Chapter 7.25 Pay and Park and Non-Pay Private Parking Facilities

7.25.010 Purpose.

The purposes of this Chapter are to ensure that the regulation of parking at pay and park and non-pay private parking facilities is applied objectively with proper notice; and to protect fairness and convenience for the parking public.

7.25.020 Savings Clause.

If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, illegal or unenforceable, the decision has no effect on the validity, legality and enforceability of any other provision of this Chapter.

7.25.030 Definitions.

Except where the context requires otherwise, the following words and phrases have the definitions given in Section 7.25.030:

A. Administrative fee means a fee assessed by a department of motor vehicles for the purpose of determining the registered owner of a vehicle.

B. Boot means a mechanical device attached to a vehicle to prevent its movement.

C. Director means the City Administrator or their designee who carries out the work of the Revenue Division.

D. Operator means any person or entity whose business includes assessing and collecting penalties at Registered Facilities.

E. Park means to leave a vehicle standing, while the driver has exited the registered facility, or to leave a vehicle standing for more than five minutes.

F. Parker means any person in control of any vehicle that is parking at a registered facility.

G. Parking fee means an amount collected in addition to the penalty in pay and park facilities to compensate facility owners.

H. Payment device means any device capable of accepting or receiving parking fee payments ~~by cash or credit card~~ and providing proof of payment that complies with applicable state law.

I. Penalty means an amount assessed for failure to pay, or properly display proof of payment, for parking at a pay and park facility or for unauthorized or over-time parking at a non-pay private parking facility.

J. Penalty payment letter means the letter sent by the operator to the last-known registered owner if payment of the penalty is not received by the operator within 10 days of the date the penalty notice was affixed to a vehicle.

K. Penalty notice means the notice affixed to vehicles parked without payment, parked without properly displaying proof of payment or parked without authorization at a registered facility, and which is the initial demand for payment.

L. Registered facility means a parking lot or structure that is accessible to the public that has been registered with the Revenue Division and is either:

1. A non-pay private parking facility at which there is no charge for daily or transient parking, and parking or storage of vehicles is limited by time or authorization by the property owner/operator, and where the limitations are enforced by issuance of penalty notices; or

2. A pay and park facility that is open for parking or storage of vehicles by the general public, at which a fee must be paid for parking, where payment of parking fees is enforced by issuance of penalty notices, and where parkers receive a receipt or ticket at the time of payment that has the parking expiration time printed on it.

3. Registered facility does not include property used for governmental purposes by any agency or special district if the agency or management of the special district performs their own enforcement of the parking policies on the property. If the agency or manager of the special district contracts with another entity to enforce parking policies, the property must be registered with the Revenue Division.

M. Revenue Division means, for the purposes of this Chapter, the revenue service and program of the City Administrator under Portland City Code Chapter 3.06, and may be referred to as Division.

N. Second penalty payment letter means the letter sent by the operator to the registered owner if payment of the penalty is not received by the operator within 30 days of the mailing date of the first penalty payment letter.

7.25.040 Authorization.

A. Enforcement. The City Administrator is authorized to enforce all provisions of this Chapter.

1. Investigation. The City Administrator has the power to investigate any and all complaints regarding alleged violations of this Chapter.

2. Inspection. The City Administrator may inspect any operator records required to be maintained pursuant to this Chapter. The records must be made available for inspection during normal business hours within 24 hours of notice by the Director.

3. Delegation. The City Administrator may delegate the authority provided under this Chapter to any City employee or agent thereof.

B. Adoption of rules. Pursuant to the City Charter, the City Administrator may adopt rules pertaining to matters within the scope of this Chapter.

7.25.050 Registration as the Operator of a Facility.

No person may assess any Penalty at any facility unless that person is in compliance with the provisions of this Chapter.

