BOROUGH OF FREEMANSBURG
NORTHAMPTON COUNTY, PENNSYLVANIA
Ordinance #2021-001
(Duly Adopted July 6, 2021)

AN ORDINANCE OF THE BOROUGH OF FREEMANSBURG ESTABLISHING STANDARDS AND REQUIREMENTS FOR THE PARKING OF VEHICLES ON BOROUGH OWNED STREETS FOR PERSONS WITH DISABILITY OR SEVERELY DISABLED VETERANS AND, PROVISIONS FOR VIOLATIONS AND PENALTIES THEREOF.

WHEREAS, The Borough of Freemansburg (the "Borough") is a Municipal Corporation with Offices located at 600 Monroe St. Freemansburg, Northampton County Pa. 18017; and

WHEREAS, Borough Council ("Council") for the Borough enacts this Ordinance for, but not limited to, the following purposes:

To facilitate and provide adequate parking on public streets for persons with disability or severely disabled veterans;

To provide for an application process with clearly established eligibility and evaluation criteria for the issuance a person with disability or disabled veteran parking space permit;

To prevent the proliferation of persons with disability or severely disabled veteran parking spaces to the detriment of the community;

To maintain and preserve an adequate amount of parking spaces for persons with disability or disabled veterans residing within the Borough.

NOW, THEREFORE, Council on behalf of the Borough of Freemansburg, hereby ORDAIN AND ENACT as follows:

I. DEFINITIONS

A. As used in this Ordinance, the following terms shall have the meanings indicated:

Adjacent Property Owners: Owners of properties in the Borough, which share a common property line with the property occupied by the applicant for whom a person with disability or disabled veteran handicapped parking space is requested.

Administrative Staff: An agent or employee of the Borough.

Applicant: Any person who makes application for a permit under the provisions of this Ordinance.

Persons with Disability: A Person with Disability or a Severely Disabled Veteran.

Parking Space: A parking space permitted by the Borough, which is designated for a specific Person with Disability.

Permittee: Any person who has been issued a permit under this Ordinance.

Plate or placard: A plate or placard issued under 75 Pa. C.S.A. Section 1338 (relating to person with disability plate and placard) or Section 1342 (a) or (b) (relating to veteran plates and placard). Placards shall be hung from the inside rearview mirror of a vehicle indicating that said vehicle is currently authorized to park in a parking space designated for a person with disability or severely disabled veteran.

Security: Any fee required by this Ordinance. Security is established by an applicant/permittee to help cover the Borough's Administrative Staff costs and Engineering costs (if applicable) for processing and verifying compliance of an application and/or permit and the cost of the persons with disability parking space sign.

Street: Any avenue, boulevard, lane, parkway, road, viaduct, or other way for the movement of vehicular traffic which is an existing State, County, or Borough roadway, or way shown upon a plan and includes the land between street or right-of-way, whether unimproved or improved, with pavement, gutters, sidewalks, curbs, parking areas and/or other areas within.

II. APPLICATION AND APPLICANT

A. **Application:** Applicants wishing to apply for a parking space on any street within the Borough, upon which public parking is currently permitted, must submit a Person with Disability or Disabled Veteran Parking Permit Application ("Application") on a form prescribed by the Borough. Applications are available upon request, during normal business hours, at the Borough's administrative offices located at 600 Monroe Street, Freemansburg PA. 18017. Applications are also accessible on the Borough's website: www.boroughoffreemansburg.org.

B. **Applicant Requirements:** Applicants shall:

1. Reside within the Borough;

2. Possess a valid Persons with Disability or Severely Disabled Veteran Registration Plate or Placard issued by PennDOT;

3. Submit a competed application, including all required supporting documentation to the Borough;

4. Possess a valid driver's license, if applicable;

5. Possess an operable vehicle or, someone residing in the applicant's residence must possess an operable vehicle;

6. Pay the required non-refundable application fee upon submission of an application;

7. Comply with all other standards and requirements contained herein.

C. **Application Review Process:** The Borough's administrative staff will perform an initial review of an application submitted to confirm that the application is complete and contains all of the required supporting documentation. Once the Borough's administrative staff determine that an application is complete and contains all of the required supporting documentation, the administrative staff shall forward the application to the Borough Police Department and Public Works Department for further review. The Police Department and Public Works Department shall review the application and prepare a report for Council to review.

