

173 - Amended to Judges Ord.

TITLE: An Ordinance creating a Traffic Violations Bureau, establishing procedure for appearing before the Traffic Violations Bureau, establishing duties of the Traffic Violations Bureau, providing for forms and records of traffic citations and arrests and disposition and records of traffic citations, warrants and complaints and repealing ordinances in conflict herewith.

THE PEOPLE OF THE CITY OF ALBANY, OREGON, DO ORDAIN AS FOLLOWS:

Section 1: TRAFFIC VIOLATIONS BUREAU CREATED

a) The Municipal Judge shall establish and shall be in charge of a Traffic Violations Bureau to assist the Court with the clerical work of traffic cases. The Clerk of the Bureau shall be the City Recorder and he may designate such person or persons as deputies as shall be necessary and the Bureau shall be open at such hours as the Municipal Judge shall designate.

b) The Municipal Judge, who shall hear traffic cases, shall designate the specified offenses under the traffic ordinance of this city and the state traffic laws in respect to which payment of fines may be accepted by the Traffic Violations Bureau in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for first, second and subsequent offenses, provided such fines are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearance before the Municipal Court.

Section 2: WHEN PERSON MAY ELECT TO APPEAR AT BUREAU OR BEFORE MUNICIPAL JUDGE

a) Any person charged with an offense for which payment of a fine may be made to the Traffic Violations Bureau, shall have the option of paying such fine within the time specified in the notice of arrest at the office of the Traffic Violations Bureau upon entering a plea of guilty and upon waiving appearance in Court; or may have the option of depositing required lawful bail and, upon a plea of not guilty, shall be entitled to a trial as authorized by law.

b) A payment of a fine to the Bureau shall be deemed an acknowledgement of conviction of the alleged offense and the Bureau, upon accepting the prescribed fine, shall issue receipt to the violator acknowledging payment thereof.

Section 3: DUTIES OF TRAFFIC VIOLATIONS BUREAU

The following duties are hereby imposed upon the Traffic Violations Bureau in reference to traffic offenses:

a) It shall accept designated fines, issue receipts, and represent in Court such violators as are permitted and desire to plead guilty, waive Court appearance and give power of attorney.

b) To receive and issue receipts for cash bail from the persons who must or wish to be heard in Court and indicate the time of their appearance on the Court docket, and notify the arresting officer and witness, if any, to be present.

c) It shall keep an easily accessible record of all violations of which each person has been guilty during the preceding twelve (12) months, whether such guilt is established in Court or in the Traffic Violations Bureau.

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Section 4: RECORDS

The Traffic Violations Bureau shall keep records and submit summarized monthly reports to the Municipal Judge of all notices issued and arrests made for violations of traffic laws and ordinances in this city and of all the fines collected by the Traffic Violations Bureau or the Court, and of the final disposition or present status of each case of violation of provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

Section 5: ADDITIONAL DUTIES

The Traffic Violations Bureau shall follow such procedure as may be prescribed by the Traffic Ordinances of this City or as may be required by any laws of this state.

Section 6: FORM AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS

a) The City Recorder shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the Municipal Court of this city. Said book shall include serially numbered sets of citations in quadruplicate in the form prescribed and approved by the Municipal Judge and the City Attorney.

b) The City Recorder shall issue such books to the Chief of Police or his duly authorized agent and shall maintain a record of every book so issued and shall require written receipts of every such book.

c) The Chief of Police shall be responsible for the issuance of such books to the individual members of the Police Department. The Chief of Police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

Section 7: PROCEDURE OF POLICE OFFICERS

Except when authorized or directed under state law to immediately take a person before a magistrate for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address and operator's license number of said person, the registered number of the motor vehicle involved and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the city a traffic citation containing a notice to answer to the charge against him in the Municipal Court of this City at a time at least five (5) days after such alleged violation to be specified in such citation. The officer, upon receiving written promise of the alleged violator to answer as specified in the citation, shall release such person from custody, if such person shall be a resident within the corporate limits of the City of Albany. In those cases where the person shall be a resident outside the corporate limits of the City of Albany, such person shall be required to post such bail as shall conform to the bail schedule as established by the Municipal Court.

ORDINANCE NO. 2932 (cont.)

Section 8: DISPOSITION AND RECORDS OF TRAFFIC CITATIONS, WARRANTS AND COMPLAINTS

a) Every police officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of this city, shall deposit a duplicate copy of the citation with his immediate superior officer and shall cause the original and a copy to be delivered to the Municipal Court of this city. One copy shall be retained in the traffic citation book and shall be delivered up to the Chief of Police, together with such book when all traffic citations in the book have been used.

b) Upon filing such original citation in the Municipal Court of this City, said citation may be disposed of only by trial in said Court or by other official action by the Judge of said Court, including forfeiture of bail or by payment of fine to the Traffic Violations Bureau of said Court.

c) The Chief of Police shall require the return to him of a copy of each traffic citation and all copies thereof, which have been spoiled or upon which any entry has been made and has not been issued to an alleged violator.

d) The Chief of Police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the Police Department, a record of the disposition of the charge by the Municipal Court of this city or its Traffic Violations Bureau.

e) The Chief of Police shall also maintain or cause to be maintained a record of all warrants issued by the Municipal Court of this city and which are delivered by the Police Department for service, and of the final disposition of all such warrants.

f) It shall be unlawful and official misconduct for any member of the Police Department or other officer or public employee to dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant, in any manner other than as required in this section.

