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## MEMORANDUM

To: Mayor and City Council Members

CC: Greg Jenkins, Interim City Administrator

FROM: Brian Stineman, Public Works Director

DATE: July 2, 2020

RE: Request to Implement Handicap Parking Space Policy

### INTRODUCTION:

City staff receive multiple requests each year from residents wanting a dedicated handicap parking space in front of, or near, their residence. These issues are always brought to the "Traffic Committee" but without a formal policy they have always been declined. We feel that many of these requests are justified and would be simple issues to resolve with an approved policy.

### BACKGROUND:

City staff have composed a policy, application procedure, and form to allow residents to request handicap parking spaces near their place of residence. The policy is attached to this memo. If approved, a sign restricting parking to vehicles with handicap license plates or placards would be placed as near as possible to the requesting residence. An application form has been created and all requests would be reviewed by the "Traffic Committee" and referred to city council for approval before a sign would be installed. Permitted spaces would be reviewed annually by city staff to determine whether they are still needed or can be removed. It should be noted that this policy only installs a sign to designate a parking spot for use by properly licensed handicap vehicles. This does not guarantee a "private" parking space for one individual because any vehicle with proper licensing could park in the space. In addition, this policy only installs a sign, it does not make any attempt to install ADA compliant sidewalk or other access to the parking space. If this type of access is requested the signage will be removed to avoid any legal issues.

### RECOMMENDATION/RATIONALE:

Staff recommends approving the policy.

### BACKUP INFORMATION:

Policy, Application Form, Example of Sign

## **ON-STREET DISABLED PARKING POLICY**

### **A. On-Street Disabled Parking Policy**

1. This is hereby established a policy for applicants to request an on-street disabled parking space in all areas of the city for qualified persons subject to certain terms and conditions.

### **B. Eligibility Criteria**

1. Must be requested by a person with a Disabled License Plate, Disabled Veterans Plate, or a Disabled Parking Placard from the Registry of Motor Vehicles. This establishes that the applicant has a long-term disability.
2. Applicant must establish that they are a year-round resident in the immediate vicinity of the requested parking space.
3. Accessible off-street parking is currently not available to the applicant, or the necessary accommodations cannot be made.
4. The placement of the on-street disabled parking space will not conflict with existing City Ordinance, State Code or rules, or Federal regulations.
5. The addition of the requested on-street disabled parking space will not interfere with the flow of traffic.
6. The city staff and City Council may also consider unique or unusual circumstances on a case-by-case basis.

### **C. Ineligible Criteria**

1. A short-term disability that will last less than one year.
2. Applicant already has a driveway, garage, or other off-street parking availability.
3. There are "No Parking" or "No Stopping" signs posted on the street of the requested address.

### **D. Application** The application shall be on a form provided by the city and shall include the following information and items:

1. Name of applicant
2. Address of applicant
3. Proof of handicap permit
4. Proof of residency (it is required that the requested parking space is in close vicinity to the residence), such as a utility bill, driver's license, rental agreement, or property tax bill.
5. Requested location of parking space (Note: the space must comply with the criteria set forth in this policy and the final decision of placement is dependent upon city approval)
6. A narrative in which the applicant explains how accessible parking cannot currently be accommodated on or off-street

### **E. Approval Process**

1. City staff informally known as the "Traffic Committee" shall review the request, and forward a recommendation of approval or denial and a rationale for the recommendation to the City Council.
2. Once a recommendation from the "Traffic Committee" has been submitted to City Council, the City Council shall act upon the request at its next meeting.

### **F. Installation of signs**

1. Signs designating the on-street parking space shall be installed by the City in a timely manner.

**G. Duration of the Designation of an On-Street Spot**

1. Shall remain in place until November 1, of the subsequent year, unless reauthorized as provided for in Section H.

**H. Reauthorization of Previously Designated On-Street Parking Spots**

1. Prior to September 1, the city shall mail an application form to the applicant of each approved designated on-street parking spot. Reauthorization with updated information is required annually.
2. Said reauthorization applications will collect the information necessary to determine that the person holding a valid permit still lives in the general vicinity and is still eligible for the designation of an on-street accessible parking space.
3. Reauthorization application forms shall be completed and returned to the City of Muscatine by October 1.
4. The "Traffic Committee" shall review all reauthorization applications. Based on the criteria established in Section B, the "Traffic Committee" shall determine whether reauthorizing the previously approved on-street parking space is warranted.
5. If no reauthorization renewal application is received prior to October 1, then the designated accessible on-street parking space will expire on November 1 of that year, and the City shall remove the signage. Reauthorization is required on an annual basis for all applicants.
6. Designated on-street accessible parking spots that were initially approved by City Council in the current calendar year do not need to apply for reauthorization until October 1 of the subsequent calendar year.

