

**AN ORDINANCE OF WINDSOR BOROUGH, YORK COUNTY, PENNSYLVANIA, ALLOWING FOR RESERVED PARKING FOR PERSONS WITH DISABILITIES WHICH LIMIT OR IMPAIR THE ABILITY TO WALK AND SETTING FORTH THE FOLLOWING: TITLE AND AUTHORITY; PURPOSE; DEFINITION; GENERAL REQUIREMENTS; RESTRICTIONS ON ISSUANCE OF PARKING PERMITS; REVIEW OF APPLICATIONS; ISSUANCE OF PERMITS; SIGN REQUIREMENTS; EXPIRATION OR REVOCATION OF PARKING PERMITS; REMOVAL OF SIGNS; PROHIBITED ACTIVITIES; VIOLATION; PENALTY AND ENFORCEMENT; SEVERABILITY; REPEALER; AND EFFECTIVE DATE**

**ORDINANCE NO. 2-2024**

BE IT ENACTED AND ORDAINED by the Borough of Windsor, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of same, an Ordinance adopted to provide reasonable parking accommodations to residents with disabilities which limit or impair the ability to walk.

**SECTION 1: TITLE AND AUTHORITY.** This Ordinance shall be known as the "Accessible Parking Ordinance for Persons with Disabilities" and is enacted pursuant to the Borough Code, 8 Pa.C.S.A. Section 1202 (5) (HEALTH AND SAFETY REGULATIONS); 8 Pa.C.S.A. Section 1202 (12) (STREET REGULATIONS); 8 Pa.C.S.A. Section 1203 (74) (RESERVED POWERS), and the Motor Vehicle Code, 75 Pa.C.S.A. Section 3354.

**SECTION 2: PURPOSE OF ORDINANCE**

(A) The Borough of Windsor recognizes that residents with disabilities which limit or impair the ability to walk may require reasonable parking accommodations on public streets adjacent to their residences within the municipality.

(B) The Borough of Windsor desires to create a uniform system and procedure for the establishment of handicapped parking spaces for the benefit of residents who live in a dwelling without sufficient off-street parking area and where such residents have a documented disability which limits or impairs the ability to walk

(C) The Borough of Windsor recognizes that the laws of the Commonwealth of Pennsylvania provide discretionary authority for the establishment of handicapped vehicle parking spaces for persons with disabilities which limit or impair the ability to walk.

(D) The Borough of Windsor recognizes that any uniform system and procedure establishing handicapped vehicle parking spaces for the benefit of persons with disabilities is a reasonable accommodation which must conform with existing public parking conditions characterized by significant demand for parking spaces by all persons living and driving within the municipality.

(E) The Borough of Windsor desires to encourage persons with disabilities which limit or impair the ability to walk to obtain residential dwellings which provide sufficient accommodations for off-street parking, including driveways, garages, carports and other private parking areas, or to modify existing residential dwellings to provide for reasonable off-street parking.

### **SECTION 3: DEFINITIONS**

(A) “**Applicant**” shall mean the individual who submits an application for a handicapped parking space.

(B) “**Borough**” The Borough of Windsor, its agents, employees, officers, officials, and staff.

(C) “**PA DOT**” The Pennsylvania Department of Transportation

(D) **“Park” or “parking”** When permitted, means the temporary storing of a vehicle, whether occupied or not, on or off a street. When prohibited, means the halting or stopping of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(E) **“Person”** A natural person, firm, corporation, partnership, association or co-partnership.

(F) **“Persons with disabilities which limit or impair the ability to walk”** Any person who, as determined by one (1) licensed physician:

1. cannot walk two hundred feet without stopping to rest; or
2. cannot walk without the use of or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
3. is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
4. uses portable oxygen which limits the ability to walk; or
5. has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association and approved by a licensed physician; or
6. are severely limited in the ability to walk due to arthritic, neurological, or orthopedic condition.

(G) **“Resident”** A person living permanently or continuously for a period exceeding sixty (60) consecutive days within the Borough of Windsor.

(H) **“Revoke”** To terminate by formal action of the municipality any privilege or permit established by the municipality for the benefit of a person with a disability which limits or impairs the ability to walk.

(I) **“Right of Way”** A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway thoroughfare, parkway, roadway, avenue, boulevard, lane, or alley.

(J) **“Shall”** Indicates that an action is required or prohibited.

(K) **“Special license plate”** A license plate bearing symbols or writing displaying the International Symbol of Access, together with letters or numbers on such plate issued by PA DOT or a similar department from another state, commonwealth, territory, District of Columbia, or a foreign country.

(L) **“Street”** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the public for vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of any public or private school, library or park publicly maintained by the Borough of Windsor.

(M) **“Traffic Hazard”** Any activity, including the parking of any vehicle, which interferes with the clear sight triangle at any intersection or driveway intersection with a street, or which obstructs vision at street intersections or at the intersection of any driveway with a street.

