

ORDINANCE NO. 2014-3

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF NESQUEHONING, CHAPTER 15 AND KNOWN AS THE HANDICAPPED PARKING ORDINANCE.

BE IT ORDAINED AND ENACTED by the Council of The Borough of Nesquehoning as follows:

ARTICLE 1 - This ordinance is enacted pursuant to Act of Assembly October 5, 1979, P.L., 197, No. 66, Section 1, 53 P.S. Section 46202 (46)

ARTICLE II - DEFINITION

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

a) Person with a disability

An individual who does not have full use of a leg or both legs or an arm or is blind or is in loco parentis of such a person. Evidence must be provided of the loss of use of a lower extremity, cardiopulmonary condition or other condition which substantially restricts movement or otherwise requires the use of a wheelchair, crutches, walker or similar device for purposes of locomotion. Proof of possession of a handicapped or severely disabled veteran registration plate or placard must likewise be produced.

b) Handicapped Parking Sign/Space

A parking area on the streets and highways of the Borough of Nesquehoning which is designated by the Borough Council of Nesquehoning by way of the erection of a sign issued by the Borough and/or the painting of a restricted parking area upon the street for the parking of one (1) vehicle which designated area shall be most expeditiously placed to permit access for the person with a disability to residential quarters.

c) ISSUING AUTHORITY

Nesquehoning Borough Council

d) OWNER

Actual owner, Agent or custodian of the property wherein a handicapped parking area will be designated.

ARTICLE III - APPLICATION PROCEDURE

1. At the request of any person with a disability, as defined above, the Borough Council may, upon motion made and seconded, authorize the designation on a street or highway within the Borough, as close as possible to the person with a disability place of residence, an area indicating that said place is reserved for a person with a disability, and that no parking is allowed there by other than a person with a disability.

2. Any person requesting the reservation of a parking space because of a physical or mental disability, shall make application therefor, in writing, to the Borough Secretary, which application shall set forth or be accompanied by :

- a) The name and address of the applicant
- b) The exact space in feet and location of the parking space requested
- c) The type of physical or mental disability of the applicant
- d) An evaluation report from a licensed doctor setting forth the specific disability of the applicant.
- e) A handicapped or severely Disabled Veteran's Registration Plate or placard.

3. All applications shall be reviewed by the Nesquehoning Borough Council Street Committee and the Nesquehoning Police Department for a recommendation to the Borough Council for approval or denial of the application.

4. No more than one (1) handicapped parking space shall be issued to any one (1) individual within the Borough limits of the Borough of Nesquehoning.

5. No more than one (1) handicapped parking space shall be provided per dwelling unit within the Borough limits of the Borough of Nesquehoning.

6. No handicapped parking space shall be provided for the location so requested if there exists a reasonably accessible and practicable off-street parking space to serve such location.

7. In considering an application for handicapped parking space a report or letter from the applicant's treating physician may be considered but any such report shall not, by itself, be considered conclusive.

8. No handicapped parking space shall be created unless it can be demonstrated that the physical condition giving rise to the request is reasonably expected to continue for a period of no less than six (6) consecutive months.

9. Upon submission of an application, the applicant shall pay a fee of Fifty (\$50.00) Dollars to the Borough of Nesquehoning which fee shall be applied to the erection of a sign and/or a space painted at applicant's residence designated the Handicapped parking only space.

10. The Nesquehoning Police Department shall maintain a log of all existing Handicapped parking signs at all times and the Issuing Authority shall maintain a log of all applications made with the action taken upon the request.

11. All approved applications shall be subject to an annual Maintenance/Administrative fee of twenty-five (\$25.00) Dollars to be paid to the Borough of Nesquehoning not later than March 31 of each year. In the event said fee is not paid when assessed then the issuing Authority shall have the authority to revoke the designation of the handicapped parking only area.

Further, all approved application shall be subject to annual review by the Nesquehoning Borough Council Street Committee.

12. It shall be unlawful for any person or owner to erect a Handicapped Parking sign upon private grounds of the owner and/or upon the sidewalks of the Borough of Nesquehoning designating a Handicapped parking only space upon a street or highway of the Borough without first making application for a handicapped parking area to the Borough of Nesquehoning.

ARTICLE IV - GENERAL PROVISIONS:

1. 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.

2. Handicapped Parking signs shall not supersede existing parking regulations, including but not limited to street repair, street sweeping, snow ban, or snow removal.

3. Handicapped Parking signs will remain the property of the Borough of Nesquehoning.

4. The issuing Authority shall be notified immediately if an eligible person no longer qualifies for a Handicapped Parking sign under this Ordinance, for example, if an eligible person enjoys an improved health condition or is required to move from the premises wherein the sign is located whereupon the handicapped parking sign shall be removed from the premises.

5. The Nesquehoning Borough Police will police and control area governed by a Handicapped parking sign.

6. The Nesquehoning Police Department reserves the right to remove any Handicapped Parking sign at its discretion.

7. The Borough of Nesquehoning Streets Department will make an annual inspection of all existing Handicapped Parking signs and repair or replace those signs as needed.

ARTICLE V - PENALTIES

1. A person owning a vehicle parked in a Handicapped parking designated area without a Handicapped plate or placard properly displayed shall be guilty of a summary offense and shall be subject to a fine of Twenty-Five (\$25.00) Dollars. Each day a vehicle remains parked in a handicapped space shall be a separate offense. Any vehicles remaining parked in a handicapped designated spot without a handicapped plate or placard in excess of forty-eight (48) hours shall also be subject to towing by the Nesquehoning Police Department and/or the issuing authority.

2. Any person designating a Handicapped Parking area without authority under this ordinance shall be guilty of a summary offense and shall be subject to a fine of Not less than Twenty-Five (\$25.00) nor more than Three Hundred (\$300.00) Dollars. Each day that the area remains in violation of this ordinance shall be considered a separate offense.

ARTICLE VI - 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.

ARTICLE VII - This ordinance shall be effective January 1, 2015.

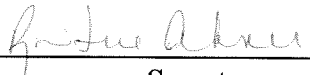
ENACTED and ORDAINED this 17th day of December, 2014.

BOROUGH OF NESQUEHONING,

BY: 

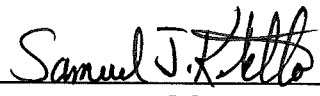
President

ATTEST:



Secretary

APPROVED by the Major of the Borough of Nesquehoning this 17th day of December 2014.



Mayor