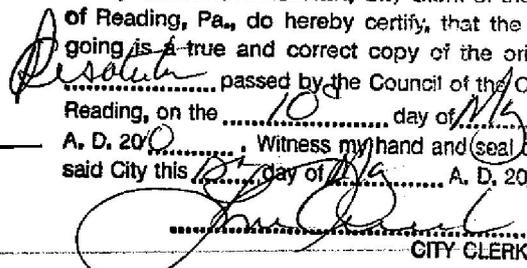


RESOLUTION NO. 46-2010

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 10 day of May, A. D. 2010. Witness my hand and seal of the said City this 10 day of May, A. D. 2010.



CITY CLERK

**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.**
- (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.**

PASSED COUNCIL

2010

  
PRESIDENT OF COUNCIL

ATTEST: