

CHAPTER 6.10 ADMINISTRATION

6.10.000 Powers of Road Authority

A. The City Manager is delegated the authority to take the following actions on a permanent or temporary basis and may further delegate the authority:

1. Designate portions of rights-of-way which shall be used for bicycle lanes.
2. Designate through streets, one-way streets, truck routes, and streets where trucks and heavy machinery are prohibited, except as needed to perform work or deliver or pick up materials.
3. Designate locations for traffic control devices.
4. Establish bus stops.
5. Provide appropriate signs and marking relating traffic, traffic control, pedestrians, crosswalks, school zones, and parking.
6. Close or restrict the use of streets and sidewalks.

B. The City Council delegates to the City Manager the authority to make all decisions relating to the exercise of the powers of a road authority under State law. The City Manager may further delegate the authority granted under this section.

C. The delegation of road authority to the City Manager does not deprive the City Council of its power to act as the City's final road authority or to review City Manager decisions under this section pursuant to 6.10.005.

6.10.005 Definitions.

Except as otherwise provided, the definitions in this Section apply in this Title. In addition, definitions contained in the Oregon Vehicle Code applies to any terms in this Title not specifically defined in this Section or in another Chapter.

A. **Bus stop** means a space on the edge of a roadway designated by sign or curb marking for use by Bend Area Transit buses.

B. **Motor vehicle** means every vehicle that is self-propelled, including tractors, forklift trucks, motorcycles, road-building equipment, street-cleaning equipment, and any other vehicle capable of moving under its own power, even if the vehicle is exempt from licensing under the motor vehicle laws of Oregon.

C. **Street** means any City-administered right-of-way developed for vehicular travel.

CHAPTER 6.20 PARKING

6.20.000 Definitions.

A. Unless otherwise provided in this chapter, terms shall have the meaning prescribed in ORS chs. 801 through 826, the Oregon Vehicle Code. Where terms are not defined by this chapter or by the Oregon Vehicle Code, terms shall be given their plain and ordinary meaning. The definitions in Section 6.10.005 of this Title do not apply to this Chapter.

B. The following words, terms and phrases, are defined as follows for purposes of this Chapter, except where the context clearly indicates or requires a different meaning or otherwise specifies:

1. **Alley** means a public easement or right-of-way serving more than one lot or parcel primarily for vehicle access to the back or side of properties.
2. **Alternative fuel vehicle** means a motor vehicle that is manufactured or modified to use alternative fuel, including but not limited to electricity, ethanol, methanol, gasohol and propane or natural gas or any other fuel approved by the State Department of Energy that produces less exhaust emissions than vehicles fueled by gasoline or diesel.
3. **Block** means the properties abutting both sides of a street:
 - a. Between two cross streets;
 - b. Between the city limits and the nearest cross street; or
 - c. When there is only one cross street:
 - i. Between a cross street and the dead end of a street; or
 - ii. Between a cross street and a line projected from the centerline of an intersecting street, such as a "T" intersection.
4. **Curbline** means the line dividing the roadway from the planting strip or sidewalk that is the inside (street side) of the curb.
5. **Designated fire lane** means a street or other passageway designated to allow the passage of fire apparatus, and identified by signs, marking, or other similar devices commonly used to indicate the road or passageway is a fire lane. A designated fire lane is not necessarily intended for vehicular traffic other than fire apparatus and may be located on private property.
6. **Designated parking area** means an area which is identified by signs, markings, or other similar devices commonly used to indicate vehicle parking spaces.

