

BOROUGH OF WILKINSBURG
ORDINANCE NO. 23-002

AN ORDINANCE OF THE BOROUGH OF WILKINSBURG, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BOROUGH OF WILKINSBURG CODE, SPECIFICALLY SECTIONS 248-28 AND 248-68 AS TO HANDICAPPED PARKING, AND ESTABLISHING CRITERIA AS TO THE ISSUANCE OF DISABILITY PARKING PERMITS WITHIN THE BOROUGH.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Wilkinsburg, Allegheny County, Commonwealth of Pennsylvania, that the Borough of Wilkinsburg Code, specifically Sections 248-28 and 248-68 as to Handicapped Parking are hereby amended as follows, establishing the following criteria as to the issuance of disability parking permits within the Borough shall be adopted:

1. That any person with a disability or severely disabled veteran who desires to have the Borough erect on a roadway as close as possible to their place of residence or to an accessible entrance at their place of residence a sign or signs indicating that such place is reserved for a person with a disability or severely disabled veteran, that no parking is allowed by others who are not disabled, and that any unauthorized person parking there shall be subject to a fine in the minimum amount of \$50.00 and maximum amount of \$200.00, plus costs, pursuant to the provisions of §3354(d) of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A §3354(d), shall make application for the erection of such sign or signs to the Wilkinsburg Borough Chief of Police or his or her designee. This application shall have a simple, fill-in-the-blank format substantially in the form attached hereto as Exhibit A and shall include, but not be limited to, the following information:
 - A. A vehicle must be registered to and must be driven by a resident with a disability, a family member of the resident who also resides at the same address, or a caretaker of the resident upon whom the resident relies for transportation.
 - B. A copy of an unexpired persons with disabilities parking placard or special registration plate for one passenger car or other vehicle with a registered gross weight of not more than 14,000 pounds, designating the vehicle so licensed as being used by a person with a disability pursuant to §1338(a) of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. §1338(a).
 - C. Verification of the requirements listed in Section 2 of this Ordinance, said proof to be provided, in writing.

2. In making the final determination regarding the grant of a new application or the renewal of a previously permitted disabled space, the Chief of Police or his or her designee, in accordance with state and federal law, including the Americans with Disabilities Act, the Rehabilitation Act, and the Fair Housing Act, shall apply the following criteria:
 - A. No more than one (1) disabled parking space shall be issued per household.
 - B. The Borough may reject an application for a disability parking permit if approving the application would fundamentally alter the availability of non-disabled street parking on the resident's block (Note: for the purpose of this ordinance a "block" shall be defined as the street on which the resident lives, measuring 200 feet from the resident's house in both directions or to the nearest dead end, whichever comes first). A fundamental alteration can occur when approving the resident's application would result in more than two (2) parking spaces on the resident's block being designated as disability parking spots if street parking is limited to one side of the street, or more than four (4) spots being designated if street parking is available on both sides of the street, *and* the number of dwellings on the block without off-street parking exceeds the number of non-disability-

designated parking spaces available on the block. In making these determinations, the Borough shall utilize the Disability Parking Permit Worksheet attached hereto as Exhibit B.

