

Showing 1452
Truck Changes

EXHIBIT 1

Chapter 7.24 Private Property Impound Towing

Sub. for
12/12

Sections

- 7.24.010 Towing of Vehicles from Private Property.
- 7.24.020 Administrative Authority.
- 7.24.030 Definitions.
- 7.24.040 PPI Tower Registration.
- 7.24.050 Towing Regulations.
- 7.24.060 Towing and Storage Rates.
- 7.24.070 Conditions.
- 7.24.080 Prohibitions.
- 7.24.090 Remedies.
- 7.24.100 Appeals.

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7.24.010 Towing of Vehicles from Private Property.

A. Short Title. Sections 7.24.010 through 7.24.100 will be known as the PPI (Private Property Impound) Code.

B. Purpose. The purpose of the PPI Code is to require that towing from private parking facilities be performed safely and at a reasonable price. Because towing from private parking facilities affects city residents and visitors, regulation is necessary to ensure that the public safety and convenience are protected.

C. Conformity to State Laws. The PPI Code should be construed in conformity with the laws and regulations of the State of Oregon Motor Vehicle Code regarding towing from private property. The Director shall have authority to adopt administrative rules in accordance with the State of Oregon Motor Vehicle Code.

D. Savings Clause. If any provision of the PPI Code is found by a court of competent jurisdiction to be invalid, illegal or unenforceable, such holding shall not affect the validity, legality and enforceability of any other provision of the PPI Code.

7.24.020 Administrative Authority.

A. The Director is authorized and directed to enforce all provisions of the PPI Code. The Director shall have the power to investigate any and all complaints regarding alleged violations of the PPI Code. The Director may delegate any or all authority granted under this Section to the Towing Coordinator or any Revenue Bureau officer, employee or agent.

B. The Director is authorized to adopt and enforce administrative rules interpreting and applying the PPI Code. The Director or designee shall make written findings of fact and conclusions of law to support all decisions.

C. Prior to the adoption of a new administrative rule, the Director shall give notice to all interested parties of the terms of the proposed rule, and shall conduct a public hearing to consider public comment. Public notice shall be given when administrative rules have been adopted.

1. At the public hearing, the Director or designee shall hear oral and written testimony concerning the proposed rule. The Director shall have the power to establish and limit the

matters to be considered at the hearing, to establish procedures for the conduct of the hearings, to hear evidence, and to preserve order.

2. The Director shall adopt, modify or reject the proposed rule after considering testimony received during the public hearing.

3. Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Revenue Bureau and the Office of the City Auditor in compliance with Section 1.07.030. Copies of all current rules are available to the public upon request.

4. Notwithstanding 7.24.020 C. 1 and 2, the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly may result in serious prejudice to the public interest or the interest of the affected parties. Such interim rules will detail the specific reasons for such prejudice. Any interim rule adopted pursuant to this paragraph will be effective for a period not to exceed 180 days.

D. Rates. The Director is authorized to establish a schedule of maximum rates permissible for all PPI tows from properties located within the city limits of Portland. The jurisdiction of this code section may be expanded by intergovernmental agreement with other agencies.

E. Inspection of Records. The City of Portland reserves the right to review and/or copy the records of any PPI tow for purposes of auditing or complaint resolution. Such records will be made available for inspection during normal business hours within 24 hours of written notice by the Director.

7.24.030 Definitions.

For the purposes of the PPI Code and administrative rules adopted by the Director pursuant to the PPI Code, certain terms, phrases, words, abbreviations and their derivations are construed as specified in this Section. Words used in the singular include the plural and the plural the singular. Terms, phrases, words, abbreviations and their derivatives used, but not specifically defined in this Section, either have the meanings defined in the State of Oregon Motor Vehicle Code, or if not therein defined, have the meanings commonly accepted in the community.

A. "Director" means the Director of the Revenue Bureau.

B. "Dispatching facilities" means the PPI tower's facilities used for communication with Tow Desk and maintaining radio contact with tow vehicles.