7. **Enforcement officer** means all City of Bend police officers, community services officers, parking services employees and authorized contractors, and all other persons authorized by the City Manager to enforce the provisions of this Chapter.,.
8. **Immobilizer** means a device that is attached to a vehicle and is designed to restrict the normal movement of that vehicle.
9. **Landscape strip** means that area between the curbline or edge of the roadway and the sidewalk line which has not been specifically dedicated, designated or improved for parking.
10. **Loading zone** means a designated parking area reserved for the exclusive use of vehicles during the loading or unloading of passengers or cargo for a temporary period of time.
11. **Metered parking space** means a parking space where the length of time allowed for parking is controlled by a parking meter.
12. **No parking space** means a parking space where parking is prohibited at all times or during specified hours or days.
13. **Off-street parking facility** means any publicly owned, leased, or managed building, structure, land or facility used for off-street parking of motor vehicles.
14. **Park** means to stop, or to cause to permit, or to remain stopped, any vehicle or combination of vehicles, or any portion thereof, on any street, off-street parking facility, or other public right-of-way, including sidewalks, or within any designated fire lane, except such stops as are made in response to legal controls or requirements, conditions created by other traffic, emergencies related to the operation of the vehicle during the actual period of such emergency, or momentary stops for the expeditious loading or unloading of passengers.
15. **Parking control device** means any sign, standard, painted curb, marking, or any device, inscription, or designation giving notice of, delineating, controlling or restricting parking or use of parking spaces.
16. **Parking meter** means a device placed at or near the curb adjacent to a street or on City-owned property and designed to register the duration and limit of time for parking in a parking space, upon payment. Parking meter as used in this chapter includes a pay station.
17. **Parking space** means any space adjacent to the curb or edge of a street where parking is not prohibited and which is either designated by painted lines for the parking of one vehicle or is large enough to accommodate the parking of one vehicle with no part of such vehicle occupying any prohibited area; or any

space in an off-street parking facility which is designated by painted lines for the parking of one vehicle.

18. **Parking Benefit District** means defined area within which parking may be restricted by signs or require parking permits, fees for which will be established by Council by resolution, in which a portion of revenues from permit sales and citations is allocated for projects supportive of parking and pedestrian infrastructure within the district boundary.

19. **Parking District** means a geographically limited area and designated with time limited, metered, and other parking spaces or zones as authorized following the process set forth in Section 6.20.020. A Parking District includes a Parking Benefit District.

20. **Permit** means an authorization issued in accordance with this Chapter to park a vehicle at a location in the manner, at the times, and in compliance with the conditions specified by the permit.

21. **Private street** means highway, road, street, alley or way within the corporate limits of the City that is privately-owned or -maintained whether or not encumbered by a public access or similar public transportation easement.

22. **Street** means any public highway, road, street, alley, or way, or private street within the corporate limits of the City of Bend. As used in this chapter, the term "street" does not include private streets.

23. **Time limited parking space** means a parking space designated by official signs or markings as restricted in use for a specified period of time, or any parking space that is time limited under this Chapter, including spaces governed by BMC 6.20.040(h).

24. **Vehicle** means any device in, upon or by which any person or property is or may be transported or drawn upon a street and includes vehicles that are propelled or powered by any means.

6.20.005. Administrative Rulemaking; Fees.

A. The City Manager or their designee shall administer and enforce the provisions of this Chapter, and shall have the authority to render written interpretations, and to adopt administrative rules and procedures necessary for its proper administration and enforcement subject to review by the City Council as provided in BMC 6.10.005.

B. Fees for parking, parking permits, and administrative fees for City requested tows, shall be set by resolution of the Council.

6.20.010. Suspension of Parking Regulations.

A. The City Manager may temporarily suspend parking regulations established by this Chapter when it is in the public interest to do so. In making a determination that suspension of parking regulations would be in the public interest, the City Manager shall consider:

1. Time limits for the suspension;
2. The vehicle types and purposes that will be subject to the suspension;
3. The seasonal and special event demand for parking spaces within the areas where the parking regulations will be suspended;
4. The effect of the suspension on City goals and policies;
5. The impact on nearby commercial or residential uses; and
6. The availability of other parking that could accommodate the need that gives rise to the proposed suspension.

B. The decision to suspend enforcement shall be posted on the City's website. The posting shall describe the territorial limits of the suspension, the times during which the suspension will be effective, the basis for the suspension, and any other matters that are necessary to give the public reasonable notice of the terms of the suspension. The suspension shall be effective upon the date of such posting.

6.20.015. Authority of City Manager to Adopt Administrative Parking Orders Relating to on-Street and Off-Street Parking.

A. The City Manager has the authority to adopt administrative policies relating to on-street and off-street parking in areas that are not located within and subject to an adopted Parking District as provided in this Section.

1. *Off-street parking facilities.* The City Manager or their designee may designate the placement of the following in off-street parking facilities:
 - a. stop signs;
 - b. metered parking spaces, time limited parking spaces, and the time limits thereof; crosswalks; loading zones; safety zones; and traffic lanes;
 - c. the striping and marking of lanes and the turning movements thereon;
 - d. the placement and maintenance of signs as may be reasonable or necessary for the safety of traffic;
 - e. speeds for vehicles within an off-street parking facility; and

f. any other spaces or parking-related facilities.

