

Council of the City of York, PA
Session 2014
Bill No. 3
Ordinance No.

INTRODUCED BY: **Henry Hay Nixon**

DATE: **February 4, 2014**

AN ORDINANCE

Amending Article 513.18 HANDICAPPED PARKING of the York City Codified Ordinances to waive fees for applicants that fall within the Federal Poverty Guidelines.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 513.18 "Handicapped Parking" of the York City Codified Ordinances be amended as follows:

Section One: That Article 513.18 "Handicapped Parking" of the Codified Ordinances is hereby amended as follows:

513.18 HANDICAPPED PARKING.

(a) Definitions.

Applicant - A resident (or the parent or guardian of the resident) who files an application for the installation of a handicapped parking space.

Block - The section of a City street identified by the hundreds, for example 0-99, 100-199, 200-299.

City - The City of York, Pennsylvania.

Department - The Pennsylvania Department of Transportation.

Handicapped parking space - A parking space reserved for use by handicapped persons or disabled veterans utilizing vehicles lawfully bearing handicapped registration plates or placards.

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 area.

Resident - One who occupies real estate within a block of a City street and such real estate is used as his/her principal residence.

Traffic Safety Committee - The Traffic Safety Committee organized and existing under the provisions of Article 516. (Ord. 38-2005. Passed 9-20-05.)

(b) Application Process.

- (1) Fee. The application for the erection of a permanent or temporary handicapped parking space shall be made available to any City resident or parent or guardian of a City resident and shall be accompanied with a fee of fifty dollars (\$50.00). An annual renewal fee of ten dollars (\$10.00) shall

apply to all permits renewed under subsection (f). Fees may be waived if the Applicant falls within the Federal Housing and Urban Development Poverty Guidelines. (Ord. 50-2006. Passed 7-5-06.)

- (2) Application. The application will be designed and developed by the Traffic Safety Committee, but shall include, at a minimum, the identity of the applicant, the address of the applicant, the make, model and license plate number of the applicant's vehicle (if any), the type of disability, whether the disability is permanent or temporary, whether offstreet parking is available immediately adjacent to or on the applicant's property, the location of the current handicapped parking spaces on the same block where the applicant resides, and a signature section. The application shall also contain a clause informing the applicant that the applicant is required to notify the Traffic Safety Committee immediately if and when the applicant moves from the address set forth on the application or no longer has a disability or no longer possesses a valid handicapped registration plate or placard. If the Applicant is applying to have the fee waived due to economic hardship, the Applicant must provide documentation that their income falls within the Federal Housing and Urban Development Poverty Guidelines. Upon receipt of any application from such handicapped or disabled individual or such person's parent or guardian, the Traffic Safety Committee may collect other relevant information as the Traffic Safety Committee deems necessary, including medical records evidencing the applicant's ongoing disability.

(c) Eligibility.

(1) In general, after acquiring a handicapped or disabled veteran's registration plate or placard from the Department, any City resident may file an application for the creation of a handicapped parking space upon the block, which the resident resides. The possession of a handicapped or disabled veteran's registration plate or placard does not guarantee that the resident's application for a handicapped parking space will be granted.

(2) Statement of disability. All applications for a handicapped parking space must be supported by proof of the applicant's asserted disability from a medical doctor, doctor of osteopathy, or doctor of podiatry medicine (collectively, "physician"). The physician's statement must be signed by the applicant's physician, must not be issued more than six months prior to the date of the application and must specifically set forth the nature of the disability, how the disability limits the applicant's mobility, and the estimated duration of the applicant's disability. Notwithstanding the applicant's provision of a physician's statement of disability, the Traffic Safety Committee may require the applicant to provide additional medical records evidencing the applicant's ongoing disability.

(3) Criteria. In order to provide an adequate number of handicapped parking spaces in a particular block and to preserve adequate parking spaces for all City residents, before the City creates a handicapped parking space, the Traffic Safety Committee must determine that the limitations upon the number and placement of handicapped parking spaces on a particular block set forth in subsection (d) hereof will not be exceeded if the requested handicapped parking space is created, that the applicant has proven that there is no handicapped accessible off-street parking available to the applicant, and that the applicant meets one or more of the following:

- A. The applicant is medically required to use portable oxygen;
- B. The applicant has limited or no use of one or both legs;
- C. The applicant suffers from severe limitation in the ability to walk due to any arthritic, neurological or orthopedic condition or any physical ailment that prevents the applicant from walking 200 feet without stopping to rest;
- D. The applicant suffers from a serious cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association; or

E. The applicant suffers from any other physical or mental impairment not heretofore mentioned which constitutes a substantial degree of disability and imposes great difficulty on the applicant to walk more than 200 feet without stopping.

(4) Final determination. After collecting all pertinent information, the Traffic Safety Committee will review and investigate all information related to the application. The Traffic Safety Committee may obtain an independent medical review of the applicant’s medical records and asserted disability. The Traffic Safety Committee may approve and authorize the creation of the handicapped parking space and installation of signage in accordance with applicable state laws and regulations, as well as defining the duration of its validity, if the Traffic Safety Committee determines the applicant has met the requirements of this article. In the event the Traffic Safety Committee determines the applicant has not met the requirements of this article, the Traffic Safety Committee shall deny the application and inform the applicant in writing as to the denial and the reason(s) for the denial.

(5) Nonexclusive right. If a handicapped parking space is created under this article, the handicapped parking space so created may be used by any person parking a vehicle lawfully bearing registration plates or placards issued to handicapped persons or disabled veterans. This article shall not be construed as granting the applicant the exclusive right to park his/her vehicle in the handicapped parking space created hereunder.

Section Two: This ordinance shall become effective in accordance with the law.

PASSED FINALLY: BY THE FOLLOWING VOTE:

YEAS: _____, _____, _____, _____, _____

NAYS: _____.

Carol Hill-Evans, President of Council

ATTEST:

Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this _____ day of _____.

Approved: _____
Mayor Date

Vetoed: _____
Mayor Date