



ALBANY CITY COUNCIL AGENDA

Monday, December 9, 2024
4:00 p.m.

Council Chambers, City Hall
333 Broadalbin Street SW

Watch on YouTube: <https://www.youtube.com/user/cityofalbany>

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to order and roll call
2. Business from the public
3. Oregon Parks and Recreation Local Government Grant for Deerfield Park – Kim Lyddane. [Pages 2-4]
Discussion
4. Petition for easement access across City-owned property 2451 Violet Avenue NW – Staci Belcastro. [Pages 5-10]
Direction
5. Central Albany Parking Area permit zone expansion– Kris Schendel. [Pages 11-12]
Discussion
6. Albany Municipal Code 13.90 private property impounds – Kris Schendel. [Pages 13-38]
Discussion
7. Business from the council
8. City manager report
9. Adjournment

This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: cityclerk@albanyoregon.gov.

Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager 

FROM: Kim Lyddane, Parks and Recreation Director

DATE: November 22, 2024, for the December 9, 2024, City Council Meeting Work Session and the December 11, 2024, City Council Meeting

SUBJECT: Accept and appropriate grant funds for Deerfield Park refurbishment.

Action Requested:

Council approval by resolution to accept and allocate \$485,000 from the Local Government (LG) Grant through the Oregon Parks and Recreation Department (OPRD).

Discussion:

Deerfield Park was identified in the 2021 Parks Master Plan for rehabilitation. The Park was developed in the 1950s and was previously owned by the Greater Albany Public School District. The 10.89-acre park was purchased by the City of Albany in 2018. The neighborhood park is in significant need of repair, as it has not been improved since the playground equipment was purchased and installed 40 years ago.

In March staff received approval from Council to apply for a Local Government Grant through OPRD to contribute to the Deerfield refurbishment. After a competitive process, the \$485,000 Deerfield grant request was approved by OPRD in October. This funding, alongside an already budgeted \$750,000 match supported by City Services Fee revenues will allow for the full scope of planned park refurbishments including:

- 8' wide ADA-compliant permeable concrete pathways with new connections to adjacent neighborhood streets
- Soft-surface perimeter walking trail
- New 6,500 sq. ft. universally accessible play area with new accessible play equipment and artificial turf play safety surfacing
- New ADA-compliant picnic areas
- New ADA-compliant seating areas
- New full-size ADA-compliant basketball court
- New ADA-compliant drinking fountain
- Permanent 9-hole disc golf course
- Retain all existing trees
- Add new trees for shade
- Retain and repair existing lawn areas

Without this award, key pieces of the project, including the trail and play area would have been scaled back or removed from the project entirely. Staff request Council approval to accept and appropriate funds for the

project. If approved, the project will go out for bid at the start of the new year with construction to start in Spring 2025. We are thrilled to begin this renovation and give a much-loved park the update it deserves.

Budget Impact:

The funds will go into Parks and Recreation Department's Capital Improvement Program 20250515-700510 account. The match is already budgeted.

KL

Attachments: Resolution (1)



A RESOLUTION ACCEPTING AND APPROPRIATING OREGON PARKS AND RECREATION GRANT FUNDS TO REFURBISH DEERFIELD PARK.

WHEREAS, the Albany Parks and Recreation Department applied for a Local Government Grant through Oregon Parks and Recreation to refurbish Deerfield Park; and

WHEREAS, the Albany Parks and Recreation Department was selected as a recipient of a Local Government Grant for \$485,000; and

WHEREAS, the grant funds will be used to add new playground equipment, replace an aging basketball court, add assessable pathways, replace benches, and add a nine-hole disc golf course, and

WHEREAS, Deerfield Park provides the community with a way to participate in positive, healthy activities; and

WHEREAS, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests, or devices transferred to local government in trust for a specific purpose may be made after enactment of a resolution or ordinance authorizing the expenditure (ORS 294.326(3)).

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Parks and Recreation Department is approved to receive and appropriate Oregon Parks and Recreation Grant funds in the amount of \$485,000; and

BE IT FURTHER RESOLVED that the Oregon Parks and Recreation Grant funds are hereby appropriated as follows:

| | | |
|-----------------|-----------|-----------|
| Resources: | Debit | Credit |
| 20250515-469015 | | \$485,000 |
| Requirements: | | |
| 20250515-700510 | \$485,000 | |

DATED AND EFFECTIVE THIS 11TH DAY OF DECEMBER 2024.

Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager
Chris Bailey, Public Works Director

FROM: Staci Belcastro, P.E., City Engineer
Aaron Hiemstra, P.E., Assistant City Engineer

DATE: November 22, 2024, for the December 9, 2024, City Council Work Session

SUBJECT: Petition for Easement Access Across City-Owned Property 2451 Violet Avenue NW

Action Requested:

Staff requests City Council consider the petition for easement access across the city-owned property located at 2451 Violet Avenue NW and recommends Council not grant the requested easement.

Discussion:

Staff received a petition (Attachment 1) from property owners, Russell and Tiesha Williams, via their representative Drew Charley, requesting an access easement across a city-owned property located at 2451 Violet Avenue NW. The Williams own a property identified as Map and Tax Lot 104360000600 that borders the city's Violet Avenue property to the north. The Williams purchased this current property, together with an adjacent property located at 2501 Crocker Lane NW in 2013. However, in 2016, the Williams sold the Crocker Lane property and did not retain an easement to maintain access to their current property. As a result, the property is landlocked due to their voluntary actions. A vicinity map is included in Attachment 2.

The Williams' representative Drew Charley indicated via email that an easement to access Crocker Lane was not included as part of the 2016 property sale due to physical and environmental restrictions on the two properties making said access impossible. It should be noted, however, that environmental restrictions will impact the development of the Williams' property regardless of where it connects to public right-of-way. The City's natural resource layer indicates the presence of significant wetlands on the property. Prior to any development taking place, a wetland delineation will need to be completed to determine the actual boundary of the significant wetlands and its riparian corridor. A map showing the estimated extent of natural resources on the property is included in Attachment 3.

The city-owned property at 2451 Violet Avenue NW was deeded to the City as a condition of the Covey Run development. The Covey Run development was required to construct a detention pond on the property and a gravel road to maintain the pond and provide access to public sewer pipes and manholes. The detention pond takes up the majority of the lot, and there is not adequate room to widen the gravel road to allow for two-way traffic without encroaching into the pond.

In their request, the Williams have not indicated how they propose to develop their property, so we are unable to quantify the impacts a shared access would create. Staff believes the viable long-term solution for the Williams property to access right-of-way is to acquire an easement to tie into Broadway Street. Additionally, staff does not believe it is timely to grant an access easement, should that be Council's direction, without knowing how the property will develop. The construction of a single dwelling unit will have less impact than

the construction of multiple dwelling units. As an interim measure, Public Works offers to coordinate with the Williams to schedule time that they, or a consultant working on their behalf, could access the property in order to conduct a wetland delineation as a first step towards developing the property and connecting to Broadway Street.

Budget Impact:

None.

SLB:kc

Attachment (3)

c: David Martineau, Planning Manager
Kristin Preston, Operations Manager

Belcastro, Staci

From: Drew Charley <charley2036@gmail.com>
Sent: Wednesday, November 6, 2024 11:32 AM
To: Martineau, David; Hiemstra, Aaron; Belcastro, Staci; Bailey, Chris; Berg, Carl; Sean Kidd
Subject: Petition for Easement Access – Tax Lot #104360000600

Follow Up Flag: Follow up
Flag Status: Flagged

[WARNING! This email came from outside our organization. Do NOT click unknown attachments or links in email.]

