



Memorandum

Public Works Department

Date: June 23, 2009
To: Mayor and City Council
From: Shelly Seyler, Traffic Engineer, Transportation (350-8854)
Through: Glenn Kephart, Public Works Manager (350-8205)
Subject: **Issue Review Session 07/02/2009: Accessibility Code Changes**

At the Issue Review Session on July 2, 2009, staff will be presenting information on proposed updates to portions of the Tempe City Code – Chapter 19 as they relate to accessibility. Staff has worked with resident Ed Mitchell as well as the City Attorney's Office, the Police Department and the Diversity Office in recommending changes to the code to provide better access to those with disabilities. The proposed updates were presented at the June 9th Transportation Commission as well as the Council Transportation Committee where a recommendation was received to move to the full council.

The changes involve two items. The first is an update to the code language as shown in attachment A and the second is establishing mandatory minimum fines of \$250 for violations of Tempe City Code Sections 19-93(A), (B) and (C), and new Section 19-93.1, and \$300 for violations of 19-93(D), not including City & State Surcharges.

Staff is requesting feedback from the council regarding the proposed changes.

ATTACHMENT A – PROPOSED CODE CHANGES
(Final review by Attorney’s office pending)

Section 1. That Section 19-93 of the Tempe City Code is hereby amended to read as follows:

Sec. 19-93. Restricted parking areas reserved for the physically disabled; penalty.

~~No person shall stop, stand or park a vehicle, in a parking space set aside and identified for use only by persons with physical disabilities unless the vehicle has displayed thereon a distinguishing insignia as provided in Arizona Revised Statutes, or numbered plates bearing the international wheelchair symbol issued pursuant to Arizona Revised Statutes; provided, however, that appropriate signs or other markings, as shall be approved or designated by the traffic engineer, shall be posted, erected, marked and maintained in order for this regulation to be effective.~~

(A) NO PERSON SHALL STOP, STAND, OR PARK A VEHICLE, OR DIRECT A VEHICLE TO BE PARKED, IN A RESTRICTED PARKING AREA UNLESS THE VEHICLE HAS DISPLAYED THEREON THE INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES THAT ARE CURRENTLY REGISTERED TO THE VEHICLE OR A VALID PLACARD ISSUED PURSUANT TO STATE LAW. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT THE DRIVER OF A VEHICLE WITHOUT A PLACARD OR THE INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES FROM TEMPORARILY STOPPING IN A RESTRICTED PARKING AREA IN ACCORDANCE WITH OTHER PARKING REGULATIONS WHILE ACTUALLY ENGAGED IN LOADING OR UNLOADING A PHYSICALLY DISABLED PASSENGER.

(B) NO PERSON SHALL STOP, STAND, OR PARK A VEHICLE IN SUCH A MANNER AS TO BLOCK OR DENY ACCESS TO AN UNOCCUPIED RESTRICTED PARKING AREA, EXCEPT THAT THIS PROVISION SHALL NOT PROHIBIT THE DRIVER OF A VEHICLE FROM TEMPORARILY STOPPING IN ACCORDANCE WITH OTHER PARKING REGULATIONS FOR THE PURPOSE OF AND WHILE ACTUALLY ENGAGED IN LOADING OR UNLOADING PHYSICALLY DISABLED PASSENGERS.

(C) NO PERSON SHALL STOP, STAND, OR PARK A VEHICLE, INCLUDING A VEHICLE DISPLAYING INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES OR A PLACARD, IN THE ACCESS AISLE OF A RESTRICTED PARKING AREA.

(D) IT IS UNLAWFUL FOR A PERSON TO STOP, STAND OR PARK IN A RESTRICTED PARKING AREA ANY VEHICLE THAT DISPLAYS A PLACARD THAT IS ALTERED, FORGED OR COUNTERFEITED

(E) THIS SECTION SHALL APPLY TO THOSE RESTRICTED PARKING AREAS THAT ARE CLEARLY IDENTIFIED WITH THE INTERNATIONALLY ACCEPTED SYMBOL OF ACCESS, EITHER BY A CLEARLY VISIBLE PERMANENT SIGN THAT IS MOUNTED ON A STATIONARY POST OR OBJECT, OR CLEARLY PAINTED WITHIN THE BOUNDARIES OF A PARKING SPACE, OR BOTH.

