

# Burleson Police Department

## Administrative Policy and Procedures

Number: 04-011

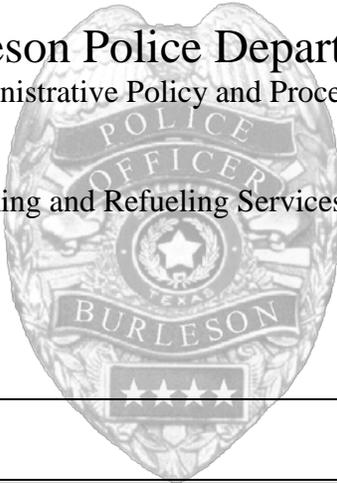
Document Title: Disabled Parking and Refueling Services

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CALEA Standards Referenced:

ISSUING AUTHORITY: \_\_\_\_\_



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### **I. Purpose**

To establish guidelines for parking enforcement of designated disability access parking spaces and handling of businesses that may or may not provide assistance for people with disabilities to refuel a vehicle.

### **II. Policy**

It is the policy of the Burleson Police Department and those assisting this department to comply with all applicable federal, state, and local laws concerning parking enforcement of illegal parking in designated disability access spaces. This policy will also provide guidance in dealing with applicable establishments that violate section 105.003 of the Business and Commerce Code, Title 5. Regulation of Businesses and Services, Subtitle C. Business Operations, Chapter 105 Refueling Services for Persons with Disabilities.

**III. Definitions** (Transportation Code chapter 681 Privileged Parking / Business and Commerce Code Title 5 Regulation of Businesses and Services)

- A. **"Disability"** means a condition in which a person has:
1. mobility problems that substantially impair the person's ability to ambulate;
  2. visual acuity of 20/200 or less in the better eye with correcting lenses; or
  3. visual acuity of more than 20/200 but with a limited field of vision in which the widest diameter of the visual field subtends an angle of 20 degrees or less.
- B. **"Mobility problem that substantially impairs a person's ability to ambulate"** means that the person:
1. cannot walk 200 feet without stopping to rest;
  2. cannot walk without the use of or assistance from an assistance device, including a brace, a cane, a crutch, another person, or a prosthetic device;
  3. cannot ambulate without a wheelchair or similar device;
  4. is restricted by lung disease to the extent that the person's forced respiratory expiratory volume for one second, measured by spirometry, is

- less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest;
5. uses portable oxygen;
  6. has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;
  7. is severely limited in the ability to walk because of an arthritic, neurological, or orthopedic condition;
  8. has a disorder of the foot that, in the opinion of a person licensed to practice podiatry in this state or in a state adjacent to this state, limits or impairs the person's ability to walk; or
  9. has another debilitating condition that, in the opinion of a physician licensed to practice medicine in this state or a state adjacent to this state, or authorized by applicable law to practice medicine in a hospital or other health facility of the Veterans Administration, limits or impairs the person's ability to walk.
- C. **"Stand" or "standing"** means to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.
- D. **"Disabled Parking Placard"** issued by the Texas Department of Motor Vehicles must be:
1. two-sided and hooked and include on each side:
    - a. the international symbol of access, which must be at least three inches in height, be centered on the placard, and be:
      1. white on a blue shield for a placard issued to a person with a permanent disability; or
      2. white on a red shield for a placard issued to a person with a temporary disability;
    - b. an identification number;
    - c. an expiration date at least three inches in height; and
    - d. the seal or other identification of the Texas Department of Motor Vehicles.
  2. A disabled parking placard must bear a hologram designed to prevent the reproduction of the placard or the production of a counterfeit placard.
  3. In addition to the expiration date included on a disabled parking placard, the expiration date must be indicated on the placard by a month and year hole-punch system.
- E. **"Refueling Service"** means the service of pumping motor vehicle fuel into the fuel tank of a motor vehicle.
- F. **"Service Station"** means a gasoline service station or other facility that offers gasoline or other motor vehicle fuel for sale to the public from the facility.  
**\*\*NOTE\*\* This applies to a service station that ordinarily provides pump island service, except that such a service station is not required to provide**

**refueling service under this definition during any regularly scheduled hours during which, for security reasons, the service station does not provide pump island service.**

1. This does **not** apply to a service station or other facility that:
  - a. never provides pump island service; and
  - b. has only remotely controlled pumps.

#### **IV. Procedures**

- A. Response to illegal parking in designated disability access spaces
  1. Dispatch receiving notification that a vehicle is parked illegally in a designated parking space intended for disability access parking will gather the information and dispatch an officer to further investigate the complaint.
  2. A police officer, whether self-initiated or dispatched, will take appropriate action concerning a vehicle illegally parked in a designated disability access space.
    - a. verify if the vehicle is authorized to park in the disability access space.
    - b. make reasonable attempt to locate the owner/driver of the illegally parked vehicle and have it moved by the owner/driver.
    - c. issue citation for the violation.
    - d. have the vehicle towed.
    - e. if no enforcement action is taken, the officer should document the reason/explanation of the situation on the call card notes section.
  3. Authorized civilians who are trained to take enforcement action against violators parked illegally in designated disability access spaces will:
    - a. verify and document the parking violation when issuing a citation.
    - b. have no contact with any parties involved in the parking violation in order to avoid any possible confrontation and to safeguard the person(s) performing the enforcement action.
    - c. contact law enforcement when enforcement action other than issuing a citation may be needed or when a situation is perceived as possibly confrontational with others.

4. Response to “Refueling Services” - a person who operates a service station shall provide, on request, refueling service to a person with a disability who is the driver of a vehicle and displays:
  - a. an authorized disabled license plate; or
  - b. an authorized disabled parking placard.
  
5. Response to a person who commits an offense at a “Refueling Service” and refuses to provide such service as prescribed in the Texas Business and Commerce Code Title 5. Subtitle C. Chapter 105 “Refueling Services for Persons with Disabilities”:
  - a. when there is a violation and an authorized person agrees to be the complainant on the citation, the officer shall:
    1. issue a citation to the manager responsible for setting the service policy of the service station subject to this violation; or
    2. issue a citation to an employee acting independently against the established service policy of the service station.