Dear Albany City Representatives,

I am reaching out on behalf of Russell and Tiesha Williams, owners of Tax Lot #104360000600, to facilitate clear and consolidated communication regarding our petition for easement access. Our goal is to reach an equitable solution that respects the interests of the City while preserving the Williams’ rights to realize the value of their residentially zoned, buildable property.

Firstly, I want to acknowledge the recent communications and clarify that we are approaching this matter independently, with guidance from legal counsel, to ensure a balanced and legally sound outcome. To David, we apologize for any confusion regarding the planning meeting; our intention is to ensure all involved have a clear and consistent understanding of our objectives. As our analysis of ORS 376.180 shows, access to this property can be most feasibly achieved across the adjacent city-owned lot, given the layout, existing infrastructure, and minimal wetland impact.

We understand that the City may have reservations regarding the “protection of its facilities,” based on the emails shared by City Engineer Staci Belcastro and others. However, it is our intention to explore all mutually acceptable options before moving to more formal legal channels. This brings us to an essential question: what alternatives would the City suggest for accessing our property that would meet both the City’s and our requirements?

We are fully aware that if an equitable solution cannot be reached, Oregon law provides for recourse through the Benton County Circuit Court under ORS 376.200 for an easement by necessity. Moreover, should the City Council decide to withhold access, ORS 195.305-195.336 may apply, as the Williams’ access rights are essential to realizing the full value of their property. We believe that an easement, under these circumstances, would qualify as one that should not be “unreasonably withheld” per ORS 376.185.

We value the cooperative spirit and timely responses we've received so far and aim to uphold that throughout this process. As we prepare to present our case to the City Council workshop, we would appreciate any forms or documentation needed to formalize this request. Would the City be able to provide guidance on a written application for the easement or any specific forms required?

Thank you all for your attention to this matter. I look forward to a constructive response that will guide us toward a resolution that benefits all parties involved.