- C. No permit shall be granted to a resident who has access to onsite, off- street parking, except where said applicant provides a verified statement from their treating physician detailing the reasons why such parking is not accessible to the applicant. Note: the requirement for a verified medical statement can be satisfied by attaching to the applicant's application a copy of the approved "Person with Disability" registration plate or parking placard application submitted to the Pennsylvania Department of Transportation (PennDOT) which contains the healthcare provider certification required by PennDOT provided that any placard application was for a "permanent placard" and was approved by PennDOT.
 - D. No permit shall be granted if the address of the applicant does not have a vehicle registered at the address requested, unless the resident has a persons with disabilities parking placard and relies on third party transportation from a caretaker.
 - E. All applicants must meet at least one (1) of the following requirements:
 - i. The applicant has an unexpired Persons with Disability Parking Placard, Permanent Persons with Disability Parking Placard, or a Temporary Persons with Disability Parking Placard issued by the Pennsylvania Department of Transportation;
 - ii. The applicant has an unexpired Persons with Disability Registration Plate, Persons with Disability Motorcycle Registration Plate, Disabled Veteran Registration Plate, or Severely Disabled Veteran Registration Plate issued by the Pennsylvania Department of Transportation; and/or
 - iii. The person requesting a permit is caring for a person who meets one of the criteria of (i) and/or (ii).
3. In the event the Chief of Police or his or her designee reject an application or renewal application for a disability parking permit under the provisions of this Ordinance, the Chief of Police or his or her designee shall engage in an interactive process with the applicant to determine if an alternative reasonable accommodation is available. In the event the Chief of Police or his or her designee determine that an alternative reasonable accommodation is not available, the Borough will provide the resident with a notice of rejection in accordance with Section 4.
4. In the event the Borough rejects an application or renewal for a disability parking permit or terminates a disability parking permit, the Borough will provide the resident with a written notice of this determination. This written notice shall inform the resident 1) of the basis for the rejection or termination and 2) that the resident may appeal this decision and receive a hearing before the Council of the Borough of Wilkinsburg to review their application for a disability parking permit. Where the Council rejects an application on appeal, the resident will be notified of their right to appeal this decision in accordance with Pennsylvania Local Agency Law, 2 Pa. C.S. § 702.
5. Whenever a resident's PennDot issued parking placard expires, the resident must renew their Disability Parking Permit with the Borough of Wilkinsburg. For residents with a disability registration plate, but no placard, the resident must renew the Disability Parking Permit with the Borough when the disability registration plate expires. In either case, the resident must submit a copy of PennDot's renewal of the plate or placard to the Chief of Police or his or her designee within sixty (60) days following PennDot's approval of said plate or placard. If the renewal is not submitted within sixty (60) days, the Borough may terminate the parking permit and remove the disability parking space, so long as the Borough notifies the resident of the Borough's intent to terminate and remove the parking permit and provides the resident with an opportunity to

submit a copy of their PennDot renewal at least 15 days prior to terminating the Disability Parking Permit. If a copy of the resident's PennDot renewal is not filed with the Chief of Police or his or her designee within said time period, the parking permit shall expire and shall not be valid until the resident submits a new application and receives approval by the Chief of Police or his or her designee. Disability parking permits issued on the basis of a temporary persons with disability parking placard issued by PennDOT are not renewable. All disability parking spaces permitted prior to the effective date of this Ordinance shall be allowed to remain as located subject to the approval of an application which must be submitted within sixty (60) days of receiving notice from the Borough of Wilkinsburg following the effective date of this Ordinance. In the event the Borough determines that an applicant no longer qualifies under the criteria set forth herein at the time of application the Borough may terminate the disability parking permit and remove the disability parking space. Notice and an opportunity to object to any determination made by the Borough under this section shall be provided to the resident in accordance with the provisions of Section 4.

6. Any material misstatement, error, incomplete or misleading representation in an application, renewal application, or part thereof, which would make the resident ineligible for a disability parking permit under the criteria set forth in this Ordinance, shall nullify any grant, and the parking permit may be forfeited and parking space removed.
7. A parking space so designated as being for a person with a disability or severely disabled veteran will be open to anyone with an appropriate plate or placard for their vehicle.
8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.
9. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
10. Effective Date. This Ordinance shall become immediately effective upon the date of execution.

ORDAINED AND ENACTED THIS _____ day of _____, 20____.

ATTEST:

BOROUGH OF WILKINSBURG

Secretary

President, Borough Council

APPROVED AS TO FORM:

Mayor

EXHIBIT A – APPLICATION FOR A DISABILITY PARKING PERMIT

APPLICATION FOR A DISABILITY PARKING PERMIT WILKINSBURG BOROUGH

Last Name: _____ First Name: _____

Current Address: _____

City: _____ State: _____ Zip: _____

Home Phone _____ Cell Phone: _____

Requested location for sign: _____

Vehicle Make: _____ Model: _____

License Plate #: _____ Color: _____

Do you have a Pennsylvania disability parking placard or license plate? Yes No

You must provide documentation verifying that you have an unexpired disability parking placard or a disability license plate issued by the Pennsylvania Department of Transportation. This may include, but is not limited to, a copy or photo of your placard or plate, or documentation from PennDOT. Did you include such documentation verifying with your application? Yes No

