

**NORTH APOLLO BOROUGH
HANDICAPPED RESIDENTIAL PARKING ORDINANCE**

ORDINANCE NO 276 OF 2002

AN ORDINANCE OF THE BOROUGH OF NORTH APOLLO, COUNTY OF ARMSTRONG, AND COMMONWEALTH OF PENNSYLVANIA, ADOPTING A POLICY WITH REGARD TO HANDICAPPED RESIDENTIAL PARKING PLACES THROUGHOUT THE BOROUGH OF NORTH APOLLO, PURSUANT TO 75 Pa.C.S.A. §3354 OF THE MOTOR VEHICLE CODE OF THE COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING AN APPLICATION AND RENEWAL PROCESS, ESTABLISHING FEES AND REPEALING ALL INCONSISTENT ORDINANCES.

I. SHORT TITLE

This Ordinance shall be known as the Handicapped Residential Parking Ordinance.

II. AUTHORITY

This Ordinance is enacted pursuant to 75 Pa.C.S.A. §3354(d)(2) of the Motor Vehicle Code of the Commonwealth of Pennsylvania, which provides that local authorities may erect on the highway, as close as possible to their place of residence, a sign or signs indicating that the place is reserved for a handicapped person or severely disabled veteran. 75 Pa.C.S.A. §3354.

III. PURPOSE

This Ordinance is being enacted to accommodate the citizens within the Borough of North Apollo that are handicapped persons, or severely disabled veterans;

IV. DEFINITIONS

1. *Application.* The official application which was enacted as a part of this Ordinance and which is available at North Apollo Borough Municipal Building.
2. *Borough.* The area within the corporate limits of the Borough of North Apollo, County of Armstrong and Commonwealth of Pennsylvania.
3. *Council.* The duly elected governing body of North Apollo Borough.
4. *Non-transferable.* Not subject to change of ownership by way of purchase, gift or any other means.
5. *Person in loco parentis.* Any adult charged by law with the natural parent's rights, duties and responsibilities acting on behalf of a minor child (under 18) in place of the child's natural parents.
6. *Police Department.* The police department of North Apollo Borough.
7. *Renewal Application.* The official renewal application which was enacted as a part of this Ordinance and which is available at North Apollo Borough Municipal Building.
8. *Resident.* Any natural person who lives within the Borough for a period of thirty (30) days or more.
9. *Revoke.* To terminate by formal action of the Council any license, registration or privilege issued or granted by the Council and/or the secretary.
10. *Shall.* Indicates that an action is required or prohibited

V. ELIGIBILITY REQUIREMENTS

1. Residents of the Borough of North Apollo who desire a handicapped parking place shall meet one of the following eligibility requirements:
 - a. Applicant is blind.
 - b. Applicant cannot walk 200 feet without stopping to rest.
 - c. Applicant cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device.
 - d. Applicant is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by

spirometry, is less than one liter or the arterial oxygen tension is less than 60 MM/HG on room air at rest.

- e. Applicant uses portable oxygen.
- f. Applicant 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 the standards set by the American Heart Association.
- g. Applicant is a person in loco parentis of a person specified in paragraph a, b, c, d, e or f above.

VI. PERMIT APPLICATION PROCEDURE

1. Residents of the Borough of North Apollo desiring a handicapped parking place permit shall be directed to the designated officer of the North Apollo Borough Police Department to obtain a person with disabilities parking place application.

2. The person seeking the handicapped parking space shall complete and sign the application form and remit the same to Council for consideration.

3. The form of the application, and the contents thereof, shall from time to time be amended by Resolution of Council.

4. The application shall, at a minimum, contain the following information with regard to the alleged disabled person seeking a handicapped parking place permit:

- a. Name a person with alleged disabilities;
- b. Permanent address;
- c. Phone number;
- d. Location of proposed placement of handicapped parking only sign;
- e. Name of current medical doctor;
- f. Location diagram;
- g. Statement certified by a physician licensed to practice in the Commonwealth or in a contiguous state that the person with a disability meets one of the eligibility requirements of this Ordinance.
- h. Two items of proof of residency. Acceptable items of proof include, but are not limited, to the following:

- i. Valid Pennsylvania driver's license;
- ii Valid Pennsylvania vehicle registration;
- iii Voter registration;
- iv. Real estate tax receipts;
- v. Phone or electric bill;
- vi. Lease;
- vii. Rent receipt.

5. The completed application shall be returned to the police department along with the require fee of \$50.00, who shall, within ten (10) days, conduct an investigation and forward the results of the investigation and a recommendation to either grant or deny the request to the Council for review and subsequent approval or disapproval within sixty (60) days of the date of application.

6. Approved applications, along with the required fee, shall be forwarded to the Secretary, who upon the receipt of the same, shall issue a handicapped parking place work order so that the appropriate sign may be erected at the appropriate designated space appropriately marked for parking.

7. If the application is disapproved, written notice of the disapproval together with the reasons therefore shall be given to the applicant along with the fee payment.

8. A list of approved handicapped parking places within the Borough shall be maintained by the Secretary along with official Borough records. This list shall be updated each year immediately after the annual permit renewal period, as set forth in Section IV herein, and a copy of the list provided to the North Apollo Borough Council.

9. All handicapped person parking places are subject to Ordinances of the Borough dealing with street sweeping, snow removal and emergency situations as determined by Ordinance, state or federal law or by law enforcement officer as per necessary conditions that are then existing.

10. Applicant's for handicapped places shall be advised that, whenever a handicapped space is provided to an Applicant, that space may be used by any vehicle bearing a current handicapped placard or registered disability plate from the Commonwealth of Pennsylvania or any other contiguous state.

VII. PERMIT APPLICATION ANNUAL RENEWAL PROCEDURE

1. All handicapped parking permits issued pursuant to this Ordinance, or prior to the enactment of this Ordinance, must be renewed each year by completing and submitting disabilities parking place yearly renewal application to the Secretary.
2. If Applicant meets one of the eligibility requirements as set forth in Section I of this Ordinance and the Applicant submits proof of disability in accordance with Section II(D)(vii) of this Ordinance, the Secretary shall approve the renewal application.
3. The persons with disabilities parking place yearly renewal application shall be filed with the Secretary along with a renewal fee of \$10.00 between May 1 and May 31 of each year, regardless of the date when the permit was issued in the immediately prior year. Failure to renew will result in the removal of the sign designating handicapped parking.

VIII. HANDICAPPED PARKING PERMIT FEES

1. All of the following completed applications filed pursuant to this Ordinance must be accompanied by check, cash, or money order made payable to "Borough of North Apollo" as follows:
 - a. Persons with disabilities parking place application - \$50.00;
 - b. Persons with disabilities parking place yearly renewal application - \$10.00.
2. The \$50.00 Application Fee shall be for the costs incurred for administrative processing of the Application, erecting the appropriate signs and other work, such as street painting, required to appropriately designate a parking space as a handicapped parking space.
3. The \$10.00 yearly renewal fee shall be the administrative fee for processing the renewal application.
4. Council may from time to time, as it deems appropriate, amend the above fees by way of Resolution
5. All fees set forth in this Ordinance shall be returned to the Applicant upon any denial of the Applicant's request.

IX. PENALTIES FOR VIOLATIONS AND ENFORCEMENT

1. *False Applications.* Any individual who submits a false application to the Secretary, shall, upon conviction thereof, be fined \$1,000.00 and costs.

2. *Violation by Non-Handicapped or Non-Disabled Person.* The maximum penalties for violations committed by non-handicapped and non-disabled persons under this Ordinance shall be conspicuously set forth in full on the sign designating the space as a handicapped space pursuant to 75 C.S.A. §3354, 67 Pa.Code 217.4 , 67 Pa.Code 211.231-233 and 67 Pa.Code 211.241.

3. *Applicant's Abuse or Privileges.* Each false application submitted to the Secretary shall constitute a separate offense. Council reserves the right to revoke any handicapped parking permit based on found complaints of abuse by the Applicant. Confirmed abuse of the handicapped parking permit will result in the removal of the handicapped parking space.

4. *Abuse.* It should be the responsibility of Council to determine what constitutes abuse of a permit pursuant to this Ordinance.

5. *Enforcement.* It shall be the responsibility of the North Apollo Police Department to enforce the provisions of this Ordinance.

X. MISCELLANEOUS PROVISIONS

1. *Non-Transferable.* All permits issued pursuant to this Ordinance is non-transferable.

2. *Notification of Death.* Upon the death of a person to whom an application has been approved pursuant to this Ordinance, it shall be the responsibility of the personal representative of the deceased and/or if no representative is appointed, the spouse, or if there is no spouse, the next of kin of the deceased, to notify the Department and the Borough within thirty (30) days after the death.

3. *Repealer.* All Ordinances or Resolutions are part thereof conflicting with this Ordinance with provisions of this Ordinance are hereby repealed to the extent of said conflict.

4. *Severability.* If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not then be included herein.

ORDAINED AND ENACTED THIS 2nd DAY OF June, 2002.

Eugene T. Burns
EUGENE T. BURNS, President

ATTEST:

Edward Stitt Jr.
EDWARD STITT, Borough Secretary

APPROVED:

Edward Adams Jr.
Mayor