2. *On-street parking spaces.* The City Manager or designee may adopt administrative parking regulations relating to on-street parking spaces, including, but not limited to, no parking spaces, time limited parking spaces, small car parking spaces, motorcycle parking spaces, bicycle parking, and loading zones, and establishing the time limits thereof. The administrative parking regulations established under this Section may apply to no more than one continuous block face; any parking regulations relating to on-street parking in excess of such area must be go through the Parking District establishment process described in Section 6.20.020. The City Manager or designee does not have the authority to designate metered parking and permit parking spaces outside of an established Parking District.

6.20.020. Parking Districts

A. Establishment

1. Parking Districts and Parking Management Plans may be established by the City only as set forth in this Section 6.20.020. A Parking Management Plan is required for all Parking Districts.

2. An area is eligible for consideration by the City for designation as a Parking District based on the following criteria: a geographic area comprised of at least one continuous block face; evidence of parking congestion within the proposed area; evidence that lack of parking regulations in the area is or may result in harm to public safety; history of public complaints; frequency of vehicle citations; recurring events; other criteria as determined by the City Manager or designee. The City will take equity into consideration when determining eligibility for a Parking District.

3. Either City staff or the City Council may propose the designation of an area meeting the above criteria as a Parking District, after which the City Council shall hold a work session to direct staff whether to draft a Parking Management Plan.

4. If the City Council directs staff to draft a Parking Management Plan for a proposed Parking District, staff shall have no less than sixty (60) days to draft the proposed Parking Management Plan. The Parking Management Plan must be drafted according to the City Manager or their designee's reasonable determination of safety, convenience, and necessity to the public.

5. The Parking Management Plan will be subject to a 60-day public comment period open to all members of the public.

6. Within sixty (60) days following closure of the public comment period, City staff shall review the plan based on public feedback and present the proposed

Parking District and related draft Parking Management Plan for Council approval or remand.

7. Approval or remand shall be done by resolution.

B. Parking Management Plans

1. A Parking Management Plan must include the following information:

a. A map of the Parking District;

i. The parking tools or strategies to be used in the Parking District including both on-street and off-street parking spaces;

ii. A visual depiction and/or written summary of the location of the parking tools or strategies to be use in the Parking District;

iii. The days of the weeks, times of the day, and duration for time-limited, metered, permit, or other proposed parking strategies in the area;

iv. Other Parking District-specific rules or regulations authorized by this Chapter.

2. The parking rules set forth in this Title apply in all Parking Districts unless otherwise set forth in an approved Parking Management Plan.

3. After approval by Council, minor amendments to the Parking Management Plan may be completed without further Council approval. Major amendments are subject to further Council approval by resolution but do not need to follow the establishment procedure described above in subsection A.

4. Approved Parking Management Plans shall be conspicuously posted in the City's website. In addition, the City Manager or their designee shall cause each parking space in a street or within an off-street parking area to be clearly marked consistent with the Parking Management Plan.

C. Appeal

The decision to establish a Parking District and the adoption of a Parking Management Plan by Council shall be final and not subject to appeal.

6.20.025. Enforcement Authority.

Every enforcement officer shall have the authority to enforce this Chapter and shall be considered an "issuing officer" for the purposes of ORS 221.333.

6.20.030. Application; Adoption of State Parking Offenses.

A. The provisions of this Chapter prohibiting the stopping, standing or parking of a vehicle shall not apply to the stopping, standing or parking of a vehicle that is necessary to avoid conflict with other traffic or is made in compliance with directions of an enforcement officer.

B. The following sections of the Oregon Vehicle Code are hereby adopted by reference:

1. ORS 811.550 "Places Where Stopping, Standing and Parking Prohibited";
2. ORS 811.555 "Illegal Stopping, Standing or Parking; Affirmative Defense; Penalty";
3. ORS 811.560 "Exemptions from Prohibitions on Stopping, Standing and Parking";
4. ORS 811.565 "Dangerous Movement of Stopped, Standing or Parked Vehicle; Penalty";
5. ORS 811.570 "Improperly Positioning Parallel Parked Vehicle; Exception; Affirmative Defense; Penalty";
6. ORS 811.575 "Violation of Posted Parking Restrictions on State Highways; Affirmative Defense; Penalty";
7. ORS 811.580 "Parking Vehicle on State Highway for Ending Purposes; Penalty";
8. ORS 811.585 "Failure to Secure Motor Vehicle; Affirmative Defense; Penalty";
9. ORS 811.615 "Unlawful Parking in Space Reserved for Persons with Disabilities; Exceptions; Penalty";
10. ORS 811.617 "Blocking Parking Space Reserved for Persons with Disabilities; Penalty";
11. ORS 811.625 "Unlawful use of Disabled Person Parking Permit; Penalty";
12. ORS 811.627 "Use of Invalid Disabled Person Parking Permit; Penalty";
13. ORS 811.630 "Misuse of Program Placard; Penalty."

