

**CITY OF WASILLA
ORDINANCE SERIAL NO. 06-23**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 10.20.050.A
CONCERNING UNAUTHORIZED USE OF PARKING RESERVED FOR PERSONS
WITH DISABILITIES.**

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 10.20.050.A, Unauthorized use of parking reserved for persons with disabilities, is amended to read as follows:

10.20.050 Unauthorized use of parking reserved for persons with disabilities.

A. A person may not park, stop or leave standing an attended or unattended motor vehicle in a parking place reserved for a person with a disability unless:

1. The motor vehicle displays a special permit issued to the person operating the vehicle [HAS A SPECIAL PERMIT ISSUED] by the department of administration under AS 28.10.495, and the person who was issued [HAS] the special permit actually exits or enters the vehicle;

2. The motor vehicle displays a special permit issued by the department of administration under AS 28.10.495, the person operating the vehicle has parked the vehicle for the purpose of transporting the [A] person who [HAS] was issued the [A] special permit, [ISSUED BY THE DEPARTMENT OF ADMINISTRATION UNDER AS 28.10.495] and the person who [HAS] was issued the special permit actually exits or enters the vehicle;

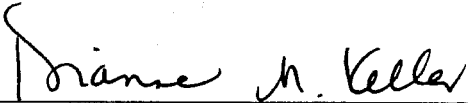
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3. The motor vehicle displays a special license plate issued [TO A PERSON WITH A DISABILITY] under AS 28.10.181(d) to a person with a disability, the person operating the vehicle has parked the vehicle for the purpose of transporting the person who was issued the special license plate [A PERSON WHO HAS A DISABILITY], and the person who [HAS] was issued the special license plate [THE DISABILITY] actually exits or enters the vehicle; or

4. The motor vehicle displays a special license plate or permit issued [TO PERSONS WITH DISABILITIES] by another state, province, territory or country to a person with a disability, the person operating the vehicle has parked the vehicle for the purpose of transporting the [A] person who was issued the special license plate or permit [HAS A DISABILITY], and the person who [HAS] was issued the special license plate or permit [THE DISABILITY] actually exits or enters the vehicle.

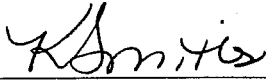
* **Section 3. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on June 12, 2006.

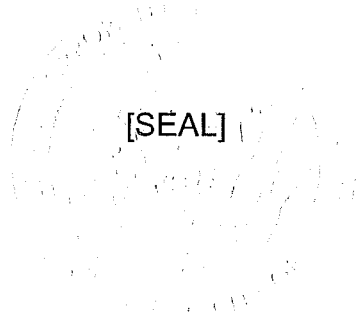


DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE L. SMITHERS, MMC
City Clerk



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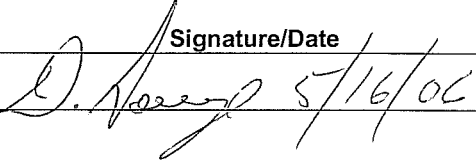
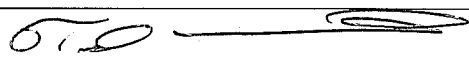
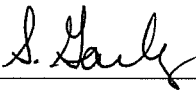


**CITY OF WASILLA
LEGISLATION STAFF REPORT**

**RE: Ordinance Serial Number 06-23 Amending WMC 10.20.050 A. Concerning
Unauthorized Use of Parking Reserved For Persons With Disabilities**

Agenda of:
Originator: Don Savage, Chief of Police

Date: May 16, 2006

Route to:	Department	Signature/Date
X	Police Chief Youth Court, Dispatch, Code Compliance	 5/16/06
	Culture and Recreation Services Director Library, Museum, Sports Complex	
	Public Works & Recreation Facility Maintenance Director	
X	Finance, Risk Management & MIS Director Purchasing	
X	Deputy Administrator Planning, Economic Development, Human Resources	
X	City Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER: _____

FISCAL IMPACT: yes\$ or no Funds Available yes no

Account name/number:

Attachments:

SUMMARY STATEMENT:

This language change to WMC 10.20.050 A is proposed as a recent ruling by a lower State court that cited ambiguous language as the reason for dismissal of a City of Wasilla citation for parking in a handicapped parking space.

In essence, the court ruled the existing language did not provide enough distinction between the requirement for the person who had been issued the permit to be the person actually using or having the benefit of the permit.

The proposed language will hopefully help the court better understand the intent and application of the code.

Staff recommends adoption of the revision to WMC 10.20.050 A.