

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 21

DATE: July 7, 2009

STAFF: Felix Lee
Beth Sowder

SUBJECT

First Reading of Ordinance No. 078, 2009 Amending the City Code and the Traffic Code Regarding Obstructions of Parking Spaces for Persons with Disabilities.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

FINANCIAL IMPACT

There will be a minor increased financial burden to Neighborhood and Building Services for anticipated response, enforcement and educational outreach which will be covered with existing resources.

EXECUTIVE SUMMARY

This Ordinance will relocate Traffic Code Section 1208(10) regarding parking privileges for persons with disabilities to City Code, Section 20, for more logical placement within the Code and to increase effectiveness of enforcement. This Section prohibits any person from placing or allowing to remain, any snow, ice, litter or other materials onto any parking space which is identified for use by persons with disabilities, or on any area immediately adjacent thereto.

BACKGROUND

A citizen expressed concern regarding the ability of City staff to properly enforce the Traffic Code section dealing with obstructed parking spaces for persons with disabilities. In response, staff proposes relocating Section 1208(10) from the Traffic Code to Chapter 20 of the City Code to place it more appropriately in the Code section that addresses the condition of property.

Many of the provisions in Chapter 20 are civil infractions and enforced by the Code Compliance unit of Neighborhood and Building Services Department. This recommended relocation of the Code section will enable Code Compliance to notify property owners of obstructions of parking spaces for persons with disabilities, give the opportunity for property owners to correct the violation and voluntarily comply, or allow staff to enforce the ordinance by issuing civil citations that may result in fines, in addition to requiring removal of the obstruction. The Neighborhood Services Division will also provide educational outreach to the public, business owners, snow removal companies, and special events coordinators, explaining the requirements for maintaining continuous unobstructed parking access for persons with disabilities.

ORDINANCE NO. 078, 2009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS AND THE
TRAFFIC CODE REGARDING OBSTRUCTIONS OF PARKING SPACES
FOR PERSONS WITH DISABILITIES

WHEREAS, the Fort Collins Traffic Code primarily regulates vehicular and pedestrian traffic on the City's streets, highways and other areas; and

WHEREAS, Fort Collins Traffic Code Section 1208 regulates the way in which parking spaces on private property are reserved for persons with disabilities and prohibits parking in such spaces without a placard, tag or plate that signifies a particular vehicle is permitted to park in such spaces; and

WHEREAS, in addition, Subsection 1208(10) prohibits any person from depositing, placing or piling snow, ice, litter or other materials onto any parking space which is identified for use by persons with disabilities, or any area immediately adjacent thereto, and prohibits the property owner or tenant from allowing such activity to occur; and

WHEREAS, this Section is currently enforced by Parking Services; and

WHEREAS, Chapter 20 of the City Code regulates the condition of property and abatement of nuisance conditions and violations of this Chapter, which are primarily civil infractions, are enforced by the Code Compliance Unit of Neighborhood and Building Services; and

WHEREAS, since Section 1208(10) addresses the condition of parking spaces rather than the use of the parking spaces, it is appropriate for Section 1208(10) of the Fort Collins Traffic Code to be relocated to Chapter 20 of the City Code; and

WHEREAS, with such change, if property owners fail to correct violations of this provision in a timely manner, the City will be able to abate the obstruction of the parking spaces, if necessary, and issue a civil citation that may result in fines, in addition to recovering the costs of abatement; and

WHEREAS, the City Council believes that requiring unobstructed access to parking spaces reserved for persons with disabilities is in the best interest of the health, safety and welfare of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 1208 of the Fort Collins Traffic Code is hereby amended by the deletion of subparagraph (10) in its entirety as follows:

~~(10) It shall be unlawful for any person to deposit, place or pile any snow, ice, litter or other materials onto any parking space which is identified for use by persons with disabilities, as provided in this Section, in a manner that blocks a vehicle from using the parking space. It shall also be unlawful for any person to deposit, place or pile any snow, ice, litter or other materials in areas immediately adjacent to a parking space for persons with disabilities that are reasonably necessary for a person with a disability to safely exit or enter a motor vehicle parked in such adjacent space. Further, it is unlawful for any person who is the owner of or has the right to possession of private property upon which a parking space has been reserved for parking by persons with disabilities, as provided in this Code, to knowingly permit any person to deposit, place or pile any snow, ice, litter or other materials onto any such parking space or on areas immediately adjacent to such parking space if to do so will unreasonably interfere with a person with a disability safely exiting or entering a vehicle parked in such adjacent space.~~

Section 2. That Section 20-104 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition “*Obstruction*” which reads in its entirety as follows:

Obstruction shall mean any snow, ice, litter, debris or any other material or thing that blocks a vehicle from using a parking space reserved for persons with disabilities or that unreasonably interferes with the ability of a person with a disability to safely exit or enter a motor vehicle parked in such adjacent space.