C. "Oversized tow vehicle" means a tow truck equipped to perform towing of automobiles or other vehicles, and which has a maximum gross vehicle weight rating (GVWR) of over 10,000 pounds. Vehicles with maximum GVWR of at least 19,000 pounds are designated as "Class B." Vehicles with maximum GVWR of at least 44,000 pounds are designated as "Class C."

D. "Owners agent" means a person bearing documentation from the registered owner officially authorizing them to possess or operate the vehicle.

E. "PPI permit" means the permit issued to a private towing company signifying that the permit holder has met the requirements of this Chapter and the administrative rules and is allowed to tow vehicles from private property within the City of Portland at the request of the private property facility owner/operator without prior consent of the vehicle owner.

F. "PPI Police tow" means any PPI tow that, upon notification to the local police agency, is found to have been reported stolen, or for any other reason becomes a police tow as defined in the Contract for Vehicle Towing and Storage of the City of Portland, or requires a police release.

G. "PPI tower" means any towing firm duly registered and permitted to perform Private Property Impound tows within the City of Portland.

H. "Private parking facility" means any property used for motor vehicle parking at which the property owner or manager restricts or reserves parking. Private parking facility does not include "proscribed property."

I. "Private parking facility owner" means the owner, operator, lessee, manager or person in lawful possession of a private parking facility, or any designated agent of the private parking facility owner authorized to enter into a PPI towing agreement with the tower.

J. "Private Property Impound" (PPI) means the impoundment of a vehicle from a private parking facility at the request of the property owner, operator, lessee, manager or person in lawful possession of the private property facility, without the prior consent of the vehicle's registered owner.

K. "Proscribed property" means any part of private property:

1. Where a reasonable person would conclude that parking is not normally permitted at all or where land use regulation prohibits parking; or,

2. That is used primarily for parking at a dwelling unit. As used in this paragraph, "dwelling unit" means a single-family residential dwelling, including condominiums, or a duplex; or,

a. ~~Proscribed property does not include unassigned parking for visitors or non-tenants of a condominium or apartment complex;~~

3. Designated as railroad right-of-way.

L. "Release at Scene" (RAS) means the fee allowed to be charged when a vehicle owner/owner's agent returns before the PPI tower has departed in tow. Not applicable until the hookup is complete and tow truck is in motion.

M. "Storage facility" means a secure area, meeting all requirements of PPI administrative rules, used by PPI tower for storing towed vehicles.

N. "Storing" means holding a towed vehicle in an approved secure storage facility until it is redeemed by the registered owner/owner's agent or until a possessory lien is foreclosed.

O. "Tow Desk" means the private tow dispatching company contracted with the City of Portland for municipal tow dispatching and data management or any government agency serving this function.

P. "Towing" means to draw or pull along a vehicle by means of a tow truck or car carrier.

Q. "Towing Agreement" means an agreement between a PPI tower and a private property owner/operator authorizing the PPI tower to tow vehicles from their private property. Such agreement must contain all information specified in PPI administrative rules.

R. "Towing Coordinator" means the person designated by the Director to provide direct enforcement and administration of all provisions of this Section and PPI administrative rules.

S. "Towing firm" or "PPI Tower" means any entity whose business includes the towing of motor vehicles from private parking facilities and the subsequent storage of such towed vehicles.

T. "Tow vehicle" means a tow truck equipped as specified in PPI administrative rules to perform towing of automobiles, motorcycles, or other motor vehicles, and which has a minimum Gross Vehicle Weight Rating (GVWR) of 10,000 lbs.

U. "Vehicle owner" means the person registered with the Department of Motor Vehicles as the owner of the vehicle, or a person in lawful possession of the vehicle.

7.24.040 Private Property Impound (PPI) Tower Registration.

A. Initial registration. No PPI tower will tow or store vehicles towed from private parking facilities located inside the City of Portland unless the PPI tower has registered with the Revenue Bureau, and complied with all provisions of the PPI Code.

