

CHAPTER 30 – REGULATIONS GOVERNING PARKING FACILITIES

(Title amended by Ordinance No. 168, Section 7)

30.05 Definitions.

- A. “District” means Tri-County Metropolitan Transportation District of Oregon.
- B. “District Parking Facility” includes a District-operated parking lot and park-and-ride lot and adjoining walkways.
- C. “Meter” includes a pay station or other meter device used for payment for parking, unless otherwise specifically provided.
- D. “Metered” means subject to a meter.
- E. “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn and includes vehicles that are propelled or powered by any means.
- F. “Inspector” means a person other than a “peace officer” authorized by the General Manager or by the provisions of TMC Chapters 28, 29 or 30 to demand proof of fare payment and to issue citations as provided hereunder.

(30.05 amended by Ordinance No. 168, Section 8; Ordinance No. 179, Section 3; Ordinance No. 266; and Ordinance No. 281)

30.10 Designated Parking Areas.

- A. (1) Designated Parking Areas; General. The General Manager, or his or her designee, may designate pursuant to ORS 801.045, by the posting and maintenance of conspicuous signs, areas within a District Parking Facility to be used for:
 - (a) Disabled person parking;
 - (b) Short-term parking;
 - (c) Carpool parking;
 - (d) Long-term parking; and
 - (e) May designate areas for such other uses and conditions of use as the General Manager, or his or her designee, shall deem appropriate.
- (2) Short Term Metered Parking Areas. Short term metered parking is authorized as a means to promote use of the District Transit System by increasing vehicle turnover in District Parking Facilities through use of short term parking in metered areas. The authority granted to the General Manager, or his or her designee, in subsection (A)(1) above shall be exercised in

accordance with this subsection (A)(2) with respect to designation of short term metered parking. The General Manager, or his or her designee, may designate up to 12 parking spaces for short term metered parking at the Sunset and Gateway Transit Center Parking Facilities, and may also designate up to 12 parking spaces for short term metered parking at other District Parking Facilities where the General Manager, or his or her designee, determines that the following conditions exist: average daily parking usage is 90% or more by 8:00 a.m.; morning commute parking demand exceeds available spaces; sufficient short term parking demand exists and is supported by customer feedback, on-field observations or other indicators of patron parking demand outside peak hours; and enforcement tools are available.

(a) Hours of Use. Short term metered parking spaces shall permit a maximum five hour use during the hours of 6:00 a.m. to 6:00 p.m. daily Monday through Friday, excluding the following TriMet recognized legal holidays: New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(b) Fees. The fee for use of a short term metered parking space shall be \$.50 per hour. The parking fee must be paid during all days and hours required as indicated on the meter. The fee must be paid in U.S. coins or by a payment card, as permitted by the meter, by the person parking the vehicle.

(c) Signage. The General Manager, or his or her designee, shall cause a sign or legend to be posted on all meters which indicates the days for which short term metered parking is in effect, the interval of time for which parking is permitted and the fee payable for the time interval.

(d) Pay Station Proof of Payment. Vehicles parked in spaces metered by pay stations must display proof of payment. Proper display of proof of payment means affixing the pay station receipt to the interior of the driver side front window of the vehicle in such a manner that the expiration time and date are readily visible from the exterior. For motorcycles, the pay station receipt must be affixed where clearly visible.

(e) Administration. The General Manager, or his or her designee, may enter into agreements, and establish administrative requirements as necessary to effectively implement short term metered parking at District Parking Facilities.

B. Metered Parking. It is unlawful for any person to:

(1) Park a vehicle in a District Parking Facility metered parking space during the hours of operation of the meter without paying the meter fee;

(2) Park a vehicle in a District Parking Facility parking space metered by a pay station without properly displaying pay station proof of payment;

(3) Park a vehicle in a District Parking Facility parking space metered by a pay station that displays a duplicated or altered pay station receipt;

(4) Park a vehicle in a District Parking Facility metered parking space longer than the time designated for such space, including parking for any period beyond the designated time limit with payment of additional meter fee; or

(5) Park a vehicle in a District Parking Facility metered parking space with a broken or “out of order” meter for a period of time longer than the time limit indicated on the meter;

except as otherwise provided by law.

C. General Prohibitions.

(1) It is unlawful for any person to:

(a) Park a vehicle upon the premises of a District Parking Facility for any length of time greater than that designated as permissible at such place, or for any purpose other than that designated for such place; or

(b) Use a District Parking Facility in a manner contrary to any posted restriction;

except as otherwise provided by law.

(2) It is unlawful for any person to park a vehicle upon a District Parking Facility except in a designated parking space, or to park in such manner that a vehicle occupies more than one designated parking space or extends beyond the space line of a designated parking space.