6.20.035. Method of Parking.

A. A vehicle that is parked without a licensed driver in the driver's seat thereof shall be parked with the brakes effectively set; the engine off; the keys removed from the

ignition and the ignition system left in such a condition that it cannot be readily activated without a key; and, when parked upon any perceptible grade, with the front wheel or wheels turned toward the nearest curb or edge of the roadway.

B. A vehicle that is parked in an unmarked or parallel parking space shall be headed as though proceeding in the same direction as traffic in the traffic lane immediately adjacent to such parking space.

C. A vehicle that is parked in an angled parking space or in an angled off-street parking space shall be parked headed toward the nearest curb or edge of the roadway or curb stop or edge of the painted marking.

D. A vehicle that is parked in a marked parking space shall be parked so that no portion of such vehicle is upon, over, or across the lines marking such space.

6.20.040. Prohibited Parking.

It shall be unlawful for any person to park:

A Any vehicle at any place prohibited by ORS 811.550;

B Any vehicle at any place adjacent to a curb which has been painted yellow or red by the City;

C Any vehicle on or within the landscape strip;

D Any vehicle contrary to any parking control device;

E Any vehicle in or blocking any public alley, except for the purpose of loading or unloading passengers or cargo, and then only for a period of time not to exceed 15 minutes;

F Any vehicle in any parking space when the vehicle is parked for the principal purpose of:

1 Displaying the vehicle for sale;

2 Selling, taking orders for, or attempting to sell or take orders for the present or future delivery of goods or services of any nature, if such sales or orders are made, taken, or attempted from the vehicle, unless otherwise authorized by local law, policy, rule, regulation, or permit;

3 Displaying advertising from the vehicle; or

4 Repairing, constructing, reconstructing, or servicing the vehicle;

G. Any commercial vehicle with a gross vehicle weight exceeding 26,000 pounds:

1 On a street within any district zoned residential between the hours of 9:00 p.m. and 7:00 a.m.; or

2 On any street which is less than 24 feet in overall width.

H. Any vehicle or structure, including but not limited to, trailers, recreational vehicles, campers, motor homes, or snowmobiles, that is not designed for or capable of self-propulsion, or is not connected to a vehicle designed for or capable of self propulsion, and is parked on a street or off-street parking facility;

I. Any vehicle in the same location on a street or in an off-street parking facility for a continuous period of time of more than three business days;

J. Any vehicle within any area which is designated as a fire lane;

K. Any vehicle in violation of the administrative rules governing a Parking District relating to on-street and off-street parking issued pursuant to BMC 6.20.020.

L. Any motor vehicle that has expired registration as described in ORS 803.455(1) and which is in a parking space, alley, landscape strip, on a street or in an off-street parking facility;

M. Any vehicle in any space that is marked or signed as reserved for alternative fuel vehicle refueling and the vehicle is not actively engaged in the refueling process.

N. Any vehicle with protrusions, whether or not attached the vehicle, blocking the sidewalk, travel lane, or otherwise extends outside a parking space.

6.20.045. Overtime Parking in Time Limited Parking Spaces.

A. It shall be unlawful to park a vehicle in violation of the maximum time limits applicable in any time limited parking space. The maximum time limits in a time limited parking space shall be a period of time, designated as the time limit on the parking control device designating the time limited parking space or as set forth in an approved Parking Management Plan.

B. In all time limited parking spaces, maximum time limits shall apply to parking in the entire block, not merely to parking in one or more particular parking spaces or adjacent to a parking control device on the block or as set forth in an approved Parking Management Plan.

C. Except as set forth in a Parking Management Plan, no person in charge of a vehicle may extend the permissible time for parking the vehicle in the block by causing the vehicle to be moved from one parking space to another in the block.