1. Pay and Park and Non-Pay Private Parking facilities. All towing from any property registered as a Pay and Park or Non-Pay facility, must meet the conditions for towing established in Chapter 7.25 Pay and Park and Non-Pay Private Parking Facilities, at all times.

2. If all conditions specified by Chapter 7.25 for towing from a Pay and Park facility have been met, performance of the subsequent tow is subject to requirements of this PPI Code with regard to PPI permits, fees established by the Director and notices to Tow Desk, including initiation of the tow, completion of the tow and release of towed vehicles.

B. Applications. The PPI tower will submit to the Director an application form containing all information specified in PPI administrative rules.

1. Except for single family or duplex dwellings, PPI towers must register for approval all properties that they wish to designate as "proscribed" in order to exempt them from this Code. The City will provide a form for registration of "proscribed" properties.

2. A determination will be made within 3 business days of receipt of registration of a proscribed property.

C. After December 31, 2012, only those towing companies with a vehicle release office and vehicle storage facility located within the city limits of Portland are eligible to obtain a Portland PPI permit. Such office and storage facility must be staffed during regular business hours and comply with all City PPI standards.

D. Reporting Changes. Changes in information contained in the PPI tower's application, including office and/or storage locations, insurance provider, employees or additional trucks will be filed with the Director within 3 business days of implementation of such changes.

E. Inspection. The PPI tower's towing equipment, dispatching and storage facilities will be inspected prior to issuance of a new PPI permit. If an applicant is currently in good standing as a Tow Contractor with the City of Portland and the storage facility and tow vehicles to be inspected are currently approved for use under the City Tow Contract, the qualifying PPI inspection may be waived by the Director.

F. Registration/expiration dates. PPI permits are valid for no more than 1 year, and expire annually on December 31st.

G. Renewal. Renewal notices will be sent to all registered PPI towers not less than one month prior to the annual expiration date. A renewal form requesting any changes in the registered information will be provided. Re-inspections are not required for renewal. Any permit not renewed within 30 days after the expiration date is invalid and a new application must be submitted and approved before PPI towing resumes.

H. Non-assignability. A registration issued or renewed pursuant to the provisions of this Section is not assignable or otherwise transferable.

I. Indemnification and Insurance. PPI towers subject to the PPI Code agree to hold harmless, defend and indemnify the City of Portland, and its officers, agents and employees for all claims, demands, actions and suits, including all attorney fees and costs, for damage to property or injury to person arising from any activities, work and/or services furnished or carried on under the terms of a PPI permit.

1. PPI tower will maintain such public liability and property damage insurance as will protect the PPI tower from all claims for damage to property or personal injury, including death, which may arise from operations pursuant to the PPI Code. Such insurance must include a single limit liability policy with coverage of not less than \$1,000,000. PPI tower will also maintain fire and theft insurance (garage keepers insurance) to protect stored vehicles in a minimum amount of \$100,000 and maintain cargo insurance in the minimum amount of \$50,000.
2. PPI tower will maintain insurance in the limits provided by this section to cover liability for transportation required by 7.24.070 H. In no case shall the policy deductible for garage keepers and cargo insurance exceed \$2,500 per event.
3. The limits of the insurance shall be subject to statutory changes to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the permit. The insurance must be without prejudice to coverage otherwise existing.
4. The insurance shall name as additional insureds the City and its officers, agents and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts which the insurer would have been liable if only one person or interest had been named as insured. The coverage shall apply as to claims between insureds on the policy.
5. The insurance shall provide that the insurance shall not terminate or be canceled without thirty days written notice first being given to the Towing Coordinator.
6. The adequacy of the insurance shall be subject to the approval of the City Attorney.
7. Failure to maintain liability insurance shall be cause for immediate revocation of the registration by the Director.