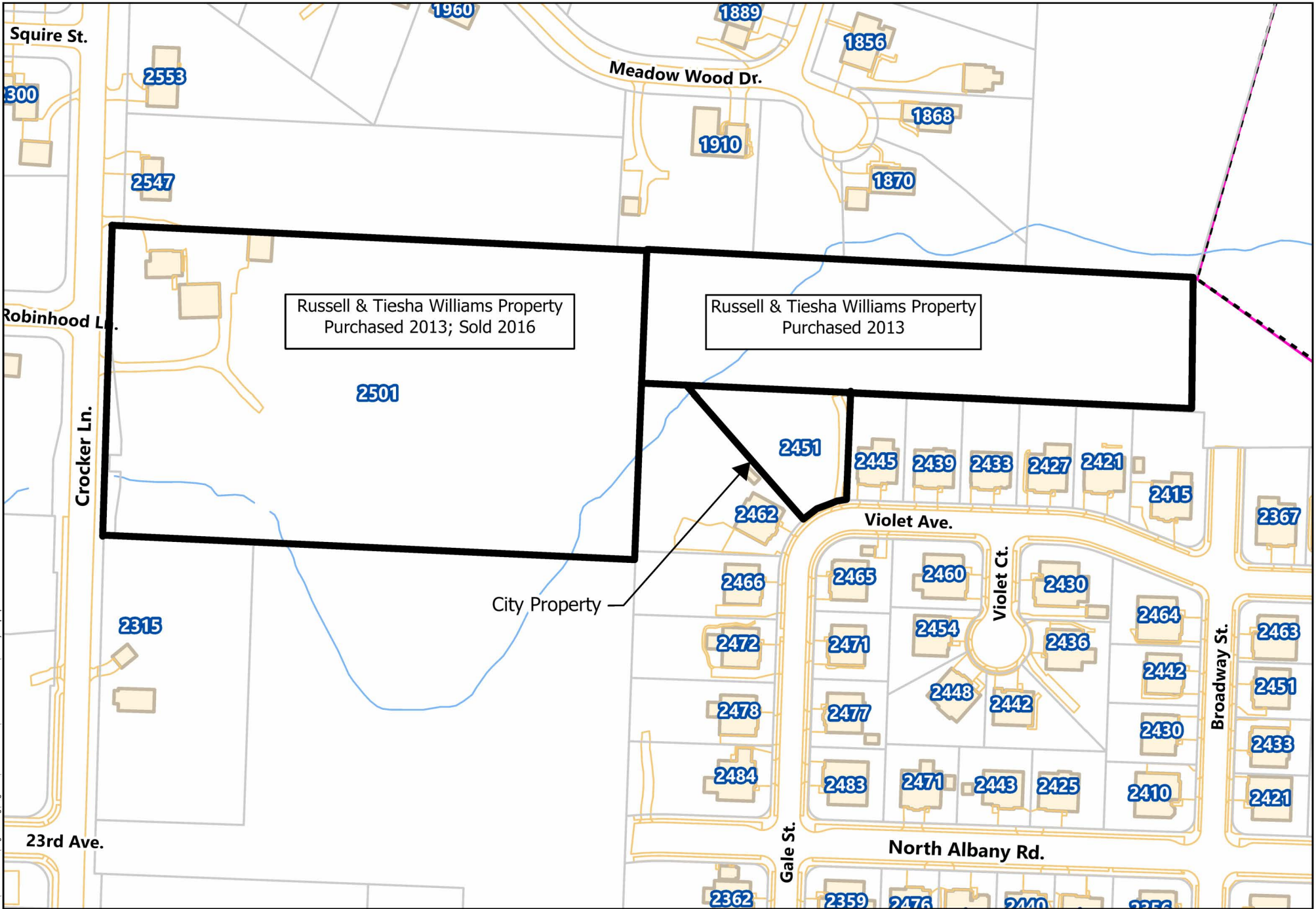
With regards,

Drew Charley

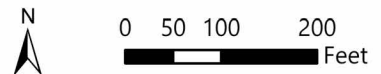
Charley2036@gmail.com

541-497-9270

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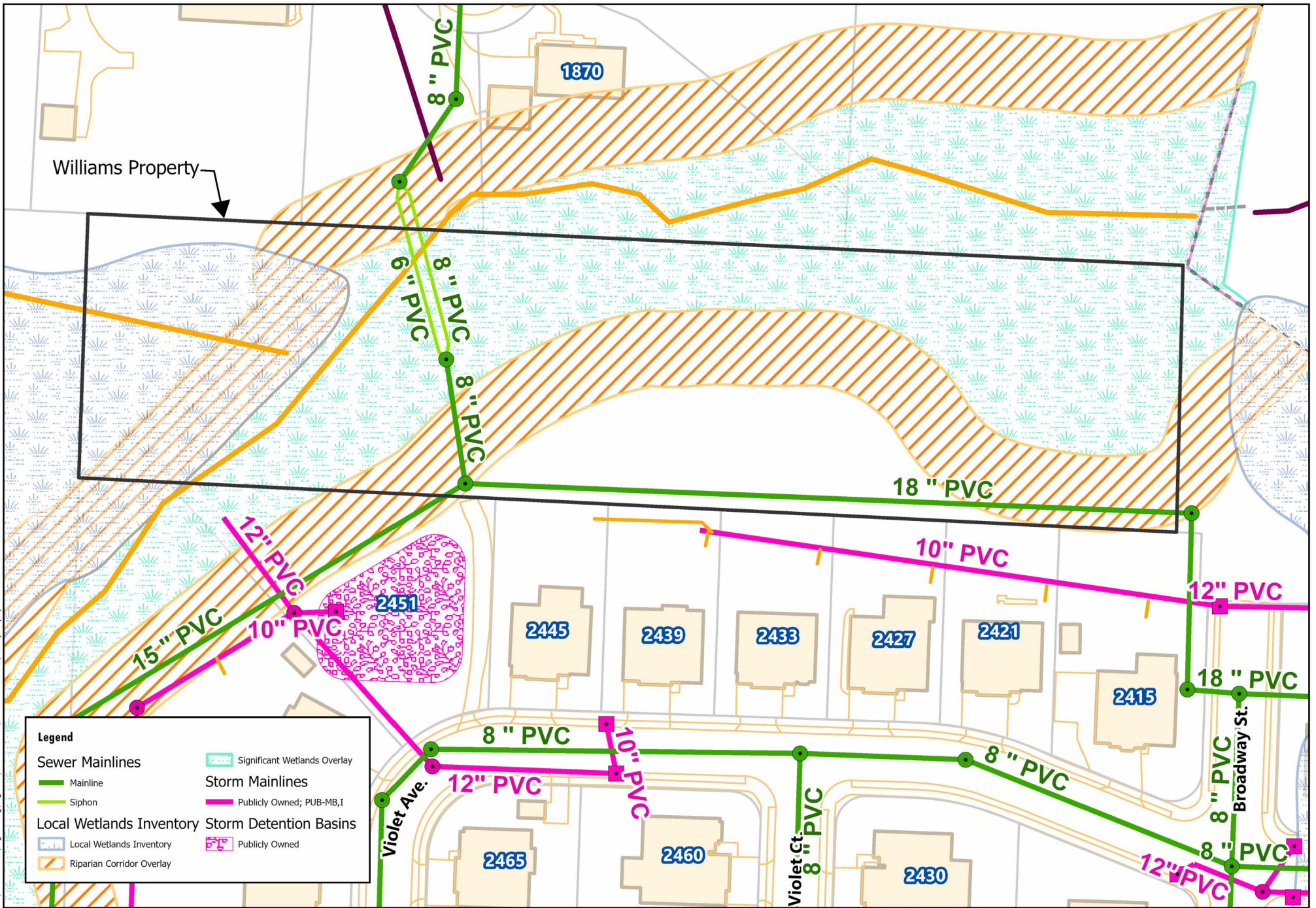


G:\Public Works\Engineering\Engineer\Miscellaneous\Access 2451 Violet\Vicinity Map.aprx

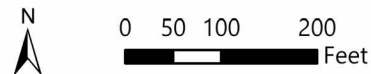


Date: 11/25/2024

Attachment 2 Vicinity Map



G:\Public Works\Engineering\Map\Access 2451 Violet\Vicinity_Map.aprx



Date: 11/25/2024

Attachment 3 Environmental Layers



MEMO

TO: Albany City Council

VIA: Marcia Harnden, Police Chief
Peter Troedsson, City Manager

FROM: Kristopher Schendel, Code Compliance Officer

DATE: December 3, 2024, for December 9, 2024, Work Session and December 11, 2024, City Council Regular Session

SUBJECT: Central Albany Parking Area - Expansion

Relates to Strategic Plan theme: Great Neighborhoods and Effective Government

Action Requested:

Staff recommends the City Council amend Albany Municipal Code (AMC) Section 13.21.112(a) to add Jackson Street SE from the railroad crossing to 13th Avenue SE.

Discussion:

On March 11, 2020, the Albany Municipal Code (AMC) 13.21.112 Central Albany Parking Area went into effect and subsequently reduced the police calls to the area.

On November 20, 2024, the Linn County Sheriff's Office and 2nd CHANCE Shelter requested City Council amend AMC 13.21.112 to include street front along Jackson Street SE from the railroad crossing to 13th Avenue SE. This request was made in hopes of reducing safety concerns both groups were seeing from individuals not associated with either entity.

At this same City Council meeting, Council requested that staff adjust the boundaries to include the requested area.

Budget Impact:

None.

KS:de



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) SECTION 13.21.112(a), CENTRAL ALBANY PARKING AREA.

WHEREAS, the City of Albany added AMC Chapter 13.21.112, Central Albany Parking Area, to address an increased level of unlawful activity unrelated to surrounding structures; and

WHEREAS, these specific areas attract unlawful activity and pose health and welfare hazards to the public; and

WHEREAS, on November 20, 2024, an amendment was requested by the Linn County Sheriff's Office and 2nd CHANCE Shelter, who make up the street frontage; and

WHEREAS, the Albany City Council requested that Albany Municipal Code Section 13.21.112 Central Albany Parking Area be amended to add Jackson Street SE in south of the railroad crossing to 13th Avenue SE.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Amending AMC Title 13, Vehicles and Traffic. AMC Section 13.21.112(a) is hereby amended to:

13.21.112 Central Albany parking area.

(1) It is unlawful for any vehicle to park on the public streets, listed below, without a valid Central Albany parking area permit.

(a) Area.

- (i) 11th Avenue SE, west of Jackson Street SE to Montgomery Street SE.
- (ii) Montgomery Street SE, west of 11th Avenue SE to 13th Avenue SE.
- (iii) 13th Avenue SE, west of Jackson Street SE to Industrial Way SW.
- (iv) Howard Drive SE, north of 13th Avenue SE to dead end.
- (v) Industrial Way SW, south of 13th Avenue SE to Queen Avenue SW.
- (vi) Ninth Avenue SE, east of Jackson Street SE to Route 99E.
- (vii) Jackson Street SE, south of Pacific overpass to 13th Avenue SE~~railroad crossing~~.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Kristopher Schendel, Code Compliance Officer

DATE: December 3, 2024, for December 9, 2024, Work session and December 11, 2024, City Council Regular Session

SUBJECT: Albany Municipal Code 13.90 Private Property Impounds
Relates to Strategic Plan theme: Effective Government

Action Requested:

Staff requests the City Council repeal Albany Municipal Code (AMC) Chapter 13.90 Private Property Impounds.

Discussion:

In 2017 the Albany City Council adopted Albany Municipal Code (AMC) Chapter 13.90 Private Property Impounds to address concerns of predatory towing practices throughout the City. These predatory towing practices left people without vehicles based on items such as backing into their parking spot. Most vehicles were towed without the property managers' knowledge after they had signed contracts with out-of-city tow companies.

On July 19, 2021, the Oregon Senate passed Bill 300 to establish the Oregon State Board of Towing to address multiple city concerns regarding tow companies across the State.

On July 23, 2024, the Oregon State Board of Towing adopted a Private Property Impound Public Policy that closely resembles AMC 13.90 Private Property Impounds. With the passing of the policy at the State level, it is no longer required that the City has a code.

Staff requests the City Council to repeal AMC 13.90 Private Property Impounds to free up staff time for other obligations.

Budget Impact:

Reduction in staff work time needs to address AMC 13.90 and maintain permits.

KS:de

Attachment: Oregon State Board of Towing Private Property Impound Public Policy.



AN ORDINANCE REPEALING ALBANY MUNICIPAL CODE CHAPTER 13.90, PRIVATE PROPERTY IMPOUNDS

WHEREAS, the City of Albany adopted Albany Municipal Code (AMC) Chapter 13.90, Private Property Impounds, in 2017; and

WHEREAS, on July 19, 2021, Oregon Senate Bill 300 established an Oregon State Board of Towing; and

WHEREAS, on July 23, 2024, the Oregon State Board of Towing adopted a Private Property Impound Public Policy; and

WHEREAS, repealing AMC Chapter 13.90, Private Property Impounds, will reduce staff time while maintaining the protections it granted for the community.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Chapter 13.90 Private Property Impounds is hereby repealed.

Chapter 13.90
PRIVATE PROPERTY IMPOUNDS

Sections:

- ~~13.90.010—General provisions.~~
- ~~13.90.020—Definitions.~~
- ~~13.90.030—Conditions.~~
- ~~13.90.040—Prohibitions.~~
- ~~13.90.050—Photographs.~~
- ~~13.90.060—Offer transportation assistance to vehicle owner/owner's agent.~~
- ~~13.90.070—Animals in towed vehicles.~~
- ~~13.90.080—Notification following the tow.~~
- ~~13.90.090—Release of vehicle.~~
- ~~13.90.100—Release at scene.~~
- ~~13.90.110—Regulations.~~
- ~~13.90.120—Predatory tow practices.~~
- ~~13.90.130—Towing and storage rates.~~
- ~~13.90.140—Penalty.~~
- ~~13.90.150—Citizen complaints.~~
- ~~13.90.160—Operator's license.~~

~~13.90.010 General provisions:~~

- ~~(1) Purpose. The purpose of the Private Property Impound (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.~~
- ~~(2) Conformity to State Laws. The PPI Code shall be construed in conformity with the laws and regulations of the State of Oregon Motor Vehicle Code regarding towing from private property.~~
- ~~(3) 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. (Ord. 5888 § 1, 2017).~~

~~13.90.020 Definitions:~~

~~For the purposes of the PPI Code, the following definitions apply. Terms, phrases, words, abbreviations, and their derivatives used, but not specifically defined in this section, either shall have the meanings defined in the State of Oregon Motor Vehicle Code, or if not therein defined, shall have the meanings commonly accepted in the community.~~

- (1) "Owner's agent" means a person bearing documentation from the registered owner officially authorizing them to possess or operate the vehicle.
- (2) "Private parking facility" means any property used for motor vehicle parking at which the property owner or manager restricts or reserves parking, including, but not limited to, mobile home parks, apartment complexes, private gated communities and business or shopping centers or malls.
- (3) "Private parking facility owner" means the owner, operator, lessee, manager or other person(s) in lawful possession of a private parking facility, or any designated agent of the private parking facility owner.
- (4) "Private property impound(s)" or "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.
- (5) "Release at scene fee" (RAS fee) 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.
- (6) "Temper fee" means an additional charge assessed by a tow driver when someone uses offensive language or is perceived as aggressive.
- (7) "Towing" means to draw or pull along a vehicle by means of a tow truck or car carrier.
- (8) "Towing firm" or "tower" means any entity whose business includes the towing of motor vehicles from private parking facilities and the subsequent storage of such towed vehicles.
- (9) "Vehicle owner" means the person registered with the Department of Motor Vehicles as the owner of the vehicle. (Ord. 5888 § 1, 2017).

13.90.030 Conditions.

All PPI towers operating within the City of Albany shall:

- (1) 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
- (2) Practice courtesy and professionalism when dealing with police and persons redeeming or seeking to redeem a towed vehicle; and
- (3) Cooperate fully with any police agency to facilitate processing of evidence associated with any PPI towed vehicle identified as a possible stolen vehicle; and
- (4) Be considered in possession of any vehicle towed under this chapter, and therefore entitled to charge a release at 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. (Ord. 5888 § 1, 2017).

13.90.040 Prohibitions.

PPI towers operating within the City of Albany under this chapter shall not:

- (1) 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;
- (2) Solicit PPI towing business by means of payment of a gratuity, commission or any other consideration to the private property owner, operator, manager or employee;
- (3) Remove a vehicle from a private parking facility unless the hookup has been completed and all safety equipment has been attached;
- (4) Use predatory tow practices, as described in AMC 13.90.120;
- (5) Charge or assess a temper fee;
- (6) Charge fees in excess of those in AMC 13.90.130; or
- (7) Place towed vehicles in storage outside of the City of Albany. Exemptions may be granted by the Police Chief or his/her designee but at no greater distance than three miles outside of the City of Albany. (Ord. 5888 § 1, 2017).

13.90.050 Photographs.

Prior to performing private property facilities impound, using a digital camera with time and date stamp, the PPI tower shall photograph the vehicle to be towed and the parking facility signage. Such

photographs shall illustrate the conditions of the vehicle's location that warrant such an impound, and be made available upon request by the Police Chief or his/her designee, pursuant to a complaint investigation or audit. The tow company is not allowed to charge a fee for photographs. (Ord. 5888 § 1, 2017).

~~13.90.060 Offer transportation assistance to vehicle owner/owner's agent.~~

~~Pursuant to ORS 822.230(3)(d), PPI towers shall offer to either provide transportation for the vehicle owner/operator from the immediate vicinity of the location from which the vehicle was towed to the tower's storage lot for release of the vehicle, or make a call on behalf of the vehicle owner to arrange transportation. (Ord. 5888 § 1, 2017).~~

~~13.90.070 Animals in towed vehicles.~~

~~Vehicles with any live animal will not be towed. (Ord. 5888 § 1, 2017).~~

~~13.90.080 Notification following the tow.~~

~~The PPI tower shall notify the Albany Police Department within 15 minutes after the PPI tower takes possession of a vehicle by providing the details of the tow including:~~

- ~~(1) Vehicle license plate (to verify against prior notice information);~~
- ~~(2) Issuer state of license plate;~~
- ~~(3) Expiration date of license plate;~~
- ~~(4) VIN (vehicle identification number), if visible;~~
- ~~(5) Make of vehicle;~~
- ~~(6) Model of vehicle;~~
- ~~(7) Style of vehicle;~~
- ~~(8) Year of vehicle;~~
- ~~(9) Color of vehicle;~~
- ~~(10) Address from which the vehicle was towed or released at the scene;~~
- ~~(11) Address to which the vehicle was towed;~~
- ~~(12) Name of the business and person who authorized the tow;~~
- ~~(13) Name and phone number of tow company. (Ord. 5888 § 1, 2017).~~

~~13.90.090 Release of vehicle.~~

- ~~(1) Upon release of the vehicle to the registered owner/owner's agent, the PPI tower must provide an itemized receipt of tow charges.~~
- ~~(2) Within 15 minutes of releasing a vehicle to the registered owner/owner's agent or foreclosing on possessory lien, the PPI tower shall notify the Albany Police Department by telephone.~~
- ~~(3) The PPI tower must have personnel available at the storage facility to release a vehicle within 30 minutes after receiving a request for vehicle release. (Ord. 5888 § 1, 2017).~~

