



# *CITY COUNCIL*

## ***Committee of the Whole***

Monday, May 10, 2010

Council Office

5:00 pm

Agenda

### **I. Legislation Tabled at April 26 meeting**

**Bill No. 18-2010** – amending the Codified Ordinances Chapter 5 Code Enforcement to add the \$750 fee for filing an appeal to the building – Fire Board of Appeals, Plumbing Board of Appeals, Electrical Board of Appeals and Mechanical Board of Appeals and make consistent timing for filing of appeals and hearing of appeals before all boards **(Law) Introduced at the April 12 regular meeting; Tabled at the April 26 regular meeting**

**Bill No. 21-2010** – amending the Codified Ordinances Chapter 1 Administration and Government, Part 6 Pensions, A. Police Pension Fund, Section 1-607 to provide for application of previous time to a pension account upon being re-hired **(Law) Introduced at the April 12 regular meeting; Tabled at the April 26 regular meeting**

**Bill No. 22-2010** – authorizing the City to enter into an Intergovernmental Agreement for the purpose of providing mutual aid among the County of Berks, the Friendship Hook and Ladder Company No. 1 of Boyertown, PA, the City of Reading and the Township of Spring to assist first responders in the mitigation of emergencies related to trench and structural collapse **(Law) Introduced at the April 12 regular meeting; Tabled at the April 26 regular meeting**

**Resolution** – amending the Handicap Parking Regulations as attached **(Law) Tabled at the April 26 regular meeting**

### **II. Update Waste Water Treatment Plant Project**

### **III. Discussion - Fire Training Center Land Lease**

## **IV. Agenda Review**



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**April 26, 2010**  
**5:00 P.M.**

### **COUNCIL MEMBERS PRESENT:**

D. Reed, S. Marmarou, F. Acosta, D. Sterner, V. Spencer, J. Waltman, M. Goodman-Hinnershitz

### **OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, C. Geffken, C. Younger, T. McMahon, C. Jones, M. Vind, P. Edelman

Mr. Spencer called the Committee of the Whole meeting to order at 5:08 p.m.

### **I. Refund the 2002 Capital Appreciation Bonds**

Mr. Vind reviewed the information. He stated that this is a great opportunity as the current interest rate is at a 50 year low. He stated that this would close a SWAP and replace it with a bond. He stated that the City's trend has been to do these transactions to replace a variable interest rate with a fixed rate.

Mr. Waltman questioned if the Finance Committee supports this transaction. Mr. Acosta noted that it does.

Mr. Sterner questioned if the savings would be over the life of the bond. Mr. Vind replied that there would be a \$230,000 savings this year with this same approximate amount saved annually. He reiterated that it also eliminates the variable interest rate.

Mr. Waltman questioned if this bond would follow the same timeline as the SWAP. Mr. Vind stated that it would.

Mr. Edelman noted that this transaction would also eliminate the liquidity risk.

## **II. Main Street Designation Update**

Mr. Geffken stated that a resolution was proposed for Council's agenda this evening. However, when he reviewed the resolution he stated that it was not ready for Council action. He stated that an ordinance will be drafted regarding appointments to the Main Street Board and will be by Mayoral recommendation with Council approval and will follow the routine process for Board appointments. He stated his hope that the ordinance would be introduced at the May 10 meeting and the appointment interviews be conducted at the June Administrative Oversight Committee meeting. Ms. Katzenmoyer requested copies of the applications for processing and stated that it may not be feasible to have the background checks complete by the June Administrative Oversight Committee meeting. Mr. Geffken requested the application form.

Mr. Acosta questioned if the applicants are City residents. Mr. Geffken stated that they are.

Mr. Geffken explained that the designation was for future funding purposes as there is currently no funding available for this project.

Mr. Acosta questioned the purpose of moving forward. Mr. Geffken stated that the designation may allow future monies to be received from State and Federal budgets for Main Street projects. He stated that this Board will work in conjunction with the Downtown 2020 project.

Ms. Reed questioned if it would also work with the Penn Corridor. Mr. Geffken will research this and get Ms. Reed the information.

Ms. Goodman-Hinnershitz stated that Council needs to know the direction this Board will be taking to have meaningful appointment interviews.

## **III. Fire Training Center Land Lease**

Mr. Geffken reported that the County has sent the updated agreement. He stated that Law has reviewed the document and there are some small issues. He also stated that the Department Directors are reviewing the document and some have already noted that their suggestions are not included. He stated that these items will be relayed to Commissioner Barnhardt.

## **IV. Waste Water Treatment Plant Project Update**

Atty. Miravich joined the meeting at this time.

Council entered executive session at 5:23 pm to discuss litigation issues. They exited executive session at 5:55 pm.

## **V. Executive Session**

Council entered executive session at 5:55 pm to discuss personnel issues and conditional use decisions. They exited executive session at 6:21 pm.

## **VI. Agenda Review**

Council reviewed this evening's agenda including:

### Special Event Permit Ordinance

Mr. Marmarou stated that he has spoken with the Police Chief but does not see that language included in the ordinance. He requested that this be tabled until he can verify information with the Chief.

Ms. Goodman-Hinnershitz suggested moving this back to the Public Safety Committee.

Ms. Reed suggested leaving it as a Committee of the Whole topic.

### Business License Revocation Ordinance

Mr. Waltman stated that the Administration has worked hard on the implementation process for this ordinance. He stated his hope that the ordinance be used infrequently but effectively.

Mr. Spencer noted his concern that the Managing Director alone makes the decision on processing a complaint. He stated that one person complaining many times may be a basis for action and that it may be better to quantify complaints in some way.

Ms. Reed stated that it would be based on compliance with other City ordinances, not simply complaints for complaints sake. She stated that she is comfortable with the ordinance as is and that it follows a logical process.

Mr. Spencer stated that the phrase "at, near" a business is contained in the ordinance.

He questioned at what point a business is responsible for actions taken outside its premises.

