

**Policy Title: Handicap Accessible Parking Designation**

**Policy and Procedure Number: E-333**

**Adoption Date: January 28, 2020**

**Mayor and Council Approval Date: January 28, 2020**

---

**Purpose:**

The Federal *Americans with Disabilities Act* (ADA) requires that designated parking spaces be provided for individuals with permanent physical disabilities. This includes public parking lots and decks, private facilities used by the public and on-street parking. Designated "handicap parking only" spaces are available in parking facilities open to the public for any vehicle with license plates or placards.

In addition, when an application is approved by the Motor Vehicle Administration (MVA) a designated "handicapped parking only" space will be reserved on-street for individual residents at their place of residence. However, public streets have a limited number of on-street parking spaces and commercial and residential uses often share spaces so this policy will provide guidance to City staff on designating handicap-accessible parking spaces.

**Procedures:**

- A. **Privately-Owned Parking Facilities:** The owner of every privately-owned parking facility used by the public is required to provide off-street handicap-accessible parking on their property in accordance with the ADA. The City of Hagerstown will not provide on-street handicap-accessible parking for businesses to meet their ADA requirements.
- B. **City-Owned Public Parking Lots and Decks:** The City of Hagerstown will follow the ADA as it relates to handicap-accessible parking spaces in public parking lots and decks. The ADA describes:
  - 1. the number of handicap-accessible spaces to be provided
  - 2. the location
  - 3. the size, signage and physical details of the spaces

Designated handicap-accessible spaces in public parking lots will be metered. All users of public parking lots or parking decks are required to either put money in meters or obtain monthly permits. In accordance with section TR13-616(f)(2) of the Maryland Vehicle Transportation Code, handicapped individuals must also pay the meter provided that the parking meters meet the "accessibility" requirements of the ADA.

- C. **On-Street Public Parking:** Streets generally serve commercial and residential areas, or a combination of both. In the downtown, there are certain streets that have parking meters. Designating handicap-accessible parking on public streets will follow these guidelines:
  - 1. Commercial facilities: The City of Hagerstown will not provide on-street handicap-accessible parking for businesses to meet their ADA requirements.

2. Public Buildings and places of worship : At the discretion of the City of Hagerstown, handicap-accessible parking spaces may be designated on public streets at Federal, State or Local government buildings or places of worship (during normal service hours only), if those establishments do not have off-street parking or if the walking distance from a private parking lot to the building entrance is more than 200 feet. If those spaces are located on a street with parking meters then they shall also be metered (see 3.b below).
3. Residential units: The residence must have no other accessible off-street parking, parking pad or garage. To reserve a space for a specific resident, the resident must first be approved for a designated space by the MVA. The resident must follow all of the stipulations set forth by MVA to use the designated space.

Once a person has MVA approval, the procedure for designating a reserved on-street parking space for a specific resident will be as follows:

- a. Non-metered on-street parking: Based on COMAR 11.16.03.04 and 11.16.03.06 and section TR21-1005 of the Maryland Motor Vehicle book, City Engineering Division staff will determine the location and Public Works staff will install the appropriate sign with the MVA permit # as follows:
  - Single or Duplex residential homes: A. maximum of one (1) reserved handicap parking space will be provided for a single or duplex residence in the space nearest their front door. Handicap spaces will not be provided in front of other properties, unless the permit holder obtains the signature of the adjacent property owner indicating they have no objection to this designated permit space being installed along their property frontage.
  - Multi-Unit Apartment Buildings (with two or more residential units): Only where private parking is not available, regardless of the number of units in an apartment, a maximum of one (1) reserved handicap parking space for each parcel (lot of record) will be provided in the parking space nearest the front of the apartment building. Handicap spaces will not be provided in front of other properties, unless the permit holder obtains the signature of the adjacent property owner indicating they have no objection to this designated permit space being installed along their property frontage.
- b. Metered on-street parking: Parking is metered to encourage the turnover of parking for customers and patrons of various businesses or service providers. Based on COMAR 11.16.03.04 and 11.16.03.06, City Engineering Division staff will determine the location and Public Works staff will install the appropriate sign with the MVA permit # as follows:
  - Handicapped individuals must pay the meter provided that the parking meters meet the "accessibility" requirements of the ADA.
  - When the MVA-approved resident desires a designated parking space that has a parking meter:
    - If there is available parking along the frontage of the resident's

building parcel (lot of record), the City may designate a space. The City will install a sign to reserve that space for this individual with MVA permit number along with a 10-hour meter. The resident is required to place money in the meter when parked on the street during the hours of 9AM-5PM Monday through Friday.

Based on COMAR section 11.16.03.04 and 11.16.03.06 the City will only provide no more than one space along the frontage of their residence's parcel (lot of record) and adjacent to that building.

- As an option, the resident can purchase monthly parking passes in a nearby public parking lot, where the City will install a sign to reserve one space for this individual with the MVA permit number on the sign.
- 4. Existing designated spaces: As existing designated spaces on a metered parking street become unnecessary (as determined by the MVA), these handicap signs will be removed and replaced with meters. New requests for those spaces will follow section 2b above.
- 5. Temporary Parking Restrictions: The permit holder must observe and comply with any other parking restriction which may apply at the approved location such as street cleaning signs, temporary parking restrictions caused by permitted construction, etc.
- 6. Appeals: Appeals of Sections C.1, C.2, and C.3 (determination of "no other accessible off-street parking" only) will be reviewed by the Board of Traffic and Parking. Staff interpretations of all other areas of this policy shall be final.

*Management reserves the right to direct deviation from or make edits to this policy in whole or in part at any time.*

Approved By:



Rodney Tissue, City Engineer

1/29/2020

Date

Attachments:

- Map of public parking lots and metered spaces
- Section TR13-616 and TR21-1005 of the Maryland Motor vehicle book
- COMAR sections 11.16.03
- District Court Case Decision #00518840