

CITY OF JEANNETTE

WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO.: 04-05

ORDINANCE NO. 04-06

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 97-3, TO PROVIDE PROCEDURES FOR THE ISSUANCE OF HANDICAPPED PARKING SPACES ON PUBLIC STREETS WITHIN THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA

WHEREAS, The Council of the City of Jeannette, on April 9, 1997, enacted

Ordinance No. 97-3:

“AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, REGULATING THE PARKING OF MOTOR VEHICLES ON CERTAIN STREETS, AUTHORIZING THE USE OF PARKING METERS THEREFORE, REGULATING THE PARKING OF MOTOR VEHICLES ON CERTAIN OFF STREET LOTS, PROVIDING PENALTIES OF THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH” ; and

WHEREAS, Ordinance No. 97-3, commonly known as the City of Jeannette Parking Ordinance, fails to establish procedures for the creation of handicapped parking areas on public streets within the City of Jeannette, Westmoreland County, Pennsylvania; and

WHEREAS, the provisions of the Commonwealth of Pennsylvania Motor Vehicle Code specifically, Section 3354 (d)(2) authorizes local authorities to erect certain signs on highways indicating that a place is reserved for a person with a disability, or a severely disabled veteran, and that no parking by others will be authorized in such space; and

WHEREAS, the Council of the City of Jeannette, Westmoreland County, Pennsylvania, believes it is necessary to amend Ordinance No. 97-3 to provide and

establish procedures for the creation and allocation of handicapped parking spaces within the City of Jeannette, Westmoreland County, Pennsylvania; and

WHEREAS, the Council of the City of Jeannette believes it is necessary to adopt such amendments to better regulate the creation of such parking spaces and to monitor the necessity for their continuing existence to avoid undue congestion on the streets and thoroughfares of the City of Jeannette and promote the free usage thereof.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 9th DAY OF June, 2004 DOES HEREBY ORDAIN AND ENACT THE FOLLOWING:

1. Ordinance No. 97-3 of the City of Jeannette, Westmoreland County, Pennsylvania, as duly ordained and enacted by the Council of the City of Jeannette on April 9, 1997 is hereby amended to add the following Sections:

“VIII: PROVISIONS FOR THE ESTABLISHMENT OF HANDICAPPED PARKING AREAS:

A. Any person with a disability or severely disabled veteran may make application to the City of Jeannette for the creation of a reserved parking space at or near their place of residence.

B. Any individual requesting the creation of a reserved parking space shall complete an application for same, in a form to be determined by the City, and submit same to the Chief of Police of the City of Jeannette for review.

C. The application submitted by any person seeking the creation of a handicapped parking space shall include, at a minimum, the following:

1. A report from a physician licensed to practice medicine in the Commonwealth of Pennsylvania detailing the nature and extent of the applicant's, or other occupant of the applicant's household, physical condition that is alleged to require the creation of a reserved parking space;
2. A statement as to whether the applicant has access to off street parking at or near their residence;
3. A statement as to whether the applicant is a licensed driver in the Commonwealth of Pennsylvania (proof of a current and valid driver's license shall be required and attached to the application);
4. A statement as to whether the applicant owns an automobile bearing a current registration and insurance (copies of such registration and insurance are required to be attached to the application);
5. A statement as to whether there are any other facilities constructed within the applicant's residence that is designed to accommodate the disability claimed to be suffered.
6. The name and address of the applicant;
7. The name and address of the person whose disability forms the basis for the application;

8. The address at which the handicapped parking space is requested to be created; and

9. Any other information required by the Chief of Police to make a determination whether the request should be granted.

D. The Chief of Police of the City of Jeannette shall review and, where deemed appropriate, cause the creation of such space on the public roadway within the City of Jeannette as close as possible to the disabled person's place of residence and direct the placement of a sign indicating (1) that such space is reserved for a person with a disability or severely disabled veteran; (2) that no parking is allowed there by others; and (3) that any unauthorized person parking in such area will be subject to a fine and may be towed.

