

ORDINANCE NO. 2010-896

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, ADDING A NEW CHAPTER 12.30 TO THE DEER PARK MUNICIPAL CODE, ADOPTING REGULATIONS RELATED TO ROUNDABOUTS, CONTAINING A PENALTY PROVISION, CONTAINING A SEVERABILITY PROVISION, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City has recently constructed a second roundabout for traffic control purposes in the City; and

WHEREAS, instances have arisen regarding the use and occupancy of the interior sections, including splitter islands, of the roundabouts by citizens; and

WHEREAS, pursuant to an interlocal agreement, the Spokane County Sheriff's Department provides police services for the City; and

WHEREAS, the local deputies employed by the Spokane County Sheriff's Department have requested the City adopt this Ordinance; and

WHEREAS, the City staff, Mayor and Council concur with the recommendation of the deputies of the Spokane County Sheriff's Department assigned to patrol the City that adoption of this Ordinance is in the best interests of the public health and safety of the citizens of the City of Deer Park; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 12.30 is hereby added to the Deer Park Municipal Code to read as follows:

Chapter 12.30

ROUNDABOUTS

Sections:

- 12.30.010 Roundabout occupancy.**
- 12.30.020 Exceptions.**
- 12.30.030 Parental Responsibility.**
- 12.30.040 Violations - Penalties.**

12.30.010 Roundabout occupancy.

No person shall congregate or loiter upon the interior non-vehicle traveled circular portion and/or splitter islands of any roundabout located in the City. For purposes of this Chapter, to loiter shall mean to linger, delay, or stop without an authorized purpose.

12.30.020 Exceptions.

A. The City Council may, from time-to-time, approve exceptions to Section 12.30.010 for the purpose of special events authorized by the City Council.

B. City staff engaged in the maintenance of the interior portions of the roundabouts shall not be in violation of Section 12.30.010.

C. Contractors performing services for the City that require entry into the interior portions of the roundabouts shall not be in violation of Section 12.30.010.

12.30.030 Parental responsibility.

It shall be unlawful for a parent having legal custody of a juvenile knowingly to permit or by inefficient control or neglect to allow such juvenile to congregate or loiter upon the interior non-vehicle traveled circular portion and/or splitter islands of any roundabout located in the City under circumstances not constituting an exception. The terms "juvenile" and "parent" shall have the meanings set forth in DPMC 9.08.010 as the same exists or may hereafter be amended. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts and/or conduct of a juvenile in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was

completely indifferent to the activities or conduct or whereabouts of such juvenile.

12.30.040 Violations - Penalties.

A. Except as set forth in subsection (B), any adult person violating any of the provisions of this Chapter shall be deemed to have committed a civil infraction and upon a finding by the court that the infraction has been committed, shall be subject to a monetary penalty in an amount not exceeding \$300.00 for each such violation.

B. Upon a parent's first violation of the parental responsibility provision of this chapter, notice thereof shall be served on the parent. Upon a second violation, a citation shall be served on the parent and a hearing shall be held before the Spokane County District Court, at which time the parent shall appear and answer to the charge of violating this chapter. Upon a determination by the judge that this second violation has occurred, a fine in an amount not exceeding \$300.00 shall be imposed upon the parent.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional 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 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after this ordinance or a summary thereof consisting of the title is published.

APPROVED:


MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:

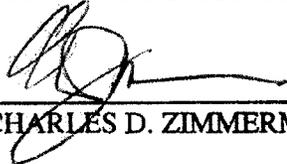

DEBY CRAGUN, CITY CLERK

{CDZW0155875.DOC;1\00003.900000\} (12/13/2010)

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APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: 
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK	:	<u>12/13/10</u>
FIRST READING DATE	:	<u>10/20/2010</u>
SECOND READING DATE	:	<u>01/05/2011</u>
THIRD READING DATE	:	<u>01/19/2011</u>
PASSED BY THE CITY COUNCIL:	:	<u>01/19/2011</u>
PUBLISHED	:	<u>01/21/2011</u>
EFFECTIVE DATE	:	<u>01/28/2011</u>
ORDINANCE NO.	:	2010-896

SUMMARY OF ORDINANCE NO. 2010-896

of the City of Deer Park, Washington

On the 19th day of January, 2011, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2010-896. A summary of the content of said Ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, ADDING A NEW CHAPTER 12.30 TO THE DEER PARK MUNICIPAL CODE, ADOPTING REGULATIONS RELATED TO ROUNDABOUTS, CONTAINING A PENALTY PROVISION, CONTAINING A SEVERABILITY PROVISION, AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 20th day of January, 2011.

Debra Cragun
DEBRA CRAGUN, CITY CLERK/TREASURER