

BOROUGH OF MT. OLIVER

ORDINANCE NO. 1001

AN ORDINANCE OF THE BOROUGH OF MT. OLIVER AMENDING CHAPTER 248, ARTICLE XI, OF THE BOROUGH CODE OF ORDINANCES, RESERVED, RESIDENTIAL DISABILITY PARKING, TO AUTHORIZE BOROUGH OFFICIALS SO DESIGNATED BY BOROUGH COUNCIL TO APPROVE OR DENY APPLICATIONS FOR RESERVED, RESIDENTIAL DISABILITY PARKING SPACES AND TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR THE SAME

WHEREAS, Mt. Oliver Borough receives resident requests for reserved residential parking spaces for persons with disabilities; and

WHEREAS, pursuant to Section 3354 of the Pennsylvania Vehicle Code, 75 Pa.C.S. § 3354(d)(2), the Borough may establish reserved parking for persons with a disability or severely disabled veterans near the residence of a disabled person or severely disabled veteran; and

WHEREAS, the Borough enacted Ordinance No. 985, which created Article XI of Chapter 248 of the Mt. Oliver Borough Code of Ordinances, establishing regulations and procedures regarding applying for and obtaining reserved disability parking spaces near residences of disabled persons or severely disabled veterans within the Borough; and

WHEREAS, the Borough desires to amend Article XI of Chapter 248, in order to allow Council to authorize a designee who will be responsible for reviewing and deciding applications for reserved, residential disability parking spaces; and

WHEREAS, the Borough further desires to amend Article XI of Chapter 248, in order to modify the existing eligibility requirements for receiving a reserved, residential disability parking space.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Mt. Oliver, as follows:

I. The Council of the Borough of Mt. Oliver ordains that Chapter 248, Section 248-69, Definitions, of the Borough Code of Ordinances, is hereby amended to add "Block" as a new, defined term and to revise the definition for "Reserved Handicapped Parking Space," to read as follows:

BLOCK – The street on which a handicapped person or severely disabled veteran lives, measuring 200 feet from the resident's house in both directions or to the nearest dead end, whichever comes first.

RESERVED HANDICAPPED PARKING SPACE — A parking space designated by the Council of Mt. Oliver Borough, the Borough Manager, or other designee of

Council for use by a handicapped person or severely disabled veteran which is posted with a sign as provided herein.

II. The Council of the Borough of Mt. Oliver ordains that Chapter 248, Section 248-70, Application and Renewal, is hereby amended to read in its entirety, as follows:

A. Any handicapped person, severely disabled veteran or parent or person in loco parentis of a handicapped person on behalf of the handicapped person may apply to Mt. Oliver Borough for a reserved handicapped parking space by filing an application with the Borough Secretary, supplying all of the following information:

1. Name of handicapped person or severely disabled veteran.

2. Date of birth.

3. Address.

4. Phone number where the applicant can be reached.

5. Make and year of vehicle, license plate number, and registration to the handicapped person or severely disabled veteran by the Pennsylvania Department of Transportation, Bureau of Motor Vehicles, or the primary vehicle in which a handicapped person or severely disabled veteran placard is to be displayed.

6. One of the following:

(a) Medical report signed by a physician licensed by the Commonwealth of Pennsylvania stating the following:

(a) Nature of the handicapped person's or severely disabled veteran's disability;

(b) Date of onset of disability;

(c) Whether said disability is of a permanent or temporary nature and, if of a temporary nature, anticipated length of convalescence;

(d) How said disability affects the person's ability to be fully ambulatory; and

(e) United States Veterans' Administration certification, if applicable;

- (b) Documentation to show that the handicapped person or severely disabled veteran has an unexpired Persons with Disability Registration Plate, Persons with Disability Motorcycle Registration Plate, Disabled Veteran Registration Plate, or Severely Disabled Veteran Registration Plate issued by the Pennsylvania Department of Transportation; or
- (c) Documentation to show that the handicapped person or severely disabled veteran has an unexpired Persons with Disability Parking Placard, Permanent Persons with Disability Parking Placard, Severely Disabled Veteran Placard, or a Temporary Persons with Disability Parking Placard issued by the Pennsylvania Department of Transportation.

