

ORDINANCE SERIES: 2018  
ORDINANCE NO: 686

**AN ORDINANCE OF THE BOROUGH OF LITTLESTOWN,  
ADAMS COUNTY, PENNSYLVANIA, ESTABLISHING A  
HANDICAP PARKING ORDINANCE  
FOR THE BOROUGH OF LITTLESTOWN,  
ADAMS COUNTY, PENNSYLVANIA**

**BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Littlestown, Adams County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

**SECTION I:** Text Amendment. Chapter 460 of the Borough Code is amended as follows: The following language is added to Chapter 460 as Article VIII. Handicapped Parking.

## **Chapter 460. Vehicles and Traffic**

### **Article VIII. Handicapped Parking**

#### **§ 460-55. Short title.**

This article may be referred to as the “Borough of Littlestown Handicapped Parking Ordinance.”

#### **§ 460-56. Purpose and intent.**

The Borough Council of the Borough of Littlestown enacts this article 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;
- C. To maintain and preserve an adequate amount of parking spaces for handicapped persons and severely disabled veterans residing in the Borough of Littlestown; and
- D. To provide for an application process with clearly established eligibility and evaluation criteria for obtaining handicapped parking spaces.

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**§ 460-57. Definitions and word usage.**

Words and phrases used in this article shall have, for the purposes of this article, the meanings given them in the current Pennsylvania Motor Vehicle Code (“MVC”), except in those instances where the context clearly indicates a different meaning. The singular shall include the plural, and the masculine shall include the feminine. Notwithstanding the foregoing, unless otherwise expressly stated, the following words and phrases shall be construed throughout this article to have the following meanings:

**ADJACENT PROPERTY OWNERS**

Owners of properties in the Borough of Littlestown which share a common property line with the property occupied by the resident for whom a handicapped parking space is requested.

**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 Littlestown, Adams County, Pennsylvania.

**BOROUGH COUNCIL**

The Borough Council of the Borough of Littlestown, Adams County, Pennsylvania.

**BOROUGH MANAGER**

The Borough Manager of the Borough of Littlestown, Adams County, Pennsylvania or his designee.

**CODE ENFORCEMENT OFFICER**

The Code Enforcement Officer and/or official of the Borough of Littlestown, Adams County, Pennsylvania.

**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 or placards.

**PENNDOT**

The Pennsylvania Department of Transportation.

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**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.

**§ 460-58. 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 Manager, which must include the following information:

- A. The name, address and telephone number of the applicant if the applicant is a person other than the resident.
- B. The name, address and telephone number of the resident.
- C. The registration number of the handicapped or severely disabled veteran registration plate or placard issued by PennDOT to the resident or the applicant on behalf of the resident.
- D. Proof of ownership of a vehicle by the applicant or the resident 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 resident, a statement as to whether the impairment is permanent or temporary (if temporary, a detailed statement of the anticipated term of the impairment) and whether a device such as a wheelchair, crutches or walker is used by such resident for locomotion. The applicant shall supply with the written request proof of the resident's asserted medical disability from a medical doctor, doctor of osteopathy or doctor of podiatry medicine (collectively, "physician"). The physician's statement must be signed by the resident's physician, must not be issued more than six months prior to the date of the written request and must specifically set forth the nature of the impairment, how the impairment limits the resident's mobility and the estimated duration of the resident's impairment.
- F. The location of the requested handicapped parking space.
- G. The names, addresses and telephone numbers (if listed in a published telephone directory) of adjacent property owners of all real estate sharing a common property line with the residents.
- H. Any other information requested by the Borough Manager, including medical records evidencing the resident's ongoing disability. Moreover, if the disability is not permanent,

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the applicant shall, when requested by the Borough Manager, submit any and all documents requested by the Borough Manager to evidence that the disability of the resident continues to exist.

- I. Payment of the application fee as set from time to time by resolution of Borough Council. Notwithstanding the foregoing, no applicant or resident for whom the handicap parking space is requested, shall be required to pay any such fee should such applicant or resident for whom the handicap parking space is requested have a current severely disabled veteran plate and/or severely disabled veteran placard issued by the Commonwealth of Pennsylvania in accordance with 75 Pa.C.S.A. § 1342, as amended from time to time.
- J. Copy and proof of a valid driver's license issued to the applicant.

#### **§ 460-59. Review process.**

The Code Enforcement Officer or his designee shall review all requests submitted for reservation of a handicapped parking space and shall submit to the Borough Manager a recommendation regarding each request. If required by the MVC or pursuant to PennDOT regulations, the Code Enforcement officer or the Borough Manager shall obtain a traffic and engineering study related to each request. The cost of any such request shall be borne by the applicant. The recommendations of the Code Enforcement officer or his designee shall be submitted to the Borough Manager within 60 days following receipt by the Borough of the request, unless the applicant, in writing, agrees and consents to a waiver of this time requirement. The Borough Manager shall consider the request within 30 days following submission of the recommendations from the Code Enforcement Officer, and the Borough Manager may take whatever action he deems appropriate in his sole and absolute discretion. Should the Borough Manager grant the request, he 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 upon payment to the Borough by the applicant of all costs of and for acquisition and installation of the sign, including the signpost and any and all other related costs. Should the Borough Manager deny the request, he 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 seven business days following the date the Borough Manager denies the request.

