

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 201

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, REPEALING AND REPLACING RUSH TOWNSHIP ORDINANCE NO. 197; SETTING STANDARDS AND REGULATIONS FOR THE APPLICATION FOR AND APPROVAL OF PERSON WITH DISABILITY OR SEVERELY 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 persons with disabilities or severely disabled veteran parking; and

WHEREAS, 75 Pa.C.S.A. §3354 and Act 144 of 2018 grant a township additional powers with respect to the regulation of parking, including persons with disabilities 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 or a limited access 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 original application for any Disability-Parking Space shall pay an administrative and installation fee of \$100.00 to the Township; and any Person submitting a renewal application for any Disability-Parking Space shall pay an administrative fee of \$25.00 to the Township. The amount of these fees are 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 without a Person with Disability Plate and/or Person with Disability Parking Placard, or a Severely Disabled Veteran plate and/or parking placard, in a Disability-Parking Space; and, if the Disability-Parking Space is designated by the Township as limited to a particular license plate number or parking placard number, no Person shall park a vehicle in the Disability-Parking Space other than the vehicle with the designated license plate and/or the designated parking placard number.

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 \$200.00, and/or undergo imprisonment for a term not exceeding 30 days, whether as a separate penalty or for failure to pay a fine. This action is consistent with 75 Pa.C.S.A. §3354(f).

(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 Ordinances No. 169 and 197, 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 _____ day of _____, 2019.

ATTEST:

RUSH TOWNSHIP

BOARD OF SUPERVISORS

Secretary

Rush Township
Application for Person with Disability Parking Space

Check One: New Application _____ Renewal Application _____

Name _____

Address _____

Phone _____ Cell Phone _____

Have you been issued a Person with Disability Plate by the Commonwealth of Pennsylvania? YES _____ NO _____

If yes, please provide plate number _____

Have you been issued a Person with Disability Parking Placard by the Commonwealth of Pennsylvania? YES _____ NO _____

If yes, please provide placard number _____

Have you been issued a Severely Disabled Veteran plate by the Commonwealth of Pennsylvania? YES _____ NO _____

If yes, please provide plate number _____

Have you been issued a Severely Disabled Veteran parking placard by the Commonwealth of Pennsylvania? YES _____ NO _____

If yes, please provide placard number _____

What is the general nature of your disability? _____

Do you have a garage or off-street parking available at your residence? YES ___ NO ___

Applicants must comply with Ordinance 196 regarding snow emergency routes.

By signing this Application, the undersigned-applicant is verifying the accuracy of all information and answers provided herein, and makes this verification under penalty that any false information or answers provided herein constitute unsworn falsification to authorities and is punishable pursuant to 18 Pa.C.S.A. §4904.

APPLICANT SIGNATURE

DATE

***** For Township Use Only *****

Has the Application fee been paid? YES _____ NO _____

The Application is APPROVED _____ DENIED _____

RUSH TOWNSHIP

DATE