

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	May 6, 2013
	Agenda Item No.	41
	Roll Call No.	[]
	Communication No.	<u>13-214</u>
	Submitted by:	Jeb E. Brewer, P.E. City Engineer

AGENDA HEADING:

Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- A. Handicapped Passenger Loading and Unloading Zones.

SYNOPSIS:

Recommend approval of the staff recommendations, including first reading of the Ordinance regarding the traffic regulation changes.

FISCAL IMPACT:

Amount: Minor costs for signing modifications.

Funding Source: 2013-2014 Operating Budget, Page 80 Engineering Department Traffic & Transportation - Sign Installation and Maintenance, ENG100413

ADDITIONAL INFORMATION:

- A. Elsie Mason Manor was built adjacent to the 4th & Grand Parking facility and Liguitti Tower was built on top of the 5th & Keo Parking Garage. An important part of these two (2) parking garage projects was incorporating, in some manner, accessible and elderly housing. The nearby Civic Center Court Apartments also serves a significant population needing accessible housing.

Because of the needs of the residents of these three (3) areas the Traffic & Transportation Division was asked to provide areas where loading and unloading of accessible vehicles could occur. Two (2) areas were in the parking insets adjacent to the Civic Center Court Apartments and a third area in front of Elsie Mason Manor in the parking inset on Grand Avenue. The intent of the handicapped loading zone was to specifically provide an area where individuals having mobility concerns could off-load from a vehicle at the front door or accessible entrance of the facility without having a moving truck or others without accessibility concerns using those areas a majority of the time.

These areas have worked well for many years. Recently a City of Des Moines police Officer was dispatched to Elsie Mason Manor regarding a car that was illegally parked beyond the time limit of the handicapped loading zone. When the officer arrived he noted that the vehicle did display a handicapped placard but the Municipal Code did not designate what a handicapped loading zone was nor was a time limit listed in the three (3) sections of the code where a

handicapped loading zone was listed. Under that situation the officer determined that the vehicle was legally parked and no enforcement action could be taken.

To resolve this problem, the following requested addition to the Municipal Code adds a description of a handicapped passenger loading and unloading zone, describes several reasonable time limits that could be used, allows the use of the area by emergency or licensed paratransit vehicles and provides a request “mechanism” in §114-616.01(c)(1) for others to request adding this type of an accessible restricted area adjacent to a residential location.

In addition, the three (3) existing handicapped loading zones will now have a time limit stated on the signs so that they can be properly enforced.

Sec. 114-612.01 Handicapped Passenger loading and unloading zones.

- a) When signs are erected giving notice thereof, no person shall park any vehicle for other than the purpose of loading or unloading handicapped passengers, at any time, or during the times specified in this section, at any of the locations designated in division 9 of article XVI of this chapter as subject to such restrictions:
 - 1) Handicapped Passenger loading and unloading, one hour limit only, 24 hours daily.
 - 2) Handicapped Passenger loading and unloading, 30 minutes limit only, 24 hours daily.
- b) No person shall park a vehicle in a space designated as a loading and unloading zone for physically handicapped persons unless the vehicle displays, in a manner visible from outside such vehicle, a special handicapped parking identification device issued by the state department of transportation and only when the vehicle is being used, either as operator or passenger, by the individual to whom the device has been issued or by or for another individual who is confined to a wheelchair or is otherwise so physically handicapped as to have significant difficulty or insecurity in walking and who has been issued a permanent or temporary special handicapped parking identification device issued by the state department of transportation, that is properly displayed as noted above.
- c) Para-transit vehicles licensed by the City of Des Moines, emergency rescue vehicles licensed as “official” state, county or city vehicles by the State of Iowa and Des Moines Area Regional Transit (DART) para-transit vehicles will automatically meet all of the requirements for loading and unloading in any designated handicapped loading and unloading spaces, unless their parking in a handicapped loading and unloading designated area is related to a life threatening emergency, they shall abide by the posted time limit for use of that area.
- d) Handicapped loading and unloading areas shall be designated by a handicapped parking sign bearing the international symbol of accessibility, with a supplementary message or sign placard indicating that the area is a handicapped loading zone and also indicating the designated time limit allowed for use of that space and by no other means. Painting of the curbing or the pavement in some alternative manner is not sufficient designation and will not be permitted.
- e) A person who violates any provision of this section shall pay a fine as defined in §114-616(c).

Sec. 114-616.01 Parking in loading zones designated for physically handicapped persons.

- (a) When official signs are erected, as noted in 14-612.01 (d), no person shall even momentarily stop a vehicle in a loading zone area designated as a space for physically

- handicapped persons to load and unload, unless their vehicle properly displays, in a manner visible from outside such vehicle, an official handicapped identification placard or handicapped designated license plates, issued by the state department of transportation and, only when the vehicle is being used, either as operator or passenger by the individual to whom the handicapped placard or handicapped license plate have been issued.
- (b) Designated loading and unloading areas for the physically handicapped shall be in locations which are as convenient as is feasible to the exits from or entrances to accessible residential facilities.
- (c) The installation of handicapped loading and unloading areas will be considered by the City Traffic Engineer or their designated representative, based on each individual request and based on the information provided in each request. The requestor must provide the following as proof of need.
- 1) A written request for the installation of a handicapped loading and unloading area, stating the exact area where needed,
 - 2) Written approval/agreement from the adjacent property owner(s) for the installation of a handicapped loading and unloading area,
 - 3) Provide individual proof of residence, for each requestor, at this location,
 - 4) Provide a statement from the requestor giving the reason(s) why a handicapped loading zone is necessary or preferred over any other type of designated loading or unloading zone,
- (d) A person who violates any provision of this section shall pay a fine as defined in §114-616(c).

Sec. 114-618.01 Handicapped passenger loading & unloading signs.

Handicapped loading and unloading spaces shall be designated by a handicapped parking sign bearing the international symbol of accessibility, with the addition of a supplementary message indicating the designated spaces are for loading and unloading and that a specific time limit exists, and by no other means. Painting the international symbol of accessibility on the pavement, painting curbs or other methods of designating these spaces are not sufficient to properly designate the handicapped parking loading and unloading spaces.

Sec. 114-2606. Third Street--Locust Street to Grand Avenue.

Third Street, on the east side, from a point 196 feet north of Locust Street to a point 27 feet north thereof, is designated a handicapped loading zone, 30 minute limit, and is subject to the same prohibitions as are found in subsection 114-616(a) and in section 114-608 of this chapter.

Sec. 114-3247. Grand Avenue--Fourth Street to Fifth Avenue.

Grand Avenue, on the south side, from a point 65 feet east of Fifth Avenue to a point 35 feet east thereof, handicapped loading zone, 30 minute limit, subject to the special identification device and use restrictions found in subsection 114-616(a) of this chapter.

Sec. 114-3245. Grand Avenue--Second Avenue to Third Street.

Grand Avenue, on the south side, from a point 45 feet west of Second Avenue to a point 27 feet west thereof, is designated a handicapped loading zone, 30 minute limit, and is subject to the same prohibitions as are found in subsection 114-616(a) and section 114-608 of this chapter.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.