

**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: May 27, 2014**

<b>AGENDA ITEM:</b> Amending MMC 11.08.070, Parking for disabled persons.	
<b>PREPARED BY:</b> Al M. Treacy	<b>DIRECTOR APPROVAL:</b>
<b>DEPARTMENT:</b> City Prosecutor's Office	
<b>ATTACHMENTS:</b> Copy of the proposed amendment	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>

**SUMMARY:**

In its current state, MMC 11.08.070 (2) has been unenforceable since 2011 after the legislature repealed RCW 46.16 and incorporated handicap parking enforcement into RCW 46.19. It is necessary to amend MMC 11.08.070 in order for the Marysville Police Department to legally cite drivers that park illegally in handicap parking spaces without the proper authority to do so. In addition, the legislature changed the violation fine from \$175.00 to \$250.00 per violation.

<b>RECOMMENDED ACTION:</b>
Staff recommends that the Marysville City Council approve the changes to MMC 11.08.070

CITY OF MARYSVILLE  
Marysville, Washington

DRAFT 5/6/2014  
For discussion

ORDINANCE No. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON AMENDING MARYSVILLE MUNICIPAL CODE SECTIONS 11.08.070, 11.08.080 AND 11.08.250 RELATING TO DISABLED PARKING; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

The City Council of the City of Marysville, Washington do ordain as follows:

**Section 1.** Marysville Municipal Code Section 11.08.070 entitled “Parking for disabled persons” is hereby amended to be entitled “Parking for disabled persons/RCW 46.19.050 adopted by reference” and to read as follows:

**11.08.070 Parking for disabled persons/RCW 46.19.050 adopted by reference.**

(1) RCW 46.19.050 Restrictions — Prohibitions — Violations — Penalties is hereby adopted and incorporated by reference.

(2)-(1) A person who has received a current and valid special disabled person’s card, decal or license plate from the Washington State Department of Licensing under RCW 46.19.050 46.16.380 shall be allowed to park a vehicle being used to transport such person in parking meter spaces free of charge and for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless the person obtains and displays a distinguishing card, decal or license plate issued pursuant to RCW Ch.46.19. -46.16.380.

(2) No person shall stop, stand or park a vehicle in a parking space reserved for disabled persons provided on public property or on private property without charge without a special license plate, card or decal issued pursuant to RCW Ch. 46.19. 46.16.380. In addition to assessing the penalty identified in MMC 11.08.250, the police department may remove and impound the offending vehicle.

(3) A public parking space or stall for a disabled person shall be identified by a vertical sign, between 36 and 84 inches off the ground, with the international symbol of access, whose colors are white on a blue background, described under RCW [70.92.120](#) and the notice “State disabled parking permit required.”

(4) A parking space or stall for a disabled person shall also be identified by a painted white line at least four inches in width on the improved surface delineating the perimeter of the parking space or stall and a legend of the international symbol of access on the surface of the stall in white per city standards. (Ord. 2374, 2001; Ord. 1912, 1992).

**Section 2.** Marysville Municipal Code Section 11.08.080 entitled “Parking for disabled persons – Private property” is hereby amended to read as follows:

**11.08.080 Parking for disabled persons – Private property.**

Parking for disabled persons on private property may be regulated on private property in accordance with those provisions authorized by law including, but not limited to, [RCW 46.19.050](#) ~~46.16.381~~. (Ord. 2074 § 3, 1996; Ord. 1912, 1992).

**Section 3.** Marysville Municipal Code Section 11.08.250 entitled “Penalties” is hereby amended to read as follows:

**11.08.250 Penalties.**

(1) Unless specifically set forth elsewhere in this chapter, the penalties for each violation of the provisions of this chapter shall be:

(a) Overtime parking: \$40.00;

(b) Unauthorized parking in alley: \$40.00;

~~(c) Parking in a disabled space without requisite permit, decal or license: \$250.00 as set forth in RCW Ch 46.19.050 \$175.00;~~

(d) Parking, stopping or standing in fire lane in violation of MMC [11.08.130](#): \$175.00;

(e) Interfering with, concealing, obliterating or erasing marks in violation MMC [11.08.230](#)(.5): \$40.00;

(f) Unattended vehicles in violation of RCW 46.61.600(1): \$25.00;

(g) Use of streets and alleys: \$250.00;

(h) All other violations of this chapter: \$40.00.

(2) If no response or payment is made within 15 calendar days from the date of issuance of the notice of parking violation, the penalty for each violation may be referred to a collection agency 30 days from the due date, or 15 days after the penalty is due, pursuant to RCW 3.02.045 and 19.16.500. The violator may be liable for any and all collection costs.

(3) The penalties set forth in subsection (1) of this section will be reduced in half if the parking violation is paid in person to the municipal court clerk's office during the city's business hours within 24 hours of the time and date of issuance. In the event the municipal court clerk's office is not open for business the day following the date of issuance, the violator may make payment on the next city business day following the issuance of the ticket and still receive the reduced penalty.

(4) Payment of all parking violations shall be made to the municipal court clerk's office. All proceeds derived from individuals charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city.

(5) Notwithstanding the language set forth in subsection (3) of this section, if a vehicle or a violator has been cited for five or more violations of this chapter and/or any other parking ordinance of the city within a six-month period, that vehicle or violator will not be eligible for reduction in the parking violation penalty set forth in subsection (3) of this section for a period of 180 days. (Ord. 2074 § 4, 1996; Ord. 1912, 1992).

**Section 4.** If any section or part of this Ordinance shall be deemed unlawful, the remainder of this Ordinance shall remain in full force and effect.

**Section 5.** This Ordinance shall become effective: \_\_\_\_\_

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF MARYSVILLE

By \_\_\_\_\_  
Jon Nehring, Mayor

ATTEST:

By \_\_\_\_\_  
April O'Brien, Deputy City Clerk

Approved as to form:

By \_\_\_\_\_  
Grant Weed, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date (5 days after publication): \_\_\_\_\_

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**Marysville, Washington**

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(1) RCW 46.19.050 Restrictions — Prohibitions — Violations — Penalties is hereby adopted and incorporated by reference.

(2) A person who has received a current and valid special disabled person’s card, decal or license plate from the Washington State Department of Licensing under RCW 46.19.050 shall be allowed to park a vehicle being used to transport such person in parking meter spaces free of charge and for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless the person obtains and displays a distinguishing card, decal or license plate issued pursuant to RCW Ch.46.19.

(2) No person shall stop, stand or park a vehicle in a parking space reserved for disabled persons provided on public property or on private property without charge without a special license plate, card or decal issued pursuant to RCW Ch. 46.19. In addition to assessing the penalty identified in MMC 11.08.250, the police department may remove and impound the offending vehicle.

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