

ORDINANCE NO.

**AN ORDINANCE OF THE BOROUGH OF WEST PITTSTON AMENDING
SECTIONS 164-54 THROUGH 164-64 TO THE CODE OF THE
BOROUGH OF WEST PITTSTON**

WHEREAS, the Borough of West Pittston ("the Borough") recognizing the special needs of handicapped persons in the Borough hereby establishes the requirements for handicapped Parking which are intended to facilitate access to and from the handicapped person's place of residence.

BE IT ENACTED AND ORDAINED and it is enacted and ordained by the Borough as follows:

§164-54. Definitions.

As used in this Article. the following terms shall have the meanings indicated:

HANDICAPPED PARKING PERMIT - An emblem or permit by the Borough in the exercise of its discretion. as a revocable license. to a handicapped person upon payment of the fees and charges herein ordained, taking into account the location of the handicapped parking space, traffic ordinance of the Borough, provisions of the Pennsylvania Motor Vehicle Code Vehicle Code") or other emergency or traffic regulations presently or hereafter promulgated by the Borough.

HANDICAPPED PERSON - A person who shall qualify for the issuance of a handicapped motor vehicle registration plate or placard by the Commonwealth of Pennsylvania in accordance with the provisions of Section 1338 of the Vehicle Code, as presently in effect or hereafter amended.

MOTOR VEHICLE - A motor vehicle owned by the handicapped person or a family member residing with or at the residence of the handicapped person within the Borough. and for which a handicapped motor vehicle registration plate or placard has been issued by the Pennsylvania Department of Transportation, Bureau of Motor Vehicles.

PARKING SPACE - Such space as the Borough may determine, from time to time, is reasonably required for the parking of a vehicle permitted by this Article in order to accomplish the objective thereof and which shall be nonexclusive, as hereinafter ordained.

§164-55. Handicapped parking permit application; issuance; terms.

- A. A handicapped person as hereinbefore defined may apply in writing to the Borough for the issuance of a handicapped parking permit, in accordance with the provisions of this article, for which the applicant shall pay to the Borough a fee of \$25.00. No additional payment shall be required for the cost of the permit, sign, or other required administrative expenses

- B. No permit shall be granted to any Borough resident who shall have available any off-street parking or a driveway serving the residence of any such resident unless, in the sole discretion of the Borough Council, a permit is required by the applicant to meet special circumstances.
- C. Only one permit shall be issued to a resident or family residing at a specific address. Such permit shall be a revocable license and shall be issued only to the disabled applicant.
- D. Any permit issued pursuant to the terms and provisions of this Article shall be nontransferable subject to all present and future Vehicle Code, Borough traffic and street cleaning and snow removal regulations and ordinances of the Borough.
- E. On or before January 31 of each year, the holder of a handicapped parking permit shall recertify his or her need and eligibility for said permit on a form to be supplied by the Borough. A recertification fee of \$10.00 shall be required.
- F. Within 30 days after the death of a person to whom a handicapped parking permit has been issued, the personal representative of the deceased shall inform the Borough of the death. If there is no personal representative, the spouse or, if there is no spouse, the next of kin of the deceased shall inform the Borough of the death. Upon receipt of the notification, the handicapped parking sign shall be removed by the Borough at the Borough's expense.
- G. The aforementioned application shall include photographs of the requested parking area, measurements of the distance from the requested parking area to the applicant's place of residence, photo identification and documentary evidence from a physician that the applicant or co-applicant is:
 - 1. blind: or
 - 2. does not have full use of an arm or leg;
 - 3. cannot walk 100 feet without stopping to rest: or
 - 4. cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device: or
 - 5. is restricted by lung disease or an arthritic, neurological or orthopedic condition to such an extent that said person has restricted movement; or
 - 6. uses portable oxygen: or

7. is a co-applicant of a person specified in subsections (a) through (f).
8. Is the parent or natural or legal guardian of an individual with a disability necessitating the issuance of a handicapped permit.

H. All applicants must be residents who reside within 100 feet of the place where he or she is requesting the handicapped parking space or spaces to be designated and also shall own or lease a vehicle that is normally used for travel from that residence.

§164-56.

All future permits and signs to be issued and installed shall be issued or installed only pursuant to the provisions of this Ordinance.

All applications shall be reviewed by the Wyoming Area Regional Police Department, existing Police department, if any, and/or the Street Department for a recommendation to the Borough Council before approval or denial of the application.

