



Legislation Details (With Text)

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Title:	Amending Chapter 12-1100 ("Miscellaneous Regulations and Penalties") and Chapter 12-2800 ("Administrative Adjudication of Parking Violations") of The Philadelphia Code, making revisions to disability parking space standards and procedures, creating an application process for residential disability parking spaces limited for use by a specific person with disability, creating a new administrative hearing process, and amending applicable penalties.				
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Date	Ver.	Action By	Action	Result	Tally
12/18/2024	2	MAYOR	SIGNED		
12/5/2024	2	CITY COUNCIL	READ AND PASSED	Pass	17:0
11/21/2024	1	CITY COUNCIL	AMENDED		
11/14/2024	1	CITY COUNCIL	AMENDED		
10/31/2024	0	CITY COUNCIL	AMENDED		
10/17/2024	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
10/17/2024	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
10/15/2024	0	Committee on Streets and Services			
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10/15/2024	0	Committee on Streets and Services			
6/13/2024	0	CITY COUNCIL	Introduced and Referred		

Amending Chapter 12-1100 ("Miscellaneous Regulations and Penalties") and Chapter 12-2800 ("Administrative Adjudication of Parking Violations") of The Philadelphia Code, making revisions to disability parking space standards and procedures, creating an application process for residential disability parking spaces limited for use by a specific person with disability, creating a new administrative hearing process, and amending applicable penalties.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 12-1117 of The Philadelphia Code, entitled "Physically Handicapped and Disability or

Severely Disability Veteran Parking” is deleted in its entirety and replaced by the following:

§ 12-1117. Designation and use of Disability Parking Spaces.

(1) Definitions.

(a) Disability parking permit. A registration plate or placard issued by the Pennsylvania Department of Transportation as provided in 75 Pa. C.S. § 1338 (relating to person with disability plate and placard) or 75 Pa. C.S. § 1342 (a), (b), or (c) (relating to veteran plate and placard), as amended.

(b) Person with disability. The current and valid holder of a disability parking permit.

(c) Disability parking space. An on-street or off-street parking space reserved for any vehicle bearing or displaying a disability parking permit on the block where the person with disability resides.

(d) Parking Authority. The Philadelphia Parking Authority.

(e) Residential disability parking space. An on-street parking space reserved for a specific disability parking permit on the block where the person with disability resides.

(2) Disability parking spaces - generally.

(a) Disability parking spaces shall be located as close as practicable to educational institutions, government buildings, hospitals, medical centers, cultural institutions, and recreational facilities.

(b) On-street disability parking spaces may not be designated where on-street parking is prohibited by ordinance or by the Vehicle Code.

(c) On each side of each hundred block on which there is metered parking, one disability parking space shall be located as close as possible to an accessible curb ramp, marked by signs at both ends of the space showing the international symbol of accessibility. Parking at each disability parking space shall be regulated by a parking meter that has no moving parts, handles or thumb slides and shall be limited to vehicles that are bearing a disability parking permit and being operated by or for the transportation of a person with disability. Such vehicles shall comply with all parking prohibitions, including, but not limited to, snow emergency, street cleaning, or resident parking provisions.

(d) When a vehicle identifiable as a wheelchair lift-equipped van is being operated by or for the transportation of a disabled person, the vehicle may be parked without limitation as to time and without payment of any parking meter fees on streets where parking is limited but not prohibited by ordinance or by the Vehicle Code. Such vehicles shall comply with all parking prohibitions, including, but not limited to, snow emergency, street cleaning, or resident parking provisions.

(e) Each disability parking permit shall be prominently displayed on the vehicle so that it is easily observable from the street or sidewalk.

(f) A person may not park a vehicle in a disability parking space unless that vehicle lawfully bears a disability parking permit and is being either driven by or used to transport a person with disability. A person who parks in violation of this paragraph shall be subject to the penalties set forth in Section 12-2809.

(1) A person who parks a vehicle bearing or displaying a disability parking permit in a disability parking space when the vehicle is not being driven by or used to transport a disability person does so fraudulently and shall be subject to the enhanced penalties set forth in Section 12-2809.

(g) A person may not park a vehicle in a disability parking space while displaying a replica or counterfeit disability parking permit. A person who parks in violation of this paragraph shall be subject to the penalties set forth in Section 12-2809.

(3) Residential disability parking spaces.

(a) A person with disability, or their authorized agent, may request a residential disability parking space by submitting an application to the Parking Authority that includes the following information:

(.1) the nature and use of adjacent buildings;

(.2) the availability and proximity of off-street parking;

(.3) proof of the applicant's residence on the subject block;

(.4) proof that the vehicle to be parked in the requested residential disability parking space is registered to the applicant at the address identified pursuant to subsection 12-1117(3)(a)(.3). The Department of Streets may promulgate regulations providing for alternate requirements in the case of applications submitted on behalf of a minor person or a person otherwise unable to own and register a motor vehicle;

(.5) confirmation that the vehicle to be parked in the requested residential disability parking space displays a current and valid person with disability plate pursuant to 75 Pa. C.S. § 1338 or severely disability veteran plate pursuant to 75 Pa. C.S. § 1342(a);

(.6) such other information as the Parking Authority, Department of Streets, and/or the Department of Health may require.

(b) Applications will be evaluated based on: the applicant's medical need for a residential disability parking space, including factors identified in 75 Pa. C.S. § 1338(a); feasibility of on-street parking and traffic operations; and compliance with other legal limitations or restrictions. The Department of Streets may promulgate regulations providing for additional need-based factors and the process for review.