~~13.90.100 Release at scene.~~

- ~~(1) If the vehicle owner or operator returns to the vehicle while the tower is still attaching equipment to the vehicle, or the vehicle is fully attached but the tow driver is still outside the cab of the tow truck, or if the tow driver has entered the cab of the tow truck but has not yet engaged the tow truck's transmission to begin removal of the towed vehicle; the PPI tower shall release the vehicle to the vehicle owner or operator at no charge.~~
- ~~(2) If the vehicle owner or operator stops the PPI tower when the hookup is complete and the tow truck is in motion with the vehicle, the PPI tower shall immediately halt the tow and inform the vehicle owner of the amount of the RAS fee, and that the vehicle owner has up to 15 minutes, without additional charge, to provide payment of the RAS fee. If the RAS fee is collected, the tower shall unhook the vehicle and release it to the vehicle owner/owner's agent. If the vehicle owner/owner's agent fails to provide payment within 15 minutes, the PPI tower may proceed to tow the vehicle to the storage facility. (Ord. 5888 § 1, 2017).~~

13.90.110 Regulations.

~~(1) It shall be unlawful to tow a vehicle from a private parking facility unless:~~

~~(a) The private parking facility owner/operator gives the private property impound (PPI) tower express written authorization identifying the specific vehicle, signed at the time of the tow.~~

~~(2) Signage. It shall be unlawful to tow a vehicle from a private parking facility unless the private parking facility meets the following signage requirements:~~

~~(a) At least one sign shall be posted and readily visible at each entryway into the parking lot, not more than 10 feet from the public right-of-way or street edge. Such signs shall:~~

~~(i) Be posted so that the center of the sign is not more than eight feet or less than four feet above the ground; and~~

~~(ii) Be at least 16 inches by 24 inches in size; and~~

~~(iii) Be printed in letters not less than one inch high; and~~

~~(iv) State that parking is prohibited, reserved or otherwise restricted; and~~

~~(v) State who is authorized to park and the hours during which parking is restricted. (Example: "Parking for customers of _____ only during _____ hours"); and~~

~~(vi) State that towing and storage of a vehicle will be at the owner's expense; and~~

~~(vii) Prominently display the PPI tower's name and 24-hour telephone contact number for release of a vehicle; and~~

~~(viii) Be maintained so as to remain legible and unobstructed by any tree, shrub, bush, vehicle or other obstacle; and~~

~~(ix) When replacing missing or defaced signs, new signs must be posted for a minimum of 24 hours before towing commences or resumes.~~

~~(b) When a private parking facility is shared by multiple business operations (e.g., shopping mall or office park), parking spaces must be marked, or signs posted, so as to indicate which spaces are reserved for each business.~~

~~(c) PPI towers may request an exception to the rules for sign location. Such request shall be made to the Police Chief or his/her designee and must be made in writing and offer an alternative posting for approval.~~

~~(d) Fire lanes from which vehicles may be towed shall be marked in compliance with the Oregon Fire Code.~~

~~(e) Signage shall not be required if the vehicle being towed has been properly posted as abandoned per ORS 98.830. (Ord. 6031, 2023; Ord. 5918 § 1, 2018; Ord. 5888 § 1, 2017).~~

13.90.120 Predatory tow practices.

~~It shall be unlawful for a PPI tower to do any of the following:~~

~~(1) Park within 1,000 feet of a private parking facility for the purpose of covert observation in order to obtain PPI tows;~~

~~(2) Post any observer at or near a private parking facility for the purpose of monitoring and ordering towing; and~~

~~(3) Patrol private parking facilities for the purpose of monitoring motor vehicles to tow. (Ord. 5888 § 1, 2017).~~

13.90.130 Towing and storage rates.

~~(1) Rates and fees for PPI towing, RAS, and storage shall be set by Council resolution.~~

~~(2) The PPI tower must accept at least the following methods of payment for any fees or rates assessed:~~

~~(a) Cash. Adequate cash must be available at all times at the storage facility and with the tow driver for the purpose of making change. (Ord. 5888 § 1, 2017).~~

13.90.140 Penalty.

~~(1) Any violation of this chapter shall be deemed a misdemeanor as provided under AMC 1.04.010 and 1.04.020, unless the City requests it to be treated as a violation.~~

~~(a) Violation: a civil penalty of not more than \$1,000 or such sum as may be provided in the ordinance defining the offense.~~

~~(b) Misdemeanor: a fine of not more than \$2,500 or imprisonment not to exceed one year, or both such fine and imprisonment.~~

~~(2) Upon a finding of a violation of any section of this PPI Code by a PPI tower, the Albany Municipal Court 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 or other remedies under this code.~~

~~(3) Nothing in this section is intended to prevent any person from pursuing private legal remedies. (Ord. 5888 § 1, 2017).~~

13.90.150 Citizen complaints:

~~(1) A vehicle owner/operator whose vehicle has been impounded, or who has paid an RAS fee, has 90 days from the date of the tow to file a written complaint against the PPI tower with the Police Chief or his/her designee.~~

~~(2) The Police Chief or his/her designee shall provide a copy of the written complaint to the PPI tower within 15 days of receipt.~~

~~(3) The PPI tower shall provide a written statement of response within 10 days of the date it received the complaint, unless an extension is granted by the Police Chief or his/her designee. The response shall include all documentation requested by the Police Chief or his/her designee, including a copy of the agreement or signed invoice authorizing the tow, an explanation for how the circumstances justified the tow, an itemized receipt of tow charges, and the photograph of the vehicle and signs at the scene of the tow as required by this chapter.~~

~~(4) After reviewing the complaint and the response provided by the PPI tower, Police Chief or his/her designee shall determine whether the tow was properly performed under this chapter and, if not, the appropriate remedy as set forth under AMC 13.90.140. The Police Chief or his/her designee shall submit a written decision and mail it to each party within 75 days from the date of receipt of the original complaint. The PPI tower and/or vehicle owner/operator can seek remedies through civil process. (Ord. 5888 § 1, 2017).~~

13.90.160 Operator's license:

Each applicant for an operator's license shall apply to the Albany Police Department for such license upon such form as prescribed by the Albany Police Department and shall include thereon the following information:

(1) Name and post office address of the business;

(2) Name and post office address of the owner/applicant (if a partnership or joint venture, the application must so state and contain the names and addresses of all parties thereto);

(3) Address of storage yard(s) where PPI tows will be taken to;

(4) A license under this section expires annually on December 31st;

(5) A license under this section may be suspended or revoked for a violation of ORS 98.854 or 98.859.

(Ord. 5888 § 1, 2017).

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



State Board of Oregon
Private Property Impound (PPI) Public Policy
Adopted: July 23, 2024

Public policies clarify the intent and meaning of Oregon's statutes and administrative rules AND identify best practices, professional standards, and expectations for members of the industry, the public, property owners and managers, stakeholders, and government entities.

Adoption of public policy does not change or rewrite the laws. Changes to the law are made by the legislature. If a public policy contradicts a relevant statute or rule, the statute or rule will prevail.

The Board's authority to investigate complaints and vote for disciplinary actions is established in Oregon's law, and is not limited to the date of adoption of public policy.

While the Board has adopted a progressive discipline model for compliance actions the Board may, at its discretion, assess sanctions and civil penalties against a tower when the Board finds a tower's actions were reasonably deliberate, intentional and willful violations of the plain language of the law, or expressly egregious and unethical which resulted in unacceptable risk or harm to a member of the public.



State Board of Towing Public Policy

Policy No.:
PP-24-001

Supersedes:
NA

Reference:
ORS 98.853
ORS 98.854

Subject:
Private Property Impounds – General Provisions

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.812 Towing of unlawfully parked vehicle

(1) If a vehicle has been left or parked in violation of ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited), the owner of the parking facility or the owner of the proscribed property may have a tower tow the vehicle from the parking facility or the proscribed property and place the vehicle in storage at a secure location under the control of the tower.