Do you have a garage or other off-street parking available to you? Yes No

If you have a garage or other off-street parking, you may still qualify for a disability parking permit if your off-street parking is not accessible to you because of your mobility impairment. In such a case, you must provide a signed verification from your treating physician or other medical provider identifying why you cannot use the off-street parking due to your mobility impairment. Note: this requirement can be satisfied by attaching a copy of the approved application that you submitted to PennDOT for a "Person with Disability" registration plate or permanent parking placard, provided the application included the healthcare provider certification required by PennDOT. Did you include this signed verification with your application? Yes No

Please provide any other relevant information: _____

Applicant Signature _____ Date _____

Submit this application to the Wilkesburg Police Department at:

605 Ross Avenue
Wilkesburg, PA 15221

Frequently Asked Questions:

1. What is a disability parking permit?

When a resident is issued a disability parking permit the Borough will erect a disability parking space in front of the individual's home. This parking space will be erected as close as possible to the individual's front door or, if the front door is not accessible to the resident, to an accessible entrance. Anyone with a state issued disability placard or license plate can park in this spot. Anyone without a state issued disability placard or license plate who parks in this spot will be subject to a fine.

2. Who is eligible for a disability parking permit?

To be eligible for a disability parking permit you must be a resident of Wilkinsburg with a disability that severely limits your mobility, making it difficult or impossible for you to get to your car when your car is parked far from your home.

3. How do I apply for a disability parking permit?

To apply for a disability parking permit you must fill out Wilkinsburg Borough's "Application for a Disability Parking Permit." This application must include documentation verifying that you have an unexpired disability parking placard or disability license plate issued by the Pennsylvania Department of Transportation. To submit the application, you can send or drop it off in person to the Wilkinsburg Borough Police Department at _____.

4. Where will the parking space be placed?

This parking space will typically be erected as close as possible to the individual's front door. If your front door is not accessible to you, the parking space can be erected by a different entrance that is accessible to you. If this is the case, please note this in your application.

5. Who can park in the parking space?

The disability parking space in front of your home can be used by anyone with a state issued disability license plate or placard. It is NOT a reserved parking space for your exclusive use. If someone parks in the space and does not have a disability license plate or placard, they will be subject to a fine.

6. Do I need to pay for a disability parking permit?

No. There is no application fee or other cost associated with requesting a disability parking permit.

7. Who is responsible for erecting and maintaining the parking space in front of my home?

Wilkinsburg will erect and maintain the disability parking space in front of your home free of charge. If the sign falls over or you notice a defect in the parking space, please call _____ for assistance.

8. My home has a garage can I still get a disability parking space in front of my home?

Maybe. If your home has a garage, parking pad, or other off-street parking space you typically will not be eligible for a disability parking permit. The Borough will make an exception where this off-street parking space is not accessible to you *because of* your disability. For example, if you have a garage but the only way to get from your garage to your front door is by walking up stairs and you are not able to climb stairs *because of* your disability, then you are eligible for a disability parking permit even though you have access to a garage. If you have a garage or other off-street parking, but it is not accessible to you because of your mobility impairment your application must include a signed verification from your treating physician or other medical provider stating that your off-street parking is not accessible to you due to a mobility impairment.

9. Do I need to renew my parking permit?

Yes. You need to renew your parking permit every three years starting on the date the permit was issued under Ordinance No. ____ If you do not renew your permit in a timely fashion, Wilkinsburg Borough will remove the disability parking space in front of your home and you will be required to file a new application.

To renew your parking permit, you need to fill out and submit Wilkinsburg Borough’s “Application for Disability Parking Permit.”

10. What if my application for a disability parking permit is denied?

Before denying your application, the Wilkinsburg Police Department must engage in an “interactive process” with you to determine if an alternative reasonable accommodation is available.

If the Wilkinsburg Police Department denies your application, you will receive a written notice explaining why your application was denied. You have the right to appeal this decision and receive a hearing before the Council of the Borough of Wilkinsburg. The Council will review your application for a disability parking permit and hear any additional information you would like to provide. If the Council denies your application on appeal, you have the right to appeal this decision to court in accordance with Pennsylvania Local Agency Law, 2 Pa. C.S. § 702.

For more information on Disability Parking Permits in Wilkinsburg Borough, see Ordinance No. _____ available at. _____.

Exhibit B - DISABILITY PARKING PERMIT WORKSHEET

DISABILITY PARKING PERMIT WORKSHEET Official Use Only

Under Ordinance No. _____, the Borough of Wilkinsburg may reject a disability parking permit if approving the permit would fundamentally alter street parking on the resident's block. To determine if there is a fundamental alteration use this worksheet.

