

**CITY OF WINLOCK, WASHINGTON**  
**ORDINANCE NO. 1176**

**AN ORDINANCE OF THE CITY OF WINLOCK, WASHINGTON,  
ENACTING RULES AND REGULATIONS CONCERNING DISABILITY  
PARKING SPACES ON PUBLIC STREETS IN RESIDENTIAL AREAS;  
CREATING A NEW SECTION 10.35.075 OF THE WINLOCK MUNICIPAL  
CODE; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING  
AN EFFECTIVE DATE.**

**RECITALS:**

WHEREAS, the City of Winlock, Washington (the “City”) is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City may adopt and enforce ordinances of all kinds relating to and regulating the City’s local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, all references herein to “WMC” shall mean the “Winlock Municipal Code,” and

WHEREAS, members of the community have inquired about designating disabled parking spaces in residential areas; and

WHEREAS, the Council has found it necessary to provide a process to designate disabled parking spaces in residential areas; and

WHEREAS, the Council desires to create a new Section 10.35.075 WMC as set forth herein.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINLOCK, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Section 10.35.075 of the Winlock Municipal Code is hereby created to state:**

**10.35.075. Disability Parking Spaces on Public Streets in Residential Areas.**

A. Creation of Designated Accessible/Disability Parking Spaces on Public Streets in Residential Areas.

1. Notwithstanding any contrary provision in this code, reserved parking spaces in the public right-of-way in residential districts zoned **LDR-6, LDR-10, or MDR-16** for use by persons with a disability shall be established and removed as provided in this section.
  2. The Public Works Superintendent, subject to the approval of City Council, is authorized to erect signs on any residential street in an **LDR-6, LDR-10, or MDR-16** district to prohibit parking except by vehicles displaying a person with a disability or a person with a disability parking placards or license plates, issued pursuant to Chapter 46.19 RCW. The City Council is authorized to determine the specific times and days that the restrictions shall be in effect.
- B. Application. An application shall be required for an initial authorization for a revocable reserved parking space created pursuant to subsection 10.35.075(A) WMC.
1. Application requirements and eligibility. To be considered, an application for a reserved parking space for persons with disabilities in the public right-of-way in residential areas must comply with the following criteria:
    - (i) There must be no off-street parking at the applicant's residence, or the applicant must demonstrate, as provided in subsection (vi), that existing off-street parking is not feasible for use by the applicant.
    - (ii) The applicant must have a valid Washington State permanent disabled parking license plate or placard issued pursuant to Chapter 46.19 RCW.
    - (iii) The applicant must reside full-time at the address in front of which the space is requested.
    - (iv) The applicant must demonstrate that a vehicle is registered to a person who resides at the address requested.
      - (a) If the applicant drives:
        - (1) Has a valid Washington State driver's license matching the requested address; and
        - (2) Has a valid vehicle registration matching the requested address.
      - (b) If the applicant does not drive:
        - (1) Has valid Washington State Identification Card or valid Washington State Driver's License matching the requested address; and
        - (2) There is a caretaker living full-time at the residence with a valid Washington State driver's license and a valid vehicle registration matching the requested address.
    - (v) Legal parking must be available in front of the applicant's address.
    - (vi) The applicant is the property owner or has approval from the property owner to install the signs.
  2. The applicant shall provide proof of assurances satisfactory to the city, that the applicant has met and shall continue to meet all of the above conditions as long as a reserved parking space for persons with disabilities in the public right-of-way in residential areas is authorized.
  3. An applicant for, or user of, a reserved parking space for persons with disabilities in the public right-of-way in residential areas shall immediately notify the City Clerk's Office of any change in one or more of the above requirements.

