

ORDINANCE NO. 629

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING W.C. 5.030, AUTHORIZING THE CITY MANAGER TO SET A SCHEDULE OF FINES FOR VIOLATION OF CHAPTER 5.

WHEREAS, fines for the violation of Chapter 5 are currently set by the Court, and the City determines that in the interest of efficient administration, the City Manager shall be authorized to set the fine schedule;

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Wilsonville Codes section 5.030 is hereby amended to read as follows:

5.030 Violation, Penalties, and Fines.

- (a) Violation of this Chapter and the Oregon laws which are adopted by reference shall be punished upon conviction as provided in Oregon Law, as provided below, or, if not so provided, as designated in Section 1.012.
- (b) As otherwise allowed by law, the City Manager or her designee may set a schedule of fines to be assessed for violations of Chapter 5.
- (c) In setting and revising the schedule, the City Manager, or designee, shall take into consideration a) the extent and nature of the violation; b) the benefits, financial or otherwise, accruing or likely to accrue as a result of the violations; c) whether the violations were repeated and continuous, or isolated and temporary; d) the magnitude or seriousness of the violation; e) the City's cost of investigating the violation and correcting or attempting to correct the violation; and f) other relevant factors.

Section 2. The Chapter 5 Fine Schedule, attached hereto as Exhibit A and incorporated herein, is hereby adopted by Council subject to amendments the City Manager is empowered to make.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 21st of May, 2007, at the hour of 7 p.m. at the Wilsonville City Hall, and scheduled for second reading on June 4, 2007 commencing at the hour of 7 p.m. at the Wilsonville City Hall.



SANDRA C. KING, MMC, City Recorder

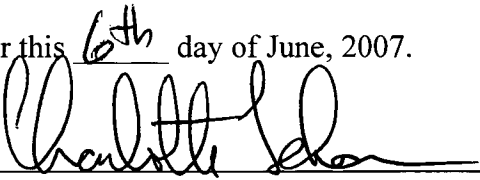
ENACTED by the City Council on the 4th day of June 2007, by the following votes:

YEAS: 4 NAYS: 0



SANDRA C. KING, MMC, City Recorder

DATED and signed by the Mayor this 6th day of June, 2007.



CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes
Councilor Núñez	Excused

EXHIBIT A

Chapter 5 Violations - Schedule of Fines

- Violation of any section of Chapter 5, except as provided below, shall be punishable by a fine of \$25.00.
- Violation of ORS 811.615 (Failure to display disabled parking permit) or 811.625 or 811.630 (Unlawful use of disabled parking permit), shall be punishable by a fine of \$125.00.
- Parking fines not paid within 20 days of issuance shall double.

Memorandum

To: Honorable Mayor and City Council

From: Michael E. Kohlhoff, City Attorney
Paul A. Lee, Assistant City Attorney
Ashley S. Berman, Law Clerk

Date: April 10, 2007

Re: Chapter 5 – Authorization to Set Chapter 5 Violation Fine Schedule

Introduction

Violations of Chapter 5 are currently set by the court as provided in Section 5.030 and Section 1.012:

5.030 Violation, Penalties, and Fines. Violation of this Chapter and the Oregon laws which are adopted by reference shall be punished upon conviction as provided in Oregon Law or, if not so provided, as designated in Section 1.012.

1.012. Fines for Violation. A sentence to pay a fine for a violation shall be a sentence to pay an amount fixed by the court, not exceeding \$250.00.

Over a decade ago, the court set fines for parking violations between \$10.00 and \$25.00. These fines were printed onto the parking citations we use today.

Authorization for City Manager to Set Fine Schedule

As an alternative to having the court set fines for violations, many jurisdictions, including the City of Portland and Clackamas County, provide for elected officials or designated staff (e.g. Traffic Engineer, or the Board of County Commissioners) to set fine amounts for each parking or traffic violation.

Staff proposes that authorizing City Manager to set the fine schedule will allow a more organized and efficient framework to access the current schedule, evaluate, and revise as needed. In order to provide for the City Manager to set the fines for violations to Chapter 5, Section 5.030 is proposed to be modified as follows:

5.030 Violation, Penalties, and Fines.

- (a) ~~Violation of this Chapter and the Oregon laws which are adopted by reference shall be punished upon conviction as provided in Oregon Law or, if not so provided, as designated in Section 1.012.~~
- (a) **Any person violating a section of this Chapter or the Oregon laws which are adopted by reference, is subject to a fine of up to \$500 upon conviction of the violation.**

(b) The [City Manager or her designee or by Resolution of the City Council] shall set fines to be assessed for each violation of Chapter 5, however if not so provided, fines shall be assessed as designated in Section 1.012.