(3) It is unlawful for any person to park a vehicle upon a District Parking Facility for the purpose of exhibiting the vehicle for sale and not in connection with transit or carpool use. Parking a vehicle with a “For Sale” sign visible from a public highway constitutes prima facie evidence of a violation of this paragraph.

(4) It is unlawful for any person to park a vehicle upon a District Parking Facility in such manner that the vehicle blocks access to a curb cut or traffic lane.

(5) It is unlawful for any person to park a vehicle in a manner that obstructs access to a District Parking Facility meter for deposit of payment in the meter, visibility of the meter instructions or time limit or visibility of any signs mounted on the meter.

(30.10 amended by Ordinance No. 168, Section 9; Ordinance No. 179, Section 3; Ordinance No. 205, Section 2; Ordinance No. 228, Section ; Ordinance No. 234, Section; and Ordinance No. 281)

30.15 **Authorized Vehicles.** It is unlawful for any person to park a vehicle other than an automobile, pickup truck, panel truck, or similar, smaller vehicle, such as a motorcycle, mo-ped or bicycle, upon any District Parking Facility. The General Manager may cause conspicuous signs to be posted informing the public of this prohibition.

(30.15 amended by Ordinance No. 168, Section 10)

30.20 **Traffic Control.**

- A. The General Manager may establish and conspicuously post and maintain appropriate traffic control signals and signs as may be deemed necessary to direct and regulate traffic upon the premises of any District Parking Facility.
- B. It is unlawful for the operator of any vehicle to disobey the instructions of any traffic signal, sign or marker placed in accordance with the provisions of this Chapter unless otherwise directed by a peace officer or duly authorized agent of the District.
- C. It is unlawful for any person to operate a motor vehicle upon the premises of a District Parking Facility in violation of any Oregon law regulating the operation of a motor vehicle.
- D. It is unlawful for any person to operate upon the premises of a District Parking Facility go-carts, motorized recreational-only vehicles, or any vehicle not licensed to be operated upon the public highway.

(30.20 amended by Ordinance No. 168, Section 11)

30.25 **Damage to and Theft of Property, Personal Injuries.** The District shall not be responsible for damage to or theft of property or personal injury suffered on or about any TriMet Parking Facility. Appropriate signs shall so inform the public.

30.30 **Penalties, Impoundment, Towing and Storing of Unlawfully - Parked Vehicles – Abandoned Vehicles – Towing Lien.**

- A. Any person who violates any provision of this Chapter, in addition to other penalties provided by law, commits a violation as defined in ORS 153.005 to 153.008 punishable by a fine of not more than \$250. The base fine amount for a violation of TMC Sections 30.20(B), (C) or (D) is \$115.
- B. (1) In addition to, and not in lieu of such fine, a vehicle parked in violation of any posted restriction under Sections 30.10 through 30.20 or in violation of TMC Section 28.15 (D)(4)(b) (relating to Light Rail and Commuter Rail Right of Way), may be impounded, towed and stored at the owner's expense. The General Manager or the General Manager's designee, a peace officer, District Fare Inspector, Road Supervisor or Light Rail Supervisor may request and employ any towing service, licensed in accordance with Oregon law, to tow and store a vehicle pursuant to this paragraph. A towing service employed by the District shall agree to charge just and reasonable fees for the towing and storage of a vehicle.
- (2) The District or any duly licensed towing service which tows a vehicle pursuant to TMC 30.30, shall have a lien on the vehicle and its contents for the just and reasonable charges for the towing, care and storage of said vehicle, and may retain possession of the vehicle until such charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be a possessory chattel lien and may be

foreclosed only in the manner provided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed under ORS 87.152.

(3) Subject to subparagraph (b) below, after a vehicle has been impounded pursuant to Subsection (1) above, a notice shall be provided by certified mail, return receipt requested and postage prepaid, within 48 hours of the impoundment (not including holidays, Saturdays or Sundays) to the owner or any other person with an interest in the vehicle identified on the certificate of title as shown on the records of the motor vehicle agency for the state in which the vehicle is registered:

(a) The notice shall include the following:

- (1) the TriMet Code provision under which the vehicle has been impounded;
- (2) the location where the vehicle may be redeemed by the owner or person entitled to possession;
- (3) that the vehicle is subject to towing and storage charges, and the telephone number and address of the facility that may be contacted for information on the charges that have accrued to the date of the notice and the daily storage charges;
- (4) that the vehicle and its contents are subject to a lien for payment of the towing and storage charges in favor of the facility that towed and is storing the vehicle, and that the vehicle and its contents may be sold or otherwise foreclosed to satisfy the lien if the charges are not paid;
- (5) that the vehicle and its contents may be immediately reclaimed by presentation to said towing facility of satisfactory proof of ownership or right to possession and payment of the towing and storage charges;
- (6) that the owner or person having an interest in the vehicle and its contents is entitled to a hearing on the validity of the tow and the reasonableness of the charges if requested within ten calendar days from the date of the tow, and that the request for hearing must be made in writing to the person so designated in the notice, and that such request shall state the grounds upon which the person believes the tow was not justified or the charges unreasonable and any other information specified in the notice.