7.24.050 Towing Regulations.

A PPI tower may lawfully tow a vehicle without the registered owner's permission from private property in the City of Portland only if:

- A. The PPI tower has express written authorization from the private parking facility owner, or person in lawful possession of the property, in compliance with Chapters 98.812, 98.830 and 98.854 of the Oregon Revised Statutes; and,
- B. The private parking facility fully complies with this Chapter and the PPI administrative rules; and,
- C. The vehicle is towed directly to the PPI tower's storage facility within the Portland city limits; and,
- D. The vehicle is not occupied by any person or persons.

7.24.060 Towing and Storage Rates.

A. The Director will issue a schedule of approved maximum fees for PPI towing and storage at the beginning of each permit period. Such schedule will be published annually and supplied to all applicants with the application materials for new permits and renewals. PPI towers may submit a request for an increase in the approved maximum fees not later than two months before the end of any permit period. The Director will consider such requests and decide whether such an increase is in the public interest. If changes are made, a public hearing will be held for the

purpose of determining fair and reasonable prices prior to making any changes in the PPI rate schedule.

B. PPI towers may charge less than the maximum rates allowed. However, PPI towers may not waive the data service fee or City PPI service fee without authorization by the Towing Coordinator.

7.24.070 Conditions.

PPI towers registered under this Section will:

- A.** Perform all PPI tows in a safe manner, taking care not to cause damage to the person or property of others while towing or storing a vehicle; and,
- B.** Practice courtesy and professionalism when dealing with police, Tow Desk, agency personnel, and persons redeeming or seeking to redeem a towed vehicle; and,
- C.** Cooperate fully with any police agency to facilitate processing of any PPI towed vehicle identified as a possible stolen vehicle; and,
- D.** Issue to the person redeeming a PPI towed vehicle a clearly legible receipt complete with all required information and with all fees and considerations itemized; and,
- E.** Prominently display at the vehicle release location a placard, provided by the City of Portland, containing the current list of approved PPI rates; and,
- F.** Prominently display at the vehicle release location a placard, provided by the City of Portland, containing a statement of the rights of the vehicle owner; and,
- G.** Be considered in possession of any vehicle towed under this Section, and therefore entitled to charge a Release at the Scene fee, when the hookup is complete and the tow truck has begun towing the motor vehicle by engaging the tow truck's transmission and moving forward. Until these conditions are met, the PPI tower is not entitled to charge any fee; and,
- H.** Offer to call for or provide transportation to the vehicle owner/operator at a reasonable cost, from within the immediate vicinity of the tow scene to the location of the towed vehicle storage; and,
- I.** Photograph vehicle to be towed and signs posted prior to hookup in order to demonstrate compliance with all PPI regulations and illustrate conditions, such as absence of a parking permit, warranting the tow; and,
- J.** Have staff or dispatch service available at all times to provide information about the location of a towed vehicle and/or instructions for release of a towed vehicle; and
- K.** Staff the storage facility with an attendant between 10 a.m. and 6 p.m., Monday through Friday, excluding official City holidays, and at all other hours have personnel available at the storage facility to release a vehicle within 30 minutes after an appointment time agreed on by the vehicle owner. Gate fees are not applicable between 8 a.m. and 10 a.m., Monday through Friday; and
- L.** Accept at least the following methods of payment for any fees assessed:
 - 1.** Cash. Adequate cash must be available at all times at the storage facility for the purpose of making change. After hours and on holidays, PPI tower will provide exact change, in person or by mail, not later than the end of the business day following receipt of payment; and,
 - 2.** By any valid credit card or debit card bearing the VISA emblem and issued in the name of the registered owner/owner's agent. PPI Tower may also accept credit or debit cards from other issuers.