Section 9: ILLEGAL CANCELLATION OF TRAFFIC CITATIONS

It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided in this ordinance.

Section 10: AUDIT OF RECORDS AND REPORTS

a) Every record of traffic citations, complaints thereon and warrants issued therefor required in this section shall be audited at least semi-annually by the City Recorder who shall submit a report of such audit, together with the summary thereof, to the City Manager and City Council. Such report shall be a public record.

b) For the purposes of this ordinance, the City Recorder or his duly authorized representative, shall have access at all times to all necessary records, files and papers of the Municipal Court of this city and the Traffic Violations Bureau.

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Section 11: WHEN COPY OF CITATION SHALL BE DEEMED LAWFUL COMPLAINT

In the event the formal citation provided for in Section 6 of this ordinance includes information and is sworn to as required under the general laws of this state in respect to a complaint showing commission of the offense alleged in said citation to have been committed, then such citation on file with the Municipal Court shall be deemed to be the lawful complaint for the purpose of prosecution under this ordinance.

Section 12: FAILURE TO OBEY CITATION

It shall be unlawful for any person to violate a written promise to appear given to an officer upon issuance of a traffic citation, regardless of disposition of the charge for which said citation is originally issued.

Section 13: CITATION OF ILLEGALLY PARKED VEHICLES

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by an ordinance of this city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, in a form provided by the city, for the driver to answer the charge against him within five (5) days during the hours and place specified in the citation.

Section 14: FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE

If a violator of the restriction on stopping, standing or parking under the traffic laws or ordinances does not appear and respond to the traffic citation affixed to such motor vehicle, within a period of five (5) days, the Traffic Violations Bureau shall send the owner of the motor vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest will be issued.

Section 15: PRESUMPTION IN REFERENCE TO ILLEGAL PARKING

a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of such law or regulation, together with proof that the defendant named in the complaint was, at the time such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at a point where, and for the time during which, such violation occurred.

Section 16: WHEN WARRANT TO BE ISSUED

In the event any person fails to comply with the traffic citation given to such person or attached to his vehicle or fails to make an appearance pursuant to a summons directing an

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appearance in the Municipal Court, or if any person fails or refuses to deposit bail as required within the time permitted by ordinance, the Traffic Violations Bureau shall secure and issue a warrant for his arrest.

Section 17: OVERTIME PARKING IN METERED AREAS

If any person shall be charged for overtime parking in a metered area and shall be so cited, he shall be entitled to purge himself of the citation upon payment under the following terms and conditions:

- a) In the event payment is made to the Traffic Violations Bureau or is placed in a designated depository for the receipt of such moneys the sum of 50¢ within 24 hours from the time the citation is issued.
- b) If payment is not made to the Traffic Violations Bureau or a regular designated depository within 24 hours, but is made within 5 days of the date the citation was issued, then the sum of \$1.00.
- c) At any time over 5 days and prior to the issuance of a warrant, the sum of \$3.00.
- d) At any time after a warrant has been issued the sum of \$5.00.

Amended to 50¢ of citation in 4 places

Section 18: COURTESY PARKING PRIVILEGES AND PERMITS

a) The Traffic Violations Bureau is authorized to issue special permits to permit the parking of vehicles in metered zones so that the permittee shall not be required to deposit monies in the meter during the period of parking. Such permits shall be issued to the operator of the vehicle and shall grant to such person such privileges as are stated in the permit. It shall be unlawful for any permittee to violate any of the terms or conditions of such permit.

b) The Traffic Violations Bureau shall be authorized to issue courtesy parking permits to such persons as shall be on official business on behalf of the City of Albany and to such persons as shall be visitors in the City of Albany attending an organized meeting (conventions, etc.) when the permits have been requested and approved by the City Manager.

c) The City Council shall have the authority to suspend requirements of depositing money in parking meters throughout the entire meter zone or any portion of said meter zone, providing that the action of the Council has been entered upon the record of the minutes of the Council. Such action by the Council shall be limited to a specific time not to exceed seven days.

Section 19: VALIDITY OF ORDINANCE

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

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Section 20: REPEAL

All ordinances or parts of ordinance in conflict with or inconsistent with the provisions of this ordinance are hereby repealed.

Passed by the Council: December 16, 1960

Approved by the Mayor: December 16, 1960

W. L. Fitzpatrick
Mayor

Effective Date: January 15, 1961

ATTEST:

Ernest W. Isham
City Recorder