



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No. 2114

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING SECTION 10.20.090 OF THE MILWAUKIE MUNICIPAL CODE LANGUAGE TO CHANGE THE TIME FRAME FOR FINE ESCALATION RELATED TO 5 OR MORE PARKING VIOLATIONS FROM ONE CALENDAR YEAR TO A ROLLING 365-DAY TIMEFRAME.

WHEREAS, Section 10.04 of the Milwaukie Municipal Code generally defines vehicle and traffic terms; and

WHEREAS, Section 10.20.090 of the Milwaukie Municipal Code defines parking violation citation procedures; and

WHEREAS, The City wishes to strengthen enforcement of repeat violators of parking regulations; and

WHEREAS, The city wishes to have the Municipal Code reflect fine increases that result from five (5) or more violations of the same parking offense; and

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. The Municipal Code of Milwaukie Chapter 10.20.090, is amended to read as follows:

10.20.090 Violation—Citation.

E. The bail amount for a parking citation(s) may increase whenever a registered vehicle owner has received four (4) issued citations for the same parking offense for the registered vehicle within a rolling 365-day timeframe. Each citation thereafter, beginning with the fifth (5th) citation in a rolling 365-day timeframe, will be at a higher bail amount.

Section 2. Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

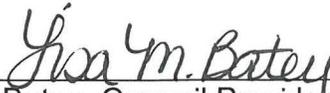
Section 3. Effective Date and Publication

This Ordinance shall take effect immediately after its adoption.

Read the first time on 3/15/16, and moved to second reading by 4:0 vote of the City Council.

Read the second time and adopted by the City Council on 3/15/16.

Signed by the ~~Mayor~~ on 3/15/16.
Council President



Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

10.20.090 VIOLATION—CITATION

A. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter or State law, the officer finding the vehicle shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge against him or her or pay the penalty imposed by the court date stated in the citation, at a place specified in the citation. If bail is not posted by the court date the fine will be doubled.

B. Whenever an operator accumulates five (5) or more traffic citations affixed to a vehicle and the bail or fines remain unpaid, a certified letter may be sent to the registered owner of the vehicle, return receipt requested, informing the owner that the bail or fines must be paid within ten (10) days from the date of mailing of the certified letter or the vehicle may not be parked or allowed to stand on a street and may be impounded in accordance with Section 10.20.095 of the Milwaukie Municipal Code.

C. The owner of a vehicle parked in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent.

D. 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.

E. The bail amount for a parking citation(s) may increase whenever a registered vehicle owner has received four (4) issued citations for the same parking offense for the registered vehicle within ~~a calendar year (January 1 through December 31)~~ **a rolling 365-day timeframe**. Each citation thereafter, beginning with the fifth (5th) citation **in a rolling 365-day timeframe**, will be at a higher bail amount ~~until the end of the same calendar~~.