6.20.050. Overtime Parking in Metered Spaces.

It shall be unlawful for any person to park in a metered parking spaces:

A At any time when the parking meter indicates that the parking time authorized by the parking meter has expired;

B At any time when the receipt received from a parking meter indicates that the authorized parking time has expired; or

C In excess of the maximum lawful time limits applicable in a metered parking space. For purposes of this subsection, the term "maximum time limits" means a continuous period of time designated as the time limit on the parking meter. Calculation of the continuous period of time shall commence when the vehicle enters the metered parking space, and shall not be extended beyond such continuous period of time by the deposit of coins or other payment that add time beyond maximum time limits; or

D At any time when the parking meter indicates that parking is prohibited.

6.20.055. Application of Time Limits on Certain Days.

Unless specifically designated otherwise by a parking control device, the time limitations and payment requirements imposed on metered or time limited parking spaces shall not apply on January 1, Martin Luther King Day, Presidents Day, Memorial Day, Juneteenth Day (June 19th), July 4, Labor Day, Veterans Day, Thanksgiving Day, December 25, and the following Monday if any such day falls on a Sunday in any year.

6.20.060. Failure to Display Proof of Payment.

It is unlawful to park or permit to be parked any vehicle in a metered parking space during the hours of operation of the meter without paying the required amount or, if required, properly displaying valid proof of payment. As used in this Section, properly displaying valid proof of payment means placing the payment receipt on the dashboard of the vehicle in such a manner that the expiration time and date are readily visible from the exterior. For motorcycles, the payment receipt shall be displayed in a manner where it is readily visible.

6.20.065. Failure to Display Permit When Required.

It shall be unlawful for a person to park a vehicle in a permit area when the person is an authorized permit holder in good standing, but has failed to obtain or, if required, display a parking permit.

6.20.070. Parking for Persons with Disabilities; Parking in Violation of Disabled Parking Laws Prohibited.

A Pursuant to ORS 811.635, a person holding a "Wheelchair User" or "Oregon Wounded Warrior" placard or decal, or another person while transporting its holder to or from the parking location, may:

- 1 Park a motor vehicle in any public parking space restricted as to the length of time without incurring penalties imposed for overtime parking in such spaces.

2. Park a motor vehicle in any public parking space with metered parking without being required to pay any parking meter fee.

B. The privileges granted by subsection A of this Section do not include any of the following:

1. Parking in spaces where stopping, parking, or standing of all motor vehicles is prohibited.
2. Parking in spaces reserved for special types of motor vehicles or activities.
3. Parking in spaces where parking is permitted only for thirty (30) minutes or less.
4. Parking in a space marked or signed for "Wheelchair User Only," unless displaying a "Wheelchair User" placard or decal issued under ORS 811.613.

C. Except as allowed under subsection A of this Section, it shall be unlawful for any person to park at any place, including private property, in violation of ORS 811.615 through 811.625.

6.20.075. Failure to Obey Administrative Parking Regulations.

It shall be unlawful for any person to violate any rule, regulation or order adopted pursuant to this Title.

CHAPTER 6.25 ENFORCEMENT

6.25.005. Tampering with Parking Control Devices.

It shall be unlawful to tamper with, remove or alter any parking control device.

6.25.010. Unauthorized Use of a Parking Meter.

It shall be unlawful for any person to:

A. Deposit any counterfeit coin, foreign coin, slug, bill, or other thing or material in any parking meter other than a coin in lawful coinage of the United States of America of a denomination designated on the meter as appropriate for deposit therein.

B. Deface, injure, tamper with or willfully break, destroy, or impair the usefulness of any parking meter installed pursuant to this Chapter.

6.25.015. Unauthorized Use of Parking Permits.

A. It shall be unlawful for any person to copy, reproduce, or alter any parking decal, form, sticker, or other device issued by the City pursuant to the provisions of this Chapter.

B. It shall be unlawful for any person to use any altered, forged, or expired permit on any vehicle for the purpose of representing that such vehicle is in compliance with any Section of this Chapter which requires a sticker, form, decal, or other device when that vehicle and the owner are not so entitled.

C. It shall be unlawful for any person to provide for use or to use any permit on a vehicle for the purpose of representing that such vehicle is in compliance with any Section of this Chapter which requires a sticker, form, decal, or other device when that vehicle and the owner are not so entitled.

6.25.020. Unauthorized Parking Control Devices.

It shall be unlawful for any person to place, erect, paint, inscribe, or otherwise establish any parking control device which purports to restrict or control parking, except such parking control devices as are authorized by this Chapter, any other provision of the Bend Municipal Code, or the laws of the State of Oregon.

