

1 **..Title**

2 **Vehicles and Traffic - Stopping, Standing and Parking - Parking Spaces Reserved** – For the
3 purpose of reserving temporary assigned handicapped parking spaces in residential areas for City
4 of Annapolis residents; and generally dealing with handicapped parking.

5
6 **..Body**

7 **CITY COUNCIL OF THE**
8 **City of Annapolis**

9
10 **Ordinance 38-22**

11 **Introduced by: Alderman Tierney**

12 **Co-sponsored by:**

13
14
15 **Referred to**
16 **Public Safety Committee**

17
18 **AN ORDINANCE** concerning

19 **VEHICLES AND TRAFFIC - Stopping, Standing and Parking - Parking spaces reserved**

20
21 **FOR** the purpose of reserving temporary assigned handicapped parking spaces in residential
22 areas for City of Annapolis residents; and generally dealing with handicapped parking.

23
24 **BY** enacting with amendments the following portions of the Code of the City of Annapolis,
25 2022 Edition: 12.32.141

26
27 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
28 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

29
30 **Title 12 - VEHICLES AND TRAFFIC**

31 **Chapter 12.32 - Special Residential Parking District**

32
33 **SECTION 12.32.141 - RESERVED TEMPORARY RESIDENTIAL DISABLED PARKING**
34 **NEAR RESIDENCE.**

35
36 **A. DEFINITIONS**

1 1. "DIRECTOR" MEANS THE CITY MANAGER OR THEIR DESIGNEE FROM
2 A CITY DEPARTMENT OR CITY CONTRACTOR.

3
4 2. "TEMPORARY DISABILITY" MEANS A DISABILITY AS DEFINED BY A
5 CERTIFIED PHYSICIAN AND COMPLYING WITH HANDICAPPED
6 PARKING PLACARD REQUIREMENTS IN MARYLAND CODE § 13-616.
7

8 **B. ESTABLISHMENT OF TEMPORARY RESERVED RESIDENTIAL PARKING**
9 **FOR THE DISABLED.**

10 1. **APPLICATION REQUIREMENTS.** AN APPLICATION FOR A
11 TEMPORARY RESERVED PARKING SPACE FOR PERSONS WITH
12 DISABILITIES IN THE PUBLIC RIGHT-OF-WAY IN RESIDENTIAL
13 AREAS MUST PROVIDE THE FOLLOWING CRITERIA IN ORDER TO BE
14 CONSIDERED:

- 15 a. A STATE OF MARYLAND-ISSUED PLACARD OR LICENSE
16 PLATE FOR SHORT-TERM DISABILITY AND SHALL PROVIDE A
17 COPY OF THE MEDICAL CERTIFICATION SUBMITTED TO THE
18 DEPARTMENT OF MOTOR VEHICLES, OR A NEW SUCH
19 CERTIFICATION, WHICH DEMONSTRATES ELIGIBILITY FOR A
20 DMV DISABLED PARKING LICENSE PLATE OR PLACARD; AND
- 21 b. PROOF OF RESIDENCY AT AN ADDRESS IN THE CITY OF
22 ANNAPOLIS; AND
- 23 c. PROOF THERE IS NO OFF-STREET PARKING AT THE
24 APPLICANT'S RESIDENCE, OR THE APPLICANT MUST
25 DEMONSTRATE THAT EXISTING OFF-STREET PARKING IS NOT
26 FEASIBLE FOR USE BY THE APPLICANT; AND
- 27 d. SHOW THERE IS A LEGAL PARKING SPACE IN FRONT OF THE
28 ADDRESS; AND
- 29 e. DEMONSTRATE THAT A VEHICLE IS REGISTERED IN THE CITY
30 OF ANNAPOLIS TO A PERSON WHO RESIDES AT THE ADDRESS
31 REQUESTED; AND

1 f. PAY A FEE TO BE DETERMINED BY THE DIRECTOR TO COVER
2 THE COSTS OF THE PROGRAM.

