

## ORDINANCE NO. 3384

“AN ORDINANCE AMENDING THE STILLWATER CITY CODE BY AMENDING CHAPTER 29, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, STOPPING, STANDING OR PARKING, DIVISION 2, IMPROPER PARKING, SECTION 29-136, PROHIBITED IN CERTAIN PLACES, AND SECTION 29-144, VIOLATIONS; AND BY AMENDING DIVISION 3, HAZARDOUS PARKING, SECTION 29-148, VIOLATIONS, AND BY AMENDING ARTICLE V, OVERTIME PARKING, SECTION 29-168, VIOLATIONS”

*(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA THAT:

**SECTION 1:** That the Stillwater City Code, Chapter 29, Motor Vehicles and Traffic, Article IV, Stopping, Standing or Parking, Division 2, Improper Parking, Section 29-136, Prohibited in certain places, be amended to read as follows:

### **Sec. 29-136. Prohibited in certain places.**

- (a) No person shall stop, stand or park a vehicle, except when necessary to avoid a conflict with other traffic or in compliance with law or ordinance or the directions of a police officer or traffic control device, in any of the following places:
- (1) On a sidewalk.
  - (2) In front of a public or private driveway.
  - (3) In or upon a private driveway of another, without permission of the owner, lessee or person in charge thereof.
  - (4) Upon the private property of another, other than a private driveway, without permission of the owner, lessee or person in charge thereof, except where such private property is provided as a parking area and the general use of said property is not restricted by signs or proper markings to allow parking by a specific class of individuals only, such as customers of a particular business establishment, residents of a certain apartment house, etc. A violation of this provision shall be a misdemeanor and upon conviction such person shall be fined not more than \$50.00 ~~\$35.00 if paid within 48 hours of the citation's issuance~~ and, in addition thereto, such person shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having any motor vehicle removed from the property and stored. ~~The fine for a violation of this provision not paid within the 48-hour time period shall be increased to \$50.00.~~
  - (5) At any place where official signs prohibit stopping or parking.
  - (6) In or upon any public street that has three or more contiguous marked lanes of travel for vehicles, bicycles or pedestrians, unless there are specifically designated parking spaces provided.
  - (7) In or along any designated fire lane.
- (b) No person shall move a vehicle not lawfully under his control into such prohibited area.
- (c) It shall be unlawful for any person to place or park a motor vehicle in any parking space that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable placard indicating physical disability under the provisions of 47 O.S. § 15-112, and such placard is displayed as provided in 47 O.S. § 15-112 or in rules adopted pursuant thereto, or has applied for and been issued a physically disabled license plate pursuant to the provisions of 47 O.S. §§ 1135.1 or 1135.2, and such license plate is displayed pursuant to the provisions of the Oklahoma Vehicle License and Registration Act. It shall also be unlawful for any person to place or park a motor vehicle, whether with or without a physically disabled placard or plate, in any disabled parking space access aisle, wheelchair ramp, wheelchair loading/unloading area or any portion thereof. Violation of these provisions shall be a misdemeanor and upon conviction the person shall be fined not more than \$500.00. Provided, any person cited for a first offense of a violation of this subsection who has displayed a placard which has expired pursuant to paragraph 4 or 5 of 47 O.S. § 15-112 D, shall be entitled to dismissal of such charge and shall not be required to pay the fine or court costs if the person presents to the court within 30 days of the

issuance of the citation a notice from the department of public safety that the person has obtained a valid placard pursuant to the provisions of 47 O.S. § 15-112 D. Fines collected pursuant to this subsection shall be distributed as follows:

- (1) Eighty percent to the general fund of the municipality in which the citation was issued, subject to the provisions of 47 O.S. § 15-115 C; and
- (2) Twenty percent to a dedicated fund established by the state department of public safety for the development, implementation and maintenance of a system for the enforcement of the disability parking provisions.

In addition, vehicles unlawfully parked in violation of these provisions shall be subject to immediate tow by a licensed tow truck operator at the request of the landowner or a duly appointed agent of the landowner, at the request of any person unable to lawfully gain access to or move their vehicle, at the request of any person unable to lawfully gain access to the area blocked by the unlawfully parked vehicle, or at the request of appropriate law-enforcement personnel. The owner of any vehicle unlawfully parked in violation of these provisions shall pay any and all reasonable and necessary costs associated with towing and storage of the vehicle.

**SECTION 2:** That the Stillwater City Code, Chapter 29, Motor Vehicles and Traffic, Article IV, Stopping, Standing or Parking, Division 2, Improper Parking, Section 29-144, Violations, be amended to read as follows:

**Sec. 29-144. Violations.**

Any person who violates any of the provisions of this division shall be deemed guilty of a misdemeanor and shall be punished by a fine of ~~\$20.00 if paid within 48 hours of the citation's issuance, excluding Saturdays, Sundays and holidays, unless a greater penalty is specifically provided elsewhere in this division. Any fine for a violation of the provisions of this division not paid within the 48 hour time period shall be increased to \$40.00.~~

**SECTION 3:** That the Stillwater City Code, Chapter 29, Motor Vehicles and Traffic, Article IV, Stopping, Standing or Parking, Division 3, Hazardous Parking, Section 29-148, Violations, be amended to read as follows:

**Sec. 29-148. Violations.**

Any person who violates any of the provisions of this division shall be deemed guilty of a misdemeanor and shall be punished by a fine of ~~\$30.00 if paid within 48 hours of the citation's issuance, excluding Saturdays, Sundays and holidays, unless a greater penalty is specifically provided elsewhere in this division. Any fine for a violation of the provisions of this division not paid within the 48 hour time period shall be increased to \$60.00.~~

**SECTION 4:** That the Stillwater City Code, Chapter 29, Motor Vehicles and Traffic, Article V, Overtime Parking, Section 29-168, Violations, be amended to read as follows:

**Sec. 29-168. Violations.**

Any person who violates any provision of this article, or performs any unlawful act as defined in this article, or fails to perform any act required in this article, shall be guilty of a misdemeanor and shall be punished by a fine of ~~\$10.00 if paid within 48 hours of the citation's issuance, excluding Saturday, Sundays and holidays. Any fine for a violation of the provisions of this article not paid within the 48 hour time period shall be increased to \$20.00.~~

PASSED, APPROVED AND ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
GINA J. NOBLE, MAYOR

(SEAL)  
ATTEST:

\_\_\_\_\_  
ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

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JOHN E. DORMAN, CITY ATTORNEY

First Reading: 9-18-17  
Second Reading: