

CITY OF HOMER, ALASKA  
ORDINANCE NO. 91-14

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE  
SECTIONS 7.08.045 AND 7.08.060,  
HANDICAPPED PARKING AND PENALTIES FOR VIOLATIONS

WHEREAS, various amendments to §§ 7.08.045 and 7.08.060 have been recommended to clarify the existing handicapped parking provisions and the general penalty for violating the Homer City Code provisions;

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 7.08.045 of the Homer City Code is hereby amended to read as follows:

7.08.045 Handicapped parking. a. ~~No~~ A person may not park or cause to be parked a motor vehicle in a parking space ~~designated reserved~~ for disabled or medically handicapped persons parking only, whether such parking space is on public or private property, unless ~~such vehicle displays a valid handicapped parking permit issued or approved by the City Manager or his designee:~~

1. the person has a special permit issued by the State of Alaska under AS 28.10.495;

2. the motor vehicle displays a special license plate issued to disabled or handicapped persons under AS 28.10.181(d); or

3. the motor vehicle displays a special license plate or permit issued to disabled or handicapped persons by another state, province, territory, or country.

b. Any police officer or parking enforcement officer may enforce this section within any public or private parking area by issuing a citation pursuant to subsection d of this section, or within any public parking area by causing the vehicle to be immediately removed as provided by § 7.08.050 ~~of this chapter~~. Only a person who owns or controls a private parking area containing a designated reserved handicapped-only parking space may cause the vehicle parked in violation of this section to be removed and towed as provided in § 7.08.050 ~~of this chapter~~.

c. For purposes of this section, a "parking space designated reserved for handicapped parking only" is a parking space conspicuously ~~posted or marked~~ signed as being restricted to vehicles displaying handicapped parking permits, provided that such ~~posting or markings~~ signs shall conform to a uniform style approved by the Traffic Engineer

as far as practicable, conform to the current edition of the Alaska Traffic Manual prepared by the Alaska Department of Transportation and Public Facilities. Notice of the specific penalty for violating this section shall be posted on the face of all signs erected within the City.

d. The penalty for violating this section shall be one hundred dollars for each citation issued, ~~notwithstanding the penalty provisions contained in Section 7.08.060 of this Chapter or the general penalty provision set forth in Section 1.18.010 of this code. Notice of the specific penalty hereunder shall be posted on the face of all signs erected within the City.~~

e. The officer responding to an apparent violation may ~~wave the requirement~~ excuse a violation of subsection a of this section if he or she the officer finds that the person who parked, or caused to be parked, in a designated reserved handicapped parking spot is actually or recently handicapped or is a handicapped visitor from outside the City.

Section 2. Section 7.08.060 of the Homer City Code is hereby amended to read as follows:

7.08.060 Violation--Penalty. Unless another penalty is expressly provided, the penalty for violating on provisions of this chapter are the same as those listed in the State of Alaska Uniform Traffic Bail Schedule Traffic Bail Forfeiture Schedule pursuant to Rule 43.1 of the Administrative Rules of the Alaska Rules of Court for violation of 13 AAC 02.340 through 13 AAC 02.820377.

Section 3. This is a general ordinance of a permanent nature and the provisions of Sections 1 through 2 as contained herein shall be codified for inclusion in the Homer City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 28<sup>th</sup> day of May, 1991.

THE CITY OF HOMER, ALASKA

  
HARRY GREGOIRE, MAYOR