3. If for any reason, a PPI tower becomes unable to process payments by credit or debit card, the tower must notify the Towing Coordinator within 24 hours and provide an estimate of when service will resume. During any period when the PPI tower is unable to process credit or debit card payments, the PPI tower must accept personal checks; and,
- M.** At no extra charge, make the vehicle available to the owner/owner's agent for retrieval within 30 minutes of the time of payment, or other time mutually agreed upon; and,
 - N.** Notify Portland Police of the intent to tow by a telephone call by the tow driver to the Tow Desk prior to attaching any equipment to a vehicle at a private parking facility; and,
 - O.** Notify Portland Police of the location of the vehicle by facsimile transmission to the Tow Desk within one hour after the vehicle is placed in storage; and,
 - P.** Provide to Tow Desk all information required for completion of the tow record by facsimile transmission within 60 minutes after the vehicle is placed in storage; and,
 - Q.** Notify the local police agency of the release of a vehicle to the registered owner/owner's agent, acceptance of a vehicle title in lieu of payment, or foreclosure of a possessory lien by facsimile transmission to the Tow Desk within 8 hours after the release; and,
 - R.** Review the daily Tow Desk report of PPI tows and releases, and report errors to Tow Desk or the Towing Coordinator within 24 hours of discovery; and,
 - S.** Provide verification, or additional information, about a towed vehicle as requested by a police agency within 30 minutes of receiving the request; and,
 - T.** Pay a data service fee, in an amount established by the Director, for each vehicle released to the registered owner or owner's agent. Such data service fees are payable to the Tow Desk by the 20th day of each month; and,
 - U.** Pay a service fee, in an amount established by the Director, for each vehicle released to the registered owner or owner's agent. Such service fees are payable to the City of Portland by the 20th day of each month; and,
 - V.** Accept as proof of ownership vehicle title or registration in addition to valid photo-identification of the person seeking the release. If the registered owner is not available to redeem the towed vehicle, the PPI tower will assist the owner's agent in finding an acceptable alternate proof of ownership, as detailed in PPI administrative rules; and,
 - W.** Exercise reasonable care for the welfare of any animal found to be in a PPI towed vehicle, as detailed in PPI administrative rules.

7.24.080 Prohibitions.

PPI towers will not:

- A.** Perform any PPI tows within the city limits of Portland, or from City-owned/operated property, unless the tower is registered with the City of Portland and in compliance with all provisions of this Chapter and administrative rules.
- B.** Charge any fee not listed in, or in excess of, those included in the fee schedule established by the Director.
- C.** Require any vehicle owner/owner's agent to make any statement or sign any document promising not to dispute validity of the tow or fees assessed or relieving the PPI tower from responsibility for the condition of the vehicle or its contents;

- D.** Require any vehicle owner/owner's agent to pay any fee, except a gate fee if after hours, as a condition of allowing them to inspect their vehicle or remove an animal or personal belongings of an emergency nature, within 15 days of the tow;
- E.** Solicit PPI towing business by means of payment of a gratuity, commission or any other consideration, except as provided in this PPI Code, to the private property owner, operator, manager or employee. This violation may result in revocation of the tower's PPI permit, at the Director's discretion;
- F.** Remove a vehicle from a private parking facility unless the hookup has been completed and all safety equipment has been attached.
- G.** Use predatory practices, as defined in PPI administrative rules, to secure PPI tows.
- H.** Release a vehicle designated as a PPI Police tow without a release or other authorization from the appropriate police agency.
- I.** Assess or collect a penalty or surcharge fee, in lieu of towing, unless the parking lot is registered as a pay and park facility in compliance with Chapter 7.25 "Pay and Park and Non-Pay Private Parking Facilities."
- J.** Make any false statements of material fact, misrepresent information in any document or omit disclosure of material fact in performance of activities regulated by this Code.
- K.** Pursuant to ORS 90.485, PPI towers shall not remove a legally parked vehicle because the vehicle's registration has expired or is otherwise invalid.
- L.** Property owners or operators are prohibited from knowingly allowing an unpermitted PPI tower to impound vehicles from any property within the Portland city limits.
- M.** Property owners or operators may not require, solicit or accept payment from any PPI tower, nor from any person acting on behalf of a PPI tower, in exchange for authorization to tow from a property.
- N.** Pursuant to ORS 87.186, possessory liens by PPI towers may be foreclosed only by public auction held within the county in which the vehicle was towed.
- O.** No person shall attach a mechanical boot or any other immobilization device to any vehicle parked on private property or public right-of-way without consent of the vehicle owner.