(F) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING WORDS SHALL HAVE THE MEANING GIVEN HEREIN.

- (1) *ACCESS AISLE* MEANS A DESIGNATED AREA WITHIN A RESTRICTED PARKING AREA THAT IS MARKED BY EITHER SPACED, CROSSHATCHED OR DIAGONAL STRIPES OR A DISTINCTIVE CHANGE IN COLOR OR MATERIAL, AND THAT LEADS TO AN ACCESSIBLE ROUTE OF TRAVEL.
- (2) *PLACARD* MEANS A PERMANENTLY DISABLED REMOVABLE WINDSHIELD PLACARD OR A TEMPORARILY DISABLED REMOVABLE WINDSHIELD PLACARD AS DEFINED IN SECTION 28-2409, ARIZONA REVISED STATUTES.
- (3) RESTRICTED PARKING AREA MEANS A PARKING SPACE AND, IF AVAILABLE, AN ACCESS AISLE SET ASIDE AND IDENTIFIED FOR USE ONLY BY PERSONS WITH PHYSICAL DISABILITIES.

(G) A VIOLATION OF SUBSECTION A, B, OR C OF THIS SECTION SHALL CONSTITUTE A CIVIL TRAFFIC VIOLATION AND THE VIOLATOR SHALL BE SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN TWO HUNDRED-FIFTY DOLLARS. A VIOLATION OF SUBSECTION D OF THIS SECTION SHALL CONSTITUTE A CIVIL TRAFFIC VIOLATION AND THE VIOLATOR SHALL BE SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN THREE HUNDRED DOLLARS.

Section 2. That Section 19-94 of the Tempe City Code is hereby amended to read as follows:

Sec. 19-94. Parking in alleys.

No person shall stand or park a vehicle in an alley at any time except for the loading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of traffic or interfering with or obstructing the operation of a fire escape, and not take over twenty (20) minutes total time. Vehicles displaying ~~state "Disabled Parking" identifying insignia~~ THE INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES THAT ARE CURRENTLY REGISTERED TO THE VEHICLE OR A VALID PLACARD ISSUED PURSUANT TO STATE LAW

may stand or park in any alley while loading or unloading persons for a period not to exceed ~~five (5)~~ FIFTEEN (15) minutes.

Section 3. That Section 19-122 of the Tempe City Code is hereby amended to read as follows:

Sec. 19-122. Standing in curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials or passengers in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes. Vehicles displaying ~~state "Disabled Parking" identifying insignia~~ THE INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATES THAT ARE CURRENTLY REGISTERED TO THE VEHICLE OR A VALID PLACARD ISSUED PURSUANT TO STATE LAW may stand or park in a curb loading zone while loading and unloading persons for a period not to exceed ~~five (5)~~ FIFTEEN (15) minutes.

Section 4. That Chapter 19 of the Tempe City Code is hereby amended by adding a new Section 19-93.1 as follows:

SEC. 19-93.1. WHEELCHAIR CURB ACCESS RAMPS; SANCTIONS.

(A) IT IS UNLAWFUL TO STOP, STAND, OR PARK A VEHICLE IN SUCH A MANNER AS TO BLOCK OR DENY ACCESS TO A DESIGNATED WHEELCHAIR CURB ACCESS RAMP, EXCEPT THAT THIS PROVISION SHALL NOT PROHIBIT THE DRIVER OF A VEHICLE FROM TEMPORARILY STOPPING IN ACCORDANCE WITH OTHER PARKING REGULATIONS FOR THE PURPOSE OF AND WHILE ACTUALLY ENGAGED IN LOADING OR UNLOADING PHYSICALLY DISABLED PASSENGERS.

(B) A VIOLATION OF THIS SECTION SHALL CONSTITUTE A CIVIL TRAFFIC VIOLATION AND THE VIOLATOR SHALL BE SUBJECT TO A CIVIL SANCTION OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS (\$250.00).