

Chapter 10.90PARKINGSections:

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10.90.010 Purpose. The purpose of this chapter is to provide for parking restrictions on all city streets within the City of Kettle Falls.

10.90.020 Definitions. A motor vehicle shall mean every vehicle which is self-propelled. Streets mean any public path, road or alley within the corporate limits of the City of Kettle Falls.

10.90.030 Parking Restrictions. No vehicle shall be parked in such a manner that any portion of the vehicle extends unto or over the traveled portion of the paved roadway, including but not limited to any mirrors, fenders or bumpers, or any portion thereof extending unto or over the paved roadway, except that automobiles may be parked diagonally only on Meyers Street from Fourth Street through Seventh Street and may also be parked parallel on the East side of Meyers Street between Seventh and Eighth Street.

10.90.040 Penalty. Any person violating any provisions of this chapter shall incur a civil penalty. The penalty for the first violation shall be \$75.00. The penalty shall not be suspended or deferred. The penalty for a second violation of this chapter shall be \$150.00. The penalty for the third violation of this same section of this chapter shall be \$300.00. The penalties for the third violations above the amount of \$75.00 may be reduced, suspended or deferred in the discretion of the court. Up to the amount of the \$75.00 violation, there shall be no reduction, whether the offense is the first offense, second offense, or third offense or subsequent offenses thereafter. For each violation of a continuing nature, each day shall constitute a separate offense. A notice of infraction may be issued by the Chief of Police or his appointed officers or by a specially commissioned police officer.

10.90.050 Notice of Infraction - Contents.

(1) A notice of infraction represents a determination that violation has been committed. The determination will be final unless contested as provided in this chapter.

(2) A Washington Uniform Court Docket Citation may be used as the form for the notice in infraction, and shall include the following:

(a) A statement that the notice represents a determination that an infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that an infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that, at any hearing to contest the determination, the City has the burden of proving by preponderance of the evidence that an infraction was committed, and that the person may subpoena witnesses, including the officer who issued the notice of infractions;

(g) A statement that at any hearing requested for the purpose of examining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

(i) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

10.90.060 Notice of Infraction-Response Required-Contested Determination-Hearing.

(1) Any person who receives a notice of infraction under this Chapter shall respond to such notice as provided in this Section within seven (7) calendar days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. Payment in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

(3) If the person determined to have committed the infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting the hearing and submitting it either by mail or in person to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing, and that date shall not be sooner than seven (7) days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of the infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing.

(5) If any person issued a notice of infraction fails to respond to the notice of infraction as provided in subsection (2) of this subsection, or fails to appear at a hearing requested pursuant to subsection (3) or (4) of this subsection, the court shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and any other penalty authorized by this Chapter.

10.90.070 Hearing to Contest Determination of Infraction-Procedure.

(1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without jury.

(2) Any person subject to proceedings under this Chapter may be represented by counsel.

(3) The attorney representing the City may appear in any proceeding under this Chapter but need not appear, notwithstanding any rule of the court to the contrary.

(4) The officer who issued the notice must appear at such hearing, and may subpoena witnesses. The person named in the notice may subpoena witnesses, including the officer, and also has the right to present evidence and examine witnesses present in court.

(5) The burden of proof is upon the City to establish a commission of the infraction by preponderance of the evidence.

(6) After consideration of the evidence and argument, the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed, an appropriate order shall be entered in the court's records.

(7) An appeal from the court's determination or order shall be to the Stevens County Superior Court. Such appeal shall be taken in accordance with the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the Stevens County Superior Court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

10.90.080 Payment of Penalty. Whenever a monetary penalty is imposed by a court under this Chapter, it is due immediately and to be made payable to the clerk of court. If a person is unable to pay at that time, the court may, in its discretion grant an extension of the period in which the penalty may be paid. All penalties collected by the court shall be remitted to the City Clerk/Treasurer.

10.90.090 Severability. The provisions of this chapter are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is for

any reason held to be invalid or unconstitutional, the remainder of the Chapter shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

10.90.100 Nonliability of City. This ordinance is intended to be law of general application for the public at large; it is not intended to impose liability on the part of the city or its employees running to individual members of the public nor is this section intended to infer that any other city ordinances that do not have this nonliability of city ordinance section are intended to impose liability on the part of the city or its employees running to individual members of the public either. (Ord. 1590, 1998)