Mr. Waltman stated that the emphasis is for businesses to follow all applicable laws. He stated that if a business does not comply with multiple laws, it will be addressed. He stated that his goal is compliance and a strong policy to reach compliance.

Mr. Spencer requested a measure or perimeter outside the business to address the term "near."

Mr. Waltman stated that the offense outside the premises must directly correlate to the business. He stated that proof would be needed to tie the behavior to the business. He noted that the revocation of the business license would be a last resort.

Ms. Goodman-Hinnershitz noted her understanding of Mr. Spencer's concern. She compared this appeal board to the Disruptive Conduct Review Board. She stated that the Board would look at the whole picture. She stated that the DCR Board has been very objective and very consistent in its rulings.

Mr. Marmarou stated that drug laws note a 200 foot rule and suggested that this measurement be added to alleviate Mr. Spencer's concern.

Mr. Sterner stated his belief that a measurement was not needed.

Mr. Waltman stated that if the behavior could be tied to the business the number would be irrelevant.

Mr. Acosta noted his concern with the Managing Director deciding alone to act on the complaint. He stated that future complaints may be processed or rejected based on who you know.

Mr. Waltman suggested a panel to screen complaints. He stated that this ordinance can be amended as needed as the process is used and weaknesses are found.

Ms. Reed suggested that the ordinance be tabled and further discussions held with Mr. Kersley before moving forward.

Mr. Spatz, reporter for the Reading Eagle, questioned if the license was revoked was it revoked forever. Ms. Kelleher stated that it was not as there are provisions allowing its reinstatement.

Mr. Waltman suggested further discussion during Committee of the Whole.

Ordinances increasing fees for appeals to trades boards, the Housing Board of Appeals, and the Property Maintenance Board of Appeals

Mr. Spencer noted that these ordinances increase the fee to file an appeal from \$100 to \$275.

Ms. Goodman-Hinnershitz stated that the City should not be subsidizing those who appeal citations.

Mr. Acosta expressed his belief that the fees should have been raised slightly annually to keep increases from being this large.

Mr. Sterner noted that there is much illegal construction occurring in City properties which could cause unsafe conditions. He noted that if they are caught and cited, they should pay the appeal fee in full with no City subsidy.

Mr. Spencer stated that this cost had been absorbed by the City in the past.

Mr. Acosta and Mr. Waltman requested a breakout of the fees.

Police Pension amendment

Mr. Spencer stated that he received a response from the FOP attorney and requested this ordinance be tabled. Mr. Geffken stated that this issue has been discussed at Pension Board meetings and the FOP representative, Sgt. Fizz, was in favor of the amendment.

Intergovernmental Agreement in mitigation of emergencies related to trench and structural collapse

Mr. Spencer questioned the financing of this agreement. Mr. Geffken stated that an amount is budgeted annually.

Mr. Spencer questioned if actions need to be taken by all partners collectively. Mr. Younger stated that his first reading would indicate that all partners must agree.

Ms. Goodman-Hinnershitz suggested this be tabled.

Amendment to Handicap Parking

Mr. Spencer stated that he did not have time to review this resolution. He requested

that this item be tabled.

The meeting adjourned at 7:04 pm.

Respectfully  
Submitted  
*Linda A. Kelleher, CMC*  
City Clerk



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**May 3, 2010**  
**5:00 P.M.**

### **COUNCIL MEMBERS PRESENT:**

D. Reed, S. Marmarou, F. Acosta, D. Sterner, J. Waltman, M. Goodman-Hinnershitz

V. Spencer was present via telephone.

### **OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, C. Younger, D. Kersley, W. Heim

Mr. Waltman called the Committee of the Whole meeting to order at 5:00 p.m.

### **I. Business Privilege License Revocation Ordinance**

Mr. Waltman noted the concern of the Managing Director being the sole gateway to a license revocation.

Ms. Reed stated that a three person board should be considered in place of the Managing Director alone. Ms. Kelleher stated that the HPO committee considered a three person board but felt that the Managing Director alone was the most efficient way.

Mr. Geffken arrived at this time.

Mr. Waltman stated that the Managing Director does not make rash decisions.

Mr. Sterner stated that the Managing Director must have cause to begin the process.

Mr. Acosta stated that the process must be stated clearly.

Ms. Goodman-Hinnershitz stated that the ordinance shows the process very clearly. She stated that if the decision is appealed, then the issue would be heard by a board. She stated that as this is new to the City, many appeals will be filed.

Mr. Acosta noted his concern that this would become another reason for the City to charge fees. He requested a document that lists the causes which could bring a business to this process.

Mr. Younger stated that the ordinance lists causes in the Basis for Revocation section.

Mr. Spencer questioned how Council would be alerted to action taken against businesses.

Mr. Acosta agreed that Council should be informed of such decisions.

Mr. Spencer stated that these issues affect Councilors' districts and that they are often questioned by residents.

Ms. Goodman-Hinnershitz stated that there are often situations to which Council is not alerted. She stated that they may inform Council as a courtesy.

Mr. Spencer stated that businesses are important to the City and stated that he would like to be informed.

Mr. Waltman suggested a memo be sent to Council as needed.

Mr. Younger voiced concern that Council would hear the appeal and should not receive this information.

Mr. Waltman suggested that the business name and location be given only; no facts which may affect an appeal.

Mr. Spencer again stated that there are constituent questions which will need to be addressed.

Ms. Goodman-Hinnershitz again stated that there are many times that Council does not know about issues as they are not Council's purview.

Mr. Waltman also noted the issue with "at, near" in the ordinance language.

Mr. Spencer stated that “at” is fine as is. However, he stated that near is subjective and the business may not be responsible for behaviors occurring outside their facility.

Ms. Goodman-Hinnershitz agreed stating that near is a very broad term.

Chief Heim stated that in the case of bars, patrons could be outside urinating, vomiting, etc and contributing to the behaviors outside the establishment.

Mr. Sterner expressed his belief that if the behavior can be attributed to the business, the business should be held responsible.

Mr. Acosta suggested that “near” be removed and replaced with better wording. He suggested that Mr. Younger, Mr. Kersley, and Chief Heim work on this correction.

Mr. Waltman suggested that the wording tie the business to the behavior that it is accountable for.

This ordinance will be further discussed at the May 10 Committee of the Whole meeting.

## **II. Response Letter to Bernhart Remediation Plan**

Mr. Waltman questioned when the response was due to EPA. Ms. Kelleher stated that the response is due on June 1. She stated that Council must pass a resolution authorizing the response.

Ms. Goodman-Hinnershitz voiced her concern with the City’s continued liability at this site. Ms. Kelleher stated that this response addresses the liability but does not and can not remove it.

Ms. Goodman-Hinnershitz also voiced concern that the study data is no longer relevant. Ms. Kelleher reviewed the emissions data for Exide. She stated that the City is conducting independent testing on several areas to determine current lead levels.

Mr. Marmarou questioned if this response would cause further delays. Ms. Kelleher stated that the City now has the cooperation of Senator Specter’s office, the County, Muhlenberg Township, the City Board of Health and the City Environmental Advisory Council. She stated that a member of the EAC is an environmental attorney and the City is in a much better position than in the past.

Mr. Waltman expressed his belief that the DEP and EPA allowed Exide to continually

delay. He noted concerns about the response straying away from the park. He noted that the response should focus on the park alone.

Ms. Reed stated that this issue was discussed at a breakfast meeting. She stated that the Muhlenberg Board of Commissioners plans to oppose the remediation plan as presented. She stated that they also want 100% clean-up of the park. She noted that Commissioner Scott feels that deforestation of the slopes may need to occur to have 100% clean up.

Ms. Goodman-Hinnershitz stated that the deforestation would cause other problems such as run-off. She suggested natural barriers rather than fences.

Mr. Acosta stated his belief that the park should be 100% remediated.

Ms. Goodman-Hinnershitz noted her concern that the park will continue to be contaminated after the clean-up if Exide continues to emit lead.

Ms. Kelleher stated that the resolution will appear on Council's agenda on May 24.

Mr. Waltman expressed his belief that DEP will order the removal of the dam in the near future. He stated that this will cause additional problems with the park.

Mr. Sterner questioned the legal fees paid to date on this issue. Mr. Younger stated that it is approximately \$100,000.

### **III. Executive Session**

Council entered executive session at 5:47 pm to discuss personnel issues. They exited executive session at 6:10 pm.

The meeting adjourned at 6:10 pm.

Respectfully  
Submitted  
*Linda A. Kelleher, CMC*  
City Clerk

BILL NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CODIFIED ORDINANCES OF THE CITY OF READING, CHAPTER 5 CODE ENFORCEMENT TO ADD THE FEE FOR FILING AN APPEAL TO THE BUILDING – FIRE BOARD OF APPEALS, PLUMBING BOARD OF APPEALS, ELECTRICAL BOARD OF APPEALS AND MECHANICAL BOARD OF APPEALS AND MAKE CONSISTENT TIMING FOR FILING OF APPEALS AND HEARING OF APPEALS BEFORE ALL BOARDS**

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 5 Code Enforcement of the City of Reading Codified Ordinances is amended as follows:

Part 1 Subpart B Building Code

**§5-112. Amendments**

J. **Chapter 1, Section 112**, is amended by deleting the same and inserting in place thereof: Chapter 1 , Section 112.0:

**INTERNATIONAL BUILDING/FIRE PREVENTION CODE  
BOARD OF APPEALS RULES OF PROCEDURES**

**ARTICLE 6. HEARINGS**

**6.1 INITIATING ACTION BEFORE THE BOARD.** All action before the Board shall be initiated by a written application for hearing *accompanied with a fee of \$750* which shall be filed with the Building Official within 20 days of the receipt of an order from the Building/Fire Official.

**6.2 HEARING SCHEDULE.** The Board will conduct hearings and make decisions. In no instance will a hearing be scheduled later than ~~30~~ 20 days from the date of the applicant's request for a hearing, unless the applicant has agreed to an extension of time in writing.

Part 2 Plumbing Code

**§5-202. Amendments.**

(7) **Section 109, Means of Appeal.**

(a) **ADM 109.1A, Appeal**, to read as follows:

Any person aggrieved by the decision of the Plumbing Inspector may appeal in writing within ~~40~~ 20 days to the Plumbing Board for a review of said hearing *decision. A fee in the amount of \$750 shall be payable for each appeal and is due at the time of submission of application for appeal.* The Board chairman shall afford the person a hearing within ~~45~~ 20 days and shall give written notice of the time and place of said hearing.

Part 3 Fire Code

**§5-307. Amendments**

B. **Chapter 1, Section 108, Board of Appeals**, is amended by deleting same and substituting in place thereof Chapter 1, §108.0.

**INTERNATIONAL BUILDING/FIRE PREVENTION CODE  
BOARD OF APPEALS RULES OF PROCEDURE**

**ARTICLE 6. HEARINGS**

**6.1 INITIATING ACTION BEFORE THE BOARD.** All action before the Board shall be initiated by a written application for hearing accompanied with a fee of \$750 which shall be filed with the Building Official within 20 days of the receipt of an order from the Building/Fire Official.

**6.2 HEARING SCHEDULE.** The Board will conduct hearings and make decisions. In no instance will a hearing be scheduled later than ~~30~~ 20 days from the date of the applicant's request for a hearing, unless the applicant has agreed to an extension of time in writing.

Part 4 Electrical Code

**§5-402. Amendments.**

**15. Section 1103, Procedures.**

A. **Amend 1103.1. Method of Appeal.** All appeals must be made in writing within ~~40~~ 20 days of the decision or receipt of the order and accompanied by a fee in the amount of \$750.

