

Item #5

City of Carson City Agenda Report

Date Submitted: 02/20/07

Agenda Date Requested: 03/01/07
Time Requested: 5 minutes

To: Carson City Board of Supervisors

From: Carson City Health and Human Services

Subject Title ACTION TO ADOPT ON SECOND READING BILL NUMBER 104, AN ORDINANCE AMENDING CHAPTER 10.24 STOPPING, STANDING AND PARKING, SECTION 10.24.145 ENFORCEMENT OF HANDICAPPED PARKING SPACES ON PRIVATE PROPERTY, BY CHANGING THE SECTION TO CONFORM TO STATE LAW AS SET FORTH IN NEVADA REVISED STATUTE 484.408 AND OTHER MATTERS PROPERLY RELATED THERETO

Staff Summary: This ordinance complies with Nevada Revised Statute (NRS) 484.408 parking spaces designated for handicap.

Type of Action Requested: (check one)

Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to adopt on second reading, Bill No. 104, AN ORDINANCE AMENDING CHAPTER 10.24 STOPPING, STANDING AND PARKING, SECTION 10.24.145 ENFORCEMENT OF HANDICAPPED PARKING SPACES ON PRIVATE PROPERTY, BY CHANGING THE SECTION TO CONFORM TO STATE LAW AS SET FORTH IN NEVADA REVISED STATUTE 484.408 AND OTHER MATTERS PROPERLY RELATED THERETO

Explanation for Recommended Board Action: Our current code does not meet the new requirements of NRS 484.408.

Applicable Statute, Code, Policy, Rule or Regulation: Carson City Municipal Code 10.24

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives:

Supporting Material: Carson City Municipal Code 10.24

Prepared By: Kevin McCoy

Reviewed By:

(Department Head)

(City Manager)

(District Attorney)

(Finance Director)

Date: 02/20/07

Date: 2-20-07

Date: 2-20-07

Date: 2/20/07

Board Action Taken:

Motion: _____ 1) _____ **Aye/Nay** _____
_____ 2) _____

(Vote Recorded By)

1 ORDINANCE NO. _____

2 BILL NO. 104

3 AN ORDINANCE AMENDING CHAPTER 10.24 STOPPING,
4 STANDING AND PARKING, SECTION 10.24.145
5 ENFORCEMENT OF HANDICAPPED PARKING SPACES ON
6 PRIVATE PROPERTY, BY CHANGING THE SECTION TO
7 CONFORM TO STATE LAW AS SET FORTH IN NEVADA
8 REVISED STATUTE 484.408 AND OTHER MATTERS
9 PROPERLY RELATED THERETO.

10 THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

11 SECTION I:

12 That Chapter 10.24 of the Carson City Municipal Code is hereby amended as follows:

13 Chapter 10.24

14 STOPPING, STANDING AND PARKING

15 Sections:

16	10.24.010	Stopping, standing or parking outside of business or residence districts.
17	10.24.020	Removal of vehicles.
18	10.24.030	Stopping, standing or parking prohibited in specified places.
19	10.24.040	Prohibited parking in front of theaters, hotels, other buildings.
20	10.24.050	Parallel, angle parking -- Parking on highways under jurisdiction of Department of Highways.
21	10.24.060	Obedience to angle parking traffic control devices.
22	10.24.070	Parking in alleys.
23	10.24.080	All-night parking prohibited.
24	10.24.090	Parking for certain purposes prohibited.
25	10.24.100	Parking adjacent to schools.
26	10.24.110	Parking prohibited on narrow highways.
27	10.24.120	Standing or parking on one-way streets.
28	10.24.130	Standing or parking on one-way roadways.
	10.24.140	Stopping, standing or parking near hazardous or congested places.
	10.24.145	<u>[Enforcement of handicapped parking spaces on private property.]</u> <u>Parking space designated for handicapped: Signs; required plates, stickers or placards for parking; prohibited acts; penalty.</u>
	10.24.150	General parking regulations.
	10.24.160	Standing in passenger curb loading zone.
	10.24.170	Standing in freight curb loading zone.
	10.24.180	Standing in restricted parking zone.
	10.24.190	Stopping, standing and parking of buses and taxicabs.
	10.24.200	Restricted use of bus and taxicab stands.
	10.24.210	Regulation of stopping, standing or parking by board.
	10.24.300	Declaration of controlled parking zone.
	10.24.305	Placing of time limit signs.
	10.24.310	Revenue -- Designated use.
	10.24.315	Parking space and zone markings.
	10.24.320	Collection.

1	10.24.330	Chapter not applicable to certain governmental vehicles.
	10.24.335	Hearing officer.
2	10.24.340	Infractions.
	10.24.345	Notice of infraction.
3	10.24.350	Notice of infraction - - Contents.
	10.24.355	Notice of infraction - - Issuance and filing.
4	10.24.360	Notice of infraction - - Service.
	10.24.365	Schedule of civil fines and penalties and use of collection agency.
5	10.24.370	Liability.
	10.24.375	Presumption that registered owner parked vehicle.
6	10.24.380	Notice of infraction - - Response.
	10.24.385	Twenty-day notice of violation.
7	10.24.390	Final notice of violation.
	10.24.400	Special or temporary parking permits or special license plates for handicapped person, disabled veteran or ex-prisoner of war - - Uses and limitations.
8	10.24.500	Service parking permits.
9	10.24.600	Client parking zones and permits.
10	10.24.650	Client parking enforcement procedures.

SECTION II:

12 That section 10.24.145 of the Carson City Municipal Code is hereby amended as follows:

13 [10.24.145 Enforcement of handicapped parking spaces on private property.

- 14 1. "Private property" as used in this section means parking areas to which the public is
15 invited that are located on property other than that owned by Carson City.
- 16 2. No person shall park a motor vehicle in a parking space designated and reserved for
17 the physically handicapped, on either private or public property, unless:
 - 18 a. That person is physically handicapped, or a passenger in the vehicle is
19 physically handicapped;
 - 20 b. The vehicle visibly bears the parking permit or license plate issued to the
21 physically handicapped by the Nevada Department of Motor Vehicles,
22 pursuant to NRS 482.384; or
 - 23 c. The vehicle visibly bears the special license plates for a disabled veteran
24 issued pursuant to NRS 482.377.
- 25 3. Handicapped parking space shall be designated by the posting of signs bearing the
26 words, "Handicapped Parking Only," or the international symbol of access and the
27 words, "Handicapped Parking Only." The current fine for violation of this section
28

1 shall be posted at each designated handicapped space. Other methods of designating
2 handicapped parking space shall first be approved by the Carson City public works
3 department.

4 4. The fine for any notice of infraction issued for a violation of this section is one
5 hundred dollars (\$100.00).

6 5. A notice of infraction for a violation of paragraph 2 of this section may be waived by
7 an employee of the city designated by the director of public works if the person
8 receiving the notice of infraction can adequately demonstrate that he or she:
9 a. Had a valid permit at the time of the issuance of the notice of infraction and it
10 was not properly displayed; or
11 b. Is qualified under state law for such a permit at the time of the waiver.]

12 10.24.145 Parking space designated for handicapped; Signs; required plates, stickers or
13 placards for parking; prohibited acts; penalty.

14 1. Any parking space designated for the handicapped must be indicated by a sign:
15 (a) Bearing the international symbol of access with or without the words
16 “Parking,” “Handicapped Parking,” “Handicapped Parking Only,” or
17 “Reserved for the Handicapped,” or any other word or combination of words
18 indicating that the space is designated for the handicapped.
19 (b) Stating “Minimum fine of \$250 for use by others” or equivalent words; and
20 (c) The bottom of which must be not less than 4 feet above the ground.

21 2. In addition to the requirements of subsection 1, a parking space designated for the
22 handicapped which:

23 (a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair
24 lift; and
25 (b) Is located in a parking lot with 60 or more parking spaces.
26 must be indicated by a sign using a combination of words to state that the space is for

the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;

(b) Stating "Minimum fine of \$250 for violation" or similar words indicating that the minimum fine for parking in such a space is \$250; and

(c) The bottom of which must not be less than 4 feet above the ground.

10 4. An owner of private property upon which is located a parking space described in
11 subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained
12 any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a
13 parking space described in subsection 1, 2 or 3 is located on public property, the
14 governmental entity having control over that public property shall erect and maintain
15 or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or
16 3, whichever is applicable.

(a) Special license plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) Special license plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) Special license plates for a disabled veteran issued pursuant to NRS 482.377.

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for the handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

- (a) He is eligible to do so:
- (b) The vehicle displays the special license plates or placard set forth in subsection 5; and
- (c) The vehicle is equipped with a side-loading wheelchair lift.

9 A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not
10 equipped with a side-loading wheelchair lift in such a parking space if the space is in a
11 parking lot with fewer than 60 parking spaces.

12. 7. A person shall not park in a space which:

- (a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and
- (b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3.

17 whether on public or privately owned property.

18 8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a
19 space designated for the handicapped unless he is a person with a permanent
20 disability, disability of moderate duration or temporary disability, a disabled veteran,
21 or the driver of vehicle in which any such person is a passenger.

22 9. A person who violates any of the provisions of subsections 5 to 8, inclusive, is guilty
23 of a misdemeanor and shall be punished:

- (a) Upon the first offense, by a fine of \$250.
- (b) Upon the second offense, by a fine of \$250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than \$500, but not more than \$1,000 and not less than 25 hours, but not more than 100 hours, of community service.

SECTION III:

5 That no other provisions of Chapter 10.24 of the Carson City Municipal Code are affected by
6 this ordinance.

Proposed on the _____ (month) _____ (day), 2007.

Proposed by Supervisor _____

Passed _____ (month) _____ (day), 2007.

11 Ayes: Supervisors

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16 Nays: Supervisors

17 Absent: Supervisors

18

19 Attest:

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21 ALAN GLOVER, Clerk/Recorder

MARV TEDXEIRA, Mayor

22

23 This ordinance shall be in force and effect from and after the _____ day of the month of
24 _____ of the year 2007.