ORDINANCE No.   185835   As Amended

Replace Code for Towing and Pay and Park Facilities with Private Property Impound Towing and add Chapter 7.25 Pay and Park and Non-Pay Private Parking Facilities   (Ordinance; replace Code Chapter 7.24 and add Code Chapter 7.25)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland City Code Section 7.24, Towing and Pay and Park Facilities, regulates towing of unauthorized vehicles from private parking facilities and issuance of penalties at pay and park and non-pay private parking facilities.

2. The amended Chapter 7.24 will eliminate exemptions from regulation of private property impounds and provide protection for vulnerable citizens such as low income and elderly living in subsidized housing complexes.

3. The addition of Chapter 7.25 will distinguish regulation of pay and park and non-pay private parking facilities from regulation of private property impound towing to prevent confusion.

4. The practice of impounding unauthorized vehicles from private property without the vehicle owner's permission requires City regulation to prevent abuse by non-compliant or unpermitted tow companies, and to ensure that public safety and convenience are protected.

5. Amendments to Oregon Revised Statutes (ORS) Chapter 98, implemented since 2003 when this code was enacted, have further clarified local regulatory authority and incorporated several requirements already in City code for purposes of restricting aggressive practices. The proposed amendments to Chapter 7.24 are intended to make certain that City code does not conflict.

6. Oregon Revised Statutes 822.230 provides authority for cities and counties to regulate towing from private property. Federal law preserves, not preempts, local regulation of towing under these circumstances.

7. Chapter 7.24 should be replaced to provide better regulatory control of towing from private parking facilities.

NOW, THEREFORE, the Council directs:

a. Replace Chapter 7.24 of the City Code, Towing and Pay and Park Facilities, with Private Property Impound Towing as per attached Exhibit 1.
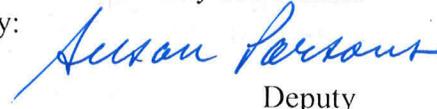
b.   Add Chapter 7.25 Pay and Park and Non-Pay Private Parking Facilities as per attached
     Exhibit 2.

Passed by the Council   **DEC 19 2012**

                                              LaVonne Griffin-Valade
                                              Auditor of the City of Portland

                                              By: _Susan Parsons_

Mayor Sam Adams   Deputy
Prepared by: Marian Gaylord
Date prepared: 9/18/2012

Agenda No.

ORDINANCE NO. 1 8 5 8 3 5   **As Amended**

Title

Replace Code for Towing and Pay and Park Facilities with Private Property Impound Towing and add Chapter 7.25 Pay and Park and Non-Pay Private Parking Facilities   (Ordinance; replace Code Chapter 7.24 and add Code Chapter 7.25)

INTRODUCED BY Commissioner/Auditor: **Mayor Adams**	CLERK USE: DATE FILED ___ DEC 07 2012 ___
COMMISSIONER APPROVAL	LaVonne Griffin-Valade
Mayor—Finance and Administration - Adams	Auditor of the City of Portland
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: _____
Position 3/Affairs - Saltzman	Deputy
Position 4/Safety - Leonard	**ACTION TAKEN:**
BUREAU APPROVAL	
CAO: Jack D. Graham Bureau: Revenue Bureau Bureau Head: Thomas W. Lannom	DEC 12 2012 PASSED TO SECOND READING As Amended DEC 19 2012 9:30 A.M.
Prepared by: Marian Gaylord Date Prepared: 12/3/2012	
Financial Impact Statement Completed ☒ Amends Budget ☐ Not Required ☐	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes ☐ No ☒	
Council Meeting Date **12/12/2012**	
City Attorney Approval GF	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
TIME CERTAIN ☐ Start time: _____		1. Fritz	1. Fritz	✓	
Total amount of time needed: _____ (for presentation, testimony and discussion)		2. Fish	2. Fish	✓	
CONSENT ☐		3. Saltzman	3. Saltzman	✓	
REGULAR ☒		4. Leonard	4. Leonard	✓	
Total amount of time needed: 30 min (for presentation, testimony and discussion)		Adams	Adams	✓	