

ORDINANCE NO. 379

AN ORDINANCE AMENDING PARAGRAPH NO. 4 OF SECTION 14-13 OF ORDINANCE NO. 277 PERTAINING TO PARKING PRIVILEGES FOR MOBILITY IMPAIRED PERSONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, NORTH DAKOTA:

Section 1: that section 14-13 of ordinance No. 277 be amended to read as follows:

Section 14-13 Parking Privileges for mobility impaired- Certificate-Revocation-Continuing appropriation-Penalty.

"The provisions of NDCC 39-01-15 and all subsequent amendments shall be and are hereby incorporated by reference in this ordinance."

1. Any mobility-impaired person who displays prominently upon an automobile parked by that person or under that person's direction and for that person's use, the distinguishing certificate specified in subsection 4 or license plates issued under NDCC 39-04-10.2 is entitled to courtesy in the parking of the automobile. Provided however, that the City of Rolla my, by ordinance, prohibit parking on any street or highway for the accomadation of heavy traffic during morning and afternoon rush hours, and the privileges extended to such impaired persons do not apply on streets or highways where and during such times as parking is prohibited.

2. A certificate issued to a mobility-impaired person must be hung from the rearview mirror of the motor vehicle whenever the vehicle is occupying a space reserved for the mobility-impaired and is being used by a mobility-impaired person or another person for the purposes of transporting the mobility-impaired person. No part of the certificate may be obscured. A fee of five dollars may be imposed for a violation of this subsection.

3. If a law enforcement officer finds that the certificate is being improperly used, the officer may report to the director any such violation and the director may, in the director's discretion, remove the privilege. Any person who is not mobility-impaired and who exercises the privileges granted a mobility-impaired person under subsection 1 is guilty of an infraction for which a fine of one hundred dollars must be imposed.

4. Whenever any public or private entity designates parking space for use by motor vehicles operated by mobility-impaired persons, those reserved spaces must be indicated by blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space. In addition to blue paint, each reserved space must be indicated by an official sign approved by the Director of the North Dakota Department of Transportation bearing the intentionally accepted symbol of access for the mobility impaired. The sign must indicate the unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed. For particular events, a public or a private entity may reserve additional parking spaces for use by motor vehicles operated by mobility-impaired persons. In that case, each temporarily reserved space must be indicated by a sign or other suitable means. A sign indicating that a space is reserved for the mobility impaired and blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space, is sufficient basis for the enforcement of this section. A law enforcement officer shall enforce this section in any parking lot or parking facility whether publicly or privately owned.

5. A person may not stop, stand, or park any vehicle in any designated parking space that is reserved for the mobility-impaired unless the vehicle displays a mobility-impaired identification certificate issued by the Director of the North Dakota Department of Transportation to a mobility-impaired person. A mobility-impaired person may not permit the use of a certificate issued under this section by a person who is not mobility impaired when that use is not in connection with the transport of the mobility-impaired person. The registered owner of a vehicle may not allow that vehicle to be used in a manner that violates this subsection. Proof of intent is not required to prove a registered owner's violation of this subsection. The registered owner, however, may be excused from a violation if the owner provides the citing authority

with the name and address of the person operating the

the vehicle at the time of the violation. A vehicle may temporarily use a space reserved for mobility-impaired persons without a mobility-impaired certificate for the purpose of loading and unloading mobility-impaired persons. A violation of this subsection is a nonmoving violation for which a fee of one hundred dollars must be imposed.

6. Any motor vehicle licensed in another state which displays a special authorized vehicle designation issued by the licensing authority of that state for vehicles used in the transportation of mobility-impaired persons must be accorded the same privilege provided in this section for similar vehicles licensed in this state if the laws of the other state provide the same privileges to North Dakota motor vehicles displaying the special identifying certificate authorized in this section.

Section 2: Effective Date. This ordinance shall be in full force and take effect immediately upon its final passage and publication.

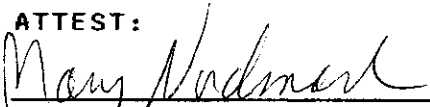
First Reading: April 22, 1998

Second Reading and Final Passage: May 4, 1998

Approval: May 4, 1998

  
Dennis Neameyer, Mayor

ATTEST:

  
Mary Nordmark,  
City Auditor