B. **Amend 1103.2. Hearings.**

~~1. Any aggrieved by any order or directive of the Code Official may appeal to the Codes Services Building/Trades Division Manager who shall schedule a hearing within 15 days of receipt of the request. Said hearing will take place in the presence of the Code Official and the Codes Services Building/Trades Division Manager.~~

~~2. Any person aggrieved by the decision of the Codes Services Building/Trades Division Manager Code Official may appeal to the Electrical Board which shall schedule a hearing within ~~15~~ 20 days of receipt of the request. Said hearing will take place in the presence of the Codes Services Building/Trades Division Manager.~~

Part 5 Mechanical Code

**§5-502. Amendments**

**H. Section 109, Means of Appeal.**

(1) **109.1, Application for Appeal.** Amended to read as follows:  
Any person aggrieved by the decision of the Mechanical Inspector may appeal in writing within ~~40~~ 20 days to the Mechanical Board for a review of said hearing decision. A fee in the amount of \$750 shall be payable for each appeal and is due at the time of submission of application for appeal. The Board Chairman shall afford the person a hearing within ~~45~~ 20 days and shall give written notice of the time and place of said hearing

SECTION 2. The Fee Schedule of the City of Reading is also amended in accordance herewith.

SECTION 3. All other provisions of Chapter 5 of the City of Reading Codified Ordinance shall remain effective.

SECTION 4. If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 5. This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Adopted \_\_\_\_\_, 2010

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_

**A N O R D I N A N C E**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 6 PENSIONS, A. POLICE PENSION FUND, SECTION 1-607 TO PROVIDE FOR APPLICATION OF PREVIOUS TIME TO A PENSION ACCOUNT UPON BEING RE-HIRED.**

**THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, A. Police Pension Fund, Section 1-607 shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part hereof.

**SECTION 2.** All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, shall remain in effect unchanged and likewise are ratified.

**SECTION 3.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2010

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

## EXHIBIT A

### **SECTION 1-607. Termination of Employment of Members Prior to Being Entitled to Pension Benefits.**

Any member who has been in the service of the City for a period of less than 20 years and whose service shall terminate prior to he or his spouse or children becoming eligible for a pension shall be paid the total amount of the contributions paid into the fund by him and without interest.

*If the member's employment is terminated by the City of Reading and as a result of said termination, the member withdraws all or any part of his pension contributions and, thereafter, the member is re-hired to service as a police officer, said member shall repay one-hundred percent (100%) of the total amount of the pension contributions which were withdrawn by said member, within one year of the date member is re-hired, for previous time to be applied to his pension account.*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PURPOSE OF PROVIDING MUTUAL AID AMONG THE COUNTY OF BERKS, THE FRIENDSHIP HOOK AND LADDER COMPANY NO. 1 OF BOYERTOWN, PA, THE CITY OF READING AND THE TOWNSHIP OF SPRING TO ASSIST FIRST RESPONDERS IN THE MITIGATION OF EMERGENCIES RELATED TO TRENCH AND STRUCTURAL COLLAPSE

BE IT ENACTED and ORDAINED by the City Council of the City of Reading, Berks County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Purpose. A mutual aid agreement between the County of Berks ("County"), The Friendship Hook and Ladder Company No. 1 of Boyertown, PA ("Fire Company"), the City of Reading ("City") and the Township of Spring ("Township") (collectively, the "Partners") to assist first responders in the mitigation of emergencies related to trench and structural collapse consistent with the requirements of the Pennsylvania Emergency Management Services Code and with the objectives of protecting the health, safety and welfare of municipal residents and landowners.

Section 2. Grant of Power. This Ordinance is adopted pursuant to authority granted in:

(A) The Pennsylvania Emergency Management Services Code, Act 323 of November 26, 1978 (35 Pa.C.S.A §7101, et seq.) as amended, or as it may be amended from time to time;

(B) The Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (53 Pa.C.S.A., Section 2301, et seq.) as amended, or as it may be amended from time to time.

Section 3. Definitions. The following words or phrases, when used in this Ordinance, shall have the meanings indicated:

Code - the Pennsylvania Emergency Management Services Code, Act 323 of 1978 (35 Pa.C.S.A. §7101, et seq.) as amended, or as it may be amended from time to time.

DES - the Berks County Department of Emergency Services, Berks County, Pennsylvania.

Section 4. Participation. Pursuant to and in accord with the above-referenced authority, City is hereby authorized to participate with the County, Fire Company and Township in a mutual aid agreement for reciprocal emergency assistance regarding the ownership, possession, use and training for use of emergency equipment in accordance with the authority granted in the above-referenced laws and this Ordinance.

Section 5. Authority to Enter Agreement. Pursuant to and in accordance with the above-referenced authority, City is hereby authorized and directed to enter into the Reciprocal Agreement which governs the ownership, possession, use and training for use of emergency equipment, a copy of which is attached to this Ordinance and incorporated herein by reference (the "Agreement"). The Mayor is authorized to execute the Agreement on behalf of the City of Reading.

Section 6. Organization. The Agreement authorized under and by virtue of the authority of the Code and this Ordinance shall be between the County, Fire Company, Township and City. The participation by City in the Agreement shall be governed and controlled by the terms and conditions of the Agreement, as duly amended, the provisions of applicable Pennsylvania laws and regulations, and such other policies as may be duly adopted in accordance with the Agreement.

Section 7. Finances. Security and maintenance of the equipment shall be provided with funds provided by the Partners in accordance with the provisions of the Agreement referred to above, and such other grants or funding as may be available. The manner and extent of financing the Agreement shall be as follows: (i) no borrowing will be required by the City to fund its obligations under the Agreement; (ii) funds to implement the City's obligations under the Agreement shall come from usual budgeted amounts for such matters; and (iii) other provisions governing the manner and extent of financing joint projects and purchases shall be as set forth in the Agreement.

Section 8. Administration. The administration of the Agreement shall be undertaken in accordance with the terms of the Agreement.

Section 9. Term. The Agreement shall be for an indefinite term and dependent upon the continued participation of the Partners. The Partners can withdraw from the Agreement upon thirty (30) days prior written notice as provided for in the Agreement.