3
4 2. **APPROVAL REQUIREMENTS.** THE DIRECTOR MUST DETERMINE
5 THAT LEGAL PARKING IS AVAILABLE IN FRONT OF THE
6 APPLICANT'S ADDRESS, UNDER THE FOLLOWING CONDITIONS:

7 a. THE OWNER OF THE PROPERTY IN FRONT OF WHICH THE
8 RESERVED SPACE IS PROPOSED TO BE LOCATED HAS
9 CONSENTED, IN WRITING, TO SUCH LOCATION; AND

10 b. THERE IS NO:
11 i. FIRE HYDRANT;
12 ii. CITY NO-PARKING REGULATION; OR
13 iii. OTHER SIMILAR IMPEDIMENTS TO PARKING IN FRONT
14 OF THE APPLICANT'S ADDRESS; AND

15 c. THE APPLICANT'S PROPERTY IS OF INSUFFICIENT WIDTH TO
16 ACCOMMODATE THE RESERVED SPACE; AND

17 d. THE APPLICANT DEMONSTRATES TO THE SATISFACTION OF
18 THE DIRECTOR THAT THE APPLICANT OTHERWISE MEETS
19 THE CRITERIA.

20
21 3. **WAIVERS.** IF AN APPLICATION FAILS TO MEET ANY OF THE
22 CRITERIA, IT WILL NOT BE APPROVED UNLESS A WAIVER IS
23 SOUGHT AND APPROVED BY THE DIRECTOR. IF THE APPLICATION
24 IS DENIED, THE APPLICANT SHALL BE NOTIFIED IN WRITING AS TO
25 THE SPECIFIC REASONS FOR THE DENIAL AND SHALL ALSO BE
26 NOTIFIED OF ANY RIGHT TO APPEAL PROVIDED UNDER THIS
27 SECTION. THE DIRECTOR MAY IMPOSE SUCH CONDITIONS ON ANY
28 WAIVER AS THE DIRECTOR DEEMS REASONABLE.

29
30 4. **CREATION OF RESERVES SPACE.** ONCE APPROVED, THE CITY
31 SHALL INSTALL SIGNS MARKING THE SECTION RESERVED FOR

1 TEMPORARY RESIDENTIAL DISABLED PARKING WITH THE
2 FOLLOWING CONDITIONS:

- 3 a. THE NUMBER ON THE SIGN SHALL MATCH THE NUMBER OF
4 THE DESIGNEE'S MARYLAND DEPARTMENT OF
5 TRANSPORTATION MOTOR VEHICLE ADMINISTRATION
6 (MDOT MVA) ASSIGNED PLACARD
- 7 b. THE SPACE SHALL BE OF ENOUGH SIZE TO FIT THE
8 DESIGNEE'S VEHICLE ONLY.
- 9 c. THE SPACE IS FOR TEMPORARY USE ONLY DURING THE
10 DURATION OF THE DISABILITY; IF THE DISABILITY BECOMES
11 PERMANENT, THE DESIGNEE MUST APPLY FOR PERMANENT
12 HANDICAPPED PARKING THROUGH THE STATE.

13
14 5. **USE OF RESERVED SPACES.** THE CITY-DESIGNATED RESERVED
15 RESIDENTIAL PARKING FOR A DISABLED RESIDENT IS RESERVED
16 FOR THE EXCLUSIVE USE OF THE APPROVED APPLICANT.

- 17 a. ONLY A VEHICLE WITH THE DESIGNATED PLACARD SHALL
18 PARK IN THE RESERVED SPACE, AND THE PLACARD NUMBER
19 MUST MATCH THE CITY-INSTALLED SIGN AT THE RESERVED
20 SPACE.
- 21 b. THE APPLICANT'S VEHICLE IS EXPECTED TO USE THE
22 RESERVED SPACE WHEN PARKED IN THE NEIGHBORHOOD.
- 23 c. RESERVED SPACES ARE NOT INTENDED FOR USE BY
24 COMPANIONS EXCEPT WHEN TRANSPORTING PERSONS WITH
25 DISABILITIES AND DISPLAYING A MVA PLATE OR PLACARD
26 WITH THE SAME NUMBER AS ON THE SIGN OF THE
27 DESIGNATED SPACE.
- 28 d. USE OF THE PARKING SPACE BY OTHER PERSONS WHEN NOT
29 TRANSPORTING THE PERSON WITH A DISABILITY IS A
30 PARKING VIOLATION THAT CARRIES A \$100 TO \$500 FINE.

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- 1 **6. ADMINISTRATIVE PROCEDURES.** ALL APPLICATIONS MUST BE
2 SUBMITTED TO THE DIRECTOR FOR CONSIDERATION AND REVIEW.
3 a. THE DIRECTOR SHALL:
4 i. EVALUATE ELIGIBILITY CRITERIA; AND
5 ii. VERIFY THE VALIDITY OF THE DISABLED PARKING
6 LICENSE PLATE OR PLACARD; AND
7 iii. VERIFY VEHICLE REGISTRATION; AND
8 iv. CONFIRM RESIDENCY;
9 v. DETERMINE AVAILABILITY OF OFF-STREET AND ON-
10 STREET PARKING; AND
11 vi. ENSURE CONFORMANCE TO THE TERMS OF THIS
12 SECTION IN MAKING A DECISION.
13 b. CHALLENGES THAT AN EXISTING OFF-STREET PARKING
14 SPACE IS NOT FEASIBLE FOR USE BY THE APPLICANT DUE TO
15 A LACK OF AVAILABLE SPACE ON THE BLOCK SHALL BE
16 SUBMITTED TO THE DIRECTOR FOR REVIEW;
17 c. THE DIRECTOR SHALL IMPLEMENT PROCEDURES TO ENSURE
18 THE CONFIDENTIALITY OF ANY MEDICAL INFORMATION
19 SUBMITTED BY AN APPLICANT, INCLUDING MVA MEDICAL
20 CERTIFICATIONS, WHICH SHALL AT MINIMUM PROVIDE FOR
21 THE MAINTENANCE OF SUCH INFORMATION IN A SEALED
22 FILE, WITH ACCESS PERMITTED ONLY TO THE DIRECTOR
23 AND CERTAIN CITY EMPLOYEES ON A NEED-TO-KNOW BASIS;
24 MEDICAL INFORMATION SUBMITTED BY AN APPLICANT IS
25 EXEMPT FROM MANDATORY DISCLOSURE UNDER FREEDOM
26 OF INFORMATION ACT (FOIA) REQUESTS, AND SHALL NOT BE
27 SUBJECT TO DISCRETIONARY RELEASE.
28 d. ONCE A DECISION HAS BEEN MADE ON AN APPLICATION,
29 ACCESS SHALL BE PERMITTED ONLY ON THE WRITTEN
30 AUTHORIZATION OF THE DIRECTOR OR ACTING DIRECTOR.
31

1 **7. REVOCATION.** A RESERVED SPACE IS SUBJECT TO REVOCATION AS
2 FOLLOWS:

3 a. IN THE EVENT THAT A COMPLAINT IS MADE TO THE
4 DIRECTOR THAT:

5 i. THE APPLICANT NO LONGER SATISFIES THE
6 ELIGIBILITY CRITERIA; OR

7 ii. THE SPACE IS BEING REPEATEDLY USED IN A MANNER
8 CONTRARY TO THE AGREEMENT BY PERSONS
9 RESIDING IN OR VISITING THE APPLICANT'S
10 HOUSEHOLD.

11 b. THE DIRECTOR WILL CONDUCT A PRELIMINARY INQUIRY TO
12 DETERMINE IF THE COMPLAINT IS SUPPORTED BY
13 SUBSTANTIAL AND CREDIBLE EVIDENCE.

14 c. IF THE DIRECTOR FINDS BY CLEAR AND CONVINCING
15 EVIDENCE THAT THE SPACE IS BEING REPEATEDLY USED IN
16 A MANNER CONTRARY TO THE AGREEMENT BY PERSONS
17 RESIDING IN OR VISITING THE APPLICANT'S HOUSEHOLD:

18 i. THE APPLICANT WILL BE NOTIFIED IN WRITING OF THE
19 NATURE AND SPECIFICS OF THE COMPLAINT AND
20 MUST PROVIDE A RESPONSE WITHIN 45 DAYS TO THE
21 CITY MANAGER OR DESIGNEE.

22 ii. THE APPLICANT AND COMPLAINANT(S) SHALL HAVE
23 THE RIGHT TO APPEAR BEFORE THE DIRECTOR, UPON
24 15 DAYS' WRITTEN NOTICE OF THE TIME AND PLACE OF
25 THE HEARING, AND BE HEARD IN PERSON OR BY
26 COUNSEL, BUT SUCH HEARING SHALL BE CONDUCTED
27 IN AN INFORMAL MANNER.

28 d. THE DIRECTOR SHALL REVOKE A RESERVED PARKING SPACE
29 DESIGNATION IF THE DIRECTOR FINDS BY A
30 PREPONDERANCE OF THE EVIDENCE THAT THE APPLICANT

1 DID NOT, OR DOES NOT CONTINUE TO, MEET THE REQUIRED
2 CRITERIA.

3 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
4 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

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6 **Explanation:**
7 UPPERCASE indicates matter added to existing law.
8 ~~Strikethrough~~ indicates matter stricken from existing law.
9 Underlining indicates amendments.