**I. On-street disabled parking stalls are subject to removal by the City for any of the following reasons:**

1. The applicant has moved or is deceased.
2. The State of Iowa issued permit or license plate has expired or been revoked.
3. Accessible off-street parking has become available.
4. Ordinance changes result in other parking restrictions, which would prohibit the retention of the stall.
5. The City of Muscatine determines the stall is being misused by the approved person.
6. Redesigning of the street resulting in no longer being able to accommodate the requested on-street parking space.
7. The City has not approved of the parking space and/or the applicant has not applied for reauthorization of the parking space as required on an annual basis.
8. The City determines it is in the best interest to remove the on-street disabled parking space for the health and safety of its citizens.

**J. Who May Use**

1. An on-street disabled parking stall can be used at any time by anyone whose vehicle displays the appropriate State-issued permit or license plate. Placement of a parking stall in a location does not guarantee permanent or lifetime use of that parking stall for the approved applicant. Placement of a disabled parking stall at a location does not imply reserved parking for the person who requested the stall, or for any other individual.

#### **K. Appeals Process**

1. Should the city deny an applicant for a requested on-street disabled parking space, the city approves the space with specific modifications, or if the city notifies an applicant of its intent to revoke, suspend, or remove an on-street disabled parking space, the applicant has the right to appeal the decision as follows:
  - i. Notify the City of Muscatine Public Works Department, in writing, within 30 days of receipt of the denial or notice of intent to remove on-street handicapped parking. The written notice must state the reason for requesting an appeal, provide justification supporting the request for appeal, and include documentation such as a statement from the applicant's physician supporting the appeal.
  - ii. The City's "Traffic Committee" will review the appeal and render a decision within 30 days.
  - iii. The city will notify the applicant, in writing, of the final decision with supplemental information identifying a reason for the final decision.

#### **L. Allowable Location for On-Street Disabled Parking Spots**

1. Parking spots will be located as close to the front of the residence requesting the space as possible unless they conflict with Section B. 4 or 5 of this policy.
2. The requestor duly notes that this request is for a parking space only. No ADA accessible ramps are or will be constructed in association with this parking space.
3. In the event that this parking space is determined to be in violation of the Americans With Disabilities Act, the sign shall be removed and the space returned to general use by the public.

#### **M. Technical standards**

1. On-street disabled parking spaces must be identified by signs displaying the International Symbol of Accessibility in a manner that is compliant with all applicable Federal Regulations.
2. The sidewalk adjacent to on-street disabled parking spaces should be free of signs, street furniture, and other obstructions to permit deployment of a van side-lift or ramp for the vehicle occupant to transfer to a wheelchair or scooter. Accessible parallel parking spaces located at the end of the block face are usable by vans that have rear lifts and cars that have scooter platforms.

#### **N. Authorization**

1. The city is the final authorizer of the placement and layout of each on-street disabled parking space. Final authorization is based on the eligibility of the applicant, the location and specifications of the parking space, and to be in compliance with City Ordinance. The city has the ability to approve alternate designs if identified as the most feasible option for the health, safety, and welfare of those affected and their surrounding areas.

# APPLICATION FOR CONSIDERATION OF ON-STREET DISABLED PARKING

## CITY OF MUSCATINE

Information must be printed clearly, all questions must be answered completely, and supporting documentation must be included - incomplete applications will be returned, resulting in a delay of processing the application.

Today's Date: \_\_\_\_\_ Application Type: NEW  RENEWAL OF EXISTING SPACE

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### 1. APPLICANT INFORMATION (Applicant refers to the person with a disability who is in need of parking)

RESIDENT'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ APT. #: \_\_\_\_\_

(Proof of residency is required – such as a utility bill, driver's license, rental agreement, or property tax bill)

PHONE NUMBER: \_\_\_\_\_

IA-DMV Disabled Placard Number: \_\_\_\_\_ Expiration: \_\_\_\_\_

### 2. PROPERTY INFORMATION

Do you reside at this address year-round, without extended periods away? Yes No

Specify the location of placement of the space which is being requested and how it is currently unable to be accommodated (if not enough space, please attach a separate paper with further explanation).

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### 3. AUTHORIZATION BY APPLICANT

I certify that the above information is true and accurate. I fully understand that the installation of Accessible Parking signs at my residence does not reserve a parking space for my personal use. It makes a space available for use by any vehicle with a valid Disabled plate or placard. I understand that abuse or violation of this agreement may result in removal of the Accessible Parking space. I further understand that should this parking space be determined to be in violation of the Americans with Disabilities Act, the sign shall be removed and the space returned to general use by the public.

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Applicant Signature

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Date

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