

ORDINANCE NO. 1732-0808

AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, AMENDING CHAPTERS 11.24 AND 11.36 OF THE SHELTON MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE NO. 1380, AND ADDING A NEW SECTION TO SMC CHAPTER 11.24, RELATED TO PARKING RESTRICTIONS.

WHEREAS, the City wishes to update its municipal code with regard to parking restrictions within the City of Shelton, and to declare that it shall be unlawful to camp or reside in a vehicle on a public right-of-way.

NOW THEREFORE, be it ordained by the City Commission of the City of Shelton, Washington:

Section 1.

The following sections of Chapter 11.24 of the Shelton Municipal Code and the corresponding portions of Ordinance No. 1380 are hereby amended to read as follows:

11.24.030 Time Limits - Responsibility to Obey.

~~Whenever a vehicle is parked in a timed parking area, the person parking such vehicle, the registered owner, or both, shall be responsible to see that the vehicle is parked no longer than the time allowed, as regulated by posted signs. Where a time limit is established by official signs, no vehicle may be parked beyond the time limit indicated, and no person may repark a vehicle on either side of the same street and within the same block in order to extend the vehicle's parking time beyond the time limits established. A vehicle shall be deemed to be reparked in violation of this Section unless the vehicle is moved to a different block than the block upon which the vehicle was originally parked.~~ (Ord. 1380 § 1 (part), 1993)

11.24.050 Overtime Parking - Unlawful.

It is unlawful and a violation of the provisions of this chapter for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person, to be parked overtime or beyond the period of legal parking time established for any parking zone. The penalty for an overtime parking violation shall be ~~fifteen~~ twenty-five dollars. (Ord. 1380 § 1 (part), 1993)

11.24.130 Reserved Parking Areas - Violation - Penalty.

- A. No person shall park a vehicle within the times and dates posted on city-owned property which has been designated by sign as reserved parking. Such parking shall require a ~~sticker which has been~~ permit issued by the city and is displayed as directed by the city.
- B. The penalty for violation of city reserved parking shall be ~~the same as that of overtime parking~~ fifty dollars.

C. Vehicle Towing. In addition to the fifty-dollar penalty, All vehicles which are illegally parked in city reserved parking spaces shall be towed and impounded at the expense of the owner thereof, pursuant to the impound procedures of Chapter 11.36 SMC. Vehicles deemed illegally parked on city-owned property shall be subject to placement of an immobilization device. (Ord. 1380 § 1 (part), 1993).

11.36.010 Authority to impound vehicles

Members of the police department and towing agencies authorized or contracted thereby are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the police department or otherwise maintained by this city, under the circumstances enumerated as follows:

A. When any vehicle is left unattended upon any bridge, viaduct, or causeway, where such vehicle constitutes an obstruction to traffic;

B. When a vehicle upon a highway or street, including bridges or approaches, is so disabled as to constitute an obstruction to traffic, or when the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

C. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

D. When any vehicle is parked in a city reserved parking space, in violation of SMC § 11.24.130. (Prior code § 11.36.010)

Section 2.

A new Section shall be added to Chapter 11.24 of the SMC, to read as follows:

SMC 11.24.220 Camping or residing in motor vehicle prohibited

- A. It is unlawful for any person to park any motor vehicle or trailer on a public street or right-of-way for the purpose of sleeping therein or maintaining the same as a temporary or permanent residence.
- B. It shall be a defense to a charge under this Section that the offense was necessitated by a temporary emergency situation and that no reasonable alternative was available to the defendant under the circumstances.
- C. The first offense under this Section for any individual shall constitute a civil infraction punishable by a fifty-dollar penalty. All subsequent charges against the same individual within a six month period of the original charge shall constitute misdemeanors, punishable by a maximum of 90 days in jail and a \$1,000 fine.

Section 3.

Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4.

Savings Clause. Chapter 11.24 of the Shelton Municipal Code shall remain in full force and effect until such date as this ordinance becomes effective.

Section 5.

Effective Date. This ordinance shall take effect 30 days after passage as provided by law.

INTRODUCED the 29th day of Sept, 2008.

ADOPTED by the City Commission of the City of Shelton, Mason County, Washington at a regular open public meeting held the 29 day of Sept 2008, the following Commissioners being present and voting in favor of this ordinance.

ATTEST:

Richi Look
City Clerk Look

[Signature]
Mayor Tarrant

[Signature]
Commissioner Pannell

[Signature]
Commissioner Byrne