A. Applications. An applicant for registration as an operator of a facility must submit to the Division:

1. The name, address and telephone number of the applicant;

2. The name, email address and telephone number of the person that will be the point of contact for the Division. This person will be available to respond to inquiries, informational requests, or complaints at all times

during normal business hours from 9:00 a.m. to 5:00 p.m. Monday through Friday;

3. Proof of valid insurance as described in this Chapter;

4. A sample copy of the proposed Penalty Notice;

5. A sample copy of the proposed Penalty Payment Letters;

6. The name, address and telephone number of any collection agency that may be employed by the operator for collection of delinquent payments;

7. Other information relating to the purposes of this Chapter as the Director may require~~.~~; and

8. A one-time nonrefundable operator application fee of $400. The fee may be adjusted each January 1, rounded to the nearest $10, for inflation or deflation in calendar years subsequent to 2027 using the Consumer Price Index, West Region (CPI-W) using the September-to-September index, not seasonally adjusted (unadjusted index). The current fee will be published on the Revenue Division's webpage.

B. Penalty notices, penalty payment letters and any subsequent demands for payment must include:

1. The name, address and telephone number of the operator;

2. The vehicle's make, model, color and license plate number;

3. The time and date the penalty notice was issued;

4. The location of the facility as provided on the original registration application;

5. Any facility number that may be assigned by the operator;

6. The amount of the penalty demanded;

7. Instructions describing deadlines and acceptable methods of payment;

8. Warning, if an operator collects the administrative fee, that the administrative fee may be assessed if the payment of the penalty is not received within 10 days of issuance of a penalty notice;

9. Any additional penalty that may be added if not paid within 30 days; and

10. A statement that the vehicle owner may submit a written complaint to the Revenue Division if attempts to resolve the complaint with the operator have been unsuccessful anytime within 90 days of the date of the first penalty payment letter. The Division's mailing address and website address for the parking penalty notice complaints webpage must be included on penalty payment letters.

C. The penalty notice must not represent to be a document issued by any government agency or government official, or otherwise simulate legal or judicial process. The penalty notice form is subject to review and approval by the City Attorney's Office.

D. The Division must approve all notices and letters. If a proposed penalty notice or penalty payment letter is rejected by the Division, it will be returned to the applicant for amendment and resubmission without additional fees. If documents have previously been approved by the City and if no changes to the Section have been made, it is not necessary to resubmit them with each new location application. Changes to penalty notices and letters proposed by the operator must be approved by the Division before they are implemented.

E. The Director may reject any incomplete application.

7.25.060 Registration of a Facility.

No operator may assess any penalties at any facility unless it is registered with the Revenue Division.

A. Application. To register a facility with the Division an operator must submit:

1. A written request from the operator that includes the facility's number (designated by the operator) and the facility's location;

2. A drawing of the facility showing adjacent street names, facility entrances and exits, and location of payment devices;

3. A nonrefundable registration fee of $400 for each facility ~~in an amount as required by Administrative Rule~~. This is an annual fee separate from and in addition to the one-time operator application fee. The annual fee may be adjusted each January 1, rounded to the nearest $10, for inflation or deflation in calendar years subsequent to 2027 using the Consumer Price Index, West Region (CPI-W) using the September-to-September index, not seasonally adjusted (unadjusted index). The current fee will be published on the Revenue Division's webpage.

B. As a condition of registering a pay and park or non-pay private parking facility under this Chapter, the operator must hold the City and its officers and employees free and harmless, and must defend and indemnify the City for any claims for damage to property or injury to person that may be occasioned by any work and/or services furnished or carried on under the terms of registration.

C. The Director will inspect an operator's facility following receipt of the written request for registration, the facility drawing, and the registration fee. If the Director determines that a facility complies with this Chapter's requirements, the Director will issue a registration certificate to the operator for the facility. If the Director determines that the facility does not comply with this Chapter's requirements, the application will be denied and notice will be sent to the operator that lists the requirements the facility failed to meet. If an application is denied, the operator may resubmit the application without payment of additional registration fees at any time within 60 days of the notice date if the deficiencies noted in the original denial have been corrected. Only one reapplication without payment of registration fees may be made with respect to each facility. If upon reapplication the registration is again denied, the operator must file a new facility application accompanied by the required registration fee.

