

ORDINANCE NO. 3695

AN ORDINANCE AMENDING ORDINANCE 3238, SECTION 53, TO PROVIDE ENHANCED PENALTIES FOR REPEATED VIOLATIONS OF THE 2 HOUR PARKING LIMIT

THE CITY OF PENDLETON ORDAINS AS FOLLOWS:

Section 1: Ordinance 3238, Section 53, as amended, is further amended as follows:

SECTION 53. Penalties.

A. Any person receiving a parking ticket for any violations of this Ordinance, other than violation of Section 40-A (the two [2] hour parking limit), which penalty is provided for in Section 53-B, below, or any regulation adopted by the City Manager pursuant to this Ordinance may avoid the necessity of appearing in Court by presenting the parking ticket to the Municipal Court and paying the sum of Twenty and No/100 (20.00) Dollars if paid within forty-eight (48) hours, or Thirty and No/100 (\$30.00) Dollars if paid thereafter.

B. Any person receiving a parking ticket for violation of Section 40-A (the two [2] hour parking limit) of this Ordinance may avoid the necessity of appearing in Court by presenting the parking ticket to the Municipal Court and paying as follows:

For the first three violations in a calendar year, the sum of Twelve and No/100 (\$12.00) Dollars if paid within forty-eight (48) hours, or Twenty-four and No/100 (\$24.00) Dollars if paid thereafter;

For the fourth through sixth violation in a calendar year, the sum of Twenty-Four and No/100 (\$24.00) Dollars if paid within forty-eight (48) hours, or Forty-Eight and No/100 (\$48.00) Dollars if paid thereafter;

For the seventh and subsequent violation in a calendar year, the sum of Forty-Eight and No/100 (\$48.00) Dollars if paid within forty-eight (48) hours, or Ninety-Six and No/100 (\$96.00) Dollars if paid thereafter.

C. Every full business day during which a violation of this ordinance continues shall be considered a separate offense.

D. Offenses under this Section shall be tried in the Municipal Court as a violation and not as a crime. As a violation there is no right to jury trial or court appointed counsel.

E. If not paid within fifteen (15) days of the date of issuance of the ticket, the City at its option may mail a certified letter, return receipt requested, to the registered owner of the vehicle advising the owner that payment must be made within ten (10) days of the date of the letter and that an additional fee of Fifteen and No/100 (\$15.00) Dollars is now due because of the administrative costs involved in mailing the letter and that should the person fail to make payment or satisfactory arrangements with the Court Clerk within ten (10) days of the date of the letter then in that case that the City may provide for the impoundment of the vehicle and it shall not be released until all outstanding fines and charges, including towing and storage, have been paid, and if said fines and charges have not paid within sixty (60) days then the vehicle may be disposed of as listed and described below.

F. Any person receiving a parking ticket pursuant to Sections 38 to 51 for any of the offenses enumerated herein may request a hearing before the Court. If such person requests such a hearing and is deemed by the Court to have committed the violation then their penalties are as stated above. The time for additional penalties for non-payment shall begin following the date of the Court's entry of a judgment in the case deeming that person in violation of this Ordinance.

G. A violation of a provision of this Ordinance, except those referred to in Section 53 A and/or 53 B above, shall be punishable by a fine not to exceed Five Hundred and No/100 (\$500.00) Dollars.

PASSED by the City Council and approved by the Mayor November 18, 2003.

APPROVED: Robert F. Ramig
Mayor

ATTEST: Judi A. Zoske
City Recorder

APPROVED AS TO FORM:

Peter H. Wells

Peter H. Wells
City Attorney

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October 31, 2003