(c) Except as provided in subsection (d), the non-refundable application fee for a residential disability parking space shall be fifty dollars (\$50), unless increased by regulation of the Department of Streets. The Department of Streets shall review the application fee every two years to determine an appropriate increase.

(d) Notwithstanding any other provisions of this Section, an individual determined to be low-income pursuant to eligibility criteria established by regulation of the Revenue Department shall not be required to pay the application fee for a residential disability parking space.

(e) Upon approval of the application, a residential disability parking space shall be designated at the approved location by a parking sign that identifies the Pennsylvania license plate number and disability parking permit number authorized to park and indicates that all other vehicles are prohibited from

parking in the designated space.

(f) A person may not park a vehicle in a residential disability parking space unless the vehicle lawfully bears the disability parking permit designated for that space. A person who parks in violation of this paragraph shall be subject to the penalties set forth in Section 12-2809.

(g) A person whose application for a residential disability parking space is denied may request a hearing to contest the denial pursuant to subsection (5). If no hearing is requested, the denial is upheld after hearing, or the application is otherwise adjudicated to be denied, the applicant who submitted the denied application for a residential disability parking space may not submit a new application for the same residence for at least one year.

(h) Each disability parking space authorized in a residential area before July 1, 2025, will expire five years from the date the original application was approved and on the date of expiration become eligible for conversion to a residential disability parking space.

(i) An application to convert a disability parking space in a residential area to a residential disability parking space may be submitted to the Parking Authority as provided in this Section not sooner than 90 days prior to the date of expiration.

(j) Each residential disability parking space authorized on or after July 1, 2025 will expire without notice on the first to occur of the following: three years from the date the application was approved; the date the person with disability identified in the application ceases to reside at the applicable residence; the date the person with disability is no longer qualified for a residential disability parking space; or the date the person with disability becomes deceased. The failure of the Parking Authority or Department to remove associated parking signs shall not be deemed to authorize a residential disability parking space that has expired pursuant to this subsection.

(k) A vehicle lawfully bearing the disability parking permit designated for a residential disability parking space may not park in another space on the same unit block, unless, for reasons outside the vehicle owner's control, the designated residential disability parking space is blocked or otherwise unavailable for use. A person who parks in violation of this paragraph shall be subject to the penalties set forth in Section 12-2809.

(4) Administration.

(a) The Department of Streets may promulgate such rules and regulations as are necessary or desirable to effectuate the purpose of this Section.

(b) The Police Department, in its discretion, may limit or temporarily suspend any of the parking privileges specified in this Section to cover emergencies or special events and may impose any other restriction deemed necessary in the interest of traffic safety and traffic control.

(c) The Parking Authority may initiate an investigation to determine the continuing need for a disability parking space authorized by this Section at any time. Upon determination of a lack of need or other change in circumstances, the Parking Authority shall provide notice of discontinuance of the residential parking space to the address associated with the original application or in the event the original application information is unavailable, the address immediately adjacent to the disability parking space and remove applicable signs.

(5) *Request for a Hearing.*

(a) *Upon denial of an application under this Section, the applicant may, within 30 days of the mailing date of the notice, request a hearing to contest the denial by written request submitted to the Parking Authority.*

(b) *Upon receipt of a hearing request, the matter shall be scheduled before a hearing officer appointed by the Director of Finance. Written notice of the date, time, and place of hearing shall be provided to the registered owner of the vehicle associated with the disability parking by first class mail.*

(c) *Hearings shall be conducted pursuant to 2 Pa.C.S. Ch. 5 (relating to practice and procedure) and be subject to appeal pursuant to 2 Pa.C.S. Ch. 7 (relating to judicial review).*

(d) *The Director of Finance may provide by regulation for additional rules for the hearing and determination of cases involving violations under this Section. Any regulations inconsistent with this Section that are in effect on the date the ordinance adding this Section 12-1117 to the Code becomes law are hereby repealed.*

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SECTION 2. Chapter 12-2800 of The Philadelphia Code is hereby amended to read as follows:

* * *

12-2809. Civil Penalties and Costs.

* * *

(2) *Basic Penalties.*

(a) Any person violating the following provisions of Title 12, shall, upon a final finding of liability pursuant to this Chapter 12-2800, and except as set forth in subsection 12-2809(2)(b), be liable for payment of the civil penalty indicated, in addition to the costs and fees set forth in subsection 12-2809(1):

Code Provision	Violation Description	Penalty
* * *	* * *	* * *
[12-1117(3)(f)] 12-1117(2)(f)	Parking Reserved [Accessible] <i>Disability Parking Space</i>	\$300
[12-1117(4)(b)(.1)] 12-1117 (2)(f)(.1)	[Park Disabled Space] <i>Fraudulent Use of Disability Parking Permit</i>	[\$300] \$1,000
[12-1117(4)(b)(.2)] 12-1117(2)(g)	[Fraudulently Park Disabled Space] Counterfeit Disability Parking Permit	\$1,000
12-1117(3)(f)	<i>Parking Residential Disability Parking Space</i>	\$300
12-1117(3)(k)	<i>Misuse of Residential Disability Parking Space</i>	\$300
* * *	* * *	* * *

SECTION 3. This Ordinance shall be effective the later of 180 days after it becomes law or 30 days after the effective date of regulations implementing eligibility guidelines for low-income applicants.

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.