D. Facility registrations are valid from the date of issuance until the last day of that same month the following year.

E. Reporting changes. Operators must notify the Director of any changes to the operator's office location, contact information, and insurance provider prior to implementation of the change. Operators must also notify the Director of any changes to a facility that affect a Parker's use of the facility including, but not

limited to, location of entrances and exits and location of a payment machine. Changed facilities must be reinspected before any Penalty Notices are issued.

F. Renewal. The Division will send invoices for facility registration renewal to all operators at least one month prior to the expiration date. Registrations will be renewed upon payment of the nonrefundable fee for each facility as required by the Administrative Rules.

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

H. Lot boundaries. A parking facility must be divided into more than one registered lot if:

1. A vehicle must enter or utilize a public right-of-way to access another part of the facility; or

2. A vehicle must enter or utilize a fire lane, service road, access lane, or emergency lane to access another part of the facility; or

3. A vehicle must exit the facility to utilize a different facility entrance to access another part of the facility.

I. Pay and park and non-pay private parking facilities operating within the City of Portland must comply with and maintain compliance with all provisions of the Business License Law, Chapter 7.02.

7.25.070 Payment Device.

Payment devices must be installed at pay and park facilities in locations convenient and accessible to all parkers.

7.25.080 Signage Requirements.

All signs required pursuant to this Section must be unobstructed, reflectorized and visible during all hours of operation. All signs required to be posted at a facility entrance must be no more than 10 feet from the entrance, must be located within 2 feet of the property line, and the center of the sign must be at least 4 feet from the ground.

Notwithstanding the requirements in Section 7.25.080, the Director may approve a location that is more than 10 feet from the entrance or is not within 2 feet of the property line due to physical characteristics of the property. The Director must give written approval of any exceptions before a sign is posted.

If vehicles are subject to being towed, the facility must comply with the signage requirements in Chapter 7.24 and the Administrative Rules for Towing from Private Property.

If a facility is subject to monitoring by a registered operator, the signs at the payment station or at the entrance of a non-pay facility must include a warning that the facility may be monitored.

A. Pay and park signage.

1. Pay and park facilities must have a sign posted at each entrance (in letters at least seven inches high) stating either "PAY TO PARK ALL HOURS," or "PAY TO PARK POSTED HOURS." For facilities with a "POSTED HOURS" sign, the sign must also state (in letters at least three inches high) the exact hours that the facility is operated as a pay and park facility.

2. At each facility containing a payment device, there must be a sign (in letters at least nine inches high) visible from every vehicle entrance stating "PAY HERE," indicating the location of the payment device.

3. At each payment location there must be a sign(s) that states (in letters at least 2 inches high):

a. all applicable charges for parking including the posted hours at a "PAY TO PARK POSTED HOURS" facility;

b. at any facility where a parker receives a printed receipt, that proof of payment must be displayed and clearly visible through the windshield; ~~and~~

c. that vehicles parked without valid proof of payment or permit are subject to a p~~P~~enalty~~.~~; and

d. a warning not to park at the facility if the payment machine does not accept payment.

The center of all signs required at the payment station must be at least four feet from the ground.

4. In spaces reserved for Parkers with a disabled person parking permit, the operator must attach a sticker or sign to the disabled parking sign at the front of each space, with letters no less than one inch high, that notifies the disabled parking customer that they are responsible for payment, regardless of having a disabled person parking permit.

B. Non-pay private parking signage.

1. Non-pay facilities must have a sign posted at each entrance stating:

a. that parking is prohibited, reserved or otherwise restricted;

b. who is authorized to park;

c. all limitations on parking;

d. the hours during which parking is restricted; and

e. that parking in violation of posted restrictions may result in assessment of a penalty or towing and storage of a vehicle at the vehicle owner's expense.