Section 10. Property. All property shall be acquired, managed, or disposed of pursuant to the Agreement in accordance with the terms of the Agreement and

ownership of the Property shall remain with the County through DES. No acquisition of real property or real estate is authorized.

Section 11. Repealer. Any and all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

Section 12. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The City Council of the City of Reading, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

Section 13. Code of Ordinances. The Code of Ordinances, as amended, of the City of Reading, Berks County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of this Code of Ordinances upon adoption.

Section 14. Effective Date. This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Adopted \_\_\_\_\_, 2010

\_\_\_\_\_  
Council President

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT "A"

RECIPROCAL AGREEMENT



## AGENDA MEMO

**TO:**

**Public Safety**

**PREPARED BY:**

Tonya Butler

**MEETING DATE:**

**AGENDA MEMO DATE:**

May 4, 2010

**REQUESTED ACTION:**

Council approves a Resolution amending Resolution #39-2009 (Handicapped Parking).

**RECOMMENDATION:**

Council approves a resolution amending Resolution #39-2009 (Handicapped Parking).

**BACKGROUND:**

This Resolution goes along with the revised Handicapped Parking application which created functional guidelines for Physicians to make determinations of eligibility.

In this Resolution the following changes were made:

1. A criteria was set for eligibility for a handicapped parking space/sign at or reasonably close to a residence. To be eligible, the applicant or a person applying for the application, must
  - a) Have a handicapped license plate or disabled veterans license plate or placard from the State or on whose behalf said license plate has been issued pursuant to Section 1338 of the Vehicle Code because of a handicap or disability.
  - b) Have a completed application certified by a physician and identifying a disability as defined in the application.
  - c) Have a driver's license with an address that matches the address where the handicapped parking space is requested.
2. Eliminated the Traffic Engineering Office and substituted the Department of Public Works
3. Outlined a renewal process by which residents can easily reapply for handicapped permits.
4. Allowed for removal of handicapped parking signs by Public Works if the sign was fraudulently obtained or if there is abuse of the privilege.
5. Provided a penalty of \$500 plus costs and up to 90 in jail for false applications.

**BUDGETARY IMPACT:**

None

**PREVIOUS ACTION:**

None

**SUBSEQUENT ACTION:**

None

**RECOMMENDED BY:**

**RECOMMENDED MOTION:**

Approve the resolution amending Resolution #39-2009 (Handicap Parking).

RESOLUTION NO. \_\_\_\_\_

**AMENDING RESOLUTION #39-2009:**

WHEREAS, by Resolution No. 473-86, the Council of the City of Reading enacted a handicapped parking policy procedure; and

WHEREAS, it has become necessary to modify that parking policy procedure as a result of the overwhelming requests received for handicapped parking spaces ***the population of the City of Reading consists of citizens with numerous handicaps or disabilities, some of whom by reason of their handicap or disability, require reasonable accommodations in order to have equality of opportunity relating to their public accommodations;*** and

WHEREAS, there are currently issues in excess of five hundred (500) handicapped parking spaces; and ***discrimination because of a person's handicap or disability is contrary to the laws and policies of the City; and***

WHEREAS, the handicapped parking space designation may be established by the City of Reading; and

WHEREAS, the use of such designated handicapped parking space is not permitted to be exclusive to the applicant; and

WHEREAS, there is a need to monitor the applications for and continued use of handicapped parking spaces; and.

WHEREAS, it has been determined that the criteria for granting requests for handicapped parking spaces should be made more stringent.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Any resident of the City of Reading, ~~after acquiring a handicapped or disabled veterans license plate or placard from the State, may make application to the City for a handicapped parking space.~~ ***who has a qualified disability status as defined in the Application for Residential Parking for People with Disabilities and who has been issued by the Commonwealth of Pennsylvania a handicapped license plate or disabled veterans license plate or placard from the State or on whose behalf said license plate has been issued pursuant to Section 1338 of the Vehicle Code because of a handicap or disability, shall be eligible for the installation of a sign indicating that parking in such space is restricted to those vehicles bearing handicapped license plates or placards in front of or as reasonably close thereto said person's residence.*** All applications for original status will be reviewed by the City Health Officer, who will be the individual responsible for making the final determination on whether or not an individual claiming handicapped

status should be granted a restricted handicapped parking space. All applications for renewal will be reviewed by the Department of Public Works, ~~Traffic Engineering Office.~~

**SECTION 1.1. A restricted handicapped parking space in front of a residence, or reasonably close to a residence, is a special privilege granted by the City of Reading only to people who have severe physical disabilities as evidenced on their application by their physician's certification of their current disability status. Such a space will be granted only to those who are mobility impaired to the extent that they cannot manage without it.**

**SECTION 1.2. Parking at a restricted handicapped parking space is permitted by anyone who has been issued a handicapped license plate or disabled veterans license plate or placard from the State or on whose behalf said license plate has been issued pursuant to Section 1338 of the Vehicle Code because of a handicap or disability. The restricted handicapped parking space does not belong to the applicant.**

~~SECTION 2. In making the final determination, the City Health Officer shall be limited to granting no more than two (2) handicapped parking spaces per block where there is parking permitted on both sides of the street, and one (1) handicapped parking space per block where parking is permitted on only one (1) side of the street. Any such handicapped parking space permits having previously been granted prior to the effective date of this resolution where there is an excess of two (2) per block where applicable, or one (1) per block where applicable shall be permitted to remain in effect. In the event handicapped parking permits exceed the two (2) per block or the one (1) per block limit set forth above, the City Health Officer shall refrain from granting handicapped parking spaces for such block or blocks until such time as handicapped parking spaces as a result of failure to renew or cancellations fall below the per block limit set forth above. The application for a restricted handicapped parking space shall be made on a form provided by the Department of Public Works, ~~Traffic Engineering Office.~~ The application information shall include the identity of the handicapped person and said person's place of residence. It shall be accompanied by a Driver's License and documentation evidencing issuance of a handicapped plate or placard by the Commonwealth of Pennsylvania as well as a physician's certification of disability.~~

SECTION 3. In making the final determination for renewal of **restricted** handicapped parking spaces, the Department of Public Works, ~~Traffic Engineering Office~~ shall apply the criteria existing prior to date of passage of this resolution for the renewal of all parking spaces currently granted, **with the exception of any numerical space limitations**. Once a permit is not renewed for any reason, any new application by the same applicant for such parking permit shall be considered a new application and shall be governed by the criteria set forth in Section 4 of this **Resolution**.

