

CODE ORDINANCE

Sponsored By: Assemblymember Kvalheim

Introduced: 11/13/07

Public Hearing: 11/20/07

Postponed until 12/04/07: 11/20/07

Amended: 12/04/07

Adopted: 12/04/07

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 07-170(AM)**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 8.70, PROHIBITION AGAINST UNAUTHORIZED USE OF PARKING RESERVED FOR PERSONS WITH DISABILITIES AND PROVIDING FOR A PENALTY, AND AMENDING MSB 1.45.100, SCHEDULE OF FINES FOR INFRACTIONS.

WHEREAS, A.S. 28.35.235 is titled "Unauthorized use of parking reserved for persons with disabilities; penalties" and prohibits the use of designated parking spaces except with a permit; and

WHEREAS, A.S. 28.35.235(b) specifically provides, "A municipality may enact ordinances necessary to enforce this section"; and

WHEREAS, A.S. 29.35.210(a)(11) also grants the Matanuska-Susitna Borough the nonareawide power, subject to A.S. 28.01.010, to regulate the licensing and operation of motor vehicles and operators; and

WHEREAS, parking spaces designated for use by persons with disabilities should be used only by those entitled to use them because persons with disabilities have legitimate needs to park close to their destinations; and

WHEREAS the Assembly finds that the unlawful use of parking spaces designated for use by persons with disabilities leads to

situations where those in legitimate need cannot use the designated spaces; and

WHEREAS the Assembly finds that the unlawful use of parking spaces designated for use by persons with disabilities is injurious to the health, safety and welfare of people entitled to use them.

BE IT ENACTED:

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

Section 2. Adoption of chapter. MSB 8.70, Prohibition Against Unauthorized Use of Parking Reserved for Persons With Disabilities, is hereby adopted to read as follows:

8.70.010 Intent

8.70.020 Applicability

8.70.030 Prohibition Against Parking in a Reserved Space

8.70.040 Penalties

8.70.010

(A) It is the intent of the Matanuska-Susitna Borough Assembly to promote the welfare of persons with disabilities by discouraging the use of disability-reserved parking spaces by those not legally entitled to use them. In addition, the Assembly finds that holding the owner of the vehicle found in violation of a restricted parking space responsible for a violation will assist in achieving this objective.

8.70.020

(A) This ordinance applies to all areas of the Borough outside the cities of Palmer, Wasilla and Houston.

8.70.030

(A) *Operator liable.* 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 person operating the vehicle has a valid special permit issued by the department of administration under AS 28.10.495, the permit is displayed on the vehicle, and the person who was issued the permit actually enters or exits the vehicle;

(2) the person operating the vehicle has parked the vehicle for the purpose of transporting a person who has a valid special permit issued by the department under AS 28.10.495, the permit is displayed on the vehicle, and the person who has the special permit actually exits or enters the vehicle;

(3) the motor vehicle displays a valid special license plate issued to a person with a disability under AS 28.10.181(d), is operated by or used for the purpose

of transporting a person with a disability, and the person who was issued the special license plate actually exits or enters the vehicle; or,

(4) the motor vehicle displays a valid special license plate or permit issued to persons with disabilities by another state, province, territory, or country, is being operated by or used for the purpose of transporting a person with a disability, and the person who was issued the special license plate or permit actually exits or enters the vehicle.

(B) *Owner of Vehicle Liable.* In addition to the operator of the vehicle, the owner of any vehicle used in violation of MSB 8.70.030(A) is guilty of an infraction.

8.70.040

(A) A person who violates this section is guilty of an infraction. Upon conviction, the court shall impose a fine of not less than \$125, or, if the person has been previously convicted under this section, the court shall impose a fine of not less than \$250. However, a person who violates this section and who was, at the time of the violation, operating a vehicle displaying a special license plate issued under AS 28.10.181(d) or a special permit issued under AS 28.10.495(a) shall, upon conviction, pay a fine of \$250 or, if the person has been

previously convicted under this section, pay a fine of \$500.

Section 4. Amendment of subsection. The table found at MSB 1.45.100(B) is amended by inserting the following:

MSB 8.70.030(A) or (B) with no permit on display

First offense \$125

Second offense \$250

MSB 8.70.030(A) or (B) with permit on display

First offense \$250

Second Offense \$500

Section 5. Effective date. This ordinance subsection shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 4 day of December, 2007.

/S/

CURTIS D. MENARD, Borough Mayor

ATTEST:

/S/

MICHELLE M. McGEHEE, CMC Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Houston, Church, Kvalheim, Bettine, Wells, and Kluberton