(b) However, no notice need be mailed pursuant to this Subsection (3) when:

- (1) a vehicle does not display license plates or other identifying markings by which the registration or ownership of the vehicle can be determined;
- (2) the identity and address of the vehicle owner is not available from the appropriate motor vehicle licensing and registration authority and when the identity and address of the owner and/or other persons with an interest in the vehicle cannot otherwise be reasonably determined; or

(3) actual written notice of a tow has been given personally to the owner or person entitled to possession. Such actual notice must include all information required under subparagraph (a) above.

(4) Hearing

(a) Request for Hearing

The owner or any other person with an interest in the vehicle identified on the certificate of title as shown on the records of the motor vehicle agency for the state in which the vehicle is registered must request a hearing within ten calendar days from the date of the tow in accordance with Subsection (3)(a). Failure to make a timely request for a hearing shall constitute a waiver of the right to a hearing.

(b) Hearing Procedures

(1) The General Manager shall designate a Hearings Officer(s) to conduct the hearing required by this Section. The Hearings Officer(s) will make necessary rules regarding the conduct of such hearings, consistent with this Section.

(2) The Hearings Officer will set and conduct an administrative hearing on the matter within 14 days of receipt of a proper request filed pursuant to this Section. In all cases where a vehicle has been towed and not yet released, however, the Hearings Officer will set and conduct the hearing within 72 hours, not including Saturdays, Sundays, or holidays, on receipt of the request.

(3) The hearing shall afford a reasonable opportunity for the person(s) requesting it to demonstrate by the statements of witnesses and other evidence that the tow and/or storage of the vehicle was or would be invalid, or for any other reason not justified. TriMet shall have the burden of proving by a preponderance of evidence that there were reasonable grounds to believe that the vehicle was operated or parked in violation of the TriMet Code provisions cited at Subsection (1) above.

(4) Decision of the Hearings Officer. If the Hearings Officer finds that:

(a) Impound of the vehicle was proper, the Hearings Officer shall render a written decision:

i. supporting the impound; and

ii. finding that the owner or person entitled to possession is liable for any towing and storage charges resulting from the impound.

(b) Impound of the vehicle was improper, the Hearings Officer shall render a written decision:

- i. ordering the vehicle released to the owner or person entitled to possession;
- ii. finding that the owner or person entitled to possession is not liable for any towing or storage charges resulting from the impound; and
- iii. finding that TriMet shall satisfy the towing and storage lien.

(c) The decision of the Hearings Officer shall be final.

(c) Failure to Appear at Hearing. If the person requesting the hearing does not appear at the scheduled hearing, the Hearings Officer may render a decision supporting the impound and assess towing and storage costs. Failure to appear constitutes a waiver of the right to a hearing, and to contest the tow and charges.

(d) TriMet will be responsible in all cases where a hearing has been requested and held, and the tow and/or storage found to be valid, for those storage charges that have accrued from the date that the hearing was requested through the first available hearing date.

D. Any peace officer, Inspector or District Rail Controller has the authority to refuse entrance of any person to a District Parking Facility or require departure of any person from a District Parking Facility who violates any provision of this Chapter, or any provision of TMC 28.15.

E. Inspectors, peace officers appointed by the General Manager and all peace officers of the State of Oregon are authorized to issue citations, as provided by Oregon law, to any person who violates any provision of this Chapter.

Inspectors are not police officers as defined by ORS Chapter 237, and only have the powers to arrest afforded a private person under ORS 133.225.

F. Citations as authorized by ORS 221.333 shall be used where a vehicle is parked in violation of the TriMet Code. The form of citation shall be as issued by the Multnomah County Circuit Court, through which TriMet Code parking citations shall be prosecuted. The registered owner of the vehicle is prima facie responsible for the violation charged by the citation.

(30.30 amended by Ordinance No. 168, Section 12; Ordinance No. 179, Section 3; Ordinance No. 182, Section 2; Ordinance No. 205, Section 2; Ordinance No. 208, Section 1; Ordinance No. 214, Section 2; Ordinance No. 234, Section 1; Ordinance No. 266; Ordinance No. 275; Ordinance No. 28; Ordinance No. 297 and Ordinance No. 303)

30.35 **Construction.** Nothing herein is intended to compromise or waive the right to enforce concurrently, or in the alternative, other remedies available pursuant to the Oregon Criminal Code.

30.40 **Gresham Parking Garage User Fees, Proof of Payment, and Parking Tags.**

(30.40 added by Ordinance No. 205, Section 2; amended by Ordinance No. 210; repealed by Ordinance No. 214, Section 2)