

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, ESTABLISHING THE APPLICATION PROCESS FOR THE CREATION OF A HANDICAPPED PARKING SPACE ON A PUBLIC STREET IN THE BOROUGH OF HANOVER, ESTABLISHING THE ELIGIBILITY CRITERIA FOR AN APPLICANT THEREFORE, PROVIDING LIMITATIONS ON THE NUMBER AND LOCATION OF SUCH SPACES AND EXCEPTIONS THERETO, PROVIDING FOR THE PLACEMENT OF SIGNAGE DESIGNATING HANDICAPPED SPACES AND PROVIDING FOR THE ANNUAL REVIEW THEREOF.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

I. Definitions.

Applicant - A resident (or the parent, guardian or legal representative of the resident) who files an application for the installation of a handicapped parking space.

Block - The property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right of way, waterway, or other barrier to or gap in the continuity of development along such street, alleys excluded.

Borough - The Borough of Hanover, York County, Pennsylvania.

Department - The Pennsylvania Department of Transportation.

Handicapped parking space - a parking space reserved for use by handicapped persons or disabled veterans utilizing vehicles lawfully bearing handicapped registration plates or placards.

Placard - An instrument of notice that is hung from the inside rearview mirror of a vehicle or otherwise displayed on a vehicle as required by law indicating that said vehicle is currently authorized to park in a handicapped parking area.

Resident - An individual who occupies real estate within the Borough where such real estate is used as said individual's principal residence.

Parking Review Committee - A Committee of the Borough made up of the Public Safety Committee, Chief of Police and Director of Public Works.

II. Application Process.

(A) Fees. The application for the erection of a permanent or temporary handicapped parking space shall be made available to any Borough resident (or the parent, guardian or legal representative of a Borough resident) and when submitted shall be accompanied by a fee of fifty dollars (\$50.00). An annual renewal fee of ten dollars (\$10.00) shall apply to all permits renewed under Section IV below. Fees may be waived if the Applicant falls within the Federal Housing and Urban Development Poverty Guidelines.

(B) Application. The application will be designed and developed by the Parking Review Committee, but shall include, at a minimum, the identity of the Applicant, the address of the Applicant's residence, the make, model and license plate number of the Applicant's vehicle (if any), the Applicant's disability, whether the disability is permanent or temporary, whether off-street parking is available immediately adjacent to or on the Applicant's property, the location of any current handicapped parking spaces on the same block where the Applicant resides, and a signature section. The application shall also contain a clause informing the Applicant that the Applicant is required to notify the Borough Manager immediately if and when the Applicant moves from the address set forth on the application or no longer has a disability or no longer possesses a valid handicapped registration plate or placard. If the Applicant is applying to have the fee waived due to economic hardship, the Applicant must provide documentation that their income falls within the Federal Housing and Urban Development Poverty Guidelines. Upon receipt of an application from a handicapped or disabled individual (or such person's parent, guardian or legal representative), the Parking Review Committee may collect such relevant information as the Committee deems necessary to evaluate the application, including medical records evidencing the Applicant's disability.

III. Eligibility.

(A) After acquiring a handicapped or disabled veteran's registration plate or placard from the Department, any Borough resident may file an application for the creation of a handicapped parking space upon the block on which the resident resides. The possession of a handicapped or disabled veteran's registration plate or placard does not guarantee that the resident's application for a handicapped parking space will be granted.

(B) Statement of Disability. All applications for a handicapped parking space must be supported by proof of the Applicant's asserted disability from a medical doctor, doctor of osteopathy, or doctor of podiatry medicine (collectively, "physician"). The application shall include a statement by a physician, which shall be signed by the physician and which statement shall not be issued more than six months prior to the date of the application. Said physician's statement shall specifically set forth the nature of the Applicant's disability, how the disability limits the Applicant's mobility, and the estimated duration of the Applicant's disability. Notwithstanding the Applicant's provision of a physician's statement of disability, the Parking Review Committee may require the Applicant to provide additional medical records evidencing the Applicant's ongoing disability.

(C) Criteria. In order to provide an adequate number of handicapped parking spaces in a particular block and to preserve adequate parking spaces for all Borough residents, before the Borough creates a handicapped parking space, the Parking Review Committee must determine that the limitations upon the number and placement of handicapped parking spaces on a particular block set forth in subsection (D) hereof will not be exceeded if the requested handicapped parking space is created, that the Applicant has proven that there is no handicapped accessible off-street parking available to the Applicant, and that the Applicant meets one or more of the following criteria:

1. The Applicant is medically required to use portable oxygen;
2. The Applicant has limited or no use of one or both legs;
3. The Applicant suffers from severe limitation in the ability to walk due to any arthritic, neurological or orthopedic condition or any physical ailment that prevents the Applicant from walking 200 feet without stopping to rest;
4. The Applicant suffers from a serious cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association; or
5. The Applicant suffers from any other physical or mental impairment not heretofore mentioned which constitutes a substantial degree of disability and

imposes great difficulty on the Applicant walking more than 200 feet without stopping.

(D) Final determination. After collecting all pertinent information, the Parking Review Committee will review and investigate all information related to the application. The Parking Review Committee may obtain an independent medical review of the Applicant's medical records and asserted disability. If the Parking Review Committee determines the Applicant has met the requirements of this article, the Parking Review Committee may approve and authorize the creation of the handicapped parking space and installation of signage in accordance with applicable state laws and regulations and shall define the duration of its validity. In the event the Parking Review Committee determines the Applicant has not met the requirements of this article, the Parking Review Committee shall deny the application and inform the Applicant in writing of the denial and the reason(s) for the denial. The Applicant may appeal the decision of the Committee to Borough Council, which shall consider such appeal pursuant to the provisions of the Local Agency Law. Upon approval for a handicap parking space the Applicant shall pay to the Borough one hundred eighty-five dollars (\$185.00) to cover the cost of material and labor to erect the handicapped parking sign and paint the appropriate markings within the street right-of-way. In addition, the Applicant shall pay to the Borough one hundred dollars (\$100.00), which will be held in escrow by the Borough to pay the costs of removal of the sign and street painting when same are no longer authorized.

Fees described in Sections II.A and III.D are based upon reasonable estimates of the cost of labor and material to complete the tasks for which the fee is charged. The charges shall be subject to change to reflect increases or decreases in the cost of such labor and materials upon resolution of Borough Council enacted from time to time.

(E) Nonexclusive right. If a handicapped parking space is created under this article, the handicapped parking space so created may be used by any person parking a vehicle lawfully bearing registration plates or placards issued to handicapped persons or disabled veterans. The decision to approve the creation of a handicapped parking space shall not be construed as granting the Applicant the exclusive right to park his/her vehicle in the handicapped parking space created hereunder.

(F) Other parking regulations. Nothing in this article shall exempt handicapped individuals from other parking restrictions or regulations applicable to the space/block.

IV. Limitation on Number of Handicapped Parking Spaces.

The Parking Review Committee shall not authorize handicapped parking space(s) in excess of the limitations set forth below.

(A) Central Business District. No additional handicapped parking spaces may be granted by the Parking Review Committee within the Central Business District, as defined by the Zoning Ordinance of the Borough. The Director of Public Works may direct the installation of a handicapped parking space within the Central District as he/she deems appropriate to assure adequate and convenient parking for handicapped persons and the general public. In making such determinations the Public Works Director shall consider all relevant factors that the Parking Review Committee must consider pursuant hereto.

(B) One-way roadways. When the roadway is a one-way roadway, no more than two handicapped parking spaces may be granted on each side of the block on which parking is permitted.

(C) Two-way roads. When the roadway is a two-way street, no more than three handicapped parking spaces may be granted on each side of the block on which parking is permitted.

(D) Other parking restrictions. The Parking Review Committee may consider other parking restrictions applicable to a particular block and other information regarding the block including, but not limited to the size of the block and existing limitations or restrictions on parking in the area and may further restrict the number of handicapped parking spaces to maintain an adequate number of unregulated parking spaces, as it deems appropriate.

(E) Council Action. Borough Council may authorize more than the maximum number of handicapped parking spaces on a particular block by ordinance, setting forth the block which is excluded from the above limitations and the maximum number of handicapped parking spaces permitted on that particular block. Any such ordinance shall expire and be of no further force and effect after the expiration of two years from the effective date of the amending ordinance, unless reenacted by Council. The Parking Review Committee shall notify each Applicant on the subject block no more than ninety days and no less than sixty days prior to the expiration of such ordinance.

(F) Existing handicapped parking spaces in excess of the limitations set forth in this section and existing on the effective date of this section shall be permitted to remain in place, subject to annual review by the Parking Review Committee and/or review by the Committee in response to a complaint of misuse or lack of need therefore. Applicants for preexisting handicapped parking spaces shall be notified of the obligation for an annual review of the grant of the handicapped parking space and of the obligation to notify the Borough of a change of circumstances resulting in the absence of a need for the handicapped parking space as set forth in Section II.B above.

(G) In designating a handicapped parking space the Parking Review Committee and the Director of Public Works shall confirm that the space to be designated and any access isles shall be level, with surface slopes not exceeding 1:50 (2%) in all directions.

V. Placement of Signs.

(A) Generally. For a single application for a handicapped parking space, sign and road marking placements will be positioned as close as possible to the place of residence of the Applicant as the street design and existing street features permit. In the event more than the permissible number of handicapped parking spaces are requested on a one- or two-way roadway, the handicapped parking spaces may be relocated in the center of the block or otherwise adequately positioned to collectively reflect, as a whole, the needs of all Applicants, as determined by the Parking Review Committee.

(B) Authority to post. The Director of the Department of Public Works will direct all postings, sign removal and replacements of handicapped parking space in accordance with Department rules and regulations. The Department of Public Works will report the posting or removal of handicapped parking signs and road markings and all actions taken upon applications for handicapped parking spaces to the Parking Review Committee.

(C) Disputes regarding sign placement. The Parking Review Committee shall be responsible for investigating Borough and citizen complaints regarding the placement of handicapped parking signs and the Parking Review Committee shall require that all complaints be in writing and it shall conduct an investigation of the complaint within ninety calendar days after receiving a complaint. Upon conducting an investigation, the Parking Review Committee shall report the complaint, its investigation and its findings in a manner it deems just and appropriate, including but not limited to the removal of the handicapped parking space. The complainant, block residents, Applicant and the Borough shall be entitled to present evidence to the Parking Review Committee.

VI. Annual Reporting.

(A) Annual reporting. After approval of the application, the Applicant shall submit an annual renewal application. The renewal application shall be designed by the Parking Review Committee and require the Applicant to verify the continuance of his/her disability. The Parking Review Committee shall require an Applicant to submit an updated physician's statement of the Applicant's disability, based on the criteria set forth under the Eligibility and Determination subsections of this ordinance. The Parking Review Committee may require the Applicant to submit medical records, other than a physician's statement, which evidences the Applicant's ongoing disability. In January of each year, the Parking Review Committee shall mail to (via regular first class mail) each Applicant (and Applicants under prior rules and regulations) the renewal application referenced herein. If the Applicant fails to submit the renewal application, including the physician's statement of disability and additional medical records (if such records are requested) by March 15th of that year or the Applicant is no longer eligible for a handicapped parking space, the Parking Review Committee shall inform the Director of Public Works that the handicapped parking space should be removed. The Parking Review Committee may obtain an independent medical review of Applicant's medical records. The Parking Review Committee shall give written notice of its determination that the Applicant is no longer eligible for a handicapped parking space to the Applicant within thirty days of the Borough's receipt of the renewal application. The Applicant may appeal the determination of the Parking Review Committee to Borough Council, which shall consider such appeal pursuant to the provisions of the Local Agency Law.

VII. Penalties for violations.

(A) False Statements. It shall be unlawful for any person to knowingly and willfully, with the intent to deceive, make a false statement to any public official for the purpose of obtaining a handicapped parking space. Any person who violates this provision shall be guilty of committing a summary offense and, upon conviction thereof, shall be fined not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00), plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.

(B) Violations. Any person who violates any other provision of this Ordinance shall be guilty of committing a summary offense and, upon conviction thereof, shall be subject to a criminal fine not to exceed one thousand dollars (\$1,000.00) per violation and, in default of payment thereof may be imprisoned for a period of time not to exceed thirty (30) days.

(C) Penalties for violation. Whoever parks in a designated handicapped parking space and does not lawfully bear handicapped registration plate or placards shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and in default of payment thereof may be imprisoned for a period of time not to exceed thirty (30) days.

ENACTED AND ORDAINED by the Hanover Borough Council on this 26th day of April, 2017.

ATTEST:

**BOROUGH COUNCIL OF THE
BOROUGH OF HANOVER**

Secretary

By: _____
Council Vice-President

Approved this 26th day of April, 2017.

Mayor