Section 3. That Section 20-104 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition “*Parking space for persons with disabilities*” which reads in its entirety as follows:

Parking space for persons with disabilities shall mean a parking space that has been designated as reserved for persons with disabilities as provided for and in accordance with Section 1208 of the Fort Collins Traffic Code.

Section 4. That the Code of the City of Fort Collins is hereby amended by the addition of a new Section 20-107 entitled “Parking space obstruction” with the existing Section 20-107 renumbered as 20-108 which shall read as follows:

Sec. 20-107. Parking space obstructions.

(a) The obstruction of parking spaces reserved for persons with disabilities is hereby declared a nuisance and is prohibited. No person shall deposit, place or pile any snow, ice, litter or other materials onto:

(1) any parking space which is identified for use by persons with disabilities, as

provided in FCTC 1208, in a manner that blocks a vehicle from using the parking space; and

- (2) any area immediately adjacent to a parking space for persons with disabilities that is reasonably necessary for a person with a disability to safely exit or enter a motor vehicle parked in such adjacent space.

(b) No person who is the owner, has the right to possession, or who is responsible for management of, private property upon which a parking space has been reserved for parking by persons with disabilities, shall knowingly permit any person to deposit, place or pile any snow, ice, litter or other materials onto any such parking space or on areas immediately adjacent to such parking space if doing so will prevent, or unreasonably interfere with, a person with a disability safely exiting or entering a vehicle parked in such adjacent space.

(c) If any such obstruction of a parking space or adjacent area occurs in violation of this Section, and the property owner, possessor or manager fails to remove the obstruction immediately upon receipt of notice from the City, the Neighborhood Services Manager may, without further notice, have the obstruction abated, in which event the cost of such abatement, including inspection and other incidental costs in connection therewith, shall be assessed against the property upon which the parking space reserved for persons with disabilities is located.

(d) If the property owner contests the declaration of nuisance and/or the assessment of costs of the City's abatement, he or she shall file a written request for review with the Director of Neighborhood and Building Services, or a written request for a hearing before the Referee, within ten (10) days from the service of a notice of assessment.

(e) Any cost assessment imposed under this Section shall constitute an automatic, perpetual lien in the several amounts assessed against each property from the date the assessment became due until paid. Such liens shall have priority over all other liens except general taxes and prior special assessments. In case any such assessment that has not been set for hearing pursuant to Subsection (d) above is not paid within thirty (30) days after it has been certified by the Director of Neighborhood and Building Services and billed by the Financial Officer or his or her designee to the owner by deposit in the United States mail, addressed to the owner of record at the address as shown on the tax rolls of the County Assessor, or such other, more recent address as may be available to the City, and any agents, representatives or occupants as may be known, the Financial Officer or his or her designee shall be authorized to certify to the County Treasurer the list of delinquent assessments, giving the name of the owner of record, the number of the lot and block and the amount of assessment plus a ten-percent penalty. The certification shall be the same in substance and in the same form as required for the certification of taxes. The County Treasurer, upon the receipt of such certified list, is hereby authorized to place the same upon the delinquent tax list for the current year and to collect the

assessment in the same manner as taxes are collected with such charges as may by law be made by the Treasurer, and all the laws of the State for the assessment and collection of the general taxes, including the laws for the sale of property for unpaid taxes, shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending property is not subject to taxation, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law.

Sec. 20-107(8). Violations and penalties.

Any person who violates any provision of this Article commits a civil infraction and is subject to the penalty provisions of Subsection 1-15(f).

Introduced, considered favorably on first reading, and ordered published this 7th day of July, A.D. 2009, and to be presented for final passage on the 21st day of July, A.D. 2009.

Mayor

ATTEST:

Deputy City Clerk

Passed and adopted on final reading on the 21st day of July, A.D. 2009.

Mayor

ATTEST:

City Clerk