7.24.090 Remedies.

Failure to comply with any part of the PPI Code or the administrative rules may be punishable by any or all of the following:

- A.** Suspension. The Director or designee may suspend a PPI tower's permit if investigation reveals any substantial violation of the PPI Code or the PPI administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods have failed to resolve. Suspension may be for a period of up to 14 calendar days. The suspension will be effective from the date of written notice of a suspension. If the violation is not corrected within the 14 day period, the Director may revoke the permit.
- B.** Revocation. The Director may revoke a permit for any substantial violation of the PPI Code or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods fail to resolve. The revocation will be effective immediately upon issuance of written notice by the City of Portland to the PPI tower. No new application will be accepted from any PPI tower with outstanding penalties or who has been revoked within the

current term for the remainder of the current permit period. Prior revocation may be grounds for denial of a permit application.

C. A private property owner or operator in the City of Portland is subject to civil penalties up to \$700 per tow from their property for violations including, but not limited to:

1. Knowingly authorizing non-compliant PPI towing to be performed on property they own or operate;
2. Requiring, soliciting or accepting payment from any PPI tower, or from any person acting on behalf of a PPI tower, in exchange for authorization to tow from a property.

D. Civil penalty. The Director may impose a civil penalty of up to \$1,000 for any substantial violation of the PPI Code or the administrative rules, including:

1. Towing any vehicle from private property inside the City of Portland or from City owned or operated property without a PPI permit. ~~The penalty will be \$1,000 per vehicle towed, plus refund of any fees paid by the vehicle owner(s).~~
2. Towing from a property without authorization in the form of a current agreement or owner/operator's signature on the tow invoice. ~~The penalty will be \$1,000 per vehicle towed, plus refund of any fees paid by the vehicle owner(s).~~
3. Late payment of data service fees to Tow Desk. The penalty will be \$100 for each incident.
4. Late payment of service fees to the City of Portland. The penalty will be \$100 for each incident.
5. Failure to initiate a tow, as required by administrative rule. The penalty will be refund of all fees assessed to the citizen, plus \$300 penalty for each incident.
6. Failure to notify Tow Desk of the completion of a tow within one hour of its arrival at the storage facility. The penalty will be \$150 for each incident.
7. Late report or failure to report a release. The penalty will be \$100 for each incident.
8. Failure to release a vehicle when contacted by the vehicle owner/owner's agent prior to completion of the hookup. The penalty is \$100 per 10 minute delay of release for each incident.
9. Late response or failure to respond to a police agency's request for information. The penalty is \$150 for each incident.
10. Late response to a complaint notice without approval of the Towing Coordinator. The penalty is \$100.
11. Failure to respond to a request for information pertaining to a complaint. The penalty is \$500.
12. Failure to provide a person redeeming a towed vehicle with an invoice, complete with all required information. The penalty is \$50 per missing item.
13. Civil penalties are payable to the City of Portland.

E. Refund to vehicle owner/owner's agent. Upon a finding of any violation by a PPI tower, the Director may direct release of a vehicle at no charge or a refund of all or part of fees paid by a vehicle owner/owner's agent for towing and storage, in lieu of, or in addition to, civil penalties.

F. Civil remedies. Nothing in this Section is intended to prevent any person from pursuing legal remedies.

7.24.100 Appeals.

A. Any towing firm whose application for initial PPI permit registration or renewal of PPI permit registration has been denied, or whose permit registration has been revoked or suspended, or who has been directed by the Director or director's designee to pay a civil penalty or refund, may appeal such action of the Director or director's designee by submitting a written request for a hearing before the Code Hearings Officer of the City of Portland, within 10 business days of receiving the Director's written findings, as set out in Chapter 22.10.

B. PPI Board of Appeals. Pursuant to Portland City Charter Section 2-103, City Council hereby creates the PPI Board of Appeals. The PPI Board of Appeals will hear and resolve protests and appeals arising from adoption of administrative rules by the Director. The findings of the PPI Board of Appeals are final.