6.25.025. False Statements by Applicant.

It shall be unlawful for any person to willfully make any false, untrue, or misleading statement on any application for a parking permit or renewal thereof, or to willfully withhold information or make incomplete disclosure concerning any matter required to be furnished in connection with any such parking permit.

6.25.030. Method of Charging Parking Violations.

Citations issued for violations of this Chapter shall, in addition to any other applicable laws, conform with ORS 221.333.

6.25.035. Separate Offenses in Time Limited Parking Zones and Metered Parking Zones.

Each multiple violation of the maximum time limits in a time limited parking zone or metered parking zone during which a vehicle is unlawfully parked shall constitute a separate offense. Example: Where a time limited parking zone or metered parking zone is designated as two hours, each two-hour period during which a vehicle remains parked in excess of the initial two hours shall constitute a separate offense.

6.25.040. Responsibility for Violations.

Except as otherwise provided in this Chapter:

A. The owner of a vehicle parked in violation of this Chapter shall be responsible for the offense, except where the use of the vehicle was secured by the operator without the owner's consent.

B. In a prosecution of a vehicle owner, proof that, at the time of the alleged violation, the vehicle was registered with the appropriate motor vehicle licensing authority as

belonging to the defendant shall raise a rebuttable presumption that the defendant was the owner in fact.

6.25.045. Violations.

A. Violation of this Chapter is an infraction and is punishable by the fines set forth in subsection B of this Section.

B. Fines for infractions established by this Chapter shall be as set forth in the City's Fee Resolution.

6.25.050. Payment of Parking Fines; Late Payment of Fees.

A. Before 12:00 midnight of the 14th calendar day following the date of the alleged violation, any person charged with an infraction under this Chapter shall pay the fine in the amount shown on the citation, or enter a plea of not guilty or no contest as provided in Bend Municipal Code Section 6.25.055.

B. If the date for payment specified in subsection A of this Section falls on a Saturday, Sunday or a legal holiday, the date for payment shall be not later than 5:00 p.m. of the next business day following the Saturday, Sunday or legal holiday.

6.25.055. Appearance by Defendant.

A. A defendant must, if the ticket is not paid as provided in Section 6.25.050, above, within fourteen (14) days of the date a citation for a violation of this Chapter is issued, make a first appearance by one of the following methods:

1. Personally appearing before the Bend Municipal Court and entering a plea; or
2. Entering a plea of guilty or no contest in writing or otherwise appealing the ticket as authorized, by electronic communication, regular mail, or personal delivery to the Court.

B. If the defendant fails, within the time provided by subsection A of this Section, to pay or to make a first appearance, the Bend Municipal Court shall enter an order and judgment of default against the defendant, entered as a judgment in favor of the City.

C. Notwithstanding the provisions of this Section 6.25.055A, the Municipal Court judge may promulgate Court rules regarding waiver of personal appearance or appearing before the Court through means other than personal appearance for persons cited for a violation of this Chapter designated as an infraction in this Chapter.

6.25.060. Towing and Impoundment of Vehicles.

A. In addition to any other authority an enforcement officer has to tow vehicles, an enforcement officer may, in addition to or in lieu of issuing a parking citation, cause such vehicle to be towed and impounded if any of the following conditions exist:

1. The vehicle is parked in violation of this Chapter, subject to the notice requirements set forth in this Chapter;
2. The vehicle has been immobilized and the past due parking fines and immobilizer fees have not been paid by 12:00 noon of the day following immobilization;
3. The vehicle presents a traffic or public safety hazard;
4. An immobilizer was removed following the payment of a check or other instrument and the payment was returned to the City because of insufficient funds, stop payment order, account closure, or other similar action;
5. Following the tampering with and/or unauthorized removal of an immobilizer;
6. When so ordered by the Municipal Court; or
7. The vehicle is parked or left standing in violation of ORS 819.100, ORS 819.110, or ORS 819.120.

B. The owner of the vehicle, or any person authorized by the owner to act on the owner's behalf, may redeem the vehicle pursuant to BMC 6.25.105.

C. A vehicle which has been towed and impounded shall, if not lawfully reclaimed pursuant to BMC 6.25.105, be disposed of as provided in BMC 6.25.115 through BMC 6.25.120.

