

O-38-22

Vehicles and Traffic - Stopping, Standing and Parking - Parking Spaces Reserved

AMENDMENT 1 – Ald. Tierney (reported favorably by Public Safety Committee)

PURPOSE of Bill: The bill closes a state of Maryland loophole allowing handicapped parking near residences for permanent handicaps but not temporary handicaps. City requirement for assigned handicapped parking spaces in residential areas for both permanent and temporary parking spots would be a resident having obtained a state handicapped placard.

PURPOSE of Amendment: To remove extraneous wording & clearly define the bill.

On page 1, in line 36, insert the new paragraph, " A. **Purpose.** This section allows the city to provide temporary reserved parking for Annapolis residents who receive temporary handicapped parking placards from the state of Maryland, which requires parking near residences for permanently handicapped state residents but not temporarily handicapped residents." and renumber sections A through D.

On page 2, in line 6 after "Maryland" add "Transportation" and after "code" strike "§ 13-616" and insert "Title 13 § 616.2".

On page 2, in line 8, strike "Establishment of".

On page 2, in line 9, after "the" insert "temporarily".

On page 2, in line 13, strike "in order".

On page 2, in lines 15-16, strike "or license plate"; in line 16 after "disability" insert "as issued by the Maryland Department of Transportation Motor Vehicle Administration (MVA)";

On page 2, in lines 16-20 strike "and shall provide a copy of the medical certification submitted to the Department of Motor Vehicles, or a new such certification, which demonstrates eligibility for a DMV disabled license plate or placard".

On page 3, in line 2, strike "of the program".

On page 3, strike lines 4-28 and renumber sections.

On page 4, in lines 7-8, strike "of enough size to fit the designee's vehicle only." and insert "large enough to fit the designee's vehicle, but only their vehicle."

On page 4, strike lines 23-30.

On page 5, at the end of line 2, insert "The director shall:"; and delete lines 3-4; and renumber accordingly.

On page 5, delete lines 11-30.

On page 6, in line 1, delete "7." and create new subsection "D. **Revocation.**"

On page 6 in line 2 strike "a. In the event that a complaint is made to the Director that:"; insert "1. A reserved space is subject to renovation as follows:" and renumber accordingly.

On page 6 in line 8 after "agreement" insert "in Title 12 § 32.141(C)." and delete "by persons residing in or visiting the applicant's household."

On page 6, delete lines 11-27.

On page 6 in line 29, after "finds" delete "by a preponderance of the evidence".

On page 7, in line 2, after criteria add "Title 12 § 32.141(C)".

SECTION 12.32.141 - RESERVED RESIDENTIAL DISABLED PARKING NEAR RESIDENCE.

A. PURPOSE. THIS SECTION ALLOWS THE CITY TO PROVIDE TEMPORARY RESERVED PARKING FOR ANNAPOLIS RESIDENTS WHO RECEIVE TEMPORARY HANDICAPPED PARKING PLACARDS FROM THE STATE OF MARYLAND, WHICH REQUIRES PARKING NEAR RESIDENCES FOR PERMANENTLY HANDICAPPED STATE RESIDENTS BUT NOT TEMPORARILY HANDICAPPED RESIDENTS.

A.B. DEFINITIONS

1. "DIRECTOR" MEANS THE CITY MANAGER OR THEIR DESIGNEE FROM A CITY DEPARTMENT OR CITY CONTRACTOR.
2. "TEMPORARY DISABILITY" MEANS A DISABILITY AS DEFINED BY A CERTIFIED PHYSICIAN AND COMPLYING WITH HANDICAPPED

PARKING PLACARD REQUIREMENTS IN MARYLAND
TRANSPORTATION CODE TITLE 13 § 616.2.

B.C. ~~ESTABLISHMENT OF TEMPORARY RESERVED RESIDENTIAL PARKING FOR THE TEMPORARILY DISABLED.~~

1. **APPLICATION REQUIREMENTS.** AN APPLICATION FOR A TEMPORARY RESERVED PARKING SPACE FOR PERSONS WITH DISABILITIES IN THE PUBLIC RIGHT-OF-WAY IN RESIDENTIAL AREAS MUST PROVIDE THE FOLLOWING CRITERIA ~~IN ORDER~~ TO BE CONSIDERED:
 - a. A STATE OF MARYLAND-ISSUED PLACARD ~~OR LICENSE PLATE FOR~~ TEMPORARY DISABILITY AS ISSUED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE ADMINISTRATION (MVA) ~~AND SHALL PROVIDE A COPY OF THE MEDICAL CERTIFICATION SUBMITTED TO THE DEPARTMENT OF MOTOR VEHICLES, OR A NEW SUCH CERTIFICATION, WHICH DEMONSTRATES ELIGIBILITY FOR A DMV DISABLED PARKING LICENSE PLATE OR PLACARD;~~ AND
 - b. PROOF OF RESIDENCY AT AN ADDRESS IN THE CITY OF ANNAPOLIS; AND
 - c. PROOF THERE IS NO OFF-STREET PARKING AT THE APPLICANT'S RESIDENCE, OR THE APPLICANT MUST DEMONSTRATE THAT EXISTING OFF-STREET PARKING IS NOT FEASIBLE FOR USE BY THE APPLICANT; AND
 - d. SHOW THERE IS A LEGAL PARKING SPACE IN FRONT OF THE ADDRESS; AND
 - e. DEMONSTRATE THAT A VEHICLE IS REGISTERED IN THE CITY OF ANNAPOLIS TO A PERSON WHO RESIDES AT THE ADDRESS REQUESTED; AND
 - f. PAY A FEE TO BE DETERMINED BY THE DIRECTOR TO COVER THE PROGRAM'S COSTS ~~OF THE PROGRAM.~~

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

- ~~a. THE OWNER OF THE PROPERTY IN FRONT OF WHICH THE RESERVED SPACE IS PROPOSED TO BE LOCATED HAS CONSENTED, IN WRITING, TO SUCH LOCATION; AND~~
- ~~b. THERE IS NO:
 - i. FIRE HYDRANT;
 - ii. CITY NO-PARKING REGULATION; OR
 - iii. OTHER SIMILAR IMPEDIMENTS TO PARKING IN FRONT OF THE APPLICANT'S ADDRESS; AND~~

- ~~e. THE APPLICANT'S PROPERTY IS OF INSUFFICIENT WIDTH TO ACCOMMODATE THE RESERVED SPACE; AND~~
- ~~d. THE APPLICANT DEMONSTRATES TO THE SATISFACTION OF THE DIRECTOR THAT THE APPLICANT OTHERWISE MEETS THE CRITERIA.~~

~~3. **WAIVERS.** IF AN APPLICATION FAILS TO MEET ANY OF THE CRITERIA, IT WILL NOT BE APPROVED UNLESS A WAIVER IS SOUGHT AND APPROVED BY THE DIRECTOR. 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. THE DIRECTOR MAY IMPOSE SUCH CONDITIONS ON ANY WAIVER AS THE DIRECTOR DEEMS REASONABLE.~~

~~4. 2. **CREATION OF RESERVES SPACE.** ONCE APPROVED, THE CITY SHALL INSTALL SIGNS MARKING THE SECTION RESERVED FOR TEMPORARY RESIDENTIAL DISABLED PARKING WITH THE FOLLOWING CONDITIONS:~~

- ~~A. THE NUMBER ON THE SIGN SHALL MATCH THE NUMBER OF THE DESIGNEE'S MVA-ASSIGNED PLACARD;~~
- ~~B. THE SPACE SHALL BE OF ENOUGH SIZE TO FIT THE DESIGNEE'S VEHICLE ONLY. LARGE ENOUGH TO FIT THE DESIGNEE'S VEHICLE, BUT ONLY THEIR VEHICLE;~~
- ~~C. THE SPACE IS FOR TEMPORARY USE ONLY DURING THE DURATION OF THE DISABILITY; IF THE DISABILITY BECOMES PERMANENT, THE DESIGNEE MUST APPLY FOR PERMANENT HANDICAPPED PARKING THROUGH THE STATE.~~

~~5. 3. **USE OF RESERVED SPACES.** THE CITY-DESIGNATED RESERVED RESIDENTIAL PARKING FOR A DISABLED RESIDENT IS RESERVED FOR THE EXCLUSIVE USE OF THE APPROVED APPLICANT.~~

- ~~A. ONLY A VEHICLE WITH THE DESIGNATED PLACARD SHALL PARK IN THE RESERVED SPACE, AND THE PLACARD NUMBER MUST MATCH THE CITY-INSTALLED SIGN AT THE RESERVED SPACE.~~
- ~~B. THE APPLICANT'S VEHICLE IS EXPECTED TO USE THE RESERVED SPACE WHEN PARKED IN THE NEIGHBORHOOD.~~

~~C. RESERVED SPACES ARE NOT INTENDED FOR USE BY COMPANIONS EXCEPT WHEN TRANSPORTING PERSONS WITH DISABILITIES AND DISPLAYING A MVA PLATE OR PLACARD WITH THE SAME NUMBER AS ON THE SIGN OF THE DESIGNATED SPACE.~~

