



Legislation Text

File #: 31247, Version: 1

Fiscal Note

No expenditure is required.

Title

Amending Section 3.14(4)(k)2. of the Madison General Ordinances to eliminate the Disabled Parking Enforcement Assistance Council.

Body

DRAFTER'S ANALYSIS: The City of Madison currently has a Parking Council for People with Disabilities (PCPWD) to recommend and review handicapped parking policies, and a Disabled Parking Enforcement Assistance Council (DPEAC) to observe and report handicapped parking violations to the Madison Police Department. Wis. Stat. § 346.50(3m)(b)1 requires that the city have a PCPWD; whether to have a DPEAC is optional under Wis. Stat. § 349.145. This amendment preserves the PCPWD, but eliminates the DPEAC. The reasons for this amendment include the inability to recruit and maintain DPEAC members; the relatively low number of handicapped parking violation reports made by DPEAC members; Madison's ability to vigorously enforce and prosecute handicapped parking violations through the use of 24-hour parking enforcement officers and the non-emergency report line; and the desire to preserve mayoral, MPD, and other city resources in staffing the DPEAC.

The Common Council of the City of Madison do hereby ordain as follows:

Paragraph 2. entitled "Parking Council for People with Disabilities and Disabled Parking Enforcement Assistance Council" of Subdivision (k) entitled "Subcommittees of the Transit and Parking Commission" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

- "2. Parking Council for People with Disabilities and Disabled Parking Enforcement Assistance Council. Under the authority of Wis. Stat. § sections 349.145 and 346.50(3m) of the Wisconsin Statutes, a joint Parking Council for People with Disabilities and Disabled Parking Enforcement Assistance Council is hereby created. Said Council shall be considered one body, but its members shall perform different duties according to the descriptions herein.
 - a. Parking Council for People with Disabilities. The Parking Council for People with Disabilities shall consist of seven (7) members and two (2) alternates, all of whom shall be residents of the City, four (4) of whom may be members of the Commission on People with Disabilities, three (3) of whom may be members of the Transit and Parking Commission, and of whom at least four (4) regular members and one (1) alternate member shall be people to whom or on whose behalf the Department of Transportation of the State of Wisconsin has issued a special registration plate under Sec. Wis. Stat. §§ 341.14(1) to (l), Wis. Stats., or a special identification card under Sec. Wis. Stat. § 343.51, Wis. Stats. The members designated as alternates shall only have voting powers when temporarily filling the office of a vacant or absent council member. Members of this council shall be appointed by the Mayor, subject to approval by the Common Council.
 - b. Terms. Members of the Parking Council for People with Disabilities shall have terms limited to the duration of their membership on the Commission on People with Disabilities or the Transit and Parking Commission. Those members who are not also members of the Commission on People with Disabilities or the Transit and Parking Commission shall have a term of three (3) years from the date of appointment.
 - c. Duties. The Parking Council for People with Disabilities shall give advice and recommendations on the location of those spaces reserved for use by a motor vehicle used by a person with a

physical disability that are subject to any time limitations imposed pursuant to ~~Sec. Wis. Stat. § 346.50(3m)(b), Wis. Stats.~~ The council may also authorize specific persons to place on a vehicle educational material relating solely to the parking privileges of t people with physical disabilities if that person(s) has a good faith belief that the vehicle is violating state or local law on parking for motor vehicles used by people with physical disabilities. The council may also hear and investigate matters concerning the quality and availability of parking within the city for persons with disabilities and shall report its findings and recommendations to the Common Council from time to time. ~~The council may conduct interviews and recommend additional members and alternate members for appointment to perform enforcement duties as members of the Disabled Parking Enforcement Assistance Council. Members appointed to The Parking Council for People with Disabilities shall not perform enforcement duties unless also appointed to the Disabled Parking Enforcement Assistance Council.~~

- d. Chair. The Parking Council for People with Disabilities subcommittee shall select a chair from among its members. The subcommittees shall consider such matters and perform such tasks as are referred to them by the Transit and Parking Commission. Common Council referral of items to subcommittees of the Transit and Parking Commission shall be referred through the Transit and Parking Commission.
- e. ~~Disabled Parking Enforcement Assistance Council~~ – “Enforcement Assistance Council.” In addition to the duties described in Subsection (k)2.c. above, the Parking Council for People with Disabilities may recruit additional members to form a “Disabled Parking Enforcement Assistance Council” as authorized under Sec. 349.145 of the Wisconsin Statutes for the purpose of reporting certain parking violations for people with disabilities and misuse of parking privileges for people with disabilities. Enforcement Assistance Council members appointed under this ordinance are authorized to make a written report to the Madison Police Department of their observations of the following Wisconsin State Statutes, as adopted under Sec. 12.011 of these Ordinances, inclusive of all future amendments:

- Sec. 341.625(1)
- Sec. 343.52(1), (3)
- Sec. 346.503(2e), (5)
- Sec. 346.505(2)(a), (b), (c) and (3)

~~Enforcement Assistance Council members’ authority shall be limited to the ability to report the above violations, their duties shall be limited to enforcement activities related to reporting said violations, and said members shall have no voting rights except a member who is also a member of the Parking Council for People with Disabilities shall have all the rights under Subsection (k)2.c., above. The Enforcement Assistance Council shall consist of a maximum of thirty (30) additional members and five (5) alternates, all of whom shall be residents of the City and shall serve on a volunteer basis for a term of three (3) years. A majority of the membership of the Enforcement Assistance Council shall consist of residents of the City to whom or on whose behalf the State Department of Transportation has issued a special registration plate under Sec. 341.14(1) to (1r), or a special identification card under Sec. 43.51 of the Wisconsin Statutes.~~

- f. Appointment and Training of Enforcement Assistance Council. Applications and background checks shall be administered by the Chief of Police or designee, who shall submit potential Enforcement Assistance Council applicants to The Parking Council for People with Disabilities. The Parking Council for People with Disabilities shall conduct interviews and shall recommend Enforcement Assistance Council members and alternate members to the Mayor for appointment, subject to the approval of the Common Council. Members of the Enforcement Assistance Council shall be appointed as members of “The Parking Council for People with Disabilities – Enforcement Assistance Council.” Each member of the Enforcement Assistance Council shall be trained by the Chief of Police or designee before the member is authorized to

~~report any violations under Subsection e. above.~~

g. ~~Report of Violations. Any member of the Enforcement Assistance Council who observes a violation under Subsection e. above may report the violation to the Traffic Bureau of the Police Department as required by the applicable state statutes referenced herein and adopted in Section 12.011 of these ordinances."~~