1. Composition of the PPI Board of Appeals. The PPI Board of Appeals shall consist of three members. A quorum shall consist of three members. The Commissioner in Charge of the Revenue Bureau shall appoint a representative member from a public agency and a representative member of the general public, and shall approve a representative member from the towing industry selected by the towing industry.

2. Compensation. All members of the PPI Board of Appeals shall serve without pay, except that they may receive their regular salaries during the time spent on Board matters.

3. Procedures and Rules. The Director shall establish rules and procedures for the Board and the Board shall follow those procedures in all matters heard by the Board.

4. Staff. The Revenue Bureau shall provide staff and assistance to the Board.

5. Powers of the Board. The PPI Appeals Board shall hear protests of administrative rules adopted by the Director. Written notice of the protest must be received by the Towing Coordinator within 30 days after the notice of adoption of the administrative rule. The protest must state the name and address of the PPI tower and an explanation of the grounds for the protest. Requests not received within 30 days of the notice of adoption will not be heard.

6. Written notice of the findings of the Board will be provided to the appellant within 10 business days of the conclusion of the hearing.

Portland, Oregon

FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

| | | | |
|---|--|---|--|
| 1. Name of Initiator Marian Gaylord | | 2. Telephone No. 5-2489 | 3. Bureau/Office/Dept. OMF/Revenue/Regulatory |
| 4a. To be filed (date): December 6, 2012 | 4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/> | | 5. Date Submitted to Commissioner's office and FPD Budget Analyst: September 19, 2012 |
| 6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed | | 6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed | |

1) Legislation 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)

2) Purpose of the Proposed Legislation:

Provide needed improvements to the City's regulation of Private Property Impound towing and clarify the differences with regulation of Pay and Park facilities.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- City-wide/Regional
- Northeast
- Northwest
- North
- Central Northeast
- Southeast
- Southwest
- East
- Central City

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

There is a possible small increase in collected service fees from previously unregulated tows. Based on previous years, this represents approximately \$3,600 in additional service fees.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)

No new costs are anticipated.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No.

- **Will positions be created or eliminated in future years as a result of this legislation?**

It is possible that additional staff could be needed in future years to accommodate increased work load resulting from a higher volume of regulated tows.

No new staff anticipated in association with this legislation.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

| Fund | Fund Center | Commitment Item | Functional Area | Funded Program | Grant | Sponsored Program | Amount |
|-------------|--------------------|------------------------|------------------------|-----------------------|--------------|--------------------------|---------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES:** Please proceed to Question #9.
 NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

The changes provide better notification for citizens subject to towing from private parking lots. Signage and notification requirements are extended into agency lots, thus protecting the elderly and other vulnerable citizens living in subsidized housing. City authority to investigate and resolve complaints is extended to previously unregulated towing activity, thus providing additional resources to citizens.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

A public meeting was held October 16, 2009, to which all current PPI permit holders were invited, for the purpose of introducing proposed Code changes and soliciting comments and suggestions. This year when changes were finalized, a copy was again distributed to area towers for comment.

The Towing Coordinator has monitored and analyzed citizen complaints since the last Code change in 2003, and the proposed changes reflect problems identified by citizens.

At the suggestion of Commissioner Fritz, Elisa Harrigan, Executive Director of Community Alliance of Tenants was contacted and provided with a copy of the proposed code for her comments. Managers of agency lots were contacted and they confirmed that the proposed changes will help to clarify expectations for towers and citizens alike.

c) How did public involvement shape the outcome of this Council item?

Proposed changes are the results of:

- o citizen complaints,
- o changes in state law,
- o tower suggestions,
- o data collected by the Towing Coordinator since the previous Code amendment in 2003,
- o Code Hearings recommendations

d) Who designed and implemented the public involvement related to this Council item?

