

FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

NOV 21 1985

JUNE WAGNER
COUNTY CLERK

An Ordinance Establishing Parking)
Regulations on County-owned Land;) ORDINANCE NO. 33
Making Provision for Towaway and)
Impoundment; Providing Penalties;)
and Repealing Ordinance No. 12.)

The Board of Commissioners of Tillamook County ORDAINS:

Section 1. Scope.

This ordinance regulates the movement and parking of motor vehicles within County-owned properties (below called "County Facilities"), including parking lots, parks, and Fairgrounds. Where the County Facility is within the limits of a city, this jurisdiction is exercised pursuant to formal action of the appropriate city council under ORS 203.040 consenting to the County's authority to do so.

Section 2. Authority.

The Board of County Commissioners is authorized to establish motor vehicle regulations applicable within County Facilities, by administrative order, including, but not limited to, regulations:

- (A) Prohibiting parking.
- (B) Setting parking time limits.
- (C) Prescribing the place or manner of parking.
- (D) Establishing towaway zones.
- (E) Limiting parking to particular uses, purposes, or times of day.
- (F) Establishing parking meter regulations.
- (G) Reserving spaces in Courthouse parking lot for departments or particular employees.

Where the Board of County Commissioners finds such regulations to be necessary and in the public interest, to post or place signs and markings giving reasonable notice of such regulations. Each regulation shall take effect upon the placing of the appropriate sign or marking.

Section 3. Violations; Procedures.

(1) It shall be unlawful for any person to cause or permit any vehicle owned or controlled by him to be parked in County Facility in violation of any regulation posted or marked pursuant to this ordinance.

(2) For the purposes of charging, citing, or proving any violation under this ordinance, the registered owner of the vehicle is presumed to be the person who unlawfully parked the vehicle, but the presumption may be overcome by evidence specifically identifying the person who in fact so parked the vehicle.

(3) Parking violations under this ordinance may be charged by an unsworn written notice complying with ORS 221.340 and in the form prescribed by the Board of County Commissioners. If a person thus cited fails to appear or post bail within the time provided by the notice, or to respond to a notice sent by the Board of Commissioners, the Court may on County's application issue and serve by mail an order requiring appearance to answer the charge and for violation of such order punish defendant for contempt as prescribed by law.

(4) Citations or notices charging parking violations may be issued by the Sheriff, by any Deputy Sheriff, or by any other officer or employee of the County authorized and designated by the Board of Commissioners for such purpose.

(5) The Board of County Commissioners may establish and operate a violations Bureau or a Clerk, to administer this ordinance, maintain a file of pending complaints, ascertain addresses of defendants, accept bail, prepare notices and orders, and perform such other services in aid of enforcement as may be directed by the Court having jurisdiction of the offense.

Section 4. Penalty; Bail.

The penalty for violating any parking regulation under this ordinance shall be a fine not exceeding \$100.00; except as provided by Section 5(3). If a vehicle remains illegally parked after receiving first citation, each hour thereafter may be deemed a separate offense and a citation issued for it. Bail for a parking offense is \$5 (Five Dollars) if posted within 24 hours, but thereafter it increases to \$10 (Ten Dollars).

Section 5. Towing and Impoundment.

(1) If a vehicle is parked in a duly marked towaway zone; or if a vehicle is parked in a place where parking is clearly prohibited and in a manner which constitutes a hazard or an obstruction to traffic within the Facility; then any person authorized to issue citations under this ordinance may cause the vehicle to be towed away and impounded and shall thereupon

proceed in the manner prescribed by ORS 483.355(2),(4). If, in any other case, any vehicle is parked unlawfully and is not moved for a period of 24 hours after citation has been issued, then the person designated to enforce this ordinance may cause the vehicle to be towed away and impounded after giving notice in the manner prescribed by ORS 483.355(1),(3). In either event the right to a hearing shall be accorded thereafter as prescribed by ORS 483.357, before a hearings officer appointed by the Board of County Commissioners.

(2) Subject to administrative hearing, the vehicle shall be held at the expense of the owner or other person entitled to possession. If the vehicle is not redeemed within 30 days after the time has expired to demand hearing, or within 30 days after the impoundment is found to be lawful after hearing, the vehicle shall be disposed of as described in ORS 483.388 to 483.396.

(3) ORS 483.351, prohibiting the abandonment of vehicles on a public place, is incorporated in and made a part of this ordinance, with reference to vehicles abandoned within a County Facility. A citation charging violation of this section shall be filed with the District Court on uniform traffic citation and penalties for violation shall be the same as prescribed by said statute.

Section 6. Repeal.

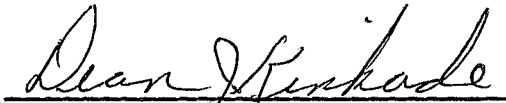
Ordinance No. 12 is repealed.

ADOPTED this 20 day of November, 1985.


BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON


Gerald A. Woodward, Chairman

APPROVED AS TO FORM:


Dean J. Kirkade, Commissioner


Mark A. Wehrly, County Counsel


Gerald J. Cressy, Commissioner