6.25.065. Immobilizer Installation.

A. Any enforcement officer may immobilize a motor vehicle located upon a public street or City off-street parking facility by installing on or attaching to the vehicle an immobilizer if:

1. The vehicle is parked in violation of any of the provisions of this Chapter and at the time displays no license plates or valid trip permit;
2. The driver, owner, and/or person in charge of the vehicle has accumulated fines of not less than \$250.00 outstanding for more than sixty (60) days; or
3. The vehicle is parked in a designated permit parking area displaying an altered parking permit, a permit obtained under fraudulent conditions, or

displaying a parking permit when the use or display of the permit is not authorized by this Chapter.

B. If the City immobilizes a motor vehicle pursuant to this Section, the City shall provide notice at the time of the immobilization of the right to a hearing on the immobilization pursuant to BMC 6.25.100.

6.25.070. Immobilizer Removal.

A. The immobilization device may be removed after payment in full is received by the City or it's parking management & enforcement contractor for the outstanding amounts plus all applicable fees and charges as set forth in BMC 6.25.080.

B. No person other than an authorized City agent shall remove or attempt to remove an immobilization device and no person shall move or attempt to move an immobilized vehicle until the device is removed. Driving with an immobilization device affixed to the windshield may constitute a violation of ORS 815.220 and be subject to penalty.

C. A person who has paid all outstanding fees is specifically authorized by the City to remove an immobilization device attached to the vehicle's windshield provided such device is promptly returned to the City or it's parking management & enforcement contractor as provided on the device.

6.25.075. Request for Hearing.

If a vehicle is immobilized or impounded, the person entitled to the vehicle may request a hearing on the immobilization or impoundment as provided by BMC 6.25.100.

.6.25.080. Immobilization Penalty.

A. At the time of immobilization, an enforcement officer shall, in addition to all unpaid bails, fines, or bail forfeitures, affix an additional penalty as set forth in the City's Fee Resolution.

B. The total of all unpaid bails, fines, and bail forfeitures shall be paid in full before the immobilizer is removed. This shall include the immobilizer penalty and all parking citations that have become adjudicated as final due to the passage of the 14-day appeal period under BMC 6.25.055(a) and no appeal having been filed.

6.25.085. Tampering With or Damaging an Immobilizer.

It shall be unlawful for any person to willfully destroy, damage, deface, alter, tamper with, or in any way impair the usefulness, temporarily or permanently, of any immobilizer.

6.25.090. Notice Prior to the Removal of an Abandoned or Disabled Vehicle.

A. If the City proposes to take custody of a vehicle, the City shall provide notice as required by ORS 819.170.

B. If the City proposes to take custody of any vehicle parked in violation of BMC 6.20.040H or BMC 6.20.040J, the City shall provide notice in a manner set forth under ORS 819.170.

6.25.095. Post-Tow Notice to Owner.

1. If the City takes custody of a vehicle, the City shall provide notice as required by ORS 819.180.

2. If the City takes custody of an abandoned vehicle appraised at \$500.00 or less, the City shall cause notice to be provided in accordance with ORS 819.215.

6.25.100. Hearing.

A. Upon written request of the legal owner, the registered owner, or any other person who reasonably appears to have an interest in the vehicle, delivered to the Municipal Court not more than the earlier of five days from the mailing date of a notice provided under BMC 6.25.095 or the affixing of the notice upon the vehicle pursuant to BMC 6.25.090 or BMC 6.25.065B, a hearing shall be held before the municipal judge. The written request shall state the grounds upon which the person requesting the hearing believes that the towing and custody, the proposed towing and custody, or the immobilization of the vehicle is not justified. The five-day period in this subsection does not include holidays, Saturdays or Sundays.

B. If the City has provided notice pursuant to BMC 6.25.085 or BMC 6.25.065B and the Municipal Court receives a request for hearing before the vehicle is taken into custody and towed, the vehicle may not be towed unless the vehicle constitutes a public safety hazard.

C. The hearing shall be set and conducted within three regular days of receipt of the request, holidays, Saturdays, and Sundays not included. The hearing can be set for a later date if the owner or person entitled to possession so requests. At the hearing, the owner may contest:

1. The validity of the action of the enforcement officer in taking the vehicle into custody; and

2. The reasonableness of the charge set for towing and storage of the vehicle. Towing and storage charges set by City ordinance or by contract entered into pursuant to ordinance are presumed to be reasonable for purposes of this Section.

D. The City shall have the burden of showing the validity of the taking of the vehicle.

E. At any time prior to the requested hearing, the owner or the person entitled to possession of the vehicle may regain possession of the vehicle as provided by BMC 6.25.105 by posting with the City security in the form of cash or bond in an amount sufficient to cover costs of towing and storage, together with any fines or bails owed pursuant to BMC 6.25.045 or a fee in an amount as may be set by resolution of the Council.

