AN ORDINANCE of the City Council of the City of Kent, Washington, repealing section 9.38.090 of the Kent City Code, entitled "Parking reserved for physically disabled, penalty," which will result in the Kent Police Department enforcing the state RCW provision regarding disabled parking as opposed to a Kent-specific provision.

RECITALS

A. Under the existing text of section 9.38.090 of the Kent City Code ("KCC"), a $175 infraction is issued to any person who illegally parks in a parking place reserved for physically disabled persons with properly issued parking placards. State law, however, currently provides for a higher penalty in the amount of $250.

B. The City Attorney's Office recommends that Council revise the Kent City Code by repealing KCC 9.38.090. By repealing Kent's specific code provision, Kent police officers will be able to cite violators under the state RCW provision, RCW 46.16.381, which carries with it a higher penalty. RCW 46.16.381 has been adopted by the state as part of the Model Traffic Ordinance, and the City of Kent has in turn adopted the Model Traffic Ordinance for enforcement in Kent, which will allow officers to cite violators under the RCW provision. Therefore, although this ordinance
repeals KCC 9.38.090, it is not necessary that the City of Kent adopt another provision in its place.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Repealer. Section 9.38.090 of the Kent City Code, entitled “Parking reserved for physically disabled, penalty,” is hereby repealed in its entirety.

Sec. 9.38.090. — Parking reserved for physically disabled, penalty.

A. It is a traffic infraction for any person to park a vehicle in a parking place reserved for physically disabled persons pursuant to Chapter 70.92 RCW or authority implemental thereof, without a special license plate, card, or decal as provided in RCW 46.16.381, as amended. This provision shall be enforceable on private property open to the general public as well as on streets and government-owned property. A person charged with a violation shall not be determined to have committed an infraction if he produces in court or prior to the court appearance a special license plate, special card, or special decal required by RCW 46.16.381 or demonstrates that he was entitled to the same at the time of being ticketed.

B. Physically disabled parking is reserved on public streets in the city at the following locations:
   1. Harrison Street at the crosswalk between Fourth Avenue and Second Avenue.
   2. Second Avenue South between Gowe Street and Titus Street on the west side of Second Avenue.
3. Titus Street between First Avenue and Second Avenue South on the north side of First Avenue.

C. Any violation of this section shall be an infraction and punishable by a monetary penalty of one hundred seventy-five dollars ($175). Vehicles in violation are subject to impoundment as provided by law.

SECTION 2. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

Suzette Cooke, Mayor

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

Parking Reserved for Physically Disabled – Repeal KCC 9.38.090
I hereby certify that this is a true copy of Ordinance No. 3924 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

Parking Reserved for Physically Disabled – Repeal KCC 9.38.090