

**BOROUGH OF MYERSTOWN
COUNTY OF LEBANON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 857

AN ORDINANCE AUTHORIZING THE DESIGNATION OF ON-STREET PARKING SPACES RESERVED FOR PERSONS WITH A DISABILITY OR SEVERELY DISABLED VETERANS AT OR NEAR THEIR RESIDENCES, AND SETTING FORTH REQUIREMENTS AND REGULATIONS RELATING THERETO

WHEREAS, the Borough Council of the Borough of Myerstown desires to facilitate and provide adequate parking spaces on public streets for persons with a disability and severely disabled veterans; and

WHEREAS, the Borough Council of the Borough of Myerstown desires to prevent the proliferation of on-street parking spaces reserved for persons with a disability or severely disabled veterans to the detriment of the community; and

WHEREAS, the Borough Council of the Borough of Myerstown desires to maintain and preserve an adequate amount of on-street parking spaces reserved for persons with a disability and severely disabled veterans residing in the Borough of Myerstown; and

WHEREAS, the Borough Council of the Borough of Myerstown wishes to provide for an application process with clearly established eligibility and evaluation criteria for obtaining on-street parking spaces reserved for persons with a disability and severely disabled veterans;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MYERSTOWN AS FOLLOWS:

SECTION 1 – Definitions and Word Usage

Words and phrases used in this article shall have, for the purposes of this article, the meanings given them in the current Pennsylvania Motor Vehicle Code, except in those instances where the context clearly indicates a different meaning. Notwithstanding the foregoing, unless otherwise expressly stated, the following words and phrases shall be construed throughout this article to have the following meanings:

ADJACENT PROPERTY OWNERS

Owners of properties in the Borough of Myerstown which share a common property line with the property occupied by the resident for whom a designated on-street parking space is requested.

APPLICANT

A person with a disability or a severely disabled veteran who occupies real estate in the Borough as his or her principal residence and who files an application for the designation of an on-street parking space for persons with disability or severely disabled veterans.

BOROUGH

The Borough of Myerstown, Lebanon County, Pennsylvania.

BOROUGH COUNCIL

The Borough Council of the Borough of Myerstown, Lebanon County, Pennsylvania.

BOROUGH MANAGER

The Borough Manager of the Borough of Myerstown, Lebanon County, Pennsylvania, or his/her designee.

CODE ENFORCEMENT OFFICER

A person or other legal entity appointed by Myerstown Borough Council to enforce the Ordinances of the Borough.

PARKING SPACE RESERVED FOR PERSONS WITH A DISABILITY OR SEVERELY DISABLED VETERANS

A parking space designated for use by persons with a disability or severely disabled veterans utilizing vehicles lawfully bearing a Persons with a Disability Parking Placard or Persons with a Disability Registration Plate issued by the Pennsylvania Department of Transportation.

PENNDOT

The Pennsylvania Department of Transportation.

PERSON WITH A DISABILITY

A person who has been issued a Persons with a Disability Parking Placard or Persons with a Disability Registration Plate under Section 1338 or 1342(a) or (b) of the Pennsylvania Motor Vehicle Code.

PLACARD

An instrument of notice that is hung from the inside rearview mirror of a vehicle indicating that said vehicle is currently authorized to park in a handicapped parking space.

SECTION 1 – Designation of On-Street Parking Spaces for Persons with a Disability or Severely Disabled Veterans At or Near their Place of Residence.

- A. The Borough may, at the request of a person with a disability or severely disabled veteran, designate an on-street parking space for said person or veteran, as close as possible to the person's or veteran's place of residence, provided that the designated space is otherwise a legal parking space.
- B. Upon approval of the request, the Borough shall erect a sign with the International Symbol of Access indicating that the on-street parking space is reserved for a person with a disability or severely disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine and may be towed.
- C. The absence of a sign stating the penalty amount at parking spaces designated with an International Symbol for Access for persons with a disability on a sign shall not preclude the enforcement of this ordinance. A vehicle may only be towed under this ordinance if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

- D. A list of all current on-street parking spaces designated for persons with a disability or severely disabled veterans shall be maintained at all times by the Borough Secretary.

SECTION 2 – Application Procedure.

- A. Any applicant wishing to reserve a parking space for a person with a disability or a severely disabled veteran at or near their residence on any street within the Borough upon which public parking is currently permitted shall submit a written request to the Borough, on an application provided by the Borough, which must include the following information:
1. The name, address, and telephone number of the person with a disability or severely disabled veteran for whom the request is being made.
 2. The name, address, and telephone number of the applicant, if the applicant is a person other than the resident for whom the request is being made.
 3. Proof of the issuance of a “Persons with a Disability Parking Placard” by the Pennsylvania Department of Transportation.
 4. Proof of a valid driver’s license issued to the person for whom the request is being made.
 5. The make, model, license plate number, and proof of ownership of the vehicle to which the “Persons with a Disability Parking Placard” was issued by the Pennsylvania Department of Transportation.
 6. A description of the physical impairment of the resident, a statement as to whether the impairment is permanent or temporary (if temporary, a detailed statement of the anticipated term of the impairment), and whether a device such as a wheelchair, crutches, or walker is used by such resident for locomotion. The applicant shall supply with the written request proof of the resident’s asserted medical disability from a medical doctor, doctor of osteopathy, or doctor of podiatric medicine (collectively, “physician”). The physician’s statement must be signed by the resident’s physician, must not be issued more than six months prior to the date of the written request, and must specifically set forth the nature of the impairment, how the impairment limits the resident’s mobility, and the estimated duration of the resident’s impairment.
 7. The location of the requested on-street parking space to be reserved.
 8. The names, addresses, and telephone numbers (if listed in a published telephone directory) of adjacent property owners of all real estate sharing a common property line with the resident’s property.
 9. If the person making the request is not the property owner of the residence, a signed statement of consent by the property owner.
 10. Any other information requested by the Borough Manager, including medical records evidencing the resident’s ongoing disability. Moreover, if the disability is not permanent, the applicant shall, when requested by the Borough Manager,

submit any and all documents requested by the Borough Manager to evidence that the disability of the resident continues to exist.

11. Payment of all applicable fees as set from time to time by resolution of Borough Council. Fees shall be refunded in the event that an application is denied.

SECTION 3 – Review Procedure.

- A. Upon receipt of an application, the Borough Manager or his/her designee shall visit the site of the requested on-street parking space, assess the needs of the applicant, and study the available on-street and off-street parking of the affected property and nearby properties. The recommendations of the Borough Manager or his/her designee shall be submitted to the Borough Council within 60 days following receipt by the Borough of the request, unless the applicant, in writing, agrees and consents to a waiver of this time requirement.
- B. In formulating the recommendation required above, the Borough Manager or his/her designee shall consider the following criteria:
 1. Whether the person for whom the on-street parking space is being requested is a resident of the Borough;
 2. Whether PennDOT has issued a person with a disability or severely disabled veteran registration plate or placard to the resident or on behalf of the resident for whom the request is made. Notwithstanding the foregoing, should no one residing in the dwelling with the resident have such a person with a disability or severely disabled veteran registration plate or placard from PennDOT, the resident or the applicant shall not be entitled to the reservation of such a parking space under this Ordinance;
 3. Whether there exists a reasonably accessible and practicable on-street parking space to serve the location;
 4. Whether the resident has any other reserved on-street parking spaces in the Borough, it being understood that the Borough shall grant no more than one parking space per resident;
 5. The nature of the resident's disability, and whether that disability creates a need for an on-street parking space reserved for persons with a disability or severely disabled veterans that outweighs the public interest in maintaining that space for general public use;
 6. The physical geography of the residence. An on-street parking space shall not be reserved if there is adequate and accessible off-street parking. "Accessible" shall mean the existence of a generally level path measuring less than 100 feet leading from a parking area to the residence or formal reserved parking that complies with the Americans with Disabilities Act;
 7. Existing parking patterns. The Borough Manager or his/her designee shall consider the following factors in formulating a recommendation:

- i. Traffic or pedestrian safety issues with the proposed location of an on-street parking space reserved for persons with a disability or severely disabled veterans;
 - ii. Availability of parking on the block;
 - iii. Number of existing reserved on-street parking spaces on the block;
 - iv. Whether the proposed reserved on-street parking space would block or otherwise impede access to a residence, business, or accessory structure;
 - v. Reserved on-street parking spaces will not be considered in alleys;
8. All information set forth in the written request of the applicant; and
9. Any other information which the Borough Manager or his/her designee deems applicable or appropriate under the particular facts and circumstances of each request.

C. The Borough Manager may seek additional guidance and research from members of the Borough Council (particularly the President of Council and the Public Safety Committee Chair), Pennsylvania's Local Technical Assistance Program, the Pennsylvania Department of Transportation, the Borough Engineer, the Pennsylvania State Association of Boroughs, and any other resources available.

D. If required by the Pennsylvania Motor Vehicle Code or pursuant to Pennsylvania Department of Transportation regulations, the Borough Manager or his/her designee shall obtain a traffic and engineering study related to each request. The cost of any such request shall be borne by the applicant. An estimated cost shall be provided to the resident for approval prior to initiating fee-based studies.

SECTION 4 – Approval.

- A. The Borough Manager or his/her designee shall present the application and written recommendation at a regularly scheduled and advertised public meeting of the Borough Council. Requests for the reservation of on-street parking spaces for persons with a disability or severely disabled veterans shall only be approved by a majority vote of the Borough Council at a regularly scheduled and advertised meeting.
- B. Borough Council, in their sole and absolute discretion, may limit the number of on-street parking spaces reserved for persons with a disability or severely disabled veterans.

SECTION 5 – Annual Renewal of Space; Termination.

- A. Annual renewal. Any and all on-street parking spaces reserved for persons with a disability or severely disabled veterans created hereby shall remain in full force and effect for a period of one year from the date created or renewed, unless terminated earlier in accordance with the provisions of this Ordinance. Any applicant wishing for the space created at his or her request to be renewed for an additional one-year period shall complete and submit an annual renewal form to the Borough, along with a renewal fee

as may be set by Borough Council and which may be modified from time to time by resolution of Borough Council. The renewal form shall be provided by the Borough and shall be reviewed in accordance with the provisions of Section 3 hereof.

- B. Termination. In the event that the applicant for whom the on-street parking space reserved for persons with a disability or severely disabled veterans was created ceases to permanently reside at the location for which the space has been reserved, is no longer disabled, ceases to have a current persons with disability or severely disabled veterans registration plate or placard, fails to file the annual renewal or pay the annual renewal fee, fails to comply with any other terms of this article, or if the Borough Manager shall determine that such applicant is no longer entitled to the parking space for a person with a disability or severely disabled veteran, the Borough Manager shall, by written letter directed to the applicant, rescind the approval for such parking space for a person with a disability or severely disabled veteran and direct the proper officials of the Borough to remove all signs designating such parking space.

SECTION 6 – Enforcement.

- A. Borough Council specifically authorizes its duly appointed police officers, Code Enforcement Officer, and Borough Manager, and any other person authorized by Borough Council by resolution to enforce this article and to issue citations for violations of this article and to prosecute any such violations pursuant to the terms of this Ordinance.

SECTION 7 – Prohibited Parking.

- A. The parking of any vehicle not lawfully bearing a persons with a disability or severely disabled veteran's registration plate or placard when the vehicle is being operated for the transportation of a person with a disability or severely disabled veteran shall be prohibited at all times in any parking space reserved pursuant to this article, and no parking shall be permitted at any such parking space by any vehicle other than that for which a parking space has been reserved for persons with a disability or severely disabled veterans.
- B. If an on-street parking space reserved for persons with a disability or severely disabled veterans is created under this Ordinance, the reserved parking space so created may be used by any person parking a vehicle lawfully bearing registration plates or placards issued by PennDOT to persons with a disability or severely disabled veterans. This article shall not be construed as granting the applicant for whom the request was submitted the exclusive right to park his or her vehicle in the reserved parking space created hereunder.
- C. The Borough may limit access to a parking space reserved under Section 1 to a specific vehicle, license plate or other method of designation. Under this section, the Borough may charge a reasonable fee and shall comply with section 6109 of the Pennsylvania Motor Vehicle Code (relating to specific powers of department and local authorities) and the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

SECTION 8 – Violations and Penalties.

- A. Any person violating any of the provisions of this article, upon summary conviction, shall be sentenced to pay a fine of not more than \$600, plus costs of prosecution.
- B. Nothing in this section is intended to limit or prohibit the issuance of citations for violations of the Motor Vehicle Code ("MVC"). The penalties of this section shall be deemed to be in addition to, and not in place of, any violations of the MVC, provided only that the total of all such fines for each violation shall not exceed \$600.
- C. Each citation issued hereunder shall be considered a separate violation, and separate violations shall not be combined in calculating the total of such violations.

SECTION 9 – Nonlimitation.

Nothing in this Ordinance is intended to or shall be construed to limit Borough Council from establishing on-street parking spaces reserved for persons with a disability or severely disabled veterans within the Borough in any other manner and at any time Borough Council deems appropriate, to the extent authorized by the MVC, PennDOT regulations and other applicable laws.

SECTION 10 – Existing On-Street Parking Spaces Reserved for Persons with a Disability or Severely Disabled Veterans.

- A. Existing on-street parking spaces reserved for persons with a disability and severely disabled veterans shall continue to remain reserved at the time of the adoption of this Ordinance.
- B. All existing on-street parking spaces reserved for persons with a disability and severely disabled veterans are subject to annual renewal.

SECTION 11 – False Statements.

It shall be unlawful and a violation hereof for any person to knowingly and willfully make a false statement to any public official for purposes of obtaining a parking space for a person with a disability or severely disabled veteran.

SECTION 12 – Costs.

In addition to all costs which are made the responsibility of the applicant by the terms hereof, the applicant and/or the resident for whom the applicant is making the request for a parking space for a person with a disability or severely disabled veteran shall be solely responsible for the cost of any and all state-related applications, filings and documentation required for a placard or registration plate (person with a disability or severely disabled veteran). All such placards or registration plates must be displayed while the vehicle is parked in a public designated parking space for a person with a disability or severely disabled veteran.

ENACTED AND ORDAINED this ____ day of _____, 2020.

ATTEST:

MYERSTOWN BOROUGH

By: _____
Michael R. McKenna, Secretary

By: _____
Bryan Rittle, President

Examined and Approved this ____ day of _____, 2020.

By: _____
Gloria Ebling, Mayor

DRAFT