Chapter 5 Violation Fine Schedule

Due to the revision of Chapter 5 adopted on October 16, 2007, in Ordinance 617, and the relocation of City Hall, the City must reprint its parking citations to incorporate this updated information. This parking citation reprinting creates a convenient opportunity for the City to review its current parking citation fine schedule, and make any modifications it deems appropriate. As discussed above, the fines associated with the parking violations have remained the same for at least the past decade.

Staff compiled a comparative schedule of fines including the current Wilsonville fines for violating a traffic ordinance, Clackamas County, Lake Oswego, Beaverton, West Linn, and Portland parking and traffic fine schedule. Wilsonville fines are approximately \$25.00 per violation. Portland's fines are the highest with an average of approximately \$70.00 per infraction. Clackamas County's are the next highest with an average of \$40.00 per infraction. Lake Oswego and West Linn have adopted a standardized fine for all infractions of \$20.00 and \$15.00 respectively. Beaverton's average fine is approximately \$20.00 per violation.

Staff proposes setting a standardized parking fine for Wilsonville Chapter 5 violations at \$25.00. This amount is preferable since 1) it is aligned with parking violation fine amounts in surrounding cities of similar size; and 2) it maintains the current fine amount and therefore will not disrupt citizen's expectations.

Chapter 5 – Parking and Traffic Violations								
Code Section	Violation	Current Wilsonville	Clackamas County	Lake Oswego	West Linn	Beaverton	Portland	Proposed Fine
Date of Last Update		1984	08/1/05	03/16/04	5/03		07/06	
All	Standardized Fine	NA	NA	\$20.00 / \$15.00	\$15.00	NA		\$25.00
5.100	Vehicle Improperly Crossing Private Property	\$25.00	NA			Unknown	\$60.00	
5.105	Unlawful riding of passenger in vehicle	\$25.00	NA			Unknown		
5.110	Damaging Sidewalks and Curbs (person is responsible for any additional damage as well)	\$25.00	NA			Unknown	\$50.00	
5.115	Failing to remove broken glass or debris from accident	\$25.00	NA			Unknown		
5.200	Storage in excess of 72 hours	\$25.00	\$40.00			\$10.00	\$24.00	
5.205	Method of Parking – Not parked in direction of traffic	\$25.00	\$40.00			\$5.00	\$25.00	
5.210(1)	In an alley other	\$25.00	NA			Unknown	\$60.00	

	than for loading, excess of 30 minutes							
5.210(2)	8,000 lb + vehicle on residential street between 9 pm – 7 am	\$25.00	NA			\$20.00	\$100.00	
5.210(3)	Unattached trailer outside of designated areas	\$25.00	\$45.00			\$10.00	\$100.00	
5.210(4)	Improper commercial use or repair of vehicle (for sale, advertising, mechanics work)	\$25.00	NA			\$5.00		
5.210(5)	Parking within 12 feet of mailbox	NA	\$40.00			Unknown	\$25.00	
5.210(6)	Parked in No Parking Signs	\$25.00	\$40.00			\$20.00	\$70.00	
5.210(7)	Parked at Yellow Curb	\$25.00	\$40.00			\$20.00	\$70.00	
5.210(8)	Parked leaving less than 18 feet of unobstructed roadway	\$25.00	\$40.00			\$20.00	\$70.00	
5.210(9)	Parked in excess of 72 hours without moving 3 car lengths	\$25.00	\$40.00			\$10.00		
5.210(10)	Parked as a Hazard	\$25.00	\$40.00			\$20.00	\$70.00	
5.210(11)	Expired registration	NA	\$40.00			\$10.00	\$40.00	
5.210(12)	Sleeping / Living in Vehicle	\$25.00	\$25.00					
5.215	Improper Use of Loading Zone	\$25.00	Unknown			\$20.00	\$60.00	
5.225	Improper Standing or Parking by Taxi or Bus	\$25.00	Unknown					
5.230	Improper Standing or Parking by Vehicle in Taxi or Bus Zone	\$25.00	Unknown				\$35.00	
5.235	Insufficient light on parked vehicle	\$25.00	NA					
LATE PAYMENT	When fine not paid within time allowed by code (currently 14 days)	\$20.00	Double					Double

Recommendation

Staff proposes that the City Code be modified to authorize the City Manager to set the fine amount for violation of pertinent sections of Chapter 5. Staff presents the Parking Fine Comparison schedule as background information for the likely fine schedule the City Manager will set, if authorized.