Step #1: Determine the number of disability parking spaces on the block

Using a map, identify the resident's "block" by measuring 200 feet from the resident's house in both directions (400 feet total) or to the nearest dead end, whichever comes first. Determine how many disability parking spaces have already been issued on the block and whether the block has street parking on one side or on two sides.

Number of disability parking spaces already issued on resident's block = _____

Circle One:

One sided parking	If there are less than 2 disability spots currently issued there is NO fundamental alteration. Approve spot.	If there are 2 or more disability spots currently issued go to steps #2 and #3.
Two sided parking	If there are less than 4 disability spots currently issued there is NO fundamental alteration. Approve spot.	If there are 4 or more disability spots currently issued go to steps #2 and #3.

Step #2: Determine number of available parking spots on the block

Using the "block" identified in Step #1, measure the length of the curbside available for on-street parking on the block. Exclude all driveways and intersections. For blocks with parking on one side measure only the curbside on the side of the street with parking. For blocks with parking on both sides, measure the curbside on both sides of the street. After finding the length of available curbside, divide by 18 to find the number of available spots.

Length of available curbside on resident's block = _____ ft

$$\frac{\text{_____ ft}}{\text{Length of available parking space}} \div 18 \text{ ft} = \text{_____ Available Spots}$$

Step #3: Determine if there are sufficient unrestricted spots for all dwellings

Determine how many "dwellings" are on the resident's block that do NOT have off-street parking. A dwelling is any separate unit, for example a house or an apartment. A dwelling has off-street parking if it has access to a garage, parking pad, driveway, etc. Use this number to find the "Parking Coverage."

$$\frac{\text{_____ Available Spots}}{\text{# of disability parking spaces on block plus one}} - \frac{\text{_____ # of dwellings on block without off-street parking}}{\text{_____}} = \text{_____ Parking Coverage}$$

If Parking Coverage is zero or greater, there is no fundamental alteration. If Parking Coverage is less than zero, Wilkinsburg may deny the application on the grounds that issuing an additional disability parking permit will result in a fundamental alteration in the availability of non-disabled street parking on the resident's block.

EXAMPLE #1:

Ann’s block is 400 feet long with parking on both sides. The block has 5 duplexes, for a total of 10 dwellings, none of which have off-street parking. There are currently 3 designated disability parking spots on Ann’s block.

Step #1: Determine the number of disability parking spaces on the block

Number of disability parking spaces already issued on resident’s block = 3

Circle One:

One sided parking	If there are less than 2 disability spots currently issued there is NO fundamental alteration. Approve spot.	If there are 2 or more disability spots currently issued go to step #2.
Two sided parking	If there are less than 4 disability spots currently issued there is NO fundamental alteration. Approve spot.	If there are 4 or more disability spots currently issued go to step #2.

There is no fundamental alteration. Stop here.

EXAMPLE #2:

Bill lives on a street with parking on one side. The available curbside on this side of the street, excluding intersections and driveways, is 320 feet long. The block has 15 single family homes and one apartment building with 5 units, for a total of 20 dwellings. Two homes have driveways, so there are 18 dwellings without off-street parking. There are currently 2 disability parking spots on Bill’s block.

Step #1: Determine the number of disability parking spaces on the block

Number of disability parking spaces already issued on resident’s block = 2

Circle One:

One sided parking	If there are less than 2 disability spots currently issued there is NO fundamental alteration. Approve spot.	If there are 2 or more disability spots currently issued go to steps #2 and #3.
Two sided parking	If there are less than 4 disability spots currently issued there is NO fundamental alteration. Approve spot.	If there are 4 or more disability spots currently issued go to steps #2 and #3.

Step #2: Determine number of available parking spots on the block

Length of available curbside on resident’s block = 320 ft

 320 ft ÷ 18 ft = 17.8
Length of available parking space Available Spots

Step #3: Determine if there are sufficient unrestricted spots for all dwellings

 17.8 - 3 - 18 = -3.2
Available Spots # of disability parking spaces on block plus one # of dwellings on block without off-street parking Parking Coverage

***Parking Coverage is less than zero. Wilksburg may deny the permit due to fundamental alteration.**

