

**HALLAM BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-01

**AN ORDINANCE OF HALLAM BOROUGH, YORK COUNTY,
PENNSYLVANIA, TO DESIGNATE, CREATE, ABANDON AND REGULATE
CERTAIN HANDICAPPED PARKING SPACES, TO PROVIDE FOR
ENFORCEMENT OF VIOLATIONS AND PENALTIES THEREFORE**

WHEREAS, the Borough Council of Hallam Borough desires to regulate the designation, creation and abandonment of handicapped parking spaces and to provide for the enforcement of violations and penalties therefore; and

WHEREAS, the Borough Council of Hallam Borough intends to set forth regulations for the designation, creation and abandonment of handicapped parking spaces and to provide for the enforcement of violations and penalties thereof; and

WHEREAS, the Borough Council of Hallam Borough deems it in the best interest of the Borough to regulate handicapped parking and to provide for enforcement of violations and penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED AS FOLLOWS:

SECTION 1. Title. The Ordinance shall be known and may be cited as the “Handicapped Parking Ordinance”.

SECTION 2. Purpose and intent.

The Borough Council of Hallam enacts this Ordinance for the following purposes:

- A. To facilitate and provide adequate parking on public streets for handicapped persons and severely disabled veterans;
- B. To prevent the proliferation of handicapped parking spaces to the detriment of the community; and
- C. To maintain and preserve an adequate amount of parking spaces for handicapped persons and severely disabled veterans residing in the Borough of Hallam; and
- D. To provide for an application process with clearly established eligibility and evaluation criteria for obtaining handicapped parking spaces.

SECTION 3. Definitions and word usage.

APPLICANT – One who is handicapped or who is a severely disabled veteran who occupies real estate as his or her principal residence in the Borough and who files an application for the installation of a handicapped parking sign.

BOROUGH – The Borough of Hallam, York County, Pennsylvania.

BOROUGH COUNCIL The Borough Council of the Borough of Hallam, York County, Pennsylvania.

BOROUGH SECRETARY – The Borough Secretary of the Borough of Hallam, York County, Pennsylvania or his or her designee.

HANDICAPPED PARKING SPACE A parking space reserved for use by handicapped persons or severely disabled veterans utilizing vehicles lawfully bearing handicapped registration or severely disabled veterans plates.

MVC Pennsylvania Motor Vehicle Code.

PENNDOT – The Pennsylvania Department of Transportation.

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 4. Application for handicapped parking space.

Any applicant wishing to reserve a handicapped parking space on any street within the Borough upon which public parking is currently permitted shall submit a written request to the Borough Secretary, on a form provided by the Borough, which must include the following information:

- A. The name, address and telephone number of the applicant.
- B. The name, address and telephone number of the property owner if the property owner is a person other than the applicant.
- C. The registration number of the handicapped or severely disabled veteran registration license plate and placard issued by PennDOT to the applicant.
- D. Proof of ownership of a vehicle by the applicant for whom the handicapped parking space is requested along with the make, model and license plate number of such vehicle.

- E. A description of the physical impairment of the applicant, and a statement as to whether the impairment is permanent or temporary (if temporary, a detailed statement of the anticipated term of the impairment).
- F. The location of the requested handicapped parking space.
- H. Any other information requested by the Borough. If the disability is not permanent, the applicant shall, when requested by the Borough, submit any and all documents requested by the Borough to evidence that the disability of the applicant continues to exist.
- I. Copy and proof of a valid driver's license issued to the applicant.

SECTION 5. Review process.

The Borough Secretary shall review all requests submitted for reservation of a handicapped parking space and submit the requests to the Borough Council at the next regularly scheduled advertised public meeting. If required by the MVC or pursuant to PennDOT regulations, the Borough Secretary shall obtain a traffic and engineering study related to each request. The Borough Council shall consider the request within 90 days following submission. Should the Borough Council grant the request, the Borough Secretary shall provide written notice thereof to the applicant and shall direct the proper officials of the Borough to post an appropriate sign at the approved location. Should the Borough Council deny the request, the Borough Secretary shall, in writing, inform the applicant of the same, and in such writing set forth the reasons for the denial; said writing is to be mailed within ten business days following the date the Borough Council denies the request.

SECTION 6. Review Criteria.

- A. While all requests for the reservation of a handicapped parking space lie solely and absolutely in the discretion of the Borough Council, and while the possession of a handicapped or severely disabled veteran's registration plate or placard does not guarantee that the applicant's request will be granted, the Borough Council shall, among others, consider the following factors in rendering its decision on each request:
 - (1) Whether the person for whom the handicapped parking space is requested is a resident;
 - (2) Whether PennDOT has issued a handicapped or severely disabled veteran registration plate to the applicant for whom the request is made. Notwithstanding the foregoing, if the applicant does not have a handicapped or severely disabled veteran registration license plate from PennDOT, the applicant shall not be entitled to the issuance of a handicapped parking space under this article;

- (3) The number of handicapped parking spaces on the block where the request is made;
 - (4) Whether there exists a reasonably accessible and practicable off-street parking space to serve the location, it being understood that if such off-street parking space exists, the Borough Council shall not grant the request;
 - (5) Whether the applicant has any other handicapped parking spaces reserved unto him or her in the Borough, it being understood that the Borough Council shall grant no more than one parking space per household;
 - (6) The recommendations and findings of any traffic and/or engineering studies, if any, for the location;
 - (7) The nature of the applicant's disability, and whether that disability creates a need for a reserved handicapped parking space that outweighs the public interest in maintaining that space for general public use;
 - (8) All information set forth in the written request of the applicant; and
 - (9) Any other information which the Borough Council deems applicable or appropriate under the particular facts and circumstances of each request.
- B. The Borough Council, in its sole absolute discretion, may limit the number of handicapped parking spaces on any street within the Borough of Hallam.
 - C. The grant of a request for a handicap parking space by Borough Council in no way warrants or guarantees that the space provided is safe, suitable for entry and exit by handicapped persons, or compliant with the Americans with Disabilities Act.

SECTION 7. Annual renewal of space; termination; appeals.

- A. Annual renewal. Any and all handicapped parking spaces created hereby shall remain in full force and effect for a period of one year from the date created or renewed, unless sooner terminated in accordance with the provisions of this article. Any applicant wishing for the space created at his or her request to be renewed for an additional one-year period shall submit a written request to the Borough Secretary on or before January 31st of each year and must include the information required by Section 4 hereof. The request for renewal shall be reviewed in accordance with the provisions of Sections 5 and 6 hereof.
- B. Termination. In the event that the applicant for whom a handicapped parking space 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 handicapped or severely disabled veterans registration plate, fails to file the annual renewal, fails to comply with any other terms of this article, or if the Borough Council shall determine that

such applicant is no longer entitled to the handicapped parking space, the Borough Secretary shall, by written letter directed to the applicant, rescind the approval for such handicapped parking space and direct the proper officials of the Borough to remove all signs designating such handicapped parking space.

SECTION 8. Enforcement.

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

SECTION 9. Prohibited parking.

The parking of any vehicle not lawfully bearing a handicapped or severely disabled veteran's registration plate or placard when the vehicle is being operated for the transportation of a handicapped person or severely disabled veteran shall be prohibited at all times in any parking space reserved pursuant to this Ordinance.

SECTION 10. Violations and Penalties.

No person shall park in a designated handicapped parking space, unless a handicap placard is displayed in the window or on the license plate and is otherwise permitted to park in the handicap space by this Ordinance. Any person parking in a designated handicapped parking space without displaying a handicap placard or license plate designated as handicap is violating 75 Pa.C.S. § 3354 (d)(2) or (3). Any person violating 75 Pa.C.S. § 3354 (d)(2) or (3) may be towed and is guilty of a summary offense, and upon conviction, be sentenced to pay a fine of not less than \$50.00 nor more than \$200.00, or such other fines and costs as shall be provided under the applicable provisions of The Vehicle Code, which may be in effect at the time of the commission of the offense.

SECTION 11. Nonlimitation.

Nothing in this Ordinance is intended to or shall be construed to limit Borough Council from establishing handicapped parking spaces 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 12. 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 handicapped parking space.

SECTION 13. Costs.

The applicant shall be solely responsible for the cost of any and all state-related applications, filings and documentation required for a placard or registration plate (handicapped or severely disabled veteran). All such placards or registration plates must be displayed while the vehicle is parked in a public designated handicapped parking space.

SECTION 14. Record of handicapped parking spaces.

The Borough Secretary shall at all times keep a written list of all handicapped parking spaces reserved in the Borough of Hallam and shall promptly update such list each time a new space is reserved or repealed.

SECTION 15. Interpretation

The provisions of this Ordinance shall not be taken or construed to conflict with or otherwise limit the provisions of any of other statute or ordinance imposing any other or greater requirements, or restrictions, and in the event of any such duplication the provisions imposing the greater requirements or restriction shall prevail.

SECTION 16. Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 17. REPEALER

All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.


SECTION 18. EFFECTIVE DATE

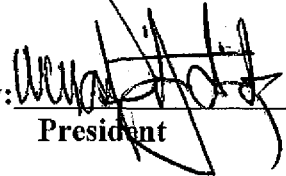
This Ordinance shall become effective five days after the date of its enactment as provided by law.

ENACTED AND ORDAINED into an Ordinance this 10th day of August 2020, by the Council of the Borough of Hallam, in lawful session duly assembled.

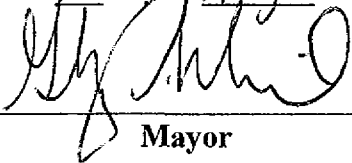
ATTEST:

HALLAM BOROUGH COUNCIL


Secretary

By: 
President

Approved this 10th day of Aug. 2020.

By: 
Mayor