

EXETER BOROUGH
ORDINANCE NO. 4 of 2023

HANDICAPPED PARKING SPACES

WHEREAS, Council of the Borough of Exeter (the Borough) recognizes that the special needs of handicapped persons in the Borough requires that special parking accommodations may be required on the Borough's roadways in order to enable handicapped drivers to have access to and be able to park their vehicles. By this Ordinance, the Borough hereby establishes the requirements for reserved handicapped parking, which are intended to facilitate access to and from the handicapped person's place of residence, and to provide a procedure for such persons to acquire a permit and have a portion of the public roadway reserved for such use.

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

I. Definitions.

- 1. Handicapped Parking Permit:** An emblem or permit issued by the Borough in exercise of its discretion, as a revocable license, to a handicapped person upon payment of the fees and charges herein ordained, taking into account the location of the handicapped parking space, traffic ordinances of the Borough, provisions of the Pennsylvania Motor Vehicle Code ("the Vehicle Code"), or any emergency or other traffic regulation presently or hereafter promulgated by the Borough..
- 2. Handicapped Person:** A person who shall qualify for the issuance of a handicapped motor vehicle registration plate or placard by the Commonwealth of Pennsylvania in accordance with the provisions of Section 1338 of the Vehicle Code, as presently in effect or hereafter amended.
- 3. Motor Vehicle:** an automobile, or similar vehicle registered to travel on the roads of the Commonwealth, owned by the handicapped person or a family member residing with or at the residence of the handicapped person within the Borough, and for which a handicapped motor vehicle registration plate or placard has been issued by the Pennsylvania Department of Transportation, Bureau of Motor Vehicles.
- 4. Parking Space:** such space on Borough roadways as the Borough may determine, from time to time, is reasonably required for the parking of a vehicle permitted by this

Article, in order to accomplish the objectives thereof, and which shall be nonexclusive, as hereinafter ordained.

II. Handicapped Parking Permit Application; Issuance; Terms.

- A. A handicapped person, as hereinbefore defined, may apply, in writing to the Borough for the issuance of a handicapped parking permit, in accordance with the provisions of this article, for which the applicant shall pay to the Borough a fee of \$100.00. No additional payment shall be required for the cost of the permit, sign or other required administrative expenses.
- B. No handicapped parking permit shall be granted to any handicapped person who shall have available any off-street parking or a driveway serving the residence of such handicapped person, unless, in the discretion of the Borough, the driveway access for the handicapped person is unsuitable based on the handicapped person's condition.
- C. Only one handicapped parking permit shall be issued per residence or family unit residing at a specific address, and such permit, which shall be a revocable license, shall be issued only to the handicapped person applicant.
- D. Any permit issued pursuant to the terms and provisions of this Article shall be non-transferable subject to all present and future Vehicle Code regulations, Borough traffic ordinances, street cleaning and snow removal regulations and other ordinances of the Borough.
- E. On or before January 31 of each year, the holder of a handicapped parking permit shall recertify his or her need and eligibility for said permit on a form to be supplied by the Borough.
- F. Within 30 days after the death of a person to whom a handicapped parking permit has been issued, the personal representative of the deceased shall inform the Borough of the death. If there is no personal representative, the spouse, cohabitants of the residence, or next of kin of the deceased shall inform the Borough of the death. Upon receipt of the notification, the handicapped parking sign shall be removed by the Borough at the Borough's expense and the handicapped parking permit issued shall no longer be valid.

G. The aforementioned application shall include photographs of the requested parking area, measurements of the distance from the requested parking area to the applicant's place of residence, photo identification and documentary evidence from a physician that the application or co-applicant is:

- i) Blind; or
- ii) Does not have full use of an arm; or
- iii) Cannot walk 100 feet without stopping to rest; or
- iv) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device; or
- v) Is restricted by lung disease or an arthritic, neurological or orthopedic condition to such and extent that said person has restricted movement; or
- vi) Uses portable oxygen, or
- vii) Is a co-applicant of a person specified in subsections (i) through (vi).

H. All applicants must be residents of the Borough who reside within 100 feet of the place where he or she is requesting the handicapped parking space or spaces to be designated, and also shall own or lease a motor vehicle that is normally used for travel from that residence.

- III. All previously issued handicapped parking permits as well as previously installed handicapped parking signs are hereby declared null and void, and such permits shall only be issued and installed pursuant to the provisions of this Ordinance.
- IV. All applications shall be reviewed by the Police Department and/or Street Department for a recommendation to the Borough Manager for approval or denial and issuance of the handicapped permit. If approved by the Borough Manager, the application shall be placed on the agenda of the next regular meeting of Council for formal approval.
- V. All signs installed in accordance with this Ordinance shall remain the property of the Borough, and shall not be removed except by the Borough.
- VI. **Execution.** In the event that Borough Council approves the designation of a space or spaces as handicapped parking under this Ordinance, the Borough shall cause one or more of the following actions to be performed:

1. The handicapped parking space shall be defined by placement of a reserved parking sign. The reserved parking sign shall state the license plate number of the vehicle authorized to occupy the reserved parking space and the curb in front of the handicapped parking space shall be painted blue or other noticeable color; and
2. The Borough Manager shall maintain a log of all applicants and permit holders for reserved parking spaces, and shall provide periodically, the Police Department with a copy thereof.

VII. Violations and Penalties.

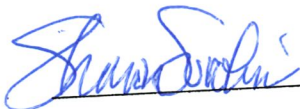
1. Any person to whom a handicapped parking permit has been issued pursuant to the terms and provisions of this Ordinance and any person responsible to act on behalf of said handicapped person after his or her death, who shall violate any of the terms and provisions hereof shall be subject to revocation of the handicapped permit so issued and the removal of the handicapped parking area for the applicant;
2. Any person whose motor vehicle is occupying a reserved handicapped parking area without a permit issued by the Borough, or whose vehicle is obstructing or partially occupying said space, shall be guilty of a summary offense and, upon conviction of such violation, be subject to a fine of not less than \$50.00 nor more than \$600.00.
3. Any motor vehicle parked in a reserved handicapped parking area without a permit issued by the Borough, or any object placed in such space, shall be summarily subject to the removal of any such motor vehicle or object by the Police Department, acting through its designated towing company, in order to protect the health, welfare and safety of the handicapped person to whom a handicapped parking permit has been issued; and all costs incurred in the removal of any such motor vehicle or object shall be borne by the cost of the owner of such motor vehicle or object.

VIII. Savings Clause. All other provisions of the Borough's Ordinances shall remain in full force and effect, except to the extent specifically stated herein.

- IX. Repealer.** All Ordinances or Resolutions not consistent with this Ordinance are hereby repealed insofar as the same may conflict with or effect this Ordinance.
- X. Severability.** In case any one or more of the provisions of this Ordinance shall for any reason be held to be invalid, illegal, unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions, therefore, and this Ordinance shall be construed as though such invalid, illegal or unenforceable provisions has never been contained herein.
- XI. Effective Date:** This Ordinance shall take effect upon publication and adoption by Council according to law.

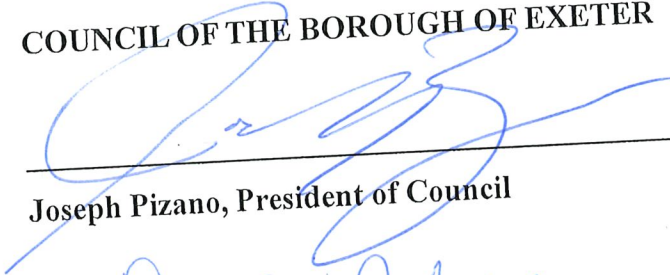
DULY ENACTED AND ORDAINED at a Regular Meeting of Council of Exeter Borough held on November 14, 2023.

Attest



Secretary

COUNCIL OF THE BOROUGH OF EXETER



Joseph Pizano, President of Council

Hon. Denise Adams, Mayor