D. **Denial of Application:** While the decision to approve or deny an application lie solely and absolutely in the discretion of Council, and the possession of a persons with disability or severely disabled veteran registration plate or placard does not guarantee that the applicant's request will be granted. Council may consider the following factors when rendering a decision to deny a request:

1. If the application was incomplete or did not meet the standards and requirements of this Ordinance;

2. The applicant's residency status;

3. Information set forth in the application;

4. If the applicant had prior violations of this Ordinance;

5. The number of permits currently issued to a single household (No more than one (1) permit shall be issued per household);

6. The number of permits currently issued within one (1) block where parking is permitted on both sides of the street (No more than three (3) permits shall be located on any block where parking is permitted on both sides of the street);

7. The number of permits currently issued within one (1) block where parking is only permitted on one side of the street (No more than two (2) permits shall be located on any block where parking is only permitted on one side of the street);

8. 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(s) exists, Council may deny the application);

9. The applicant's property has less than 20 feet of road frontage;

10. The reports prepared by the Police Department and Public Works Department.

E. **False statements:** It shall be unlawful and a violation hereof for any person to knowingly and willfully make a false statement on an application for purposes of obtaining a Permit under this Ordinance.

III. PERMIT AND PERMITTEE

A. **Permit:** Persons with Disability or Severely Disabled Veteran Parking Space Permits ("Permit") shall only be issued by Council. Permits are only valid if in accordance with this Ordinance. Council, at its sole discretion, may issue a permit to an applicant who meets the standards and requirements herein. A permit shall be issued for the benefit of the permittee only. Parking Spaces shall be assigned to the permittee's vehicle or a vehicle registered to another household member who resides with the permittee, as long as the vehicle is utilized for the transportation of the permittee. Any other persons with disability other than the permittee are prohibited from parking within the permittee's parking space.

B. **Duties and Responsibilities of Permittee:** It shall be the duty and responsibility of any permittee to:

1. Comply with all standards and requirements in this Ordinance;

2. Pay for the costs of replacement if a persons with disabilities parking sign is either obsolete, missing, or requires replacement;

3. Update the Borough if a vehicle registration registered on the permittee's permit changes (Registration changes will require the parking space sign to be updated at the cost of the permittee);

C. **Revocation of Permits:** A permit may be revoked by the Borough upon notice to the permittee, whether written or verbal, for, but not limited to, any of the following:

1. The permittee violated any condition of the permit or any provision of this Ordinance;

2. The actions of the permittee pose a health and safety risk to the public;

3. The actions of the permittee constituted or created a public nuisance;

4. The permittee no longer resides within the Borough;

5. The permittee is no longer deemed a persons with disability;

6. The permittee and/or household no longer own a vehicle.

D. **Expiration of Permit:** Unless the permittee complies with the permit renewal requirements contained herein, every permit shall expire January 31st of each year.

E. **Permits Nontransferable:** Permits are not transferable from one person to another, and shall not be valid in any place other than the location specifically designated in the permit.

F. **Permit Renewal:** Permits shall be renewed as follows:

1. Each permit shall be renewed on an annual basis;

2. Applications for renewal shall be submitted to the Borough's administrative offices by January 15 of each calendar year;

3. In making the final determination regarding the renewal of a previously approved permit, the Borough shall apply the criteria in this Ordinance;

4. If a permittee fails to renew his/her permit for any reason, the Permit shall be deemed expired and will require a new application. Any new application shall be governed by the provisions of this Ordinance;

5. A renewal fee of $10 will be charged for all permit renewals.

IV. APPEALS

A. **Process:** Any person aggrieved by a decision of Council pursuant to this Ordinance, may appeal that decision by filing a written request for appeal with Council within 10 days of Council's actions being so appealed. All such appeals shall be heard by Council at its next regularly scheduled public meeting occurring more than seven days after the filing of the appeal. Council's decision on the appeal shall be final.

V. SECURITY

A. **General:** The breakdown of fees and costs for an application and application renewal will be as listed in the Borough's fee schedule, which may be updated from time to time, via Resolution of Council.

B. **Application Fee:** Is a non-refundable fee that is due upon the submission of an application. Application fees help cover the Borough's administrative costs for its staff to process and verify compliance of an application.

C. **Renewal Fee:** Is a non-refundable fee that is due upon the submission of the annual permit renewal. Renewal fees help cover the Borough's administrative costs for its administrative staff to process and verify compliance of a Permit.

D. **Engineering Escrow:** Is an amount due when the Borough's Engineer and/or PennDOT regulations determine that a traffic study is required prior to the issuance of a permit. The engineering escrow covers the cost of the Borough's Engineer and traffic study. Unused engineering escrow funds will be refunded to the applicant.

VI. NOTIFICATION REQUIREMENTS

A. Abutting or Adjoining Property Owners: If the residence of the applicant abuts or adjoins another property(s), the Borough shall provide written notification, via First Class Mail with Certificate of Mailing, to the affected property owners and/or tenants of the proposed parking space.

VII. UNAUTHORIZED USE

A. A vehicle shall not make use of the parking privileges accorded to the permittee unless the vehicle is being operated by or for the transportation of the permittee.

B. Only the vehicle(s) registered under the permit shall be authorized to park in the parking space.

C. Persons with disabilities other than the permittee are prohibited from parking within the permittee's parking space.

VIII. SIGN REQUIREMENTS

A. A persons with disability parking space sign shall contain the following:

1. An international symbol for access for persons with disability;

2. The characters of the Pennsylvania registration plate that the permit is assigned to;

3. Unauthorized person shall be subject to fine and towing at vehicle owners expense (A vehicle may only be towed if the parking space sign is posted with a language indicating that vehicles in violation may be towed).

IX. ENFORCEMENT

A. Borough Council specifically authorizes the Borough's duly appointed Police Officers, Code Enforcement Officer(s), the Borough Manager and any other person authorized by Borough Council to enforce this Ordinance and to issue citations for violations and prosecute any such violations pursuant to the terms of this Ordinance.

B. Any violation of this Ordinance may be cause for a notice of violation and/or a citation to be issued to the violator.

X. VIOLATIONS AND PENALTIES

A. Any person violating any of the provisions of this Ordinance, 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 Pennsylvania Motor Vehicle Code ("PAMVC"). The penalties of this section shall be deemed to be in addition to, and not in place of, any violations of the PAMVC, 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.

XI. CITATION APPEALS PROCESS

A. A person in receipt of a citation may appeal to the Magisterial District Court as set forth on the citation.

XII. SEVERABILITY

A. If any section, subsection, provision, paragraph, or word of this Ordinance is invalidated by any Court of competent jurisdiction, the remaining sections, subsections, provisions, paragraphs, or words shall not be affected and shall remain in full force and effect.

XIII. NONLIMITATION

A. Nothing in this Ordinance is intended to or shall be construed to limit Council from establishing parking spaces within the Borough in any other manner and at any time Council deems appropriate, to the extent authorized by the PAMVC, PennDOT regulations and other applicable laws

XIV. LEGAL REFERENCES

75 Pa.C.S.A. §1338

75 Pa.C.S.A. §1342

75 Pa.C.S.A. §3354

75 Pa.C.S.A. §6109

The Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

XV. REPEALER

A. All Ordinances or parts thereof inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

XVI. EFFECTIVE DATE

A. This Ordinance is effective immediately.

DULY ORDAINED and **ENACTED** this 6th day of July, 2021

ATTEST: The Borough of Freemansburg

Justine A Rossi

Justine A. Rossi, Borough Secretary

Homer G Lorrah, Council President

Municipal Seal

Donald Lasso, Mayor

CERTIFICATION

I, JUSTINE A. ROSSI, the undersigned, Secretary of the Borough of Freemansburg, Northampton County, Pennsylvania (the "Borough") certify that the foregoing is a true and correct copy of a Resolution of the Borough which was duly enacted by affirmative vote of the majority of the members of Borough Council at a meeting duly held on July 6, 2021, and that said Resolution remains in effect, unaltered and unamended, as of the date of this certificate.

I further certify that Borough Council met the advance notice requirements of Act No. 93 of the General Assembly of the Commonwealth of Pennsylvania, approved October 15, 1998, by advertising the date of said meeting and posting a notice of said meeting on the bulletin board at the Municipal Building, 600 Monroe Street, Freemansburg, Pennsylvania 18017.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough this 6th day of July, 2021.

Justine A. Rossi

Justine A. Rossi, Borough Secretary

Municipal Seal