§164-58.

All signs shall remain the property of Borough.

§164-59. Execution.

In the event that the Borough Council decides that it should designate a space or spaces as handicapped, it shall cause one or more of the following actions to be performed:

1. The handicapped parking space shall be defined by the placement of a reserved parking sign. The reserved parking sign shall state the license plate number of the vehicle authorized to occupy the reserved parking space and the curb in front of the handicapped parking space shall be painted blue or other noticeable color; and
2. The Wyoming Area Regional Police Department or existing Police Department, if any, shall maintain a log of all applicants for reserved parking spaces and shall periodically provide the Borough Manager with a copy thereof.

§164-60. Violations and penalties

- A. Any person to whom a handicapped parking permit has been issued pursuant to the terms and provisions of this Article and any person responsible to act on behalf of said handicapped person, after his or her death, who shall violate any of the terms and provisions hereof shall be subject to revocation of the permit so issued and the removal of handicapped parking area for the applicant

- B. Any person occupying a reserved handicapped parking area without a permit issued by the Borough shall be guilty of a summary offense and upon conviction of such violation- be subject to a fine of not less than \$50.00 nor more than \$600.00.

- A. Any vehicle parked in a reserved handicapped parking area without a permit issued by the Borough shall be summarily subject to the removal of any Vehicle or object so parked in such place by the Borough of West Pittston's Police Department, acting through its designated vehicle tower, in order to protect the health, welfare and safety of the handicapped person to whom a handicapped parking permit has been issued; and all costs incurred in the removal of any such vehicle or object shall be at the cost of the owner thereof.

§169-61. Saving Clause.

All other provisions of Chapter 164 of the Code of the Borough including, but not limited to, all other provisions of Sections 164-21 and 164-49 shall remain in full force and effect. except to the extent specifically amended herein.

§164-62. Repealer.

All Ordinances or Resolutions or parts of Ordinances or Resolutions not consistent with this Ordinance are hereby repealed.

§164-63. Severability.

In case any one or more of the provisions of this Ordinance shall for any reason be held to be invalid, illegal, unenforceable in any respect. such invalidity, illegality, unenforceability, shall not affect any other provisions. Therefore, this Ordinance shall be construed as if such invalid, illegal or unenforceable provision has never been contained herein.

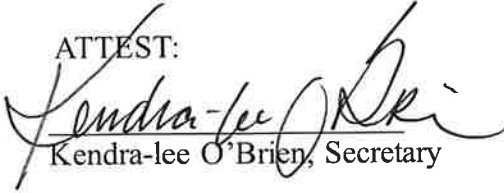
§164.64. Effective Date.

This Ordinance Amendment shall take effect upon adoption and publication according to law.

Duly enacted and ordained at a special meeting of the Borough Council of West Pittston held on the 7th Day of August 2024.

BOROUGH OF WEST PITTSTON:

ATTEST:


Kendra-lee O'Brien, Secretary


Ellen Quinn, President

James Butera, Vice-President

Approved this 7th day of August 2024:



ANGELO ALFANO Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that at a meeting of West Pittston Borough Council to be held on Wednesday August 7, 2024, at 6:30 p.m. (EST), at the Borough Building, 555 Exeter Avenue. West Pittston. Pennsylvania, a proposed Ordinance shall be considered and proposed for enactment and passage and public comment is solicited. Said proposed Ordinance is entitled as follows:

AN ORDINANCE OF THE BOROUGH OF WEST PITTSTON AMENDING CHAPTER 164, (VEHICLES AND TRAFFIC) TO ADD ARTICLE VII WITH SECTIONS 164-54 THROUGH 164-64 OF THE CODE OF THE BOROUGH OF WEST PITTSTON

The provisions of the proposed Ordinance are summarized as follows:

The procedures and requirements for application and receipt of a handicapped parking permit, renewal, and recertification there and the fines and penalties for violations.

A copy of the full text of the said proposed Ordinance is available for examination at the Borough Building in the office of the Borough Secretary during regular office hours. Monday through Friday. Also, a copy of the proposed Ordinance has been provided to the newspaper of general circulation in which this legal notice is being published.

MARK W. BUFALINO, ESQUIRE
West Pittston Borough Solicitor
15 Public Square-Suite 210
Wilkes-Barre, Pa. 18701

Publish One Time Only on July 29, 2024