered owners of the vehicle appears within the time allowed in the Beaverton Municipal Court;
 2. Notice of the parking citation and the provisions of this section are mailed to the registered owner or owners of the vehicle at the address or addresses reflected in the records of the Department of Transportation; and
 3. No request for a hearing is filed with the court within the time provided on the citation.

In no event shall a judgment be taken sooner than 60 days from the date of the citation and without prior notice by mail to the person against whom the judgment is taken.

- B. A Beaverton municipal judge may proceed to make a determination and enter a judgment as described in subsection A of this section if at least one of the registered owners appears within the time allowed in Beaverton Municipal Court and requests a hearing, but thereafter fails to appear at the time and date set for any subsequent hearing in the matter. If a determination is made under this subsection, the Beaverton Municipal Court shall mail notice of any sentence and judgment to the registered owner or owners of the vehicle at the address or addresses reflected in the records of the Department of Transportation.
- C. A determination under this section shall be on the citation and on any evidence that a Beaverton municipal judge may, in his or her discretion, determine to be appropriate.
- D. Upon making a determination under this section, a Beaverton municipal judge may enter judgment, and, if the determination is one of conviction, may impose a sentence of a fine within the limits established for the parking violation along with a money award for costs, assessments, and other amounts authorized by law.
- E. On motion and upon such terms as are just, a Beaverton municipal judge may relieve a person from a judgment entered in this section upon a showing that the failure of the person to appear was due to mistake, inadvertence, surprise or excusable neglect. The motion must

be made within a reasonable time, and in no event more than one year after entry of judgment in the matter.

Section 4. Beaverton Code Chapter 6.02.805 to 6.02.890 is hereby repealed.

Section 5. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

- A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the constitutional or invalid part; or
- B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

First reading this 18th day of September, 2018.

Second reading and passage by this Council this 2nd day of October, 2018.

Approved by the Mayor this 3rd day of October, 2018.

ATTEST:


CATHY L. JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor