

ORDINANCE NO. 616-2015

AN ORDINANCE REGULATING THE ISSUANCE OF HANDICAPPED PARKING SPACES AND SIGNS, PROVIDING FOR APPLICATION REVIEW AND PROCEDURES FOR ISSUANCE OF HANDICAPPED PARKING SPACES AND SIGNS, AND RENEWAL OF HANDICAPPED PARKING SPACES AND SIGNS IN THE BOROUGH OF SINKING SPRING.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Sinking Spring, Berks County, Pennsylvania, and it is hereby ORDANIED AND ENACTED by the same as follows:

SECTION 1: DEFINITIONS.

As used in the Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Handicapped Person: An individual possessing a handicapped or severely disabled veteran plate or placard.

Handicapped Parking Sign: A sign issued by the Borough of Sinking Spring reserving parking for one (1) vehicle space and erected at a designated and agreed upon area for access for a handicapped person.

Issuing Authority: Borough of Sinking Spring Code Enforcement Office.

Owner: Actual owner, agent or custodian of the property wherein a sign will be erected.

In this Ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

SECTION 2: APPLICATION PROCEDURE.

Any resident of the Borough of Sinking Spring may make application to the Borough of Sinking Spring for a handicapped parking space only after acquiring a handicap license plate or placard or a disabled veteran license plate.

Applications are to be completed in their entirety. An incomplete application form will be denied by the Borough of Sinking Spring.

All applications shall be delivered to the Borough of Sinking Spring, 3940 Penn Avenue, Sinking Spring, PA 19608.

New applications shall be reviewed and approved by the Borough of Sinking Spring Code Enforcement Office, who will make the final determination regarding the granting of a handicapped parking space.

Renewal applications shall be reviewed and approved by the Borough of Sinking Spring Code Enforcement Office, who will make the final determination regarding renewal of existing spaces.

Each applicant, whether for a new permit or renewal, shall complete an application and provide the Borough of Sinking Spring with all the information requested.

Temporary applications shall be reviewed and approved by the Borough of Sinking Spring Code Enforcement Office, who will make the final decision in granting this temporary handicapped space for a period not to exceed three (3) months in length. If the space is needed for a longer period of time, a renewal application must be filled out and returned to the Borough of Sinking Spring no later than two (2) weeks before the expiration date of the handicapped space or it will be denied. Renewal applications for temporary handicapped parking spaces shall be reviewed and approved by the Borough's Code Enforcement, who will make the final determination regarding the renewal of existing spaces.

The Borough of Sinking Spring will promulgate and have available said applications for handicapped parking signs.

Upon approval of a new or temporary application, the applicant shall pay a fee established from time to time by resolution paid to the Borough of Sinking Spring.

All approved applications shall be subject to annual review.

Each applicant shall submit with the completed application a written statement from his or her treating physician describing disability at the same time of application, including but not limited to the anticipated duration of disability.

Approval or denial of applications will be made within thirty (30) days by the Borough of Sinking Spring's Code Enforcement Office.

SECTION 3: APPLICATION RENEWAL.

Each permit for a handicapped parking space shall be renewed on an annual basis, except for temporary handicapped spaces, as in 7, above.

Applications for renewal, except for temporary space renewal, shall be submitted to the Borough of Sinking Spring, 3940 Penn Avenue, Sinking Spring, PA 19608, between January 1st and January 31st of each calendar year, with a fee established by resolution.

In making the final determination regarding the renewal of a previously permitted handicapped space, the Borough of Sinking Spring shall apply the criteria contained in this Ordinance.

Once a permit is not renewed for any reason, any application by the same applicant shall be considered a new application and shall be governed by the provisions of this Ordinance.

SECTION 4: FEES.

The initial application fee for permanent and temporary handicapped parking space is set forth by resolution from time to time. This fee also applies to any person permitted a handicapped parking space who fails to file a renewal application with the time frame allowed by this Ordinance.

The application fee for renewal applications for handicapped parking spaces will be set forth by resolution from time to time.

All fees for permanent and temporary handicapped parking spaces and renewal of permanent and temporary handicapped parking spaces are non-refundable.

SECTION 5: LOCATION OF HANDICAPPED PARKING SPACES.

No more than two (2) handicapped parking spaces shall be located on any block where parking is permitted on both sides of the street.

No more than one (1) handicapped parking space shall be located on any block where parking is permitted on only one (1) side of the street.

All handicapped parking spaces permitted prior to the effective date of this Ordinance shall be allowed to remain as located but must be renewed annually between January 1st and January 31st for each calendar year thereafter.

In the event that previously permitted spaces exceeded the maximum allowed per block the Borough of Sinking Spring shall refrain from granting any additional spaces in that block until the number of handicapped spaces falls below the maximum allowed.

SECTION 6: ISSUING AUTHORITY.

The Borough of Sinking Spring Code Enforcement Office shall maintain a log of all existing handicapped parking spaces at the time of the effective date hereof. Further, the Borough of Sinking Spring Code Enforcement Office will maintain a log of all applications for handicapped parking spaces for a maximum of thirty (30) days.

SECTION 7: STANDARDS.

No permit shall be granted where adequate handicapped-accessible, off-street parking is available.

The owner of the vehicle used for the applicant must reside at the same address as the applicant. A copy of the vehicle registration must accompany the application as proof of

residence.

Any change in address or change in health status must be reported to the Borough of Sinking Spring in writing within thirty (30) days of change.

All applicants shall meet at least one (1) of the following requirements:

- (a) The applicant is wheelchair confined.*
- (b) The person requesting the permit is caring for a person who has a severe physical or mental disability.*
- (c) The applicant is unable to walk a distance of two hundred (200) feet without stopping to rest. Applicant may be asked to perform this and/or produce documentation verifying this condition.*
- (d) The applicant has severe cardiopulmonary insufficiency requiring the use of ambulatory oxygen.*
- (e) The applicant requires the use of prosthetic devices that restrict normal ambulation*
- (f) The applicant has other physical or mental limitations that the Borough of Sinking Spring believes are severe enough to warrant a handicapped parking space.*

SECTION 8: REVOCATION OF PERMIT AND REMOVAL OF SIGN.

The Borough of Sinking Spring reserves the right to revoke any permit or remove any Sign for a handicapped parking space at any time for any reason.

SECTION 9: PENALTIES.

A person owning a vehicle parked in a handicapped parking designated area without a handicapped plate or placard properly displayed and qualifying under this Ordinance will be subject to citation.

It shall be unlawful for any person or owner of realty to erect a handicapped parking sign upon the streets of the Borough of Sinking Spring without first making application for a handicapped parking sign through the Borough of Sinking Spring. Any violations hereunder will

constitute a summary criminal offense under the laws of the Commonwealth of Pennsylvania, and considered a separate offense.

The fine and penalty for a violation of the regulations here and before designated shall be a minimum of \$50.00 to a maximum of \$200.00.

SECTION 10: EXEMPTIONS.

Disabled veterans of any branch of the armed forces are exempt from paying any and all application fees, renewal fees or penalties as set forth in this Ordinance, upon showing proof of same.

SECTION 11: GENERAL PROVISIONS.

Any stipulations made at the time of application regarding the eligibility of an applicant may be updated periodically at the request of the issuing authority.

Handicapped parking spaces shall not supersede existing parking regulations, including, but not limited to street sweeping, snow ban or snow removal regulations.

Handicapped parking signs will remain property of the Borough of Sinking Spring.

The issuing authority will police and control areas governed by a handicapped parking sign.

The issuing authority will take the following factors into consideration in the issuance of handicapped parking signs:

- (a) Overall availability of parking in the area wherein a sign is requested.*
- (b) The living arrangements of an individual applicant herein; for example, a disabled person living and responsible for his or her own transportation.*
- (c) Existing parking problem in the area wherein a sign is requested.*

The granting of a handicapped parking space permit does not entitle the applicant to the to the exclusive use of this space. This space can be used by other handicapped persons and

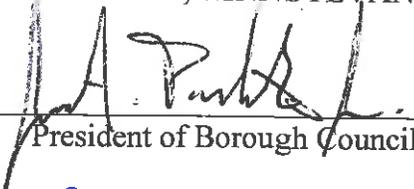
disabled veterans.

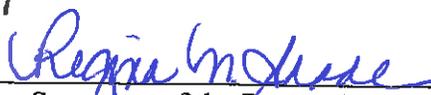
Any ordinance or part of an ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict.

SECTION 12: EFFECTIVE DATE.

DULY ENACTED AND ORDAINED by the Borough of Sinking Spring, Berks County, Pennsylvania, in lawful session duly assembled this 24th day of June, 2015.

BOROUGH OF SINKING SPRING
BERKS COUNTY, PENNSYLVANIA

By: 
President of Borough Council

Attest: 
Secretary of the Borough

Approved as an Ordinance this 24th day of June, 2015


Mayor