

ORDINANCE NO. 4-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 212 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "VEHICLES AND TRAFFIC", BY AMENDING AND RESTATING §212-73. SCHEDULE XVI: TIME LIMIT PARKING; AND ADDING ARTICLE X, ENTITLED "ON-STREET PERSON WITH DISABILITY PARKING SPACES", COMPRISED OF SECTIONS §212-78; §212-79, §212-80, §212-81, §212-82 AND §212-83.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

WHEREAS, the Council of the Borough of Kutztown desires to revise certain provisions of Chapter 212 of the Code of the Borough of Kutztown to standardize Time Limit Parking within the Borough of Kutztown by the creation of two-hour time-limit parking on Normal Avenue from South Baldy Street to South Whiteoak Street on the south side of the street, and to create guidelines for the installation of ON-STREET PERSON WITH DISABILITY PARKING SPACES; and

WHEREAS, such changes require that amendments be enacted to the "Code of the Borough of Kutztown," also known as the "Kutztown Code," enacted by Ordinance No. 12-1995, which was enacted on December 30, 1995, as amended from time to time thereafter.

THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. The Code of the Borough of Kutztown is hereby amended so as to amend and restate §212-73. SCHEDULE XVI: TIME LIMIT PARKING of Chapter 212, entitled "VEHICLES AND TRAFFIC" as follows:

§ 212-73. Schedule XVI: Time Limit Parking.

In accordance with the provisions of § 212-30, no person shall park a vehicle or allow the same to remain parked upon any of the streets or parts thereof described below, between the hours specified, for longer than the time indicated below:

| Name of Street | Side | Time Limit; Hours/Days | Location |
|-----------------------|-------------|---|---------------------------------------|
| Baldy Alley | East | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and Holidays | From West Main Street to Sacony Alley |

| | | | |
|--------------------------------------|------------|---|--|
| Baldy Street, South | East | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and Holidays | From Normal Avenue to Trexler Avenue |
| Baldy Street, South | East | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and Holidays | From a point 72 feet south of West Main Street for a distance of 90 feet south |
| Baldy Street, South | West | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and Holidays | From Sander Alley to Normal Avenue |
| Cedar Street, North | East | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and Holidays | From East Main Street to Sacony Alley |
| Greenwich Street | West | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and Holidays | From Heffner Alley to West Walnut Street a distance of 403 feet |
| Greenwich Street | West | 2 hrs., 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From Main Street to Sacony Alley |
| Main Street, West | North | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From Baldy Alley to North Constitution Boulevard |
| Main Street, West | North | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and Holidays | From College Boulevard to Baldy Alley |
| Main Street, West | North | 2 hrs., 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From Constitution Boulevard to Baldy Alley |
| Main Street, West | South | 2 hrs., 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From Constitution Boulevard to Baldy Alley |
| Main Street, West | South | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From Normal Avenue to South Baldy Street |
| Main Street, West | South | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From South Baldy Street to South Constitution Boulevard |
| Municipal parking lot, located at 50 | Entire lot | 4 hrs.; 8:00 a.m. to 8:00 p.m., except Sundays and | |

| | | | |
|------------------------|----------------|--|--|
| Herring Alley | | Holidays | |
| Noble Street | West | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From Main Street to Sander Alley |
| Normal Avenue | East and North | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays. | From West Main Street to South Baldy Street |
| Normal Avenue | West and South | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays. | From the western borough line to South Baldy Street |
| Normal Avenue | South | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From South Baldy Street to South Whiteoak Street |
| Railroad Street | West | 15 mins.; 8:00 a.m. to 4:30 p.m., except Saturdays, Sundays and holidays | Adjacent to the Borough Municipal Building, 45 Railroad Street |
| Railroad Street | West | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From East Main Street to East Sacony Alley |
| Walnut Street, West | North | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From College Boulevard to Baldy Alley |
| Walnut Street, West | North | 15 mins.; no exceptions | From 95 feet east of the intersection of West Walnut Street and North Whiteoak Street a distance of 55 feet east |
| Whiteoak Street, North | East | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From Main Street to Sander Alley |
| Whiteoak Street, South | East | 2 hrs.; 8:00 a.m. to 6:00 p.m., except Sundays and holidays | From Main Street to Sander Alley |

SECTION 2. The Code of the Borough of Kutztown is hereby amended so as to add ARTICLE X, entitled “ON-STREET PERSON WITH DISABILITY PARKING SPACES”, adding sections §212-78, §212-79, §212-80, §212-81, §212-82 and §212-83 of Chapter 212, entitled “VEHICLES AND TRAFFIC” as follows:

ARTICLE X On-Street Person With Disability Parking Spaces

§ 212-78 TREATMENT

An on-street Person With Disability Parking space may be installed in front of a residence to accommodate a disabled resident with limited mobility. The on-street space is comprised of blue curb and a Person With Disability Parking sign and post at the parking area in accordance with Pennsylvania Statute.

§ 212-79 INTENT

- A. An on-street Person With Disability Parking space is intended to provide safe, close parking for a mobility disabled resident in a residential high parking demand area where parking in front of their home may not be readily available.
- B. An on-street Person With Disability Parking space is not intended to replace parking in the resident's driveway or garage.
- C. An on-street Person With Disability Parking space is provided as a courtesy to the disabled resident or family member living at that residence who has mobility limitations getting to and from the vehicle.
- D. Each on-street Person With Disability Parking space displaces a general parking space, which can create an impact where the residential parking supply is limited. For this reason, the resident must demonstrate a real need for an on-street Person With Disability Parking space.