SECTION 4. In making such final determination **for an original application**, the applicant or someone residing in the applicant's residence shall meet the following criteria:

- a) There is legal parking in the street in front of **or reasonably close to** the applicant's residence.
- b) The **disabled person** applicant:
  1. ~~Must be wheelchair confined, and/or,~~

- ~~2. Must have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class IV according to the standards set by the American Heart Association, and/or,~~
- ~~3. Caring for a minor child with a severe physical or mental disability, and/or,~~
  - ~~1. 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 60 mm/hg on room air at rest. **shall have a disability as defined in the Application for Residential Parking for People with Disabilities.**~~
  - ~~2. **shall have an address on his or her Driver's License that matches the address where the handicapped parking sign is requested.**~~
- ~~e) **There is at least twenty-five (25') feet of parking space directly in front of the property. If not, signatures of the persons who own the adjacent properties must be obtained indicating that they have no objections to the installation of the Handicap zone.**~~
- ~~3. **must be eligible for, and have in his or her possession, a HCP, PD or DVHP license plate or placard from the PA Department of Transportation for his or her vehicle.**~~

SECTION 5. **ANNUAL CERTIFICATION** Approved applicants will be required to pay a fee of Seventy Dollars (\$70.00) for the materials and labor involved in the installation of the sign. Each permit granting a handicapped parking space may be renewed on an annual basis by filing an application for renewal together with a Five Dollar (\$5.00) renewal fee. Each application whether for an original permit for a handicapped parking space or for a renewal permit for a handicapped parking space shall contain the information required by the application form and the renewal application form. An incomplete application form or renewal application form shall be grounds for denial of the request for a permit. Applications for renewal permits shall be submitted to the City Health Officer not less than thirty (30) days or more than sixty (60) days prior to the expiration of each one (1) year term.

- ~~(a) **Each renewal period shall be twelve (12) months unless otherwise notified.**~~
- ~~(b) **Application for renewal must be filed with the Department of Public Works, Traffic Engineering Office not less than thirty (30) days or more than sixty (60) days prior to the expiration of each one (1) year term.**~~
- ~~(c) **The Department of Public Works, Traffic Engineering Office will not accept the application for renewal unless it is also accompanied by a sworn document containing the following averments:**~~
  - ~~(1) **The applicant continues to be disabled.**~~
  - ~~(2) **The applicant continues to drive the identified automobile or is being driven by another identified individual because of applicant's disability.**~~
  - ~~(3) **The applicant resides at the same address.**~~

#### **SECTION 5.1 FAILURE TO FILE COMPLETED APPLICATION**

**Failure to file a completed initial application or a timely application for renewal shall result in such application being denied. In the event an individual fails to file a completed application for recertification within the times allowed, that is, on an annual basis prior to expiration of the individual's eligibility, the right to such sign shall be forfeited, and the sign shall be removed by the Department of Public Works.**

~~SECTION 6. The criteria set forth for final determination as set forth in Section 4 and the fee for the original application and any renewal application may be changed from time to time by written directive of the executive branch provided that at least prior thirty (30) days notice thereof shall be published in a newspaper of general circulation in and for Berks County. An incomplete application form or renewal application form shall be grounds for denial of the request for a permit. Applications for renewal permits shall be submitted to the City Health Officer not less than thirty (30) days or more than sixty (60) days prior to the expiration of each one (1) year term.~~ **REMOVAL OF SIGN**

***In addition to the removal of the sign for failure to properly apply for renewal, a handicapped parking restriction sign may be removed after notice to the applicant if, upon investigation, the City determines that the applicant is not, in fact, handicapped, that the applicant has moved or that the privilege is being abused in a manner inconsistent with its intent. The notice to the individual shall state the reason(s) for the anticipated removal of the sign and shall give the handicapped individual twenty (20) days in which to request a hearing before the Director of Public Works or his designee.***

***Any change of address or change of circumstance shall be reported to the Department of Public Works, ~~Traffic Engineering Office~~ within thirty (30) days of such occurrence so that the restricted handicapped sign can be removed from said location.***

#### **SECTION 6.1 INSTALLATION OF SIGNS**

***Upon determination that the application for handicapped restricted parking meets the requirements of this chapter, the City Health Officer shall refer the same to the Department of Public Works, ~~Traffic Engineering Office~~ for installation of a restricted handicap parking sign.***

~~SECTION 7. This resolution shall take effect immediately upon enactment.~~  
***Residents who obtain restricted handicapped parking spaces must comply with all provisions under the City of Reading Codified Ordinances, Chapter 15, Motor Vehicles and Traffic; including, but not limited to: Part 4, Stopping and Parking; Part 5, Parking Meters; Part 6, Short Term Daytime Parking Requirements and Part 9, Snow and Ice Emergency.***

***SECTION 8. Penalties. An individual who submits a false application to the City of Reading shall, upon conviction thereof, be fined five hundred dollars (\$500.00) and costs, or imprisonment for not more than ninety (90) days, or both. Each false application submitted to the City of Reading shall constitute a separate offense.***

***Section 9. The criteria set forth for final determination as set forth in this Resolution may be changed from time to time by written directive of the City of Reading City Council provided that at least thirty (30) days prior notice thereof shall be published in a newspaper of general circulation in and for Berks County.***

***SECTION 10. This resolution shall take effect immediately upon enactment.***

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PRESIDENT OF COUNCIL

ATTEST:

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CITY CLERK



City of Reading  
815 Washington St  
Reading, PA 19601

Dear Applicant:

Enclosed, you will find an application for Residential Parking for People with Disabilities. It is very important that this application be filled out completely and legibly. **Copies of the vehicle registration, driver's license, and handicap placard must accompany this application form.** An application that is incomplete, illegible or otherwise not filled out in compliance with the explicit instructions given on the application will be returned to the applicant without action.