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

(a) Statutes that assist members of the public in avoiding involuntary loss of use of motor vehicles and in expediting recovery of motor vehicles and the personal property in the motor vehicles promote the safety and welfare of members of the public.

Purpose:

The purpose of the Board's Private Property (PPI) Public Policy is to ensure fair and equitable towing practices and protect the safety and well-being of the public, parking facility owners, and the towing industry by providing:

1. Clarity of the intent of the ORSs assigned to the Board to administer.
2. Authoritative definitions of the requirements under ORS 98.853 and 98.854.
3. Establish statewide practice standards and expectations within the towing industry.
4. Ensure compliance of the laws through education, outreach, and defining authority and responsibility of all parties involved with PPIs.
5. The Board's policies are not intended to circumvent or replace the legal requirements, obligations, or restrictions of a tenant, landlord, or property manager under ORS Chapter 90.

Policy Series:

The Board's PPI Public Policies incorporate the following attachments:

PP-24-001-A: Private Property Impounds (PPI) Signed Authorization Requirements
PP-24-001-B: Private Property Impounds (PPI) Authorization under ORS 98.853 (1)
PP-24-001-C: Private Property Impounds (PPI) Required Photographs
PP-24-001-D: Private Property Impounds (PPI) Release of Vehicle
PP-24-001-E: Private Property Impounds (PPI) Monitoring and Patrolling Parking Facilities

Private Property Impound (PPIs) Purpose:

1. PPIs are a professional towing service meeting the needs of private parking facility owners and their tenants.
2. PPIs are to be completed in compliance with Oregon’s laws and administrative rules and the professional and ethical standards of the towing industry.
3. Each PPI requires an individual signed authorization, signed and dated at the time of the tow by the parking facility owner, their legal agent, or another person authorized to authorize the towing of a vehicle.
4. By statute, towers and their employees are prohibited from acting as a parking facility owner’s agent for the purposes of authorizing vehicles for the purpose of PPIs or from towing a vehicle from a parking facility.

Board Investigation and Action:

1. The Board reviews submitted complaints for compliance or violation of Oregon’s laws.
2. When a tower’s actions and records comply with Oregon’s laws, administrative rules, and the Board’s public policy, the complaint will be closed with no formal action against the tower.
3. If review of the allegations or circumstances of a PPI indicate possible violations of Oregon’s laws or the Board’s administrative rules or public policy:
 - A. The Board will investigate the allegations of the complaint.
 - B. The Board, at its own discretion, may determine if the violations were reasonably:
 - a. Willful or intentional.
 - b. Negligent or reckless.
 - c. Inadvertent or in good faith.
4. The Board, at its discretion, will determine the appropriate course of corrective action and progressive discipline by:
 - A. Focusing, when reasonable, on the education of the tower and the towing community.
 - B. Progressive discipline: increasing the severity of the steps or measures against a person, persons, or entity when there is a failure to correct behavior or

conduct, or when subsequent instances of inappropriate behavior and conduct occur.

- C. To protect the safety and well-being of the public and the towing industry, the Board may determine, at its sole discretion, that the harm to the public or the egregiousness of the violations is cause for immediate escalation of the progressive disciplinary action by the Board without notice to the offending party.

5. The Board will consider mitigating circumstances as required under OAR 750-080-0020, including:

- A. The tower's history of compliance with Oregon's laws and rules;
- B. The effect of the violation on public safety and welfare;
- C. Whether the conduct or action(s) was inadvertent or intentional;
- D. The degree to which the action subject to sanction violates professional ethics and standards of the profession;
- E. Any mitigating or aggravating factors the Board may choose to consider.

Compliance and Violations

1. PPIs completed in violation of one or more of Oregon's statutes or the Board's administrative rules render the tow both unlawful and invalid.
2. Towers will adopt and publicly post its policies and process for:
 - A. How consumers may contest the legality of a tow.
 - B. How consumers can request the signed authorization and photographs from the tow.
 - C. How and when the requested documents will be made available or delivered to the requestor.
3. Requests for signed authorizations and photographs should be reviewed and responded to by the tower or tower's staff no later than the end of the next business day after receipt of the request.
4. Failure to provide either the copies of the appropriate signed authorization or the required photograph(s) to the requester within the reasonable time defined under the Board's public policy is grounds for the tow to be found unlawful and invalid and grounds for Board disciplinary actions.
5. Copies of all correspondence and documentation regarding the towing of a vehicle should be kept on file for a minimum of two years and made available to Board staff and other state and local authorities upon request.
6. Towers who find that a tow was completed without the required signed authorization, photos, or failure to release a vehicle prior to, or upon

completion of the hook up when required by law, is expected to reimburse the vehicle owner any costs of fees paid for an unlawful tow and return the vehicle to owner.

7. Towers are responsible for the actions and conduct of their employees; lack of training or education of tow operators on PPI requirements and regulations is not recognized by the Board as an affirmative defense.
8. The Board may, at its discretion, assess a civil penalty in an amount greater than the Schedule of Civil Penalties, or may suspend, revoke, or deny a tow certificate issued by DMV, when it is determined by the Board that a tower's violations of Oregon's laws:
 - A. Is especially egregious.
 - B. Causes demonstratable, unnecessary and avoidable risk or harm to the public and others.
 - C. Is below the minimum professional and ethical standards of the towing industry.

Exclusions

Tows excluded from the Board's PPI Public Policy:

- Tows requested by the owner or operator of the vehicle.
- Tows authorized by law enforcement, code enforcement, or other state or local agency conducting government business.
- Tows from property not designated as a private parking facility.
- Nothing in the Board's policy restricts the ability of a private property owner from instituting and enforcing regulations and conditions for towing vehicles from a private parking facility.

Tower to be Held Harmless

1. It is the intent of the Board that a tower who lawfully tows a vehicle under the Board's PPI public policy is held harmless from disciplinary action or sanction when the tower provides:
 - A. A signed authorization, meeting the requirements under the Board's public policy, signed and dated at the time of the tow by the private parking facility owner, their legal, authorized agent, or other individual with the authority to authorize the tow.
 - B. Photos clearly demonstrating the towed vehicle parked in violation of the parking facility regulations prior to the tow.
 - C. When applicable: Release of the vehicle to the reasonable owner or operator of the vehicle prior to completion of hook up (at no charge) or prior to commencement of the tow.
2. Nothing within the Board's public policies is meant to grant immunity for
 - A. Failure to conduct a PPI in full compliance with Oregon's laws, rules, and regulations;

B. Any loss, damage or injury arising out of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course of the towing.

Reference:

- Initial Concept Summary Document and attachments
- Board Meeting Minutes and Work Session Notes, March 2024 - June 2024



State Board of Towing Public Policy

Policy No.:
PP-24-001-A

Supersedes:
NA

Reference:
ORS 98.854 (2), (3) and (4)

Subject:
Private Property Impounds, Authorization to Tow

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (a) Necessary for the administration of the laws that the board is charged with administering.
- (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.854 Prohibitions placed on tower.

A tower may not:

- (2) Except as provided in ORS 98.853 (Conditions allowing towing), tow a motor vehicle from a parking facility without first contacting the owner of the parking facility or the owner's agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection. Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge.
- (3) Serve as an agent of an owner of a parking facility for the purpose of signing an authorization required by subsection (2) of this section.
- (4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the owner's agent is an employee of a tower.