2. If a private parking facility is shared by more than one business and parking spaces are assigned to specific businesses, the parking spaces must be marked (or signs posted) clearly indicating which spaces are reserved for each business.

3. Unless otherwise specified, any additional required signage posted at non-pay facilities must have lettering no less than two inches high.

C. If portions of a registered facility are Pay and Park while ~~there are~~other sections ~~that~~ are Non-Pay, ~~then~~ the entire facility must meet the minimum standards of both lot types, and requires additional signage indicating which portion of the lot the parker is in, entering, or leaving.

D.~~**C.**~~ Notwithstanding Subsections 7.25.080 A. and B., if the Director determines that the requirements are not sufficient to protect the parking public due to a facility's site-specific conditions, configurations, or location, the Director may

impose additional facility requirements. These requirements may include, but are not limited to, additional lighting, signage, landscaping, pavement markings, and restrictions on the hours during which penalties may be issued.

E. Unless otherwise specified, any additional required signage posted at pay and park facilities must have lettering no less than two inches high.

7.25.090 Assessment of Penalties.

A. Pay and park facilities. The operator of a pay and park facility may assess and collect a penalty from any parker found to have either parked without paying the required parking fees upon parking the vehicle, or parked without placing the proof of payment in the vehicle so that it is clearly visible through the windshield.

The operator may assess and collect a parking fee in addition to the penalty. parking fees must be paid by the operator to the owner of the facility and must not exceed the maximum authorized by Administrative Rule.

B. Non-pay private parking facilities. The operator of a non-pay private parking facility may assess and collect a penalty from any parker found to have parked without authorization.

C. The penalty assessed to vehicles described in Subsections 7.25.090 A. and B. must not exceed the following amounts:

1. Not more than the overtime parking penalty set by Multnomah County Circuit Court if paid within 30 days of the mailing date of the penalty payment letter.

2. Not more than double the overtime parking penalty set by Multnomah County Circuit Court if paid after 30 days from the mailing date of the penalty payment letter.

7.25.100 Parking Penalty Notice.

A. When a vehicle is parked in violation of a registered facility's requirements, the operator may affix to the vehicle, in a prominent location, a penalty notice.

B. The penalty notice must be processed as follows:

1. A copy must be affixed to the vehicle or given to the parker~~,~~ and

2. A record of the notice must be retained by the operator for not less than one year, and

3. All records of penalty notices must be available to the Director upon request.

C. Upon issuance of a parking penalty notice, photo documentation of the following is required:

1. The vehicle license plate (or evidence if it is missing)**;**

2. The vehicle make and model;

3. The vehicle Identification Number (VIN) (or evidence that the VIN is not visible); and

4. The parking penalty notice affixed to the vehicle or given to the parker.

7.25.110 Penalty Payment Letters.

A. If the operator does not receive payment within 10 days from the day the operator affixed the penalty notice to the vehicle or gave the penalty notice to the parker, the operator may mail a penalty payment letter to the last-known registered owner(s) and any other persons who reasonably appear to have any interest in the vehicle. The letter must be mailed no earlier than 10 days nor later than 30 days from the penalty notice issuance date. The letter must include:

1. The amount demanded;

2. Acceptable method(s) of payment;

3. The schedule of increases for continued non-payment as described in Chapter 7.25;

4. Space for the recipient to inform the operator that the person to whom the letter was sent is not the current registered owner of the vehicle;

5. A statement that the vehicle owner may submit a written complaint to the Division if attempts to resolve any disputes with the operator have been unsuccessful;

6. The mailing address of the Division and the website address for the parking penalty notice complaints webpage, and

7. A statement to the effect that the Division will only investigate complaints by parkers regarding the issuance of a penalty notice filed within 90 days of the date of the first penalty payment letter.

B. Administrative f~~F~~ees.

1. If an operator incurs costs from the Department of Motor Vehicles (DMV) in its efforts to obtain the name and address of a vehicle's registered owner, the operator may add a one-time administrative fee in addition to the penalty, provided that:

a. 10 days have elapsed since the penalty notice issuance;

b. The operator indicates the amount assessed as a separate itemized amount on the penalty payment letter;

c. The amount assessed is no more than the amount charged to the operator by the DMV.

