

ORDINANCE NO. 1462-21

AN ORDINANCE RELATED TO PARKING; AND AMENDING TUALATIN MUNICIPAL CODE CHAPTER 8-1 TO DELEGATE AUTHORITY TO THE CITY MANAGER TO REGULATE PARKING AT THE CITY OFFICES AND LIBRARY PARKING AREAS, AND ALL CITY EMPLOYEE PARKING.

WHEREAS, under TMC 8-3-030, the City Council is to exercise all municipal traffic authority for the City except those powers specifically and expressly delegated;

WHEREAS, under TMC 8-1-240, the Council previously adopted regulations pertaining to the City Offices and Library Parking Areas;

WHEREAS, the existing regulations were based on a site plan that no longer reflects the current layout of the City Offices and Library Parking Areas;

WHEREAS, the Council wishes to update the regulations by delegating authority to the City Manager to determine parking regulations at City Offices and the Library through an administrative rule process; and

WHEREAS, the Council wishes to delegate authority to the City Manager to regulate employee parking through personnel rules.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** TMC 8-1-240 (Regulation of Parking at City Center, Library, and Council Building) is deleted in its entirety and replaced with the following:

**TMC 8-1-240 Parking Regulations at Library and City Offices; Delegation to City Manager; Administrative Rules.**

(1) *Purpose.* The purpose of these provisions is to provide for administrative parking regulations for all public parking spaces owned or managed by the City of Tualatin in the area more particularly described:

(a) the area being bounded by SW Boones Ferry Road to the North; Nyberg Street to the South; SW Martinazzi Avenue to the West; and SW Barngrover Way to the East.

(2) *City Manager Authority.* The City Manager is delegated the parking authority and is authorized to issue administrative rules, known as Parking Rules, to govern the use of the public parking spaces provided for in subsection (1).

(3) *Public Notice.* Prior to the adoption, amendment, or repeal of an administrative rule, the City Manager must:

(a) Give public notice of the proposed rule, that:

- (i) Generally states the subject matter and purpose of the rule;
  - (ii) States the time, place, and manner for persons to submit data or written comments about the proposed rule; and
  - (iii) States the date upon which the rule will be adopted and effective.
- (b) The notice must be posted on the City's website and in at least one conspicuous location in the Library.
- (c) The City will maintain a list of interested persons for purposes of these Parking Rules and provide copies of the proposed rule to those interested persons.

(4) *Public Comment.* Prior to the adoption of a Parking Rule, the City Manager must provide persons with not less than 15 calendar days to submit data or written comments on the proposed administrative rule. The City Manager must consider any data or comments received from persons prior to adopting the administrative rule.

(5) *Evidentiary Record Not Required.* Unless otherwise required by law, the adoption, amendment, or repeal of a rule need not be based upon, or supported by, an evidentiary record.

(6) *Effective Date.* Unless the City Manager specifies another date in the adoption order, all rules adopted are effective upon adoption.

(7) *Rules Filed with City Recorder; Publicly Available.* The adopted administrative rule must be filed with the City Recorder. The City Recorder must compile all adopted rules, including any temporary or emergency rules. Copies of current administrative rules must be made available to the public on the City's website and upon request.

(8) *Temporary Rules and Emergency Rules.*

- (a) Temporary rules may be adopted without notice or opportunity to comment, if needed to implement the provisions of any new or amended ordinance upon the ordinance's effective date.
- (b) **Emergency Rules.** Emergency rules may be adopted, amended, or suspended without prior notice or opportunity to comment, or upon abbreviated notice and opportunity to comment, if the City Manager adopts written findings that an emergency exists, and the failure to act promptly will result in prejudice to the public interest.
- (c) Any temporary or emergency rule adopted, amended, or suspended is effective for a period of not more than 180 calendar days.

(d) The adoption of a temporary or emergency rule does not preclude the subsequent adoption of an identical permanent rule.

(9) *Council Review of Administrative Rules.* No Council action is required to adopt or implement an administrative rule.

(a) The Council, upon its own motion, may review a proposed or adopted administrative rule at any time.

(b) After review of a proposed or adopted administrative rule, the Council may take no action, amend, or repeal an administrative rule.

(c) If the Council chooses to amend or repeal an administrative rule, the amendment or repeal of a rule must be by resolution of the Council.

**Section 2.** TMC 8-1-245 is created to read as follows:

**TMC 8-1-245. City Manager to Regulate Employee Parking.** In addition to any other authority granted in this Chapter, the City Manager is delegated authority to implement parking regulations for City employees. City employee parking regulations are to be determined through personnel rules adopted by the City Manager, as provided by TMC 1-06 (Personnel Rules).

**Section 3. Severability.** Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance will remain in full force and effect.

**Section 4. Effective Date.** As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder