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FRAMINGHAM CITY COUNCIL

ORDER NO. 2018-069

REQUEST OF THE DISABILITY COMMISSION

UPON THE REQUEST OF THE CHAIR OF THE DISABILITY COMMISSION, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That, after diligent review as well as public comment at meetings held on June 19, 2018 and July 10, 2018, the City of Framingham amend the Framingham Zoning Bylaw – Section V: Health and Safety, Section 9 – Accessible Parking. The amended section is attached to this Order.

FIRST READING:

YEAS: Cannon, Giombetti, Grove, King, Rossi, Richardson, Sisitsky, Steiner, Tully Stoll

NAYS: None

ABSTAIN: None

ABSENT: Shepard, Torres

PASSED IN COUNCIL: JUNE 19, 2018

SECOND READING:

YEAS: Cannon, Giombetti, Grove, King, Richardson, Rossi, Shepard, Sisitsky, Steiner,

NAYS: None

ABSTAIN: None

ABSENT: Torres, Tully Stoll

PASSED IN COUNCIL: JULY 10, 2018

A True Record, Attest:

Valerie Mulvey, City Clerk

8/30/18

Date Approved

Yvonne M. Spicer, Mayor

Article V: Health and Safety

9. Accessible Parking

9.1 Designated parking spaces shall be provided in public and private off street parking areas for vehicles owned and operated by persons with disabilities, or for any vehicle transporting a person with a disability. Such vehicle shall bear the distinctive number plates or placard authorized by Massachusetts General Law Chapter 90, Section 2.

9.1.1 Any person or body who has lawful control of a public or private way, or of improved or enclosed property used as off street parking areas for businesses, shopping, malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, or for any other place where the public has the right of access as invitees or licensees, shall reserve parking spaces in said off street parking areas for any vehicle owned and/or operated by a person with a disability whose vehicle bears the distinguishing license plate or placard authorized by Chapter 90, Section 2 according to the following formula:

Total Spaces	Required Accessible Spaces 1-25
1 -25	1 Space
26-50	2 Space
51-75	3 Space
76-100	4 Space
101-150	5 Space
151-200	6 Space
201-300	7 Space
301-400	8 Space
401-500	9 Space
501-1000	2 % of Total Spaces
1,001 and over	20 Plus 1 for each 100 over 1000

One in six (6) designated accessible spaces but not less than one shall be van accessible.

Outpatient Medical Facilities: 10% of Total Spaces

Facilities specializing in the treatment or services for people with mobility impairments: 20% of Total Spaces

Parking for multiple dwellings, including residential condominiums, are subject to all provisions of the Architectural Access Board regulations (521 CMR) and this ordinance.

9.1.2 Each parking space designated as reserved under the provisions of subsection 9.1.1. shall be identified by the use of an above grade sign located at the head of each space and no more than ten feet away, and be permanently affixed to the ground or structure. The top of the sign shall not be lower than 5 feet from the ground, nor more than 8 feet from the ground. Signs shall show the "International Symbol of Access" and may have the words "Accessible Parking: Special Plate Required, Unauthorized Vehicles May Be Removed At Owners Expense" in white on a blue background. A smaller sign may be added indicating the fine amount in Section 9.3.2.

The spaces shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructive methods permitting sidewalk access to a person with a disability, and shall be eight feet wide plus a 5 foot aisle with diagonal striping. Two accessible spaces may share a common access aisle.

Van accessible spaces shall be 8 feet wide with a striped access aisle 8 feet wide allowing a van to operate a lift. Each such space shall have a sign designating it van accessible.

Centered at the head of the eight (8) foot striped access aisle an additional sign shall be posted stating "No Parking Anytime". The sign shall not obstruct the accessible route at the head of the access aisle.

Alternatively, all spaces may be universal spaces, 11 feet wide with an access aisle 5 feet wide.

Accessible spaces shall be marked by high contrast painted lines or other high contrast delineation. Access aisles shall be clearly marked by means of diagonal stripes. The signs and pavement marking shall be maintained in a timely manner.

9.2.1 No person shall leave any unauthorized vehicle within parking spaces designated for use by persons with disabilities as authorized by Section 9. 1 hereof or in such a manner as to obstruct a curb ramp designated for use by persons with disabilities as a means of egress to a street or public way. The cross hatch area abutting an Accessible Parking space shall, for the purposes of this section, be considered a part of the Accessible Parking space.

9.2.2 Furthermore, any person or body who has lawful control of a public or private way or of improved or enclosed property used as off street parking for authorized vehicles bearing HP plates or placards shall be responsible for exercising reasonable care to see that the spaces and access ramps be kept clear of, but not limited to, snow, debris, refuse and shopping carts so the spaces are accessible and usable. If snow stops falling after sunrise (during daylight hours), property owners will have until 10 p.m. that same day to clear the HP parking spaces, sidewalks, and curb cuts. If snow stops falling after sunset (overnight), property owners will have until 10 a.m. the next day to clear the HP parking spaces, sidewalks, and curb cuts.

9.3 The penalty for violation of this Ordinance shall be as follows:

9.3.1 Violations of Section 9.1.1 or 9.1.2 shall be fifty dollars (\$50) dollars per day per violation after the person or body having lawful control of the ways or property has been given written notice and not less than 30 days to comply.

9.3.2 Violations of Section 9.2.1 shall be three hundred dollars (\$300) for each offense, and the vehicle may be removed according to the provisions of Massachusetts General Law Chapter 266, Section 120D.

9.3.3 Violations of Section 9.2.2 shall be one hundred dollars (\$100) for each day the violation remains after a written warning has been issued. The written warning shall be good for ninety (90) days.

9.4 Violations of Section 9.1.1, 9.1.2 and 9.2.2 shall be enforced by the Inspectional Services Department. Violations of Section 9.2.1 shall be enforced by the Police Department.

9.5 Appeals may be made to the Massachusetts Architectural Access Board (AAB) for Variances from AAB rules and regulations. For relief from the current American with Disabilities Act (ADA) contact the Department of Justice for their Variance process.

9.6 All funds received from fines for Accessible Parking violations shall be deposited by the City Treasurer into a separate account and shall be solely used for the benefit of persons with disabilities. Said account shall be established by the City Treasurer and kept separate and apart from all other funds. Expenditures from said account, including all interest, if any, shall be made upon the recommendation of the Disability Commission with approval of the City Council and Mayor. The City Accountant shall submit annually a report of said account to the Mayor and City Council for review.