- C. Fees.
1. Fees for the initial application shall be as set forth in the most current version of the Winlock Fee Schedule.
  2. Fees for the installation and maintenance of signs erected pursuant to this section for erection of the signs and maintenance shall be as set forth in the most current version of the Winlock Fee Schedule.
  3. All fees shall be paid to the City of Winlock.
- D. Approval requirements. If an application fails to meet the criteria listed in subsection (B), it will not be approved, unless a waiver is sought and approved under subsection (F). If the application is denied, the applicant shall be notified in writing as to the specific reasons for the denial, and shall also be notified of any right to appeal provided under this section.
- E. Block limits. No more than one reserved parking space for persons with disabilities will be authorized for one side of any street, between intersecting streets (block face).
- F. Waivers. The city council is authorized to waive:
1. The block limits standard under the following conditions:
    - (i) (a) The applicant demonstrates to the satisfaction of the city council that the applicant has a severe mobility impairment, and that (1) the applicant or a resident of the applicant's household owns a motor vehicle especially equipped to permit operation by, or transport of, the applicant, or (2) the applicant has a life threatening condition, or (b) The applicant demonstrates to the satisfaction of the city council that the block on which the applicant resides is of unusual or exceptional length, and that permitting an additional space would be the functional equivalent of the application of the usual block limit standard; and
    - (ii) The applicant demonstrates to the satisfaction of the city council that the applicant otherwise meets the criteria in subsection (B) of this section; and
    - (iii) If granted, a waiver shall be valid for a period of one year only, but the applicant may re-apply for additional one year periods.
  2. The requirement that legal parking must be available in front of the applicant's address, under the following conditions:
    - (i) (a) There is a fire hydrant, city no-parking regulation, or other similar impediment to parking in front of the applicant's address, or the applicant's property is of insufficient width to accommodate the reserved space, and the applicant demonstrates to the satisfaction of the city council that installation of the reserved space at another location will not unduly burden any other person; or (b) the owner of the property in front of which the reserved space is proposed to be located has consented, in writing, to such location, in which case the waiver shall be granted as a matter of course; and
    - (ii) The applicant demonstrates to the satisfaction of the city council that the applicant otherwise meets the criteria in subsection (B) of this section; and
  3. The city council may impose such conditions on any waiver as the council deems reasonable.
- G. Use of reserved spaces. A parking space for persons with disabilities will be available for use by any eligible person with a Washington disabled license plate or placard on a first come, first served basis, and is not reserved for the exclusive use of the applicant. Only those vehicles

used by, or to transport, a person with a disability may park in the reserved space, and the applicant's vehicle is expected to use the reserved space when parked in the neighborhood. Reserved spaces are not intended for use by companions except when transporting persons with disabilities, and displaying a Washington plate or placard. Use of the parking space by other persons when not transporting the person with a disability is a parking violation that carries a fine, as provided in RCW 46.19.050, as existing now or hereafter amended.

H. Administrative procedures. The Superintendent of Public Works shall be responsible for administering this section.

1. All applications must be submitted to the Superintendent for consideration and review. The City Treasurer's Office shall collect the required application fee. The application fee requirement may only be waived by the City Council. Upon receipt of an application, the Superintendent will forward a copy of the application to the following for comments, conditions, review, and recommendations for approval/disapproval:

(i) Winlock Community Development Director

(ii) Winlock Chief of Police

(iii) Fire Chief

2. The Superintendent will:

(i) evaluate satisfaction of eligibility criteria;

(ii) verify the validity of the disabled parking license plate or placard;

(iii) verify vehicle registration;

(iv) confirm residency;

(v) determine availability of off-street and on-street parking;

(vi) determine the feasibility and, if appropriate, the proposed location of a proposed reserved parking space, the determination shall be based upon the number of reserved parking spaces currently installed on the residential street; the proximity of the requested reserved parking space to crosswalks, curb cuts, alleys, intersections, and fire hydrants; and any other information concerning the applicant's needs and local traffic restrictions. The determination may also be based upon the extent of the alternative accessible off-street parking at the applicant's primary residence; and

(vii) ensure conformance to the terms of this section in making a decision.

3. Applications for a determination that an existing off-street parking space is not feasible for use by the applicant, and for a block limit or availability of parking waiver shall be submitted to the Superintendent, for review and recommendation, and shall be decided by the City Council.

4. Upon completion of the review of the application, the Public Works Director shall report such findings and recommendation to the City Clerk and to the city council.

5. Upon receiving the Public Works Director's recommendations, the City Clerk shall put the application on the City Council's agenda for the next council meeting which shall occur no sooner than 40 days after the application was received and no more than 60 days after the application was received. All reserved parking spaces created pursuant to this section shall require approval by a vote of the city council to be effective.

6. Upon approval by the City Council that a reserved parking space be installed: the Public Works Director is authorized to install the required signage and markings as set forth in

RCW 46.61.581, RCW 70.92.120, and RCW 19.27.550 as they now exist or are hereafter amended. The issuance of the permit and installation of the sign under this subparagraph does not confer any property rights to the applicant and the sign may be removed and the permit may be revoked at any time without consent of the applicant.

7. All decisions of the city council shall be final and no appeal may be taken therefrom.

I. Annual recertification.

1. A recertification fee for reserved parking space issued and created pursuant to this section shall be required annually. The recertification fee requirement may only be waived by the City Council.
2. Each year the Superintendent will mail a recertification form to each resident who received approval for the installation of a reserved parking space, including those parking spaces that were approved prior to the effective date of this ordinance. In order to retain the reserved space, the resident must complete and execute the form affirming continued satisfaction of all of the eligibility criteria in subsection (B) of this section, except such criteria as may have been waived by the city council pursuant to subsection (F) of this section. The requirement of subsection (B.1(v) that the space be located in front of the applicant's residence, and the block limit requirement of subsection (E) shall not apply to the recertification of spaces approved prior to the effective date of this ordinance. If the Superintendent determines that the eligibility criteria are no longer satisfied, the resident will be notified in writing and must provide a response to the Superintendent with proper evidence of compliance within 45 days of notification. Failure to provide the information in accordance with the requested deadline will result in a second letter and failure to respond to the second letter within 30 days shall result in the removal of the reserved space.

