

EXETER TOWNSHIP

ORDINANCE NO. ____

**AN ORDINANCE OF EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA
CONCERNING PROHIBITED PARKING IN SPECIAL PARKING AREAS**

WHEREAS, Exeter Township (“Township”) has enacted an ordinance codified at Article III, § 360-20 of the Code of the Township of Exeter (“Code”) establishing special areas for handicapped parking, emergency parking, and specialized vehicle parking, in which parking shall be prohibited without the Township’s authorization and approval.

WHEREAS, the Township desires to repeal and replace the existing provisions within Article III, § 360-20 of the Code with the attached language for the purpose of recognizing additional special parking areas and allowing for a streamlined approval process for new spaces in the future;

NOW THEREFORE, be it ordained and enacted by the Township that the attached ordinance is enacted.

ENACTED AND ORDAINED into an Ordinance this ____ day of _____, 2022.

**EXETER TOWNSHIP
BOARD OF SUPERVISORS**

Chairman

Attest:

Interim Township Manager

§ 360-20

Vehicles and Traffic

Parking prohibited in special parking areas

The following are hereby established as special parking areas. It shall be unlawful for any person to park any vehicle, attended or unattended, in any special parking area without securing the Township's prior approval and authorization.

A. Handicapped parking spaces; violations; penalties.

- (1) **Unauthorized parking prohibition.** It shall be unlawful for any person in the Township to park or stop an attended or unattended motor vehicle in any area designated by a duly erected sign as "Handicap Parking." An area shall be designated as "Handicap Parking" by ordinance or resolution of the Township of Exeter, including the following areas, which are hereby authorized and ordained as "Handicap Parking":

Street Name (direction of travel)	Location	Description of Sign
East 37 th Street	4	
Fox Run	1210	
West 33 rd Street	53	
Deer Run	1052	
Pond View Drive	6217	

- (2) **Application process.** To secure the Township's approval and authorization for an on-street handicap parking space, a person or business must file an application with the Township. All applications for handicapped parking spaces, original and renewal, shall be submitted to the Township's Engineering Office for review. The approval or denial of such applications shall be decided by the Chief of Police or the designated agent of the same, in writing with a copy mailed to the address of the applicant within 10 days of the decision (the "decision").

- (a) In the event a new handicapped parking space is approved, the Chief shall notify the Township Board of Supervisors ("Board").
- (b) The Board shall, at least annually, publish a then-current list of all approved handicapped parking spaces under this Section through resolution.

- (3) **Ineligible applicants.** Applicants who have access to off-street parking for their personal use are not eligible to receive approval and authorization from the Township for a handicap parking space on a public street, except as provided in Section A(5), below.

(4) **Application criteria.** An applicant must satisfy the following criteria to receive authorization and approval from the Township for a residential handicapped parking space on a public street:

(a) **Completion of application.** The applicant shall complete an application form and submit the same to the Township, provide proof of residence, and provide all of the other information required by application form.

(b) **Proof of residency.** The applicant must prove that he or she is a resident of the Township. An applicant may demonstrate his or her residence through evidence submitted with his or her application, including, without limitation, the registration address associated with the applicant's "person with disability vehicle registration," and/or the registration address associated with the applicant's "person with disability parking placard."

(c) **Requisite documentation from the Pennsylvania Department of Transportation.** The applicant shall provide to the Township, as part of his or her application, proof that the applicant possesses a "person with disability vehicle registration" and/or a "person with disability parking placard" issued by the Pennsylvania Department of Transportation.

(5) **Business application process and approval criteria.** Businesses may seek the Township's approval and authorization for an on-street handicapped parking space using the process set forth in A(2), above. An business applicant must satisfy the following criteria to receive authorization and approval from the Township for a business handicapped parking space on a public street:

(a) **Completion of application.** The applicant shall complete an application form and submit the same to the Township, provide proof of the location of the business, an explanation of the need for a handicapped parking space and why current ADA parking spaces are not sufficient, an application fee and provide all of the other information required by application form.

(b) **Conformance with Zoning and SALDO language.** The applicant shall not intend to use the on-street handicapped parking space in order to satisfy requirements set forth in the Township Zoning Ordinance or the Township Subdivision and Land Development Ordinance.

(c) **Application fee.** A business seeking approval for an on-street handicapped parking space shall be required to submit an application fee as set and adjusted by resolution of the Board.

(d) **Renewal fee.** A business seeking to renew an on-street handicapped parking space shall be required to submit a renewal fee as set and adjusted by resolution of the Board.

(6) **Renewal requirement.** The Township's approval and authorization for a residential handicap parking space on a public street is valid for a term of two years from the date of issuance (the "expiration date"). On or before the expiration date, a party must apply to renew his or her handicap parking space using the same procedure, and subject to the same criteria, set forth above. If a party fails to renew his or her handicap parking space by the expiration date, the party's authorization and approval for his or her handicap parking space shall be void and the Township shall remove any signs and/or curb markings for the space.

(7) **Removal of handicapped parking signs.** All handicapped parking signs shall be removed at the direction of the Chief of Police or his designated agent if a party fails to renew the handicapped parking space by the expiration date in accordance with the procedure set forth above and/or if a party otherwise fails to meet the application requirements set forth in Subsection A(6) above.

(8) **Appeal process.**

(a) Appeals from a decision under this section shall be submitted to the Board, in writing, within 30 days from the date of the contested decision.

(b) The appellant shall be entitled to a hearing before the Board. The Board must receive a written notice of appeal from the appellant at least 14 days in advance of the meeting at which the Board will review the appeal.

(c) As part of the appeal, appellant may submit additional evidence with his or her written notice of appeal. In making whether to affirm, modify, or reverse the Decision, the Board shall review the Decision and any additional evidence submitted by appellant with the written notice of appeal, if any.

(d) The Board of Supervisors shall render a decision to affirm, modify, or reverse the Decision, in writing, within 60 days of the date of the hearing.

(e) Either the appellant or the Township may postpone the hearing for good cause.

(9) **Penalty.** The penalties for violation of these subsections shall be a fine of not less than \$50 and not exceeding \$200.

B. Emergency vehicle parking spaces; violations; penalties.

- (1) **Unauthorized parking prohibition.** It shall be unlawful for any person to park or stop an attended or unattended motor vehicle in any area designated by a duly erected sign as for "For Emergency Vehicles Only" as adopted by ordinance and/or resolution of the Board.
- (2) **Penalty.** The penalties for violation of these subsections shall be a fine of not less than \$50 and not exceeding \$200.

C. Specialized vehicle parking areas; violation; penalties.

- (1) **Unauthorized parking prohibition.** It shall be unlawful for any person to park or stop an attended or unattended vehicle in an area designated for "Specialized Vehicle Parking" as adopted by ordinance and/or resolution of the Board.
- (2) **Penalty.** The penalties for violation of these subsections shall be a fine of not less than \$50 and not exceeding \$200.