

ORDINANCE NO. 4199

AN ORDINANCE to amend Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-8-117 (ESTABLISHMENT OF PARKING SPACES FOR PERSONS WITH A DISABILITY).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 8 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Section 5-8-117 to read as follows:

Sec. 5-8-117 Establishment of parking spaces for persons with a disability.

(a) Preemption of other law. Notwithstanding any contrary provision in this code, reserved parking spaces in the public right-of-way in single-family, two-family and townhouse residential areas for use by persons with a disability shall be established and removed as provided in this section.

(b) Application requirements. An application for a reserved parking space for persons with disabilities in the public right-of-way in residential areas must comply with the following criteria in order to be considered:

(1) There must be no off-street parking at the applicant=s residence, or the applicant must demonstrate, as provided in paragraph (6), that existing off-street parking is not feasible for use by the applicant.

(2) The applicant must have a valid Virginia DMV disabled parking license plate or placard.

(3) The applicant must reside at the address in front of which the space is requested.

(4) The applicant must demonstrate that a vehicle is registered in Alexandria to a person who resides at the address requested.

(5) Legal parking must be available in front of the applicant=s address.

(6) Each applicant must supply 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, where existing off-street parking exists,

must supply additional medical evidence to demonstrate that such parking is not feasible for use by the applicant.

(c) Approval requirements. If an application fails to meet any of the criteria listed in subsection (b), it will not be approved, unless a waiver is sought and approved under subsection (e). 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.

(d) Block Limits. No more than one reserved parking space for persons with disabilities will be authorized for one side of any street, between intersecting streets (block face).

(e) Waivers. The City Manager is authorized to waive:

(1) The block limits standard under the following conditions:

(a) (i) The applicant demonstrates to the satisfaction of the City Manager that the applicant has a severe mobility impairment, and that (1) the applicant or a resident of the applicant=s household owns a motor vehicle especially equipped to permit operation by, or transport of, the applicant, or (2) the applicant has a life threatening condition, or

(ii) The applicant demonstrates to the satisfaction of the City Manager that the block on which the applicant resides is of unusual or exceptional length, and that permitting an additional space would be the functional equivalent of the application of the usual block limit standard; and

(b) The applicant demonstrates to the satisfaction of the City Manager that the applicant otherwise meets the criteria in subsection (b) of this section; and

(c) If granted, a waiver shall be valid for a period of one year only, but the applicant may re-apply for additional one year periods.

(2) The requirement that legal parking must be available in front of the applicant=s address, under the following conditions:

(a)(i) There is a fire hydrant, city no-parking regulation, or other similar impediment to parking in front of the applicant=s address, or the applicant=s property is of insufficient width to accommodate the reserved space, and the applicant demonstrates to the satisfaction of the City Manager that installation of the reserved space at another location will not unduly burden any other person; or (ii) the owner of the property in front of which the reserved space is proposed to be located has consented, in writing, to such location, in which case the waiver shall be granted as a matter of course, and

(b) The applicant demonstrates to the satisfaction of the City Manager that the applicant otherwise meets the criteria in subsection (b) of this section; and

(3) The City Manager may impose such conditions on any waiver as the manager deems reasonable.

(f) Use of reserved spaces. A parking space for persons with disabilities will be available for use by any eligible person with a DMV disabled license plate or placard on a first come, first served basis, and is not reserved for the exclusive use of the applicant. Only those vehicles used by, or to transport, a person with a disability may park in the reserved space, and the applicant's vehicle is expected to use the reserved space when parked in the neighborhood. Reserved spaces are not intended for use by companions except when transporting persons with disabilities, and displaying a DMV plate or placard. 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, as provided in Section 10-4-19 of this code and Section 46.2-1249 of the Virginia Code.

(g) Administrative procedures. The Director of Transportation and Environmental Services shall be responsible for administering this section.

(1) All applications must be submitted to the Director for consideration and review. The Director will (a) evaluate satisfaction of eligibility criteria; (b) verify the validity of the disabled parking license plate or placard; (c) verify vehicle registration; (d) confirm residency; (e) determine availability of off-street and on-street parking; and (f) ensure conformance to the terms of this section in making a decision.