7. Desired location of reserved handicapped parking space.

8. Statement that the undersigned verifies that the statements contained in the application are true and correct; and that the applicant understands that false statements made therein are subject to penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

9. Signature of the handicapped person, severely disabled veteran or the parent or person in loco parentis of the handicapped person.

10. Date of the application.

B. Upon receipt of the application, the Public Works Supervisor shall conduct an investigation and report to the Mt. Oliver Borough Council, the Borough Manager, or other designee of Council, the following:

1. Number and location of any other reserved handicapped parking space within one (1) block of the handicapped person's or severely disabled veteran's residence;

2. Number of other parking spaces available within one (1) block of the handicapped person's or severely disabled veteran's residence;

3. Availability of on-site parking on the handicapped person's or severely disabled veteran's property;

4. The effect, if any, which the reserved handicapped parking space would have as an impediment to the free flow of traffic, snow removal, fire protection or other access by emergency vehicles; and

5. The effect, if any, that the reserved handicapped parking space would have on the efficient and orderly usage of other nonreserved parking spaces in the area.

C. Upon receipt of the application and the report of the Public Works Supervisor, the Mt. Oliver Borough Council, the Borough Manager, or other designee of Council shall, in its discretion, determine the need for and location of the designated reserved handicapped parking space, based on the following criteria:

1. No more than one (1) reserved handicapped parking space shall be issued per household;
2. The Borough may reject an application for a disability parking permit if approving the application would fundamentally alter the availability of non-disabled street parking on the resident's block. A fundamental alteration can occur when approving the application would result in more than two (2) reserved handicap parking spaces on the handicapped person's or severely disabled veteran's block if on-street parking is limited to one (1) side of the street, or more than four (4) reserved handicap parking spaces on the handicapped person's or severely disabled veteran's block if on-street parking is available on both sides of the street.
3. No application shall be granted if the handicapped person or severely disabled veteran has access to onsite, off-street parking, except where said person provides a verified statement from their treating physician detailing the reasons why such parking is not accessible to the handicapped person or severely disabled veteran.
4. No application shall be granted if the address of the handicapped person or severely disabled veteran does not have a vehicle registered at such address, unless the handicapped person or severely disabled veteran has a persons with disability parking placard or Severely Disabled Veteran Placard and relies on third party transportation from a caretaker.
5. The handicapped person or severely disabled veteran must provide at least one (1) of the items identified in Section 248-70.A(6) above.

D. If the Council, Borough Manager, or other designee of Council determines that a reserved handicapped parking space shall be so designated, the space so designated shall be posted with a sign or signs stating the following: "This parking space is reserved for a handicapped person or severely disabled veteran. No parking is allowed by others. Any unauthorized person parking here shall be subject to a fine."

E. All approved applications are valid for a period of two years from the date of issuance. The approval may be renewed by filing a renewal application with the Borough, supplying the information identified in Section 248-70.A, Subparagraphs (1) through (6) and (8) through (10).

II. If any provision of this Ordinance is for any reason held to be legally invalid, such decision shall not affect remaining portions of this Ordinance and they shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared severable.

III. In the event of any inconsistency between the provisions of this Ordinance and any prior Ordinance, the provisions hereof shall be determined to govern.

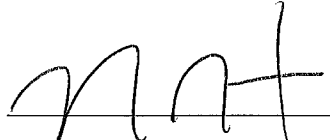
IV. This Ordinance shall be effective immediately upon adoption.


This Ordinance ORDAINED AND ENACTED INTO LAW by the Borough Council of the Borough of Mount Oliver at a duly assembled public meeting this 19th day of August, 2024.

(Signature Page to Follow)


ATTEST:

BOROUGH OF MOUNT OLIVER


Borough Manager

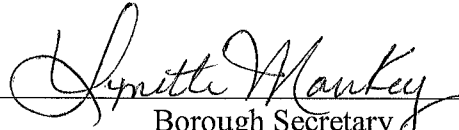
By: 
President, Borough Council

APPROVED:


Mayor

Certification of Recording. This Ordinance recorded in the Borough Ordinance book on

August 20, 2024 by the undersigned.


Borough Secretary