~~D. USE OF THE PARKING SPACE BY OTHER PERSONS WHEN NOT TRANSPORTING THE PERSON WITH A DISABILITY IS A PARKING VIOLATION THAT CARRIES A \$100 TO \$500 FINE.~~

~~6.~~ **4. ADMINISTRATIVE PROCEDURES.** ALL APPLICATIONS MUST BE SUBMITTED TO THE DIRECTOR FOR CONSIDERATION AND REVIEW. THE DIRECTOR SHALL:

~~A. THE DIRECTOR SHALL:~~

- ~~i. EVALUATE ELIGIBILITY CRITERIA; AND~~
 - ~~ii.a. VERIFY THE VALIDITY OF THE DISABLED PARKING LICENSE PLATE OR PLACARD; AND~~
 - ~~iii. b. VERIFY VEHICLE REGISTRATION; AND~~
 - ~~iv. c. CONFIRM RESIDENCY;~~
 - ~~v. d. DETERMINE AVAILABILITY OF OFF-STREET AND ON-STREET PARKING; AND~~
 - ~~vi. ENSURE CONFORMANCE TO THE TERMS OF THIS SECTION IN MAKING A DECISION.~~
 - ~~b. CHALLENGES THAT AN EXISTING OFF-STREET PARKING SPACE IS NOT FEASIBLE FOR USE BY THE APPLICANT DUE TO A LACK OF AVAILABLE SPACE ON THE BLOCK SHALL BE SUBMITTED TO THE DIRECTOR FOR REVIEW;~~
 - ~~e. THE DIRECTOR SHALL IMPLEMENT PROCEDURES TO ENSURE THE CONFIDENTIALITY OF ANY MEDICAL INFORMATION SUBMITTED BY AN APPLICANT, INCLUDING MVA MEDICAL CERTIFICATIONS, WHICH SHALL AT MINIMUM PROVIDE FOR THE MAINTENANCE OF SUCH INFORMATION IN A SEALED FILE, WITH ACCESS PERMITTED ONLY TO THE DIRECTOR AND CERTAIN CITY EMPLOYEES ON A NEED TO KNOW BASIS; MEDICAL INFORMATION SUBMITTED BY AN APPLICANT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER FREEDOM OF INFORMATION ACT (FOIA) REQUESTS, AND SHALL NOT BE SUBJECT TO DISCRETIONARY RELEASE.~~
 - ~~d. ONCE A DECISION HAS BEEN MADE ON AN APPLICATION, ACCESS SHALL BE PERMITTED ONLY ON THE WRITTEN AUTHORIZATION OF THE DIRECTOR OR ACTING DIRECTOR.~~
- ~~7.~~

D. REVOCATION.

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

- ~~a. IN THE EVENT THAT A COMPLAINT IS MADE TO THE DIRECTOR THAT:~~
 - ~~i. a. THE APPLICANT NO LONGER SATISFIES THE ELIGIBILITY CRITERIA; OR~~
 - ~~ii. b. THE SPACE IS BEING REPEATEDLY USED IN A MANNER CONTRARY TO THE AGREEMENT IN TITLE 12 § 32.141(C). BY PERSONS RESIDING IN OR VISITING THE APPLICANT'S HOUSEHOLD.~~

- ~~b. THE DIRECTOR WILL CONDUCT A PRELIMINARY INQUIRY TO DETERMINE IF THE COMPLAINT IS SUPPORTED BY SUBSTANTIAL AND CREDIBLE EVIDENCE.~~
- ~~e. IF THE DIRECTOR FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE SPACE IS BEING REPEATEDLY USED IN A MANNER CONTRARY TO THE AGREEMENT BY PERSONS RESIDING IN OR VISITING THE APPLICANT'S HOUSEHOLD:
 - ~~i. 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 CITY MANAGER OR DESIGNEE.~~
 - ~~ii. THE APPLICANT AND COMPLAINANT(S) SHALL HAVE THE RIGHT TO APPEAR BEFORE THE DIRECTOR, UPON 15 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.~~~~
- d. 2. THE DIRECTOR SHALL REVOKE A RESERVED PARKING SPACE DESIGNATION IF THE DIRECTOR FINDS ~~BY A PREPONDERANCE OF THE EVIDENCE~~ THAT THE APPLICANT DID NOT, OR DOES NOT CONTINUE TO, MEET THE REQUIRED CRITERIA IN TITLE 12 § 32.141(C).

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

Explanation:

UPPERCASE indicates new matter being added to existing law.

~~Strikethrough~~ indicates matter stricken from the bill.

Underlining indicates revisions to the bill.