

ORDINANCE NO. 2276

AN ORDINANCE AMENDING BEND CODE SECTIONS 6.25.005 FAILURE TO COMPLY WITH PARKING CITATION AND 6.30/005 REMOVAL (TOWING) ILLEGALLY PARKED VEHICLES

Findings:

- A. Bend Code Chapters 6.25 and 6.30 regulate parking and provide enforcement tools for parking.
- B. Parking regulations in Bend are enforced by the Bend Police Department throughout the City and also by a contractor in the downtown area.
- C. One tool authorized by the code is the placement of an immobilization device on cars that have outstanding parking infractions. Towing is authorized in some situations. Use of immobilization devices has encountered difficulties as some persons have been able to remove the immobilization devices. Authorizing towing as an alternative to immobilization devices should provide more effective enforcement against repeat offenders.

Based on these findings, the City of Bend ordains as follows:

Section 1. Bend Code Section 6.25.005 is amended to read as follows:

6.25.005 Failure to Comply with Parking Citation.

If BC 6.25.000C is not complied with, the City or its designee shall provide written notice to the owner or lessee of the vehicle. The notice shall provide information related to additional charges, as established in the City's Fees and Charges Resolution.

A. If the City has contracted the enforcement of parking violations, that contractor or its agent may collect the penalties imposed by this Chapter, and may immobilize or tow and impound the vehicle pursuant to subsection B of this section. The owner of the vehicle is responsible for towing and impound costs incurred by the City's agent unless the owner can establish that the vehicle was stolen at the time it was illegally parked. The agent's right to tow and impound in this section is in addition to and not limited by the right to remove vehicles under Section 6.30.005.

B. A vehicle for which a citation has been issued and remains unpaid after becoming due may be immobilized or towed and impounded. A vehicle that has been immobilized or impounded shall not be released until all outstanding penalties and charges have been paid to the City or its designee.

C. No person other than an authorized City agent shall remove or attempt to remove an immobilizer device; and no person shall move or attempt to

move an immobilized vehicle until the immobilizer device is removed. A violation of this subsection is a Class A civil infraction.

Section 2. Bend Code Section 6.30.005 Removal (Towing) of Illegally Parked Vehicles is amended to read as follows:

6.30.005 Removal (Towing) of Illegally Parked Vehicles.

A. The City may remove any illegally parked vehicle that is unattended or that is not removed after a request is made to the owner or person in charge of the vehicle.

B. Except as provided in subsection C of this section, the City shall not remove any vehicle that was originally legally parked unless:

1. The vehicle has remained illegally parked for a period three times longer than the time originally allowed for the vehicle to be parked;
2. Removal is needed for street cleaning, snow removal or maintenance;
3. The vehicle is obstructing traffic;
4. The vehicle has been parked for more than five days.
5. The vehicles is parked on a street that has been closed or scheduled for closure.
5. The vehicle has outstanding parking violations that are due and remain unpaid.

Section 3. All other provisions of the Bend Code remain unchanged and in full effect.

First Reading Date: August 3, 2016

Second Reading and Adopted by roll call vote on: August 17, 2016

YES: Jim Clinton, Mayor
Victor Chudowsky
Sally Russell
Casey Roats
Barb Campbell

NO: Nathan Boddie



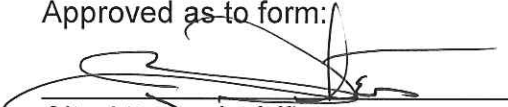
Jim Clinton, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office