F. If the municipal judge finds, after the hearing, that:

1. The action of the City in taking the vehicle into custody was proper:
 - a. The municipal judge shall enter an order that the vehicle be held in custody until all towing and storage costs, and any City fees are paid by the vehicle owner or person entitled to possession;
 - b. The municipal judge may assess costs of the hearing against the person requesting the hearing;
 - c. The municipal judge may apply any security posted against the towing and storage costs, the costs of the hearing, and any fines and City fees; and
 - d. IF the vehicle has not yet been towed, the municipal judge shall also order that the vehicle be towed.

2. The action of the enforcement officer in taking the vehicle into custody was invalid, the judge shall:

- a. Order the immediate release of the vehicle to the owner or person entitled to possession;
- b. Find that the owner or person entitled to possession of the vehicle is not liable for any towing or storage charges occasioned by the taking;
- c. Order the City to satisfy the towing and storage lien; and
- d. Order the City to reimburse the owner or person entitled to possession of the vehicle for any towing and storage charges and City fees paid by the owner or person entitled to possession of the vehicle. New storage costs on the vehicle will not start to accrue until more than 24 hours after the time the vehicle is officially released to the owner or person entitled to possession of the vehicle under this subsection (2).

G. If the person requesting the hearing does not appear at the scheduled hearing:

1. The municipal judge may enter an order that the vehicle be held in custody until all towing and storage costs, and City fees are paid by the vehicle owner or person entitled to possession of the vehicle.

2. The municipal judge may assess costs of the hearing against the person requesting the hearing; and

3. The municipal judge may apply any security posted against the towing and storage costs, the costs of the hearing, and any fines and City fees.

H. A person who fails to appear at a hearing under this Section is not entitled to another hearing unless the person provides reasons satisfactory to the appropriate authority for the person's failure to appear.

I. The action of the municipal judge pursuant to this Section is final and is not subject to appeal.

J. The municipal judge shall provide a written statement of the results of the hearing held under this Section to the person requesting the hearing.

6.25.105. Owner Reclaiming Vehicle.

The legal owner, registered owner, or person entitled to possession of an unclaimed vehicle may reclaim such vehicle any time after it is taken into custody, and before it is sold upon presentation of satisfactory proof of ownership or right to possession, and payment of towing and storage charges, unpaid fines, bails, and forfeitures attached to the vehicle, and City fees or posting of security required under this Chapter.

6.25.110. Appraisal of Unclaimed Vehicles.

The City shall cause an unclaimed vehicle to be appraised within a reasonable time by a person holding a certificate issued under ORS 819.480.

6.25.115. Disposition of Motor Vehicles Appraised at \$2,000.00 or Less.

The City shall cause any vehicle which remains unclaimed for a period of at least 30 days after the date of mailing notice pursuant to BMC 6.25.095, or the taking of the vehicle into the custody by the City, whichever is later, to be disposed of in accordance with the procedures set forth in ORS 819.210, unless otherwise provided by state law.

6.25.120. Disposal of Vehicles Appraised at \$500.00 or Less.

A. Notwithstanding BMC 6.25.115, and unless otherwise provided by state law, if an abandoned vehicle is appraised at \$500.00 or less pursuant to BMC 6.25.110, the City shall cause the vehicle, together with its contents, to be disposed of in accordance with the procedures set forth in ORS 819.215.

B. Notwithstanding BMC 6.25.115, and unless otherwise provided by state law, if an abandoned vehicle not disposed of in accordance with the procedures set forth in ORS 819.215, a disabled vehicle, or an unattended vehicle which constitutes a traffic or public safety hazard, is appraised at a value of \$500.00 or less pursuant to BMC 6.20.110, and the vehicle remains unclaimed for a period of at least thirty (30) days after

the date of mailing notice pursuant to BMC 6.25.095, or the taking of the vehicle into custody by the City, whichever is later, the City shall cause the vehicle, together with its contents, to be disposed of to a person who holds a valid dismantler certificate issued under ORS 822.110.

6.25.125. Exemptions.

A. Notwithstanding any other provision of this Chapter, City-owned and marked vehicles, when in use for official City business, may park in loading zones for up to thirty (30) minutes.

B. Publicly owned and operated police, fire, and other public safety vehicles are exempt from Chapters 6.20 and 6.25 when actively providing public safety services.