#### **§ 460-60. Notice to adjacent property owners.**

The Code Enforcement Officer shall, in writing, notify the adjacent property owners that an application has been submitted and that they can submit to the Borough Manager, in writing, their support or opposition to the request. The notice shall set forth the date and time by which such written support or objection must be received by the Borough Manager.

**§ 460-61. Review criteria.**

- A. While all requests for the reservation of a handicapped parking space lie solely and absolutely in the discretion of the Borough Manager, 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 Manager shall, among others, consider the following factors in rendering his or her 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 or placard to the resident or on behalf of the resident for whom the request is made. Notwithstanding the foregoing, should no one residing in the dwelling with the resident have such a handicapped or severely disabled veteran registration plate from PennDOT, the resident or the applicant shall not be entitled to the issuance of a handicapped parking space under this article;
  - (3) 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 place exists, the Borough Manager shall not grant the request;
  - (4) The recommendation of the Code Enforcement Officer;
  - (5) Whether the resident has any other handicapped parking spaces reserved unto him in the Borough, it being understood that the Borough Manager shall grant no more than one parking space per resident;
  - (6) The recommendations and findings of any traffic and/or engineering studies, if any, for the location;
  - (7) The nature of the resident's disability, and whether that disability creates a need for a reserved handicapped parking space that outweighs the public interest in maintaining that pace for general public use;
  - (8) All information set forth in the written request of the applicant; and
  - (9) Any other information which the Borough Manager deems applicable or appropriate under the particular facts and circumstances of each request.
- B. The Borough Manager, in his or her sole and absolute discretion, may limit the number of handicapped parking spaces on any street within the Borough of Littlestown.

**§ 460-62. Annual renewal of space; termination; appeals.**

- A. Annual renewal. Any and all handicapped parking spaces created hereby shall remain in full force and effect of 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 Manager, including the information required by § 460-58 hereof, along with a renewal fee of \$10, which fee may be modified from time to time by resolution of Borough Council. The request for renewal shall be reviewed in accordance with the provisions of § 460-61 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, cease to have a current handicapped or severely disabled veterans registration plat or placard, fails to file the annual renewal or pay the annual renewal fee, fails to comply with any other terms of this article, or if the Borough Manager shall determine that such applicant is no longer entitled to the handicapped parking space, the Borough Manager 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.
- C. Appeals. Any person aggrieved by a decision of the Borough Manager pursuant to this article, may appeal that decision by filing a written request for appeal with the Borough Manager within 10 days of the Borough Manager's actions being so appealed. All such appeals shall be heard by the Borough Council at its next regularly scheduled public meeting occurring more than seven days after the filing of the appeal.

**§ 460-63. Enforcement.**

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

**§ 460-64. Prohibited parking.**

- A. 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 article, and no parking shall be

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permitted at any such handicapped parking space by any vehicle other than that for which a handicapped parking space has been reserved.

- B. 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 by PennDOT to handicapped persons or severely disabled veterans. This article shall not be construed as granting the applicant for whom the request was submitted the exclusive right to park his or her vehicle in the handicapped parking space created hereunder.

**§ 460-65. Violations and penalties.**

- A. Any person violating any of the provisions of his article, upon summary conviction, shall be sentenced to pay a fine of not more than \$600, plus costs of prosecution.
- B. Nothing in this section is intended to limit or prohibit the issuance of citations for violations of the MVC. The penalties of this section shall be deemed to be in addition to, and not in place of, any violations of the MVC, provided only that the total of all such fines for each violation shall not exceed \$600.
- C. Each citation issued hereunder shall be considered a separate violation, and separate violations shall not be combined in calculating the total of such violations.

**§ 460-66. Nonlimitation.**

Nothing in this article 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.

**§ 460-67. Existing handicapped parking spaces.**

Handicapped parking spaces in existence on the effective date of this article shall be permitted to remain in place subject to the annual renewal provisions hereof.

**§ 460-68. 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.

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**§ 460-69. Costs.**

In addition to all costs which are made the responsibility of the applicant by the terms hereof, the applicant and/or the resident for whom the applicant is making the request for a handicapped parking space 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 displaced while the vehicle is parked in a public designated handicapped parking space.

**§ 460-69.1. Record of handicapped parking spaces.**

The Borough Manager or his or her designee shall at all times keep a written list of all handicapped parking spaces reserved in the Borough of Littlestown and shall promptly update such list each time a new pace is reserved or repealed.

**SECTION II.** Any Ordinance or Resolution, or any portion of any Ordinance or Resolution which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed insofar as the same is effected by or inconsistent with the provisions of the present Ordinance.

**SECTION III.** This Ordinance shall be effective as of the 26<sup>th</sup> day of June, 2018.

**ENACTED AND ORDAINED** into an Ordinance this 26<sup>th</sup> day of June, 2018.

ATTEST:

**LITTLESTOWN BOROUGH COUNCIL  
BOROUGH OF LITTLESTOWN,  
ADAMS COUNTY, PENNSYLVANIA**

Sandy Conrad  
Sandy Conrad  
Borough Secretary

By: Ronald L. Baird  
Ron Baird  
Council President

(SEAL)

APPROVED, this 26<sup>th</sup> day of June, 2018.

James Eline, Sr.  
James Eline, Sr., Mayor