

BOROUGH OF JERMYN

ORDINANCE NO. 1-06

AN ORDINANCE ESTABLISHING CRITERIA FOR HANDICAPPED PARKING ZONES WITHIN THE BOROUGH OF JERMYN

By the powers granted to the Borough of Jermyn by the Pennsylvania Borough Code, 53 P.S. Section 45101 et seq., including, but not limited to, the power to amend such ordinances as it shall deem beneficial to the Borough of Jermyn, 53 P.S. Section 46006(3), be it ENACTED and ORDAINED by the Borough Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the Jermyn Borough Council as follows:

Section I. Title.

This Ordinance shall be known as the "Ordinance Establishing Handicapped Parking Zones."

Section II. Policy.

Pursuant to its authority under 53 P.S. Section 46202(17), as amended, to regulate the streets, public squares, common grounds, sidewalks and curbs of the Borough of Jermyn; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to make such regulations as may be necessary for the health, safety and general welfare of the Borough of Jermyn and its residents; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to impose fines and penalties; pursuant to its authority under 53 P.S. Section 46202(74), as amended, to make and adopt all such ordinances as may be expedient or necessary for the proper management, care or control of the Borough of Jermyn and the maintenance of peace, good government, safety and welfare of the Borough of Jermyn and its citizens; and pursuant to its authority under 53 P.S. Section 46006(3), as amended, to enact and amend such ordinances as it shall deem beneficial to the Borough of Jermyn and to provide for the enforcement of same, the Jermyn Borough Council enacts the within Ordinance.

It is the desire and intent of the Jermyn Borough Council to ensure that the safety and general welfare of the Borough of Jermyn and its citizens is in the best possible condition for both safety and financial reasons. Therefore, in order to provide for the health, safety and general welfare of the Borough of Jermyn and its citizens, the Jermyn Borough Council enacts the within Ordinance.

Section III. Application

Any individual requesting an on-street handicapped parking space within the Borough of ~~JERMYN~~ shall submit an application to the Borough Council. Any individuals who propose to maintain eligibility for existing handicapped parking spaces beyond December 31, 2005, shall submit an application to Borough Council.

Section IV. Committee

Borough Council will select three of its members, whose duty it shall be to review said applications. The three-member committee shall approve or reject all such applications. Any applicants dissatisfied with the decision of the committee shall have a right of appeal to the Borough Council. Such appeal must be filed in writing to the Borough Council within thirty (30) days of the committee's decision; if the appeal is not timely filed, then the aggrieved individual's right to appeal shall be waived. The mayor shall cast the deciding vote when council vote is tied.

Section V. Criteria

The criteria for the creation of a handicapped parking space shall be as follows:

A. The individual so requesting the space shall exhibit proof that he/she has qualified for a handicapped persons license plate under the regulations issued by the Pennsylvania Department of Transportation.

B. No more than one handicapped parking space shall be issued to any one individual within the corporate limits of the Borough of Jermyn.

C. No more than one handicapped parking space shall be provided per dwelling unit within the corporate limits of the Borough of ~~JERMYN~~.

D. No handicapped parking space shall be provided for the location so requested if there exists a reasonably accessible and practical off-street parking space to serve such location.

E. The individual requesting the handicapped parking space shall first demonstrate that the individual has a physical impairment such as a loss of use of the lower extremity or a cardiopulmonary condition which subsequently restricts movement or otherwise requires the use of a wheelchair, crutches, walker or similar device for purposes of ambulation.

F. No handicapped parking space shall be created unless it may be demonstrated that the physical condition giving rise to the request is reasonably expected to persist for a period of not less than six consecutive months.

G. In considering an application for a handicapped parking space, a report or letter from the applicant's treating physician may be considered, but any such report by itself shall not be considered conclusive.

H. In the event there is a measurable improvement in the physical condition of the applicant to the extent that the applicant would no longer qualify under the criteria set forth herein, then the handicapped parking space shall be removed. Likewise, the handicapped parking space shall be removed when there is a change in the circumstances such that the handicapped parking space shall no longer be appropriate under the criteria referred to herein.

Section VI. Existing Handicapped Parking Spaces

For all existing handicapped parking areas within the Borough of ~~JERSEY~~ ^{JERSEY}, no application fee need accompany the application for the continuance of the handicapped space. Unless otherwise applied for and approved as set forth above, all existing handicapped parking spaces shall terminate as of December 31, 2005.

Section VII. Penalties.

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three hundred (\$300.00) Dollars together with all fines and costs of storing or disposing of the vehicle under provisions of the Vehicle Code, modified or reenacted by the General Assembly of Pennsylvania.

Section VIII. Severability and Amendment.

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, then such decision shall not affect any other section, clause, provision or portion of this Ordinance, so long as the Ordinance remains workable minus the invalid portion.

Section IX. Repeal of Conflicting Ordinances.

This Ordinance supersedes and repeals all former and prior ordinances or parts thereof which conflict or are inconsistent with the provisions of this Ordinance, and to the extent that any prior or existing ordinances of the Borough of Jermyn are inconsistent with the terms of this Ordinance, said inconsistent ordinances or inconsistent portions thereof are hereby repealed.

Section X. Effective Date.

This Ordinance shall become effective thirty (30) days from the date of its enactment.

ENACTED AND ORDAINED this 12 day of JANUARY ²⁰⁰⁶
2006

**BOROUGH COUNCIL OF THE
BOROUGH OF JERMYN**

Jerome Giles

Jerome Giles

PRESIDENT

Deborah Morcom

DEBORAH MORCOM
SECRETARY

SEAL

2006 **EXAMINED AND APPROVED** this 12th day of JANUARY

BY:

BRUCE SMALLACOMBE
MAYOR