(N) **“Vehicle”** Any device, excluding a motor-cycle or motorhome, designed for carrying not more than fifteen (15) passengers, including the driver, and primarily used

for the transportation of persons. This term includes motor vehicles which are designed with seats that may be readily removed and reinstalled, but does not include such vehicles if used or maintained primarily for the transportation of property.

(O) **“Windshield Placard”** A temporary or permanent, two-sided hanger-style placard which displays the International Symbol of Access which is at least three inches in height, centered on the placard, and is white on a blue shield, and also displaying an identification number, an expiration date and seal of the Commonwealth of Pennsylvania or a similar placard issued by another state, commonwealth, territory, District of Columbia, or a foreign country.

#### **SECTION 4: GENERAL REQUIREMENTS**

(A) **ESTABLISHMENT OF RESERVED PARKING SPACE FOR PERSON WITH A DISABILITY WHICH LIMITS OR IMPAIRS THE ABILITY TO WALK**

1. **Application for Parking Space Permit:** No parking space for a person with a disability which limits or impairs the ability to walk shall be issued by the Borough prior to the full completion of the application provided by the Borough in accordance with the requirements of this Ordinance.

2. **Parking Space Permit Requirements:** Any Applicant applying for a parking space for a person with a disability which limits or impairs the ability to walk shall complete an application provided by the Borough. Such application shall be verified and shall contain the following information:

(a) Applicant's name, address, telephone number, date of birth and driver's license number; and

(b) The nature of the Applicant's disability and whether such disability is

- temporary or permanent; and
- (c) A written explanation as to why the Applicant is in need of a parking space; and
  - (d) The requested location for the handicapped parking space; and
  - (e) A written explanation as to whether any off-street parking, driveway or garage exists and/or is available at the Applicant's residence. If off-street parking, a driveway or garage is available or could be available, the Applicant shall explain why such use cannot be utilized or modified to provide off-street parking.

3. Additional Requirements: In addition to a completed and verified application, an Applicant shall submit the following documents and fees with the application for a reserved parking space:

- (a) One (1) certificate of a licensed physician that the Applicant meets the standards for a person with a disability which limits or impairs the ability to walk, together with the name and address of the Applicant's physician; and
- (b) An application fee, to be determined or modified by Resolution of Windsor Borough Council, shall be applied to offset the cost to purchase and erect the sign.
- (c) Deposit money, to be determined or modified by Resolution of Windsor Borough Council. The deposit money will be returned in full to the Applicant if and only if the sign is returned not damaged, reasonable wear and tear excepted, to the Windsor Borough

Municipal Office.

- (d) Proof of issuance of a handicapped license plate and/or a handicapped placard issued by the Commonwealth of Pennsylvania, e.g. photocopy of either or both; and
- (e) A written release, signed by the Applicant, releasing the Borough, its agents, employees, officers, officials and staff from any and all liability from injury or damages to persons or property, if any, sustained by the Applicant in association with the requested parking space.
- (f) An annual renewal fee of \$5.00 due during the month of January to renew validation of an existing permit. The amount of the annual fee may be changed by a resolution of the Windsor Borough Council.

**SECTION 5: RESTRICTIONS ON ISSUANCE OF A RESERVED PARKING SPACE**

(A) No parking space shall be granted to any Applicant where sufficient off-street parking, a drive-way, garage, carport or private parking area, is reasonably available.

(B) No parking space shall be granted to any Applicant where current parking restrictions prohibit parking at the requested location, or where the request is not consistent with PA DOT regulations or would create a traffic hazard.

(C) No parking space shall be granted to any Applicant where the Applicant fails to fully complete the application, or where the Applicant falsifies information on the application, or where the Applicant fails to provide any information or documents as

required by this Ordinance.

(D) No parking space shall be granted to any Applicant where the Applicant is seeking a parking space, if approved, exceeding twenty-two (22) feet in length.

(E) No parking space shall be granted to anyone who is not a resident of Windsor Borough.

(F) No parking space shall be granted to any Applicant who is requesting a permit for a non-passenger vehicle.

**SECTION 6: REVIEW OF APPLICATION; ISSUANCE OF PARKING PERMIT  
BY ACTION; SIGN REQUIREMENTS**

(A) Review of Application: Upon receipt of the application, an agent, employee, or committee appointed by the Borough Council shall review the application in order to determine whether the application meets the requirements of this Ordinance. Within forty-five (45) days after receipt of the completed application, the agent, employee or committee shall submit a written report with the attached application and other necessary documents to the Borough Council which shall review the report and determine whether or not to grant the request for the application for a parking space. Such approval shall be by action of the Borough Council and such decision shall be rendered by Borough Council within forty-five (45) days after the Borough's receipt of the report. Each person's disability shall be reviewed on a case by case basis.