J. Revocation. A reserved space is subject to revocation as follows:

1. If the city determines, either at the time of a recertification or at any other time, that a person who applied for and is using a reserved parking space issued under this chapter no longer satisfies the eligibility criteria or is not in compliance with any one or more conditions of 10.35.075(B) WMC, or that the space is being repeatedly used in a manner contrary to subsection (G) by persons residing in or visiting the applicant's household, the Superintendent will conduct a preliminary inquiry to determine if the complaint is supported by credible evidence. If the Superintendent determines that the complaint is so supported, the applicant will be notified in writing of the nature and specifics of the complaint, and must provide a response within 45 days to the Superintendent. The applicant and complainant(s) shall have the right to appear before the Superintendent, upon 14 days' written notice of the time and place of the hearing, and be heard in person or by counsel, but such hearing shall be conducted in an informal manner. The Superintendent shall revoke a reserved parking space designation only if:
  - (i) the Superintendent finds by a preponderance of the evidence that the applicant did not, or does not continue to, meet the criteria in subsection B.1B); or
  - (ii) the Superintendent finds by clear and convincing evidence that the space is being repeatedly used in a manner contrary to subsection (G), by persons residing in or visiting the applicant's household.

2. The Superintendent shall notify all parties of the decision in writing, within 15 days of the close of the hearing. The decision shall state the findings of fact and the reasons for the decision. The notice shall inform the parties of their right to appeal the decision to the city council, and of the procedure for making such an appeal. The Superintendent is authorized to remove the sign designating such reserved parking space.
3. Any person aggrieved may appeal the Superintendent's decision to the city council, by filing an appeal, in writing, with the Superintendent, within 14 calendar days of issuance of the decision. The city council shall schedule a hearing on the matter within 30 days of the filing of the appeal, and shall give the parties 14 calendar days' notice of the time and place of the hearing. The council shall notify all parties of the council's decision in writing, within 21 days of the close of the hearing. The council's decision shall state the findings of fact and the reasons for the decision, and the decision shall be final and not appealable to city council.
4. In addition, any reserved parking space issued and created herein shall be deemed revoked whenever the Public Works Director removes the sign for reasons of public convenience or necessity.

K. Miscellaneous.

1. Upon death of an applicant, there shall be a revocation of the reserved parking issued hereunder, except in the case of a spouse or child of an applicant meeting the qualifications set forth in 10.35.075(B) WMC. Application shall be made pursuant to 10.35.075(B) WMC without additional fees or the removal of existing signs, and the permit shall be reissued to the spouse or child of the decedent subject to the applicable provisions herein.

L. Parking Signs.

1. Any space designated as an on-street person with a disability parking space pursuant to this section shall be a maximum of 25 feet in length. Any such space shall be indicated by two signs, one located at each end of the parking space, unless conditions in the public way dictate the placement of a single sign located at one end of the parking space. The signs indicating a reserved parking space created under this section shall comply with the provisions of RCW 46.61.581, RCW 70.92.120, and RCW 19.27.550 as they now exist or are hereafter amended.

M. Violations – Penalties.

1. If the city determines, as to a pending application, that the applicant has falsely represented any one or more conditions of 10.35.075(B.1 WMC, the applicant shall be subject to a civil infraction with a fine of not less than \$100.00 nor more than \$500.00 and the application shall be denied.
2. Any person not in compliance with any one or more conditions of 10.35.075(B) shall be subject to a civil infraction with a fine of not less than \$100.00 nor more than \$500.00.

N. Special Plate, Card or Decal Issued by Another Jurisdiction. RCW 46.61.583 is hereby adopted by reference, as it exists or is hereafter amended.

**Section 2. Repealer.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 3. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or



unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**Section 4. Effective Date.** This ordinance shall take effect five (5) days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

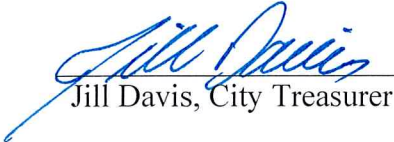
**Section 5. Corrections.** Upon approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

**PASSED** by the Council of the City of Winlock, Washington, and **APPROVED** by the Mayor of the City of Winlock at a regularly scheduled open public meeting thereof, this 23<sup>rd</sup> day of September, 2024.



Brandon Svenson, Mayor

Attest:

  
Jill Davis, City Treasurer

Approved as to form:

  
Marissa Y. Jay, WSBA # 55593  
City Attorney

Approved Reading:	<u>09/23/2024</u>
Publication Date:	<u>09/26/2024</u>
Effective Date:	<u>10/01/2024</u>