

ORDINANCE NO. 2436

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING CODIFIED SECTION 97.31 AND ORDINANCE 2320 REGARDING HANDICAPPED PARKING AREAS ON CITY STREETS.

WHEREAS, Erlanger Ordinance 2320 details the process for which a resident can apply for handicapped parking areas on city streets.

WHEREAS, some parcels of residential real estate in the city do not have motor vehicle parking areas sufficient to accommodate the physical disabilities of the occupants thereof, and

WHEREAS, some, but not all, of those parcels of real estate are appurtenant to city streets on which areas can be designated as a "parking area accessible to and for the use of a person with a handicap" within the meaning of KRS 189.459(2), without unreasonably interfering with motor vehicle traffic on those Streets;

WHEREAS, the Erlanger City Council now wants to amend the process to better accommodate handicapped individuals:

(Strikethrough portions are to be deleted, underlined portions are to be added.)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

Section 1.0

That the Erlanger City Council amends Ordinance 2320 as codified in Section 97.31 through 97.34 as follows:

97.31 DESIGNATION OF HANDICAPPED PARKING AREAS.

The executive authority of the city may, but isn't required to, designate as a handicapped parking area, an area of a public city street that is appurtenant to a parcel of residential real estate occupied by a handicapped person, upon:

- (A) The receipt from that handicapped person of:
 - (1) An application form completed and verified by that handicapped person, which shall be promulgated by the city and include, without limitation, the following representations:

- (a) The name, residential address and telephone number of the handicapped person;
 - (b) A description of either the accessible parking registration plate or the accessible parking placard issued to the handicapped person, including, without limitation, the plate and placard numbers and the physical condition for which it was issued and the expiration date of it; and
 - (c) A physical description of the off-street motor vehicle parking areas available to the handicapped person at the residence thereof, along with an explanation of why those available off-street parking areas do not reasonably accommodate the physical disability of the handicapped person.
- (2) ~~A non-refundable application fee of sixty five dollars (\$65.00).~~
Upon approval of application, a \$100 fee will be charged for the installation of sign.
- (B) ~~A determination by the Erlanger Director of Public Works in consultation with a Police Department Captain designated by the Erlanger Chief of Police that.~~
A determination by the Director of Public Works in consultation with the Chief of Police or their designees.
- (1) The off-street motor vehicle parking areas available to the handicapped person at the residence thereof do not reasonably accommodate the physical disability of the handicapped person, considering both the disability of the handicapped person and the physical condition of those off-street motor vehicle parking areas;
 - (2) There is no other handicapped parking area on that portion of the city street appurtenant to the residence of the handicapped person; and
 - (3) A handicapped parking area on that portion of the city street appurtenant to the residence of the handicapped person would not unreasonably interfere with motor vehicle traffic on that city street.

97.32 DURATION OF HANDICAPPED PARKING AREA DESIGNATION.

A handicapped parking area designation pursuant to this subchapter shall ~~expire on the first day of the month of July following the designation unless:~~

- (A) ~~The city receives an application for a continuation of it, on a form completed and verified by that handicapped person, which shall be promulgated by the city and include, without limitation, the following:~~
 - (1) ~~A disclosure and description of all changes in the information provided in the previous applications; and~~
 - (2) ~~A statement that all of the information provided in the previous applications continues to be true and accurate, except for the changes disclosed and described.~~
- (B) ~~The determinations of the Erlanger Director of Public Works in consultation with a Police Department Captain designated by the Erlanger Chief of Police pursuant to § 97.31(B)(1) through (3) remain~~

A handicapped parking area designation pursuant to this ordinance must be renewed in the month of July each year. The City shall mail the individual who applied for the designation a renewal form each year to confirm that all condition have remained the same. The individual can either mail in the renewal form or call the City to confirm all the information is correct

Section 97.33

The use of any area designated as a handicapped parking area pursuant to the provisions of this subchapter shall not be limited to the applicant; but may be used by anyone with either an accessible parking registration plate or an accessible parking placard.

Section 97.34

Nobody shall cause, permit, encourage, aid, assist, allow or engage in the location of a parked motor vehicle within any area designated as a handicapped parking area pursuant to the provisions of this subchapter, without the display of either:

- (A) A valid accessible parking registration plate, pursuant to K.R.S. 186.042; or
- (B) A valid accessible parking placard, pursuant to K.R.S. 189.456.

Section 2.0 Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 3.0 – Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4.0 – Effective Date

This ordinance shall be effective as soon as possible according to law.

Section 5.0 - Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

TYSON HERMES, Mayor