(2) Applications for a determination that an existing off-street parking space is not feasible for use by the applicant, and for a block limit or availability of parking waiver shall be submitted to the Director, for review and recommendation, and shall be decided by the City Manager.

(3) Any person aggrieved may appeal the Director's decision to the City Manager, by filing an appeal, in writing, with the Director, within 15 days of the Director's decision. The appeal shall be limited to the record upon which the Director based his decision, and such additional written submissions as the parties may provide. The Manager's decision on appeal, or on an application for a waiver, shall state the findings of fact and reasons for the decision, and shall be final and not appealable to City Council.

(4) The Director shall implement procedures to ensure the confidentiality of any medical information submitted by an applicant, including DMV medical certifications, which shall at minimum provide for the maintenance of such information in a sealed file, with access

permitted only to Department employees or the City Manager on a need-to-know basis, during the pendency of an application. Once a decision has been made on an application, access shall be permitted only on the written authorization of the Director or Acting Director. This information shall be held strictly confidential, and shall not be released to any individual or entity, other than the applicant, outside of the Department of T&ES, the City Manager or the Manager=s designee appointed hereunder. All employees who have potential access to said information shall be trained on this policy and the strict confidentiality requirements adhered to.

Medical information submitted by an applicant is exempt from mandatory disclosure under FOIA, and shall not be subject to discretionary release.

(h) Annual recertification. Each year the Director will mail a recertification form to each resident who received approval for the installation of a reserved parking space, including those parking spaces that were approved prior to [effective date of this ordinance]. In order to retain the reserved space, the resident must complete and execute the form affirming continued satisfaction of all of the eligibility criteria in subsection (b) of this section, except such criteria as may have been waived by the City Manager pursuant to subsection (e) of this section. The requirement of paragraph (b)(5) that the space be located in front of the applicant=s residence, and the block limit requirement of subsection (d) shall not apply to the recertification of spaces approved prior to [effective date of this ordinance]. If the Director determines that the eligibility criteria are no longer satisfied, the resident will be notified in writing and must provide a response to the Director with proper evidence of compliance within 45 days of notification. Failure to provide the information in accordance with the requested deadline will result in a second letter and failure to respond to the second letter within 30 days shall result in the removal of the reserved space.

(i) Revocation. A reserved space is subject to revocation as follows:

(1) In the event that a complaint is made to the Director that the applicant no longer satisfies the eligibility criteria of subsection (b) of this section, or that the space is being repeatedly used in a manner contrary to subsection (f), by persons residing in or visiting the applicant=s household, the Director will conduct a preliminary inquiry to determine if the complaint is supported by substantial and credible evidence. If the Director determines that the complaint is so supported, 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 Director. 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. The Director shall revoke a reserved parking space designation only if (i) the Director finds by a preponderance of the evidence that the applicant did not, or does not continue to, meet the criteria in subsection (b), or if (ii) the Director finds by clear and convincing evidence that the space is being repeatedly used in a manner contrary to subsection (f), by persons residing in or visiting the applicant=s

household. The Director shall notify all parties of the decision in writing, within 15 days of the close of the hearing. The decision shall state the findings of fact and the reasons for the decision. The notice shall inform the parties of their right to appeal the decision to the City Manager, and of the procedure for making such an appeal.

(2) Any person aggrieved may appeal the Director=s decision to the City Manager, by filing an appeal, in writing, with the Director, within 15 days of issuance of the decision. The City Manager shall schedule a hearing on the matter within 30 days of the filing of the appeal, and shall give the parties 15 days notice of the time and place of the hearing. The Manager shall notify all parties of the Manager=s decision in writing, within 15 days of the close of the hearing. The Manager=s decision shall state the findings of fact and the reasons for the decision, and the decision shall be final and not appealable to City Council.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction:	05/08/01
First Reading:	05/08/01
Publication:	05/10/01
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