

AN ORDINANCE AMENDING:

CHAPTER 355, REPUBLIC CITY CODE, STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES, SECTION 355.100, PHYSICALLY DISABLED PARKING, BY ADDING LANGUAGE TO AUTHORIZE APPOINTMENT OF PARKING CONTROL OFFICERS AND PROVIDING FOR ADDITIONAL ENFORCEMENT PROCEDURES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: That Chapter 355 Republic City Code, Stopping, Standing or Parking Prohibited in Specified Places, Section 355.100, Physically Disabled Parking, is hereby amended by adding language to authorize appointment of Parking Control Officers and providing for additional enforcement procedures, which amended section shall read as follows:

SECTION 355.100: PHYSICALLY DISABLED PARKING

A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended, **or an equivalent license or placard of the state where the vehicle is licensed.** The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and **shall** ~~may~~ also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine".

B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle, or while the vehicle is being used to transport a physically disabled person.

C. Notwithstanding the other provisions of this section, on-street parking spaces designated in residential areas for the exclusive use of vehicles displaying a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 RSMo. as amended, shall meet the requirements of the federal Americans with Disabilities Act pursuant to this subparagraph and any such space shall have clearly and visibly painted upon it the international symbol of accessibility and any curb adjacent to the space shall be clearly and visibly painted blue.

D. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred

dollars (\$300.00). Every day upon which such violation occurs shall constitute a separate offense.

ED. Any owner of private property used for public parking shall designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 **RSMo.** as amended. The space shall be indicated by a sign described in paragraph A of this section. **A commercial or retail property lessee is jointly and severally responsible with the property owner for maintaining the number of designated public parking spaces as required in paragraph F of this section.**

EE. The number of designated parking spaces required **under paragraph E** shall be determined pursuant to the 2003 International Building Code, Chapter 11.

GF. The signs for parking spaces shall be unobstructed from view and shall be maintained so as to be legible at all times. Signs shall be substantially in compliance with the requirements of the ICC/ANSI ~~Section 117.1 (1998)~~ **A117.1 2003.** ~~Curb markings indicating on street parking spaces for the physically disabled shall be clearly visible and painted blue.~~ It shall be no defense to a violation of paragraphs A, ~~and B~~ **B** of this section that a sign or a marking is not substantially in compliance with the above guidelines so long as the sign or marking is clearly visible and legible.

HG. **It shall be unlawful for the owner or lessee of private property to fail to designate parking spaces as required by this section.** The owner or lessee of private property as described in paragraph **ED** who is required to have any type of city license must upon application for a license or renewal thereof present proof that the owner or lessee is in compliance with paragraph **ED**. Failure to comply with paragraph **ED** shall be a basis for denial of a license and is a basis for suspension of a city license. This section shall not apply to Home Occupations as described in code section 405.630.

I. The city administrator is hereby authorized to appoint Parking Control Officers to enforce disability parking regulations of the city including the requirement for property owners or lessees to provide the appropriate number of designated parking spaces as set forth in paragraph F. Parking Control Officers shall have authority to issue violation notices with regard to rules, regulations and ordinances pertaining to disability parking on public property and on private property open to public use. The city administrator shall have the power to designate appropriate duties and restrictions upon such persons with respect to enforcement of these laws.

J. Upon finding an illegally parked vehicle, the Parking Control Officer 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 notice of violation on a form provided by the city for the driver or registered owner to answer the charge against him during the hours and at the place specified in the notice of violation.

K. Upon finding private property open to use for public parking without the required designated parking spaces, the Parking Control Officer may issue a written warning to the property owner and/or any lessee stating that within a specified time the proper number of designated parking spaces must be provided. Upon a failure to comply with the notice in the time required, the Parking Control Officer may issue a notice of

violation on a form provided by the city to either or both the property owner and the lessee.

L. Law enforcement officials may enter upon private property open to public use to enforce the provisions of this section, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 RSMo. as amended.

MH. The presence of any vehicle found parked or stopped in violation of any of the parking restrictions imposed by chapters 350 and 355 of this code, shall be prima facie evidence that the person in whose name such vehicle is registered on either the records of the county collector or the records of the district director of revenue of the state for the county, committed or authorized such violation.

(**Bold** is added language, ~~strike through~~ is deleted.)

Section 2: Penalty Clause. Any person found guilty of violating this ordinance shall be penalized in accordance with Section 100.220 of the Republic City Code.

Section 3: This ordinance shall be in full force and effect from and after its date of passage.

Passed and approved at a regular meeting of the City Council of the City of Republic, Missouri, on this _____ day of _____, 2007.

Mayor, James H. Collins

ATTEST:

City Clerk, Brenda Jackson

Approved for Council Action: _____, City Administrator

Approved as to Form: _____, City Attorney