

PUBLIC WORKS AND UTILITIES COMMITTEE

10-056-0

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A PERMIT PROGRAM FOR LONG-TERM
DISABILITY PARKING AND SETTING FORTH THE TERMS THEREOF,
ADDING NEW SECTIONS 33-88.3.1 AND 33-88.3.2 OF THE CODE.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 33 of the Duluth City Code, 1959, as amended, is hereby amended by the addition of a new Section 33-88.3.1 thereof, which reads as follows:

Sec. 33-88.3.1. Long-term disability parking program--created.

(a) Program created. A long-term disability parking program is hereby created to govern the use of parking privileges granted under this article to persons with disabilities and to accord additional privileges to such persons under the terms and conditions hereinafter set forth;

(b) Persons eligible. All persons to whom a certificate has been issued pursuant to Minnesota Statutes Section 169.345 shall be deemed to be a permittee under the program established by this Section and eligible to exercise the privileges granted hereunder and under applicable statutes, subject to the limitations herein contained;

(c) Metered parking. Notwithstanding the provision of Minnesota Statutes Section 169.345, subdivision 1(2), no permittee shall park for more than four hours at a parking meter which is otherwise limited to parking for not more than one hour, 90 minutes or two hours;

(d) Contract parking discount. At all city owned and operated parking ramps and parking lots at which monthly parking is offered to the general public on a contract basis, the city shall offer such parking to permittees with vehicles displaying

appropriate certification at a cost of 50 percent of the cost at which such parking is offered to other members of the public and otherwise on the same basis at which such parking is offered to the general public.

Section 2. That Chapter 33 of the Duluth City Code, 1959, as amended, is hereby amended by the addition of a new Section 33-88.3.2 thereof, which reads as follows:

Sec. 33-88.3.2. Special needs permit.

(a) Issuance. Upon proof of qualification therefore, the city's human rights officer shall issue a special needs permit to persons meeting the qualifications set forth in paragraph (b) below, upon payment of a monthly fee established pursuant to Section 31-6 of this Code, which permit shall continue to be valid for as long as the permittee pays the monthly fee or until such time as permittee no longer so qualifies, whichever is sooner. Upon ceasing to so qualify, the permittee shall be obligated to return such permit to the human rights officer. In addition, if the human rights officer determines that a permittee no longer qualifies, the human rights officer may require the permittee to return such permit. Failure to so turn in such permit or to respond to the reasonable request of the human rights officer therefore shall be a misdemeanor;

(b) Eligibility. Any disabled person who meets the following qualifications shall be entitled to a special needs permit hereunder:

(1) Is a "physically disabled person" as defined in Minnesota Statutes Section 169.345, subd. 2(f);

(2) Is regularly employed for not less than 20 hours per week;

(3) Has provided a written certification by a physi-

cian, physician's assistant, advanced practice registered nurse or chiropractor licensed to practice in the states of Minnesota or Wisconsin that unless such person is allowed to park on the street immediately adjacent to his or her place of employment, such person will be physically unable to continue such employment;

(c) Special needs permit parking. Upon display of the special needs permit on his or her vehicle, a holder of special needs permit shall be allowed to park in any legal parking space without payment of any additional fee and without any durational limit; provided, however, that the provisions of this subsection (c) shall not apply to the holder of a special needs permit parking at an on-street metered parking space if a city owned or operated parking lot or parking ramp is located within 100 feet of the main entrance to his or her place of employment.

Section 3. This ordinance shall take effect 30 days from and after its passage and publication.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

PWU/ATTY REA:dma 10/12/2010

STATEMENT OF PURPOSE: The purpose of this ordinance is to create a permit program for long-term disability parking in conformance with the provisions of Minnesota Statutes Section 169.346, subd. 5.

The ordinance allows the city to limit persons holding regular disability parking certifications to four hours at 60 minute, 90 minute and 120 minute meters but requires the city to offer a 50 percent discount to such persons in city parking lots and ramps.

It also authorizes the issuance of special needs parking permit to employed persons who would not be able to maintain employment without the ability to park on the street adjacent to their place of employment, subject to the payment of a monthly permit fee that would be similar to what a person with a state-issued disability parking permit would pay to park in a city-owned ramp or parking lot.