

TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 2014- 13

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA ESTABLISHING A POLICY FOR DESIGNATION OF RESIDENTIAL ON-STREET HANDICAP PARKING SPACES UPON RECEIPT OF A REQUEST THEREFORE.

WHEREAS, Tulpehocken Township is a Second Class Township in the Commonwealth of Pennsylvania and as such is governed by the Second Class Township of the Commonwealth; and

WHEREAS, per Section 2328 of the Pennsylvania Second Class Township Code, 53 P.S. §67328, the Board of Supervisors may, in addition to regulating parking in general, by ordinance provide parking accommodations to promote the convenience and protection of the public, post signs regulating parking in areas established or designated for handicapped or severely disabled veteran parking and impose penalties for violations of those regulations; and

WHEREAS, the Board of Supervisors of Tulpehocken Township desires to consider requests from residents for designated handicapped parking spaces near the residences; and

WHEREAS, per Section 3354 of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. § 3354, the Board of Supervisors of Tulpehocken Township, as the local authority, may at the request of a person with a disability or a severely disabled veteran, erect on the highway as close as possible to the person's or veteran's place of residence a sign or signs indicating that such place is reserved for a person with a disability or a severely disabled veteran, and that no parking is allowed there by others; and

WHEREAS, the Board of Supervisors desires to provide upon request for the erection of a sign on the highway as close as possible to the person's or veteran's place of residence a sign or signs indicating that such place is reserved for a person with a disability or a severely disabled veteran, that no parking is allowed there by others, and persons parking in violation thereof are subject to fines and penalties; and

WHEREAS, the Board of Supervisors desires to establish rules and regulations for the designation of residential on-street handicapped parking space and erection of signs therefor upon requests from residents.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, that the following shall be the policy, rules and regulations of Tulpehocken Township for receipt, evaluation, consideration and responding to an application for designation of a residential handicapped parking space and erection of a sign designating such an on-street parking space:

Section A. Application Process

1. Any resident of the Township of Tulpehocken may make application to the Township for a handicapped parking space only after acquiring a handicapped plate or placard or a disabled Veteran license which is in accordance with the Township Ordinance No. 2014-1.
2. All applications shall be made to the Township Office.
3. New applications shall be reviewed by the Chief of Police who will submit it to the Board of Supervisors, who in turn will make the final determination regarding granting a handicapped parking space.
4. Renewal applications shall be reviewed by the Chief of Police who will make the final determination regarding renewal of existing spaces.
5. Each applicant, whether for a new permit or a renewal, shall complete an application form and provide the Township all information requested.
6. An incomplete application form may be denied by the Township.
7. The fee for a new application shall be \$75.00 which may be amended by the Board of Supervisors from time to time by Resolution.
8. Nothing herein shall create a right in any person to a handicapped parking space or continuation thereof. Any approval of a handicapped parking space at the request of or for a particular applicant, or the establishment of handicapped parking space at a particular location, whether heretofore or hereafter, shall not create or be deemed to have created a right to a handicapped parking space or continuation thereof of any person or be appurtenant to any property.

Section B. Application Renewal.

1. Each permit for a handicapped parking space shall be renewed on an annual basis.
2. Applications for renewal shall be submitted to the Township Building between January 1 and January 31 of each calendar year.
3. In making the final determination regarding the renewal of a previously permitted handicapped space, the Township shall apply the criteria contained in this policy, in accordance with the Township Ordinance 2014-1.

4. Once a permit is not renewed for any reason, any application by the same applicant shall be considered a new application and shall be governed by the provisions of this policy for new applications.
5. A \$25.00 renewal fee will be charged.

Section C. Location of Handicapped Parking Spaces.

1. No more than two (2) handicapped parking spaces shall be located on any block where parking is permitted on both sides of the street.
2. No more than one (1) handicapped parking space shall be located on any block where parking is permitted on only one (1) side of the street.
3. The street width in front of the residence must be adequate to allow parking. The parking width in front of the property must be at least twenty-two feet (22'). If this is not the case, the person who owns the adjacent property must indicate that they have no objection to the installation of the handicapped zone.
4. All handicapped parking spaces permitted prior to the effective date of Ordinance No. 2014-1 shall be allowed to remain as located but must be renewed annually beginning January 2015.
5. In the event that previously permitted spaces exceed the maximum allowed per block, the Township shall refrain from granting any additional spaces in that block until the number of handicapped spaces falls below the maximum allowed.
6. No handicapped parking space shall be allowed along a street or portion thereof where parking is prohibited, or which is of insufficient width, or where the physical conditions for the street or traffic conditions would make it unsafe for a handicapped parking space for access and use by a handicapped person.

Section D. Standards.

1. No permit shall be granted where adequate handicapped accessible off-street parking is available.
2. The owner of the vehicle used for the application must reside at the same address as the applicant. A copy of the vehicle registration must accompany the application as proof of residence.

3. All applicants shall meet at least one (1) of the following requirements and MUST provide written documentation from attending physician, with application:
 - a. The applicant is wheelchair confined.
 - b. The person requesting a permit is caring for a person who has a severe physical or mental disability.
 - c. The applicant has severe cardiopulmonary insufficiency requiring use of ambulatory oxygen.
 - d. The applicant requires the use of prosthetic devices that restricts normal ambulation.
 - e. The applicant has other physical or mental limitations that the Township believes are severe enough to warrant a handicapped parking space. (Applicant must be able to produce documentation verifying the condition.)
4. No handicapped parking space shall be created or continued unless it can be demonstrated that the applicant's physical condition justifying such a parking space is reasonably expected to persist for a period of not less than one (1) year.
5. In the event there is a material improvement in the physical condition of the applicant to the extent that the applicant would no longer qualify as a handicapped person or a disabled veteran under the criteria set forth herein, the handicapped parking space shall be removed. Likewise, the handicapped parking space shall be removed if there is a change in the circumstances or conditions (for example, the applicant's death or moving to another location), such that the handicapped parking space shall no longer be necessary or otherwise appropriate under the criteria contained herein.
6. In the case of tenant properties, only temporary signs will be erected.

Section E. Revocation of Permit.

The Township reserves the right to revoke any permit for a handicapped parking space at any time for any reason.

FURTHER RESOLVED, that this Resolution shall take effect immediately, or as soon as legally permissible thereafter.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such

determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Board of Supervisors of Tulpehocken Township that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

IN WITNESS WHEREOF, the Board of Supervisors of Tulpehocken Township has adopted this Resolution in lawful session this 10th day of November, 2014.

BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

By: Mary A. Deek

Chairman

Richard A Kramer

Member

Robert H. Trick

Member

Attest: Christy Flaherty

Secretary



CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of TULPEHOCKEN TOWNSHIP, Berks County, Pennsylvania, which was fully adopted at a public meeting, held pursuant to notice as required by law on the 10th day of November, 2014.

Christy Flaherty
Secretary of Tulpehocken Township

Dated: 11/10/14