(B) Issuance of Parking Permit: In the event the Borough Council approves the application based upon the requirements of this Ordinance and the report of the agent, employee or committee which reviewed the application, a permit shall be issued for a handicapped parking space.



(C) Pursuant to 75 Pa.C.S.A. § 3354 (d)(2.1), Borough Council may limit access to the handicapped parking space solely for the Applicant's use. Should Borough Council determine that it is appropriate to limit access to the handicapped parking space for Applicant's use alone, the following provisions apply:

(i) The Applicant shall provide the vehicle information for the vehicle that will be transporting the Applicant including the vehicle identification number; the vehicle license plate number; the identification number for any handicapped windshield placard; and a description of the vehicle including make, year and color.

(ii) The Borough shall also be permitted to charge a reasonable fee, to be set by resolution, for providing this reserved handicapped parking space in accordance with Section 6109 of the Vehicle Code and the American with Disabilities Act.

(D) Sign and marking requirements: Upon issuance of a handicapped parking permit, the Borough of Windsor shall erect a sign which complies with PA DOT requirements which contains the following information:

1. reserve sign for handicapped parking; and
2. the penalty amount for violation; and
3. that violators may be towed and costs borne by the violator.

**SECTION 7: EXPIRATION, REVOCATION OF PARKING PERMIT; REMOVAL OF SIGN**

(A) Expiration of Permit: A handicapped parking permit shall expire upon the occurrence of any of the following events:

1. Removal or departure of the Applicant from the registered address;
- or

2. Expiration, revocation or termination of the Applicant's special license plate or windshield placard issued by the Commonwealth of Pennsylvania or agency issuing the license plate or placard; or
3. Restoration of a Applicant's physical condition so that such person is no longer classified as a person with a disability which limits or impairs the ability to walk.

(B) Revocation of Permit: Any handicapped parking permit issued by the authority of this Ordinance may be revoked for any of the following events:

1. Failure by the Applicant to maintain a license plate or windshield placard on the vehicle used for the parking space; or
2. Use of the parking space by persons (other than the Applicant) who are permitted by Applicant to use the space; or
3. Intentional or reckless acts of the Applicant or his/her agents which damage or modify the sign for a reserved parking space for a resident with a disability which limits or impairs the ability to walk; or
4. The use of the reserved parking space by the Applicant, or his/her agents, as a storage area for any vehicle; or
5. Failure of the Applicant to adhere to traffic laws regulating the parking of vehicles on public streets; or
6. Failure of the Applicant to pay the annual renewal fee according to Ordinance.

(C) Removal of Sign: A sign may be removed if, upon investigation and after notice, the Borough determines that the Applicant has moved or that the privilege is being

used in violation of this Ordinance. The notice to the Applicant shall be mailed by certified mail and first class mail to the Applicant's mailing address as noted on the application. This notice shall state the reasons for the anticipated removal of the sign and shall give the Applicant thirty (30) days to correct the violation. Failure of the Applicant to correct the violation within the thirty (30) day period shall result in removal of the sign.

**SECTION 8: PROHIBITED ACTIVITY; VIOLATIONS, PENALTY AND ENFORCEMENT**

(A) Prohibited activity

1. No person shall park any vehicle in a handicapped parking space designated for a person with a disability without displaying a valid Special License Plate or Windshield Placard issued by PA DOT or a similar motor vehicle department of another state, commonwealth, territory, District of Columbia, or a foreign country.
2. In the event a handicapped parking space is specifically reserved for the Applicant pursuant to Section 6 (C) of this Ordinance, no person shall park any vehicle in the reserved handicapped parking space other than the assigned Applicant.

(B) Violations, Penalty and Enforcement - Any person violating any of the provisions of this Ordinance shall, upon summary conviction thereof, be sentenced to pay a fine of not less than \$50.00 nor more than \$600.00, plus costs of prosecution and reasonable attorney's fees.

**SECTION 9: SEVERABILITY**

Should any section, subsection, sentence, clause or phrase of this Ordinance be

declared invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the Ordinance in its entirety or any part thereof other than that part declared to be invalid or unenforceable.

**SECTION 10: REPEAL**

All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed insofar as the same affects this Ordinance. Additionally, Ordinance 4-97 is repealed in its entirety.

**SECTION 11: EFFECTIVE DATE**

This Ordinance shall be and become effective immediately upon its adoption.

ENACTED AND ORDAINED by the Borough of Windsor, York County, Pennsylvania, this 5<sup>th</sup> day of August, 2024.

Attest:

WINDSOR BOROUGH COUNCIL

Donna Martin

BY:   
Matthew L. Dietz, President

Approved this 5<sup>TH</sup> day of AUGUST, 2024

BY:   
Larry Markel, Mayor