

2024

AN ORDINANCE

AMