

GORDON BOROUGH, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2017-05

AN ORDINANCE OF GORDON BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, SETTING STANDARDS AND REGULATIONS FOR THE APPLICATION FOR AND APPROVAL OF PERSON WITH DISABILITY OR SEVERELY DISABLED VETERAN PARKING SPACES; SETTING AN APPLICATION FEE FOR ADMINISTRATIVE PURPOSES, PROSCRIBING CERTAIN ACTIONS; AND ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, Sections 1202(31)(iii) and (iv) of the Borough Code authorizes a borough council to enact ordinances to regulate parking and to designate areas exclusively reserved for parking by handicapped individuals and to post signs regulating the areas;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Name.

This Ordinance shall be called and be cited as the “Gordon Borough Disability Parking Ordinance”.

Section 2. Definitions.

The following words or phrases when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise. Additionally, references to the singular in this Ordinance shall include the plural, and references to the masculine in this Ordinance shall include the feminine and the neutral.

“Disability-Parking Space” - a parking space on a public street restricted for use only by a Person with Disability Plate and/or Person with Disability Parking Placard, or a Severely Disabled Veteran plate and/or parking placard, issued by the Commonwealth of Pennsylvania.

“Qualified Applicant” - any person who has been issued a Person with Disability Plate and/or Person with Disability Parking Placard, or a Severely Disabled Veteran plate and/or parking placard, by the Commonwealth of Pennsylvania, and who is a resident of Gordon Borough.

“Person” - Any natural person, or any other legal entity.

“Borough” – Gordon Borough, Schuylkill County, Commonwealth of Pennsylvania, and its governing body, the Gordon Borough Council.

Section 3. Application and Approval.

Upon application to the Borough Secretary from a Qualified Applicant, on an application form approved by the Borough from time to time by Resolution, which application form shall be signed under penalty of unsworn falsification to authorities pursuant to 18 Pa.C.S.A. §4904, the Borough may establish a Disability-Parking Space, at a location determined by the Borough, as close as reasonably practicable to the Qualified Applicant's residence. In deciding whether to establish the Disability-Parking Space and/or where to locate it, the Borough shall take into consideration space availability, safety concerns, and the Prohibitions stated in Section 4 of this Ordinance.

Section 4. Prohibitions.

(A) No Disability-Parking Space may be located on a Borough street that does not otherwise provide for parking.

(B) No Disability-Parking Space may be created upon the request of a Qualified Applicant who has reasonably accessible off-street parking available at his/her residence.

(C) No Disability-Parking Space may be located in an area whereby the Disability-Parking Space would violate any State or local law or ordinance, such as, for example, in an area interfering with a fire hydrant, or the accessibility of a mail box, or the safe ingress and egress from a driveway.

Section 5. Renewals.

Any Disability-Parking Space established under Section 3 of this Ordinance shall be valid until January 31 of the following calendar year from the calendar year in which it was established. Prior to January 31 of each year each Person who has an approved but expiring Disability-Parking Space must submit a new application, pursuant to Section 3 of this Ordinance, to establish that the Person remains a Qualified Applicant.

Section 6. Administrative Fee.

Any Person submitting an original application for a Disability-Parking Space shall also submit an administrative fee of \$50.00 to the Borough. Any Person submitting a renewal application for a Disability-Parking Space under Section 5 of this Ordinance shall also submit an administrative fee of \$10.00 to the Borough. Failure to submit the required fee can result in the denial of the application. The amount of this fee is amendable from time to time by Resolution.

Section 7. Snow Emergency Routes.

The issuance of a Disability-Parking Space pursuant to this Ordinance does not excuse the recipient or any other Person from compliance with snow emergency routes.

Section 8. Actions Proscribed.

No Person shall park a vehicle in a Disability-Parking Space unless said vehicle exhibits a Person with Disability Plate and/or Person with Disability Parking Placard, or a Severely Disabled Veteran plate and/or parking placard, issued by the Commonwealth of Pennsylvania.

Section 9. Reporting Requirements.

If any Person granted a Disability-Parking Space ceases to be a Qualified Applicant at any point thereafter, said Person shall report his/her change of status to the Borough, which then has the option to remove the Disability-Parking Space.

Section 10. Penalties and Enforcement.

(A) Enforcement of this Ordinance may be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any Person violating any part of this Ordinance, upon conviction thereof, shall pay a fine of not less than \$50.00 nor more than \$500.00, and/or undergo imprisonment for a term not exceeding 30 days, whether as a separate penalty or for failure to pay a fine.

(B) Enforcement of this Ordinance may be through an action in equity.

(C) The Borough may have any vehicle parked in a Disability-Parking Space in violation of this Ordinance towed at the owner's expense.

(D) Every day this Ordinance is violated shall constitute a separate offense.

Section 11. Repealer.

Any prior Borough Ordinance inconsistent with the terms of this Ordinance, is hereby repealed to the extent necessary to give effect to the terms of this Ordinance.

Section 12. Severability.

If any court of competent jurisdiction finds any Section, sub-section, clause or part of this Ordinance illegal or unenforceable, the rest and remainder of this Ordinance shall continue in full force and effect.

Section 13. Effective Date.

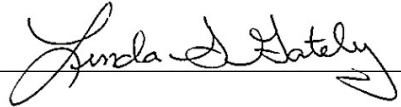
This Ordinance shall take effect immediately or on the first day allowed by law thereafter, whichever is sooner.

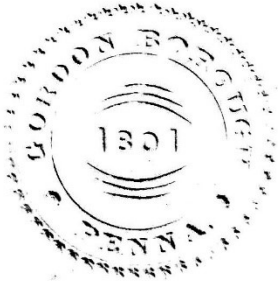
ORDAINED and ENACTED this 14th day of November, 2017.

BOROUGH OF GORDON
Schuylkill County, Pennsylvania

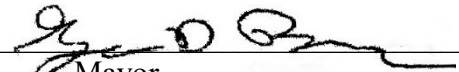
BY: 
_____ Council

ATTEST:





APPROVED:


_____ Mayor