

**CITY OF CHENEY, WASHINGTON
ORDINANCE NO. X-74**

**AN ORDINANCE OF THE CITY OF CHENEY, WASHINGTON,
AMENDING CHAPTER 11.48 ENTITLED "PARKING" TO ESTABLISH
A PARKING VIOLATION THROUGH ELECTRONIC METERING AND
PROVIDING FOR OTHER MATTERS RELATED THERETO**

WHEREAS, the City of Cheney through the Cheney Municipal Code, Chapter 11.48 entitled "Parking" controls parking by establishing restrictions, defined areas, and violations related thereto;

WHEREAS, through CMC 11.60.010, the City has adopted the Washington Model Traffic Ordinance, which is found at WAC Chapter 308-330, that allows signs and markings to be placed upon public property and streets for the purpose of regulating parking;

WHEREAS, the City desires to establish parking meter zones or areas where parking is prohibited or time restricted based upon the installation of a sign or marking without the use of parking meters as defined in WAC 308-330-148;

WHEREAS, the City desires to regulate parking in the City without the placement of a parking meter (defined above), and receive payment through the use of an electronic application (typically found on a mobile phone) or device for the privilege of occupying the parking space; and

WHEREAS, the purpose of this Ordinance is to establish a parking violation as a result of a failure by the operator of a motor vehicle to pay for the parking privilege through an electronic device.

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

Section 1. **Amendment.** Section 11.48.005 entitled "Parking Violation – Electronic Payment" is hereby added to the Cheney Municipal Code as follows.

No person shall stop, stand, or permit a vehicle within the person's control to be parked in a parking space on any block, area, street, or public property which is regulated by a sign stating that parking shall only be permitted through a "pay to park" electronic application or other designated payment device. It shall be a time violation (CMC 11.48.110) to park a motor vehicle in a parking space without making proper payment as indicated on the "pay to park" signage.

The time limit for the parking space shall be displayed on the sign posted on the individual parking spaces, block, or other designated area.

The restrictions set forth herein shall not apply to the parking of vehicles displaying a handicap sticker or permit, or on parking holidays established by City Council resolution.

"Electronic application" means paying for on-street and off-street parking from a mobile device (such as a mobile phone) that allows for: (a) identification of the parking space (or zone); (b) amount of time purchased for parking; and (c) payment transferred to the vendor.

"Payment device" means a parking payment machine which allows an individual to make payment for parking through use of bills, coins, credit cards, or other payment device.

"Parking space" means a designated area for the parking of a single vehicle indicated by appropriate markings on the pavement, curb, or adjacent signage.

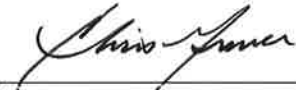
Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this 8 day of October, 2019.

Passed by the City Council this 8 day of October, 2019.

Approved by the Mayor this 8 day of October, 2019.


Chris Grover, Mayor

ATTEST:


Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:


Stanley M. Schwartz, City Attorney