§ 212-80 POLICY

- A. If a mobility disabled resident demonstrates a need for an on-street Person With Disability Parking space through the application process and the criteria for an on-street Person With Disability Parking space are met, then the Borough shall install the Person With Disability Parking space, free of charge to the resident, as a courtesy to the disabled resident.
- B. The Mayor of the Borough of Kutztown shall approve or deny the request. The resident may appeal the Mayor's decision to the Kutztown Borough Council with a written letter of appeal. The Borough is not required to provide an on-street Person With Disability Parking space.
- C. An on-street Person With Disability Parking space remains open to the public. The resident does not have exclusive use of the on-street Person With Disability Parking space. Any registered vehicle with a valid Person With Disability placard or Person With Disability or Severely Disabled Veteran license plate may park in the on-street Person With Disability Parking space.
- D. The Borough may periodically check to see if the Person With Disability Parking space is still required.
- E. The Borough may remove the on-street Person With Disability Parking space at any time.

§ 212-81 PROCESS FOR GRANTING AND MARKING ON-STREET PERSON WITH DISABILITY PARKING SPACE

- A. **Application:** A disabled resident may request an on-street Person With Disability Parking space in front of their home by submitting an application to the Kutztown Borough Police Department. The requestor may obtain an application form from the Kutztown Borough Police Department or submit an on-line application.

- B. **Criteria:** In order for an application for an on-street Person With Disability Parking space to be approved, the following conditions must be met:
 - a. the applicant is a resident of the Borough of Kutztown and is permanently disabled, or will be disabled for a period of time exceeding one year, or resides with a disabled Person who is permanently disabled or will be disabled for a period of time exceeding one year and the applicant is responsible for his or her transportation; and
 - b. the applicant must be able to demonstrate, by providing documentation from a treating physician, that the disabled person’s mobility is impaired to the extent that ambulation is severely restricted; and
 - c. the requested location is on a public street; and
 - d. the applicant resides at the address where the on-street handicap space is requested; and
 - e. the applicant supplies the vehicles license plate number and/or disabled parking placard number with expiration date for verification; and
 - f. the applicant, or resident being cared for, has a currently valid Person With Disability or Severely Disabled Veteran registration plate on their vehicle, or has been issued a currently valid Person With Disability placard; and
 - g. the applicant must be able to demonstrate that off-street parking is inaccessible; and
 - h. the requested on-street Person With Disability Parking space must be installed in front of the property of the applicant’s property, unless deemed unfeasible by the Borough, and then such space should be placed as near to the requested property as possible; and
 - i. the requested parking space does not conflict with any parking restrictions already in place and the parking width in front of the residence is at least twenty-two (22) feet; and
 - j. the applicant agrees to advise the Kutztown Borough Police Department when the Person With Disability Parking space is no longer required.

- C. **Staff Review:** The Kutztown Borough Police Department reviews the application to determine if an on-street Person With Disability space is justified based on the criteria as specified under Section 212.81(B). The Kutztown Borough Police Department will make a recommendation to the Mayor of the Borough of Kutztown regarding the installation of a Person With Disability Parking Space at the location of the request.

- D. **Approval:** The Mayor of the Borough of Kutztown or the Mayor’s designated representative shall approve or deny the request based upon the recommendation of the

Police Department. If the Mayor approves the request, the Mayor shall issue a proclamation pursuant to §§212-7 and 212-8 of Chapter 212 of the Code of the Borough of Kutztown.

- E. **Appeal:** If the request is denied, the applicant shall be notified of the decision in writing. The applicant shall have 30 days from receipt of said notice to appeal the decision to the Council of the Borough of Kutztown. The Kutztown Borough Police Department shall submit a copy of the report of the prior recommendation to the Council of the Borough of Kutztown.
- F. **Installation:** If the request is approved, the Borough of Kutztown shall mark the space and install the on-street Person With Disability Parking space as prescribed in Chapter 212, Section 212-78.

§ 212-82 REMOVAL

- A. The Kutztown Borough Police Department may follow up with the resident annually to ensure the space is still needed. If the resident has moved or if at the discretion of the Mayor the space is no longer needed, the Borough of Kutztown will remove the space.
- B. Additionally, should a determination be made by the Police Department that the space is being misused by the applicant, or that the on-street Person With Disability Parking space is not in conformance with this Chapter, then the Police Department may make recommendation to the Mayor to have the on-street Person With Disability Parking space removed.
- C. If the decision is made to remove the on-street Person With Disability Parking space, the applicant will be notified in writing of the decision. The applicant has 30 days from receipt of notice to appeal the decision to the Council of the Borough of Kutztown. The Kutztown Borough Police Department shall submit a copy of the prior recommendation to the Council of the Borough of Kutztown, and the Police Department may submit any additional comments as deemed necessary.

§ 212-83 DETAILS

- A. An on-street Person With Disability Parking space is 22' long and is marked with blue curb and posted in accordance with Pennsylvania Title 67 and Title 75.

SECTION 3. Except to the extent specifically set forth herein, Chapter 212 of the Code of the Borough of Kutztown shall remain unaltered and in full force and effect.

SECTION 4. If any provision, sentence, clause, section or part of this ordinance shall for any reason be found unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance, and it is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not be included herein.

SECTION 5. All ordinances or parts of ordinances and all existing portions of the Code of the Borough of Kutztown inconsistent herewith are hereby repealed.

SECTION 6. This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED as an Ordinance this 17th day of April, 2007.

BOROUGH OF KUTZTOWN

By: _____
Malcolm A. Eidle
President of Borough Council

Attest: _____
Bonnie Bray
Secretary of the Borough

APPROVED as an Ordinance this 30th day of April, 2007.

Sandra K. Green
Mayor