Attached is a form that must be completed by your physician, certifying the nature of your disability. This form **must be printed or typed** and returned with the completed application.

Upon our receipt and verification of your completed application, a representative of the City of Reading will contact you. At that time, an appointment will be made for an in-person interview and to survey parking as it applies to your particular situation.

You will be notified in writing as to whether your application has been approved or denied.

***Approval of a handicapped parking space does not guarantee that the space will be used by the applicant only. Anyone with a PA handicapped license or placard may use this space.***

## DISABLED PERSON RESERVED PARKING CRITERIA

1. The disabled person must be eligible for, and have in their possession, a HCP, PD, or DVHP license plate from the PA Department of Transportation for his/her vehicle.
2. The driver of the vehicle need not be the disabled person as long as the driver resides in the household of the disabled person – ie. spouse, parent. The state requirements allow for a person in the household other than the disabled person to apply because frequently the disabled person cannot drive. He or she may be a child or a person with a disability that prohibits them from driving, but a sign will only be granted if the disability is severe enough to warrant a space.
3. The disabled person must be mobility impaired to the extent that ambulation is **severely** restricted.
4. The street width in front of the residence must be adequate to allow parking.
5. Individual's who have off-street parking should make every effort to utilize this parking before applying for a handicap parking space.
6. The individual must be 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 60 MM/HG on room air at rest.
7. The individual must have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class IV according to the standards set by the American Heart Association.



7. Are there any type of parking restrictions on your street? YES NO  
If yes, please describe: \_\_\_\_\_

\*\*\*\*\*

IS YOUR PROPERTY 25 FEET WIDE OR MORE? YES NO

\*\*\*\*\*

Do you rent the property where you are residing? YES NO

\*\*\*\*\*

**Please attach a photocopy of the Vehicle Registration AND the applicant's or designated driver's PA driver's license as well as a copy of the Person with Disabilities Placard, if applicable.**

\*\*\*\*\*

**APPLICANT'S CERTIFICATION**

I am aware that it is my responsibility to file a **complete** application. I understand that the application will be returned to me if it is found to be incomplete, illegible, or otherwise not filed in compliance with the instructions.

I certify that the information contained herein is true and correct to the best of my knowledge and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa C.S. Section 4904, relating to unsworn falsifications to authorities.

Any fraudulent use of this process will result in the removal of the parking space and is subject to a \$500 fine and up 90 days imprisonment.

\_\_\_\_\_  
Applicant's signature Date

\*\*\*\*\*

Office Use only

Permanent                       Short-Term                       To Be Determined

Comments: \_\_\_\_\_

\_\_\_\_\_

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## PHYSICIAN'S CERTIFICATION OF DISABILITY

### POLICY STATEMENT

All portions of this form must be filled out in detail by the applicant's treating physician based on an examination conducted **within the past six months**. A reserved parking space in front of a residence is a special privilege granted by the City of Reading only to people who have **severe** physical disabilities. Such a space will be granted only to those who are mobility impaired to the extent that they cannot manage without it.

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#### **Please type or print clearly or application will be rejected**

Patient's Name: \_\_\_\_\_ Age: \_\_\_\_\_

Residential Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_

#### **The undersigned hereby certifies as follows:**

1. I examined the above named application on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2. Disability Status (check all that apply, refer to the attached functional guidelines)

Impaired or Non-Ambulatory Disability (Sec. 1  or Sec 2 )

Arthritis (Sec. 3)

Functional Class # \_\_\_\_\_

Mobility Grade # \_\_\_\_\_

Amputation/Anatomical (Sec. 4)

Cerebrovascular Accident (Sec. 5)

Functional Class:  A  B

Pulmonary (Sec. 6) Is the patient restricted to the extent that their forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest?  No  Yes **IF YES**, please attach copy of test results

Functional Class \_\_\_\_\_ (A) \_\_\_\_\_ (B)

Cardiovascular (Sec. 7)

Functional Class:  III or  IV

Therapeutic Class:  D or  E

Neurological (Sec. 8)

Other (Sec. 9) Please specify: \_\_\_\_\_

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3. Please specify the date of onset of applicant's disability: \_\_\_\_\_

4. Please describe in detail the nature and extent of the applicant's disability:

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5. I performed the following test(s) and/or procedures in diagnosing the applicant's disability: \_\_\_\_\_

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6. Please specify the diagnosis **and** prognosis of the applicant: \_\_\_\_\_

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7. Will applicant's current level of disability (check one)

Improve       Remain the same       Deteriorate?

8. Please specify the current physical condition of the applicant: \_\_\_\_\_

---

9. Does the applicant require the use of any of the following devices? (check all the apply)

Wheelchair       Crutches       Scooter       Cane(s)       Walker        
Braces       Other \_\_\_\_\_

10. Does the applicant require assistance with entering and exiting a vehicle?

No       Yes If YES, please describe in detail: \_\_\_\_\_

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11. Does the applicant require assistance in entering or exiting his/her home?  
 No       Yes If **YES**, please describe in detail: \_\_\_\_\_

\_\_\_\_\_

12. Is the applicant capable of driving?  No       Yes If YES, is the applicant the principal driver of the vehicle? ?  No    Yes

I am a Board certified physician in the following areas: (Please list)

\_\_\_\_\_

\_\_\_\_\_

I certify that the information contained herein is true and correct to the best of my knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C. S. Sec. 4904 relating to unsworn falsification to authorities.