Purpose:

The purpose of this Public Policy is to interpret and define:

- 1. The requirements of a signed authorization prior to towing a vehicle from a private parking facility.
- 2. The prohibition of a tower, the tower's employees, or a tower's representative to act as an agent or representative of the private parking facility owner for the purpose of identifying or authorizing a vehicle to be towed.

Policy:

Signed Authorization Requirements:

1. No vehicle may be involuntarily towed from a parking facility without an authorization signed by the private parking facility owner or owner's lawful agent at the time of the tow showing:
 - A. The location of where the vehicle to be towed is parked.
 - B. The color, make, model, and license plate number of the vehicle to be towed.
 - C. The reason for the tow.
 - D. The signature, printed name and title of the person authorizing the tow.
 - E. Contact information for questions regarding the authorization of the tow.
2. Signed authorizations for PPIs will include the date and time of the:
 - A. Request and authorization of the tow (if different).
 - B. Arrival of the tow operator at the vehicle to be towed (if different).
 - C. Completion of the hook up for the tow.
 - D. Completion of the tow.
3. The following forms of signature are acceptable:
 - A. Wet signature on a paper form signed by the parking facility owner or their agent at the time of tow.
 - B. A fax, email, or an electronic document showing the sender and recipient, time and date stamped, with the information required under paragraph (1) and (2) of this section.

Signature Authority Requirements:

1. Except for the provisions under ORS 98.853 (1), a private parking facility owner or their lawful agent must sign each authorization for the tow of a vehicle from a private parking facility either:
 - A. At the time of the request and authorization of a tow OR
 - B. At the time of tow.
2. Towing service agreements do not meet the requirements of an authorization signed at the time of the tow and are in violation of the intent of ORS 98.854 (2), (3) and (4).
3. The tower will have in their possession the signed authorization prior to initiating hook up and towing of a vehicle.
4. Use of pre-signed or pre- or post-dated authorizations to tow are not acceptable.
5. Each PPI must be conducted under a separate tow authorization, signed at the time of tow, prior to hook up.
6. Signed authorizations are valid for the time of the tow only; PPIs must be conducted within 24 hours after the authorization is signed.

7. An updated or new signed authorization must be obtained from the parking facility's owner or the owner's agent if the vehicle has moved from where it was parked at the time of the original authorization to tow.

Prohibition of a tower, their employees or designees acting as a parking facility owner's agent:

1. A tower or an employee of tower, including dispatch, office staff, tow operator, independent contractor, or agent of any company or business owned or contracted by the tower, cannot act as the agent of a parking facility owner for the purposes of authorizing a tow from a private parking facility.
2. A tower cannot contract with a third-party to act as the owner's agent for the purpose of authorizing PPIs.
3. A parking facility owner cannot designate a tower, or the towers employees or agents, to act as the owner's agent under a Towing Services Agreement.

Retention requirements:

1. Both the tower and the private parking facility owner should retain a copy of the signed authorization for a minimum of two years.
2. Upon request, a tower will provide a copy of the signed authorization to the owner or operator of the motor vehicle, the Board, and any agency with proper jurisdiction at no additional charge.
 - A. The signed authorization is to be provided at the time of the request.
 - B. If unable to provide a copy of the signed authorization at the time of the request, the tower will provide a copy of the signed authorization no later than the next business day or at time of release of vehicle, whichever comes first.

Violations:

The following are grounds for Board investigation or disciplinary action:

1. Towing or impounding a vehicle without an authorization signed by the parking facility owner or owner's agent at the time of the tow.
2. A tower, their employee, agent, or representative acting as the parking facility owner or owner's agent in authorizing the tow.
3. Falsifying information contained in a signed authorization, including signing the parking facility owner or owner's agent's name on the signed authorization.
4. Failure to provide a copy of the signed authorization to the vehicle owner, operator, the Board, or an agency of proper jurisdiction within the time defined in Board policy.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.



State Board of Towing Public Policy

Policy No.:
PP-24-001-B

Supersedes:
NA

Reference:
ORS 98.854 (4)
ORS 98.853 (1)

Subject:
Private Property Impounds, ORS 98.853 (1)

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.853 Conditions allowing towing

(1) A tower may tow a motor vehicle if the motor vehicle:

(a) Blocks or prevents access by emergency vehicles;

(b) Blocks or prevents entry to the premises;

(c) Blocks a parked motor vehicle; or

(d) Parks without permission in a parking facility used for residents of an apartment and:

(A) There are more residential units than there are parking spaces;

(B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and

(C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

Purpose:

The purpose of this Public Policy is to interpret and define:

1. The requirements for an authorization to tow under ORS 98.853 (1).
2. The restrictions and requirements for authorizing a tow under ORS 98.853 (1) (d).
3. The prohibition of a tower, the tower's employees, or a tower's representative to act as an agent or representative of the private parking facility owner for the purpose of identifying or authorizing a vehicle to be towed.

Policy:

Signed Authorization Requirements:

1. No vehicle may be involuntarily towed from a parking facility without an authorization signed by the private parking facility owner or owner's lawful agent at the time of the tow showing:
 - A. The location of where the vehicle to be towed is parked.
 - B. The color, make, model, and license plate number of the vehicle to be towed.
 - C. The reason for the tow.
 - D. The signature, printed name and title of the person authorizing the tow.
 - E. Contact information for questions regarding the authorization of the tow:
 - a. For use by the parking facility owner, the tower, the Board, and other persons authorized to confirm the tow.
 - b. The contact information of the authorization signatory is not required to be provided to the vehicle owner or operator unless the signatory is the parking facility owner.

1. Signed authorizations for PPIs must include the date and time of the:
 - A. Request and authorization of the tow (if different).
 - B. Arrival of the tow operator at the vehicle to be towed (if different).
 - C. Completion of the hook up for the tow.
 - D. Completion of the tow.

2. The following forms of signature are acceptable:
 - A. Wet signature on a paper form signed by the parking facility owner or their agent at the time of tow.
 - B. A fax, email, or an electronic document showing the sender and recipient, time and date stamped, with the information required under paragraph (1) and (2) of this section.

Signature Authority Requirements - ORS 98.853 (1) (a) - (c):

For the purposes of ORS 98.853 (1) (a) - (c):

1. ORS 98.853 (1) (a) - (c) allows towing of a vehicle without first contacting the owner of the parking facility or the owner's agent.
2. The Board finds the exceptions for the parking facility owner authorization under ORS 98.853 (1) (a) - (c) is reasonable to ensure the safety and wellbeing of the public.
3. The Board finds ORS 98.853 (1) (a) - (c) is not meant to allow the tower to act as a parking facility owner's agent or allow the tower to independently authorize a tow.
4. The authorization for tows under ORS 98.853 (1) (a) - (c) can be made by a tenant, a facility employee, or other individuals when a vehicle is parked in clear violation of ORS 98.853 (1) (a) - (c).

5. Towers, their employees, or their agents cannot serve as an agent of the parking facility owner for the purpose of authorizing towing a vehicle from the parking facility under ORS 98.853 (1) (a) - (c).

Signature Authority Requirements - ORS 98.853 (1) (d):

Whereas:

1. Only the landlord, complex manager, or property management company can verify compliance with the specific requirements of ORS 98.853 (1) (d) (A) - (C), specifically:
 - A. At the time of the authorization of tow, there are more residential units assigned than there are designated parking spaces available for tenant use.
 - B. That the vehicle is parked in violation of the parking facility's parking policy and in violation of the terms of a tenant or rental agreement.
 - C. That when parking spaces are assigned to tenants, reasonable attempts are made to contact the tenant to confirm that the vehicle is parked without the tenant's permission.
 - D. That a parking sticker, placard, or indicator was assigned to the vehicle.
 - E. That a vehicle has not been given authorization to park in the parking facility.
2. The Board has received information and documentation demonstrating unlawful towing of vehicles from private parking facilities under ORS 98.853 (1) (d) when the requirements of ORS 98.853 (1) (d) (A) - (C) are not met.

The Board finds:

A vehicle towed for violation of ORS 98.853 (1) (d) requires a signed authorization from the private parking facility owner or their legal agent who can verify and confirm the conditions of ORS 98.853 (1) (d) are applicable to the vehicle identified to be towed.

Prohibition of a tower, their employees or designees acting as a parking facility owner's agent:

1. A tower or any employee of tower, including dispatch, office staff, tow operator, independent contractor, or agent of any company or business owned or contracted by the tower, cannot act as the agent of a parking facility owner for the purposes of authorizing a tow from a private parking facility.
2. An owner's agent must be the parking facility owner's legal or contracted agent. A tower cannot contract with a third-party to act as the owner's agent for the purpose of authorizing PPIs.
3. A parking facility owner cannot designate a tower, or the towers employees or agents, to act as the owner's agent under a Towing Services Agreement.

Retention requirements:

1. The tower will retain a copy of the signed authorization for a minimum of two years.

2. Upon request, a tower will provide copies of the signed authorization to the owner or operator of the motor vehicle and to any agency with proper jurisdiction to request the document at no additional charge.
 - A. The signed authorization is to be provided to the requester at the time of the request.
 - B. If unable to provide a copy of the signed authorization at the time of the request, the signed authorization is to be provided to the requestor no later than the next calendar day or at time of release of vehicle, whichever comes first.

Violations:

The following are grounds for Board investigation or disciplinary action:

1. Towing or impounding a vehicle without an authorization signed at the time of the tow.
2. A tower, their employees, or other agent or representative of the tower acting as the parking facility owner or owner's agent in authorizing the tow.
3. Falsifying any information contained in a signed authorization, including signing the signed authorization using a fictitious name or the name of another.
4. Failure to provide a copy of the signed authorization to the vehicle owner, operator, the Board, or an agency of proper jurisdiction within the time defined in Board policy.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.



State Board of Towing Public Policy

Policy No.:
PP-24-001-C

Supersedes:
NA

Reference:
ORS 98.853 (2)

Subject:
Pre-Tow Photographs, ORS 98.853 (2)

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.853 Conditions allowing towing.

(2) Prior to towing a motor vehicle pursuant to ORS 98.812 (Towing of unlawfully parked vehicle), a tower shall take at least one photograph of the motor vehicle and record the time and date of the photograph. The photograph must show the motor vehicle as it was left or parked at the time the tower arrived to conduct the tow. The tower shall maintain for at least two years, in electronic or printed form, each photograph taken along with the date and time of the photograph. Upon request, the tower shall provide a copy of any photographs to the owner or operator of the motor vehicle at no additional charge.

Purpose:

The purpose of this Public Policy is to interpret and define the intent and requirements of the photographs required under ORS 98.853 (2).

Policy:

The Board finds:

1. The purpose and intent of the photograph required under ORS 98.853 (2) is to demonstrate to the vehicle owner, the Board, and other authorities that the vehicle was parked in violation of the private parking facility requirements.
2. The photo must show the vehicle as it was parked at the time the tower arrived to conduct the tow.
 - A. While not required, towers should be aware that more than one photo may be required to sufficiently show the parking violation.
 - B. The photo is to be either date time stamped on the photograph or documented as attachments to the signed authorization.

Retention requirements:

1. The tower will retain copies of the photographs associated with the tow for at least two years.
2. Upon request, a tower is to provide copies of the photographs to the owner or operator of the motor vehicle, the Board, and any agency with proper jurisdiction at no additional charge.

- A. Copies of the photographs are to be provided to the requester at the time of the request.
- B. If unable to provide copies of the photographs at the time of the request, the photographs are to be provided to the requestor no later than the next business day or at time of release of vehicle, whichever comes first.

Violations:

The following are grounds for Board investigation or disciplinary action:

1. Failure to produce photographs showing the vehicle parked prior to the tow within the time defined in Board policy.
2. Provided photographs do not show the vehicle prior to the tow.
3. Provided photographs do not demonstrate violation of the parking facility regulations.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.



State Board of Towing Public Policy

Policy No.:
PP-24-001-D

Supersedes:
NA

Reference:
ORS 98.853 (3)
ORS 98.854 (14)

Subject:
Private Property Impounds – Release of Tow
ORS 98.853 (3), ORS 98.854 (14)

Effective Date:

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (a) Necessary for the administration of the laws that the board is charged with administering.
- (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.853 Conditions allowing towing:

(3) (a) If the owner or operator of the motor vehicle is present at the time of the tow, the tower shall release the motor vehicle at no charge unless the hookup is complete. If the hookup is complete, the tower shall release the motor vehicle and may charge the owner or operator of the motor vehicle a fee that does not exceed the charge to hook up for that type of tow as listed in a written statement described in ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle).

ORS 98.854 A tower may not:

(14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing).

The Board has tabled discussion of this policy for further consideration before adopting a public policy.

The Board finds that the language under the statute are clear, and will continue to investigate complaints for violation of the plain language of the law.



State Board of Towing Public Policy

Policy No.:
PP-24-001-E

Supersedes:
NA

Reference:
ORS 98.854 (8)

Subject:
Private Property Impounds – Monitoring and
Patrolling Parking Facilities
ORS 98.854 (8)

Effective Date:
July 23, 2024

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (a) Necessary for the administration of the laws that the board is charged with administering.
- (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.854

A tower may not:

(8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business.

Purpose:

The purpose of this Public Policy is to define the intent of ORS 98.854 (8) to include patrolling, observing, surveillance, and other methods of monitoring a parking facility for towing business.

Policy:

A tower may not:

1. Monitor a parking facility for towing business, including:
 - A. Park within 1000 feet of a parking facility.
 - B. Park within a private parking facility.
 - C. Patrol by vehicle or on foot a private parking facility, or
 - D. Otherwise conduct surveillance of a private parking facility.
2. It is not the intent of this public policy to prevent or interfere with a private parking facility owner, or their agent, contracting with security firms, security personnel, and other third-party contractors to monitor and patrol their parking facility.
3. Towers, their employees, or contractors, or affiliates with whom the tower has a financial interest, may not act as the parking facility owner's agent or contractor for the purposes of monitoring, patrolling, or conducting surveillance of a parking facility for towing business to:
 - A. Preserve the professional standards and integrity of the towing industry
 - B. Avoid any real or potential conflict of interest of a tower monitoring a parking facility for the purpose of soliciting towing business.

4. Avoid a tower, or the towers employees, staff, or designee, acting as a parking facility owner's agent in violation of ORS 98.854 (2) - (4).

Violations:

It is a violation of Oregon's laws and rules, subject to investigation and disciplinary action by the Board, for a tower, their employee, or affiliate with whom the tower has a financial interest to patrol, monitor, or survey private parking facilities for the purpose of identifying vehicles to be towed by the tower, their employee, of other affiliate with whom the tower has a financial interest.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.