

RUSH TOWNSHIP, SCHUYLKILL COUNTY  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 197

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, SETTING STANDARDS AND REGULATIONS FOR THE APPLICATION FOR AND APPROVAL OF PERSON WITH DISABILITY OR SEVERLY DISABLED VETERAN PARKING SPACES; SETTING AN APPLICATION FEE FOR ADMINISTRATIVE PURPOSES, PROSCRIBING CERTAIN ACTIONS; AND ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, Section 2328 of the Second Class Township Code, 53 P.S. §67328, authorizes the board of supervisors of a Second Class Township to enact ordinances to regulate parking, including handicapped or severely disabled veteran parking;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Name.

This Ordinance shall be called and be cited as the "Rush Township Disability Parking Ordinance".

Section 2. Definitions.

The following words or phrases when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise. Additionally, references to the singular in this Ordinance shall include the plural, and references to the masculine in this Ordinance shall include the feminine and the neutral.

"Disability-Parking Space" - a parking space on a public street restricted for use only by a Person with Disability Plate and/or Person with Disability Parking Placard, or a Severely Disabled Veteran plate and/or parking placard, issued by the Commonwealth of Pennsylvania.

"Qualified Applicant" - any person who has been issued a Person with Disability Plate and/or Person with Disability Parking Placard, or a Severely Disabled Veteran plate and/or parking placard, by the Commonwealth of Pennsylvania, and who is a resident of Rush Township.

"Person" - Any natural person, or any other legal entity.

"Township" - Rush Township, Schuylkill County, Commonwealth of Pennsylvania, and its governing body, the Rush Township Board of Supervisors.

### Section 3. Application and Approval.

Upon application to the Township Secretary from a Qualified Applicant, on an application form approved by the Township from time to time by Resolution, which application form shall contain a statement that it is being signed under penalty of unsworn falsification to authorities pursuant to 18 Pa.C.S.A. §4904, the Township may establish a Disability-Parking Space, at a location determined by the Township, as close as reasonably practicable to the Qualified Applicant's residence. In deciding whether to establish the Disability-Parking Space and/or where to locate it, the Township shall take into consideration space availability, safety concerns, and the Prohibitions stated in Section 4 of this Ordinance.

### Section 4. Prohibitions.

- (A) No Disability-Parking Space may be located on a Township street that does not otherwise provide for parking.
- (B) No Disability-Parking Space may be created upon the request of a Qualified Applicant who has off-street parking available at his/her residence.
- (C) No Disability-Parking Space may be located in an area whereby the Disability-Parking Space would violate any State or local law or ordinance, such as, for example, in an area interfering with a fire hydrant, or the accessibility of a mail box, or the safe ingress and egress from a driveway.

### Section 5. Renewals.

Any Disability-Parking Space established under Section 3 of this Ordinance shall be for a period of one-year. At each one-year anniversary of the approval of the Qualified Applicant's application, the Qualified Applicant must submit a new application, on the same form established by the Township for the original application, to establish that the Person remains a Qualified Applicant.

### Section 6. Administrative Fee.

Any Person submitting an application for a Disability-Parking Space, whether an original application or a renewal thereof, shall also submit an administrative fee of \$25.00 to the Township. The amount of this fee is amendable from time to time by Resolution.

### Section 7. Snow Emergency Routes.

The issuance of a Disability-Parking Space pursuant to this Ordinance does not excuse the recipient or any other Person from compliance with Rush Township Ordinance No. 196, relating to snow emergency routes.



#### Section 8. Actions Proscribed.

No Person shall park a vehicle in a Disability-Parking Space unless said vehicle exhibits a Person with Disability Plate and/or Person with Disability Parking Placard, or a Severely Disabled Veteran plate and/or parking placard, issued by the Commonwealth of Pennsylvania.

#### Section 9. Reporting Requirements.

If any Person granted a Disability-Parking Space ceases to be a Qualified Applicant at any point thereafter, said Person shall report his/her change of status to the Township, which then has the option to remove the Disability-Parking Space.

#### Section 10. Penalties and Enforcement.

- (A) Enforcement of this Ordinance may be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any Person violating any part of this Ordinance, upon conviction thereof, shall pay a fine of not less than \$50.00 nor more than \$500.00, and/or undergo imprisonment for a term not exceeding 30 days, whether as a separate penalty or for failure to pay a fine.
- (B) Enforcement of this Ordinance may be through an action in equity.
- (C) The Township may have any vehicle parked in a Disability-Parking Space in violation of this Ordinance towed at the owner's expense.
- (D) Every day this Ordinance is violated shall constitute a separate offense.

#### Section 11. Repealer.

Any prior Township Ordinance, including but not limited to Ordinance No. 169, inconsistent with the terms of this Ordinance, is hereby repealed to the extent necessary to give effect to the terms of this Ordinance.

#### Section 12. Severability.

If any court of competent jurisdiction finds any Section, sub-section, clause or part of this Ordinance illegal or unenforceable, the rest and remainder of this Ordinance shall continue in full force and effect.

Section 13. Effective Date.

This Ordinance shall take effect 5 days after the enactment thereof.

ORDAINED and ENACTED this 20 day of July, 2017.

ATTEST:

Karm E. Orlick  
Secretary

RUSH TOWNSHIP  
BOARD OF SUPERVISORS

Don E. Gilbert  
Chris M.  
Jeanine Motron