Executed on \_\_\_\_\_  
(date)

by \_\_\_\_\_  
(Physician's signature)

**Please print:**

Physician's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

License Number: \_\_\_\_\_

## FUNCTIONAL GUIDELINES AND ELIGIBILITY CRITERIA RESERVED RESIDENTIAL PARKING FOR PEOPLE WITH DISABILITIES

It is the responsibility of the medical evaluator to determine whether one or more medical conditions ascribed to an applicant are of such severity as to render the applicant disabled to the extent that reserved parking is required for him/her to function adequately on a day to day basis. The following is a rather comprehensive list of medical conditions which, in various stages cause moderate to severe mobility impairment. Most sections include a "Note" area to assist the evaluator in interpretation of the medical criteria as they relate to an applicant's eligibility for reserved, residential parking for people with disabilities.

### SECTION 1: NON AMBULATORY DISABILITIES

Impairments that require the applicant to use a wheelchair for mobility.

### SECTION 2: IMPAIRED OR ASSISTED AMBULATION

Intended for those who walk with extreme difficulty including those individuals who use a walker, crutches or leg braces. Use of a cane does not necessarily indicate eligibility for reserved residential parking.

Note: Claiming eligibility under this section will require extensive medical documentation or an additional medical examination of the individual to determine whether or not this applicant's medical condition qualifies the applicant for receipt of a reserved residential zone.

### SECTION 3: ARTHRITIS

This section is intended for people whose arthritic condition makes walking extremely difficult; people who suffer arthritis which causes a severe functional motor deficit in the legs.

#### Functional Capacity:

Class III – functional capacity adequate to perform only a few or none of the duties of usual occupation or self care.

Class IV – Largely or wholly incapacitated, uses wheelchair.

#### Mobility Assessment:

Grade II – The applicant can cross the road but cannot manage public transportation

Grade III – The applicant can use stairs but cannot cross roads

Grade IV – The applicant cannot use stairs

Grade V – The applicant can move from room to room with help

Grade VI – The applicant is confined to chair or bed

Note: Arthritis alone can only be used as a criterion for reserved residential parking if the applicant meets Class III under the Functional Capacity section and at least Grade III and up to Grade V under the Mobility Assessment section. Those applicants falling under other classes or grades listed must have either additional medical complications (when considering those at Grade II level) or traffic and/or terrain problems creating additional hardships for an attendant or driver of the disabled resident (when considering those at the Class IV and Grade VI levels).

#### SECTION 4: AMPUTATION/ANATOMICAL

This section is intended for people who find it extremely difficult to walk because of amputation, congenital absence of or anatomical deformity of the lower extremity at or above the tarsal region of one or both legs.

Note: Exceptions might include those cases in which the applicant has been particularly successful in mastering life skills and has been rendered fully ambulatory with the aid of his/her prosthesis.

#### SECTION 5: CEREBROVASCULAR ACCIDENT

This section is intended for those applicants who, because of stroke or brain injury find it extremely difficult to walk. These applicants must exhibit one of the following:

- (A) Severe functional motor deficit in any of two extremities
- (B) Severe Ataxia affecting two extremities substantiated by appropriate cerebellar signs of proprioceptive loss/loss of muscle and kinesthetic sense.

Note: Appropriate medical documentation including, but not limited to rehabilitation records, etc. required before approval of an application from an individual falling under this category.

#### SECTION 6: PULMONARY DISABILITIES

People who, because of a respiratory condition, find it extremely difficult to walk. These individuals experience dyspnea at various levels of exertion. Applicants must exhibit one of the following:

- (A) Dyspnea which occurs during such activities as climbing one flight or stairs or walking 100 yards on level ground.
- (B) Dyspnea present on the slightest exertion such as dressing, talking or at rest

Note: Applicants for reserved parking may qualify under either sections A or B, however, these conditions should be substantiated by respiratory function studies or by other objective rather than subjective evidence. If oxygen is required to carry out routine functions, this should be stated by the applicant's physician.

#### SECTION 7: CARDIOVASCULAR DISEASE

This section applies to those individuals who, because of cardiac conditions, walk with extreme difficulty. This includes people who exhibit Class III or Class IV in the functional classification and Class D or E in the therapeutic classification.

##### Functional Classification

Class III – Patients with cardiac disease resulting in marked limitation of physical activity. Patients may be comfortable at rest, however, less than ordinary physical activity causes fatigue, palpitations, dyspnea or anginal pain

Class IV – Patients with cardiac disease resulting in an inability to carry out physical activity without discomfort. Symptoms of cardiac

insufficiency or anginal syndrome may be present even at rest. Any physical activity with increase discomfort

#### Therapeutic Classification

Class D – Patients with cardiac disease whose ordinary physical activity should be markedly restricted

Class E – Patients with cardiac disease who should be at complete rest, confined to a bed or chair

Note: Those applicants who fall under Functional Class III or Therapeutic Classification D may be mobility impaired to the extent that reserved parking is required. However, placement in this classification, along with inclusion under one of the other disability categories may combine to categorize the applicant disabled to the degree that a reserved parking zone is necessary. With respect to Therapeutic Classification E, the evaluator must bear in mind that persons who are confined to bed do not usually require the provision of special parking. Upon appeal, however, special circumstances such as traffic or terrain problems may be brought to light which allow approval or reserved parking zones in such cases.

#### SECTION 8: NEUROLOGICAL DISABILITIES

This section is intended for those people who, because of impairment of the central nervous system, are disabled to the extent that their gait is radically altered resulting in severely restricted mobility.

Neurological Disorder: Damage to the central nervous system due to illness, accident, genetic, or hereditary factors.

Note: Each of the factors above could cause a wide range of damage to the central nervous system resulting in anything from minor disability to total incapacitation. The evaluator must take care to detail the extent to which the applicant's mobility is impaired as a result of the existing neurological disorder. The general rule for our purposes is if the applicant can walk one half of a City block without difficulty, he or she is not likely to require reserved residential parking.

#### SECTION 9: OTHER

Upon special request, consideration will be given to a disability which is not specifically included in the aforementioned criteria.