The Towing Coordinator

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Marian Gaylord
Towing Coordinator
503-865-2489
Marian.Gaylord@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

As has been the practice since the Code amendments of 2003, the Towing Coordinator will continue to identify weaknesses or areas of confusion in the Code by the investigation and resolution of citizen complaints. Daily contact with citizens will continue to supply insights into the impact of PPI towing regulations on fairness and the towers' proper conduct of towing at the request of property owners and operators.

Legislation will also be monitored to ensure that the City's Code does not conflict with state regulations.

Thomas W. Lannom

APPROPRIATION UNIT HEAD (Typed name and signature)



CITY OF PORTLAND
OFFICE OF MANAGEMENT AND FINANCE

Sam Adams, Mayor
Jack D. Graham, Chief Administrative Officer

Revenue Bureau
Thomas W. Lannom, Director
111 SW Columbia St., Room 600
Portland, Oregon 97201
(503) 823-5154
FAX (503) 279-2669
TTY (503) 823-6868

DATE: December 3, 2012
TO: Mayor Sam Adams
FROM: Thomas W. Lannom, Revenue Bureau Director

**FOR MAYOR'S OFFICE
USE ONLY**
Reviewed by Bureau Liaison

185835

RE: ORDINANCE 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)

1. **INTENDED THURSDAY FILING DATE:** December 6, 2012
2. **REQUESTED COUNCIL AGENDA DATE:** December 12, 2012
3. **CONTACT NAME & NUMBER:** Marian Gaylord, Towing Coordinator, (503)865-2489
4. **PLACE ON:** **CONSENT** **REGULAR** **x**
5. **BUDGET IMPACT STATEMENT ATTACHED:** **x** **Y** **N** **N/A**
6. **(3) ORIGINAL COPIES OF CONTRACTS APPROVED AS TO FORM BY CITY ATTORNEY ATTACHED:** **Y** **N** **x** **N/A**

7. BACKGROUND/ANALYSIS

The City of Portland first enacted regulation of Private Property Impound (PPI) towing in 1988. The most recent comprehensive rewrite of the Tow Code was approved in 2003. In recent years, a number of Portland's PPI regulations have served as a model for changes in state law and the creation of programs to regulate PPI towing in neighboring cities, most recently, the City of Gresham.

PPI towing in the Portland continues to be a major source of income for many local towers and a hardship for citizens who park improperly. Since the last rewrite of PPI regulation in 2003, a number of additional issues have been identified. Citizen complaints and staff investigations provide the basis for the proposed changes.

The proposed changes are designed to improve consumer protections, enhance enforcement tools, and provide adequate warning to citizens who are at risk of being towed from private property. Separation of Pay and Park regulations into its own section (7.25) will prevent confusion that has occurred with PPI towing and Pay and Park in the same section. This is also an opportunity to bring the numbering of this section into line with City Code conventions.

8. FINANCIAL IMPACT

There is a possible small increase in collected service fees from previously unregulated tows. Based on previous years, this represents approximately \$3,600 in additional service fees.

9. RECOMMENDATION/ACTION REQUESTED

The Bureau respectfully requests that the ordinance be passed in order to improve regulatory control of towing from private parking facilities, and ensure that public safety and convenience are preserved.

An Equal Opportunity Employer

To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.

www.portlandonline.com/omf/revenue

Ordinance No. 185835

From: Butler, Kathleen
Sent: Tuesday, February 05, 2013 2:54 PM
To: Anderson, Toni
Cc: Gaylord, Marian
Subject: RE: Chapter 7.24 & 7.25

Hi Toni,

Yes, 7.25.040 C. 3. should refer to Subsections 1 and 2, not a and b.

7.25.090 C. change from reference 1 and 2 to A and B.

7.25.120 C. 5. should refer to the entire chapter 7.24. The title is perhaps where the error is, and should read Private Property Impound Towing.

Thanks.

Kathleen

Kathleen Butler
Regulatory Division Manager
Revenue Bureau
City of Portland, Oregon
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(503) 823-5157 (Voice)
(503) 823-5192 (FAX)
(503) 823-6868 (TTY)