

ORDINANCE 2011 - 4

AN ORDINANCE OF THE EATONVILLE TOWN COUNCIL AMENDING CHAPTER 10.16, ADDING NEW SECTION 10.16.165 TO PENALIZE PERSONS PARKING IN HANDICAP SPACES WITHOUT PLACARD OR SPECIAL LICENSE PLATE

Whereas, the Town Council of The Town of Eatonville desires to regulate the use of handicap parking to enhance the health, safety and welfare of its citizens; and

Whereas, the Town Council of the Town of Eatonville finds that parking rules as to the proper usage of handicap spaces would increase the health, safety, and welfare of its citizens; and

Whereas, by making it a parking infraction, with a monetary penalty of two hundred fifty dollars; it may serve as a deterrent to increase the health, safety, and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville, Washington, as follows:

Section 10.16.165 is hereby created and added to chapter 10.16 entitled Parking and Turning Movements. Said section shall read:

10.16.165 Special parking privileges for persons with disabilities

A. Unauthorized use. Any unauthorized use of the special placard, special license, or identification card issued is a traffic infraction with a monetary penalty of two hundred fifty dollars.

B. Inaccessible access. It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for a person to make inaccessible the access aisle located next to a space reserved for persons with physical disabilities.

C. Parking without placard/plate. It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for any person to park a vehicle in a parking place provided on public property reserved for persons with physical disabilities without a placard or special license plate issued. Law Enforcement may only enforce on private property when invited by property owners in writing. If a person is charged with a violation, the person will not be determined to have committed an infraction if the person produces in court or before the court appearance the placard or special license plate issued.

D. Use of funds - reimbursement. Funds from the penalties imposed under subsections B and C of this section must be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs that it may have incurred in the removal and storage of the improperly parked vehicle.

E. Community restitution. For second or subsequent violations of this section, in addition to a monetary penalty, the violator must complete a minimum of forty hours of:

1. Community restitution for a nonprofit organization that serves persons with disabilities or disabling diseases; or

2. Any other community restitution that may sensitize the violator to the needs and obstacles faced by persons with disabilities.

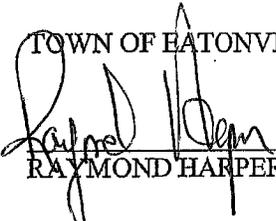
F. Fine suspension. The court may not suspend more than one-half of any fine imposed under subsection A, B, or C, of this section.

G. Severability. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

H. Effective Date. Effective Date. This ordinance shall become effective after its passage by the Council, approval, and publication as required by RCW 35.27.300.

PASSED by the Town Council and approved by the Mayor of the Town of Eatonville, Washington, at a regular meeting thereof this 23rd day of May, 2011.

TOWN OF EATONVILLE



RAYMOND HARPER, MAYOR

ATTEST/AUTHENTICATED:

By: 

Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

By: 

Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S., Town Attorneys