F. In the event the Chief of Police determines the applicant is entitled to the creation of the parking area referenced herein, he shall issue a permit for the creation of such space to the applicant, whereupon the applicant shall pay a fee of FIFTY and 00/100 DOLLARS (\$50.00) to cover the cost and expense associated with the construction of the sign and creation of the space referenced herein. In the event the Chief of Police denies the application for the creation of a handicapped parking space, he shall notify the applicant accordingly. The applicant may then take an appeal within ten (10) days of receipt of that determination to the Council of the City of Jeannette regarding the denial of the request for the creation of such space.

G. In determining the applicant's eligibility for the creation of such handicapped parking space, the Chief of Police shall consider, among other things, the following factors:

1. The nature and extent of the applicant's disability or the disability of another person in the household that serves as a basis for the application;

2. The presence of other available off street parking for the applicant's vehicle;

3. The proximity of the residence at which the space is to be created to other handicapped parking spaces in existence on the street upon which the appellant resides;

4. The presence of other individuals within the applicant's household, who do not suffer from a disability and who have the ability to operate motor vehicles;

5. Whether the applicant or disabled person is a licensed driver;

6. Whether the applicant or disabled person is the owner of a registered and insured automobile within the Commonwealth of Pennsylvania; and

7. Any other factors that the Chief of Police deems appropriate under the circumstances.

H. Any permit issued for a handicapped parking space hereunder shall be valid for a period of two (2) years and shall be subject to renewal by the submission of an application for the renewal of same in the same form as for the issuance of a new permit hereunder. Such application for renewal shall contain the same information as that

required for a new application. A renewal application fee of TEN and 00/100 DOLLARS (\$10.00) shall be charged at the time such renewal application is submitted for administrative costs and expenses incurred by the City in the renewal process. The Chief of Police of the City of Jeannette may, following review of the application for renewal:

1. Reissue the permit for a handicapped parking space;
2. Relocate the space already created; or
3. Deny the request for the re-creation of such space.

The Chief of Police may at any time revoke or cause the removal of any handicapped parking area whenever (1) the applicant and/or disabled person no longer occupies the premises for which the space is issued; and/or (2) the disability of the person for which the permit is issued ends.

I. All persons who have an existing handicapped parking area erected for the benefit of themselves or any person occupying any structure within the City of Jeannette, shall be and are hereby required to complete, consistent with the terms of this Ordinance, an application for renewal of such existing handicapped parking area within six (6) months following the date of this Ordinance's enactment. The failure to make application for renewal within the time limitations prescribed in this Ordinance shall result in the removal of such person's current handicapped parking space.

J. It shall be unlawful for any person to violate the handicapped parking provisions of this Ordinance. Any person violating the handicapped parking area provisions of this Ordinance relating to the application, renewal or maintenance of

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handicapped parking spaces, shall be guilty of a summary offense and, upon conviction before a District Justice having jurisdiction over same, be sentenced of a fine of not less than ONE HUNDRED and 00/100 DOLLARS (\$100.00) nor more than THREE HUNDRED and 00/100 DOLLARS (\$300.00) and, in default of payment thereof, be sentenced to the maximum period of imprisonment provided for summary offenses under Pennsylvania Law. Any person who otherwise improperly parks or causes to be parked a vehicle in a handicapped parking space without an appropriate permit for same, or who otherwise causes an obstruction in such area, shall be guilty of a summary offense and, upon conviction thereof before a District Justice having jurisdiction over same, shall be sentenced to a fine of FIFTY and 00/100 DOLLARS (\$50.00) and, upon failure of payment, to the maximum term of imprisonment permissible for summary offenses.”

2. The aforesaid amendments shall be and are hereby incorporated into Ordinance No. 97-3 and shall be deemed to be part of same for all purposes. Any portion of Ordinance No. 97-3, or any other Ordinance inconsistent herewith, is hereby repealed and the terms of this amendment shall be deemed controlling.

3. The provisions of this Ordinance are severable. In the event any term or provision of this amendment are held to be void or invalid, the remaining provisions of this Ordinance shall remain in full force and effect.


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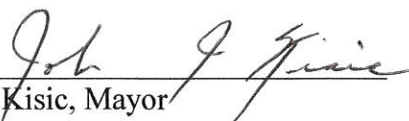
THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE
COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE
9th DAY OF June, 2004 AND SHALL TAKE EFFECT IMMEDIATELY.

THE CITY OF JEANNETTE

ATTEST:



Ronald E. Dinsmore

By: 

John J. Kistic, Mayor