2. Operators may not demand payment for administrative fee until they have been charged said fee by the DMV.

3. Although operators may only charge the administrative fee once, the fee may be a combination of more than one DMV charge if the first attempt to obtain registered owner information resulted in invalid information. In no event may an operator charge for more than two attempts.

C. Payments.

1. The operator must accept checks or money orders as valid payments when received via mail.

7.25.120 Unlawful to Tow Vehicles.

It is unlawful for any person to tow any vehicle parked at any registered facility without the permission of the parker unless:

A. The vehicle has been parked at the registered facility without the payment of the required parking fees or without authorization for a period in excess of 24 hours after the period for which parking fees have been paid or authorization has been given; or

B. The vehicle is parked at the registered facility in a manner as to clearly impede vehicular ingress or egress to and from designated parking stalls or the facility itself, or is parked in any area that is clearly and conspicuously designated by signs or other traffic control devices as areas in which parking is restricted or forbidden; or

C. The vehicle is parked at any of the operator's registered facilities, and:

> **1.** Within the previous two-year period, the vehicle was parked at any of the operator's registered facilities without payment of parking fees or authorization, three times or more; and
>
> **2.** During that time the operator affixed and mailed the notices and payment letters as provided for in this Chapter; and
>
> **3.** Three or more penalties remain unpaid; and
>
> **4.** The operator has mailed a notice by certificate of mailing, and a reasonable amount of time has elapsed for service of the notice, advising the registered owner(s) and any other persons who reasonably appear to have any interest in the vehicle stating that the vehicle will be towed if the vehicle is again parked at a registered facility. The notice must also state the total amount due for outstanding penalties, the issue date and registered facility location for each outstanding penalty, the method(s) of payment accepted, the name, address and phone number of the operator, and that the vehicle owner may submit a written complaint to the Division if attempts to resolve the complaint with the operator are unsuccessful. The operator will retain a copy of each notice for not less than one year and make copies available upon request of the Director. The notice must be in a form approved by the City Attorney's Office; and,

5. The towing is performed in compliance with Chapter 7.24 Private Property Impound Towing; or

D. The vehicle is parked at any of the operator's registered facilities, and:

1. Within the previous 90-day period, the vehicle was parked at any of the operator's registered facilities without payment of parking fees or authorization, three times or more; and

2. During that time the operator affixed notices to the vehicle as provided for in this Chapter; and

3. The operator requested the registered owner's name and address from the appropriate State licensing department but received invalid information due to a new owner failing to register the vehicle, or was not able to request information due to a State's restrictions on the release of registered owner information or because the license plate and/or vehicle identification number were unobtainable; and

4. The towing is performed in compliance with Chapter 7.24 Private Property Impound Towing.

7.25.130 Complaint Handling Procedures.

A. Operators responding to the complaints of parkers or registered owners of vehicles must follow these guidelines:

1. The operator must be available by telephone and e-mail to the public during normal business hours to accept and respond to public complaints. The operator must have voicemail and must respond to telephone messages by the end of the next business day.

2. The operator must respond in writing to written complaints within 10 days from the date the operator received the complaint.

3. The operator's written response must include the mailing address of the Revenue Division and the address for the parking penalty notice complaints webpage and a statement that the parker or registered owner of the vehicle may submit a written complaint to the Division if attempts to resolve the complaint with the operator are unsuccessful.

4. All efforts to collect the penalty and related amounts must be suspended upon the filing of a complaint with the operator or the Director, pending final resolution.

5. The operator must respond in writing within 10 days to inquiries from the Director regarding complaints or operations of a registered facility.

6. Penalties must not increase from the time a complaint is received by the operator or the Director, pending final resolution.

