

Legislation Text

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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.

(d) Parking Authority. The Philadelphia Parking Authority.

(e) Residential disability parking space. An on-street parking space reserved for a specific disability parking permit.

(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 disability 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 disability person. 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.

(h) Each disability parking space authorized in a residential area before January 1, 2025, will expire two years from the date the original application was approved or December 31, 2027, whichever is first to occur.

(i) An application to reauthorize a disability parking space in a residential area before January 1, 2025, may be submitted to the Parking Authority as provided in this Section not sooner than 90 days prior to the date of expiration or July 1, 2025, whichever is last to occur.

(j) Except as provided in subsection (k), the non-refundable application fee for a Disability Parking Space shall be fifty dollars (\$50), unless increased by regulation of the Department of Streets.

(k) Notwithstanding the other provisions of this Section, low-income individuals shall not be required to pay the application fee required by this subsection. The Revenue Department shall promulgate regulations to determine the eligibility guidelines for low-income individuals for purposes of this subsection.

(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 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) *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.*

(d) *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.*

(e) *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.*

(f) *Authorization of each residential disability parking space will expire without notice three years from the date the application was approved, the date the disability person identified in the application ceases to reside at the applicable residence, or the date the disability person is no longer qualified for a residential disability parking space, whichever is first to occur. 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.*

(g) *An application to reauthorize a residential disability parking space may be submitted to the Parking Authority not sooner than 90 days prior to the date of expiration.*

(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) *This subsection shall apply to residential disability parking space applications submitted to the Parking Authority on or after January 1, 2025.*

(b) *The Parking Authority is authorized to appoint hearing officers to administratively adjudicate requests for hearings related to this Section. Hearing officers appointed pursuant to this paragraph may adjudicate such other matters related to this Title as may be determined by the Director of Finance.*

(c) *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.*

(d) *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 applicant or an authorized agent sent by first class mail unless the applicant elects to receive notices pursuant to this Section by electronic mail.*

(e) *A Parking Authority hearing officer shall conduct the hearing in person or through live-stream synchronous video conferencing or similar virtual presence technology at the location and time set by the system administrator.*

(f) *The hearing 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).*

(g) *The Director of Finance may provide by regulation for additional rules for the hearing and determination of cases involving violations under this subsection. Current regulations inconsistent with this Section are 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)] <i>12-1117(2)(f)</i>	Parking Reserved [Accessible] <i>Disability Parking</i> Space	\$300
[12-1117(4)(b)(.1)] <i>12-1117 (2)(f)(.1)</i>	[Park Disabled Space] <i>Fraudulent Use of Disability Parking Permit</i>	[\$300] <i>\$1,000</i>
[12-1117(4)(b)(.2)] <i>12-1117(2)(g)</i>	[Fraudulently Park Disabled Space] Counterfeit Disability Parking Permit	\$1,000
<i>12-1117(3)(d)</i>	<i>Parking Residential Disability Parking Space</i>	<i>\$300</i>
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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.