7. The operator must void the penalty if the parker or registered owner provides evidence within 30 days of issuance of the penalty notice that the parking fee payment was made at the time the vehicle was parked at the facility or that the parker was authorized to park.

8. If the operator reported an unpaid penalty to a credit agency, the operator must notify the credit agency immediately upon voiding any penalty.

9. If the parker or registered owner provides documentation clearly demonstrating payment was made no more than five minutes after a parking penalty notice is issued, the payment is accepted as valid and the parking penalty notice must be dismissed.

10. Evidence of parking validation is considered equivalent to payment and must be considered as such.

11. Failure to respond to parker complaints or to the Director within the required time period may result in mandated dismissal of a parking penalty notice.

B. Upon receipt of a complaint the City Administrator will conduct an investigation.

1. Upon a finding by the City Administrator that there is a basis in Chapter 7.25 for the cancellation of penalty, the operator must immediately cancel the penalty, cease all efforts to collect the penalty, and refund any payments that have been made.

2. If the investigation determines that a violation of this Chapter has occurred, the City Administrator will initiate remedies provided in this Chapter.

3. The City Administrator will not investigate complaints by parkers regarding the issuance of a notice of demand for payment of penalties filed any time after 90 days from the date of the first mailed penalty payment Letter.

7.25.140 Maintenance of Records.

A. The operator must keep and maintain records of all penalties, any transactions relating to collection of past due accounts, written warnings, requests for vehicle towing, and any other transactions or written complaints relating to penalties or the impoundment of vehicles for a period of at least one year from the date the penalty notice was issued.

B. For the purpose of investigating complaints and to aid in enforcement of the requirements of this Chapter, the City Administrator may require the operator to report financial and operating data listed in Subsection 7.25.140 A., in the form as the Director requires.

C. The operator must compile the necessary data and submit reports to the City Administrator within 10 days of a written request.

7.25.150 Insurance Required.

Operators must provide and maintain commercial general liability insurance covering any and all claims for damage to property or personal injury, including death and automobile damage that may arise from operations under the registration.

A. The insurance must provide coverage of not less than $1 million combined single limit per occurrence, with aggregate of $1 million for bodily injury or property damage.

B. The limits of the insurance are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the registration.

C. The insurance must be without prejudice to coverage otherwise existing.

D. The insurance must name as additional insured the City and its officers, agents and employees. Notwithstanding the naming of additional insureds, the insurance must protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein will 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.

E. The coverage must apply as to claims between insureds on the policy.

F. The insurance policy must provide that it will not terminate or be canceled without 30 days written notice first being given to the Director.

G. The adequacy of the insurance is subject to the approval of the City Attorney.

H. Failure to maintain liability insurance is cause for immediate revocation of the registration of the operator by the City.

7.25.160 Prohibitions.

No operator may:

A. Require any person to make any statement or sign any document promising not to dispute the validity of a penalty or relieving the operator from responsibility for the condition of the vehicle.

B. Solicit business by means of payment of a gratuity, commission or other consideration to the property owner, manager or employee of a facility.

C. Attach a mechanical boot or any other immobilization device to any vehicle parked on private property or public right-of-way for the purpose of collecting a fee for the release of the vehicle.

7.25.170 Remedies.

Upon a violation by the operator of any requirements of this Chapter, the Director may exercise the following authority and may apply one or more of the following remedies:

A. Suspension or revocation. The Director may suspend a registration of any facility if investigation reveals that the violation has an impact on the public that informal compliance methods have failed to resolve. Suspension of registration may be for a period of up to 14 calendar days. The suspension will be effective from the operator's receipt of written notice of suspension. If the violation is not corrected within the 14-calendar-day period, then the Director may revoke the registration. The revocation will be effective upon the mailing of written notice by the Director.

B. Civil penalty. The Director may impose a civil penalty of up to $500 for each violation.

7.25.180 Appeals.

Any operator aggrieved by a determination of the Director may appeal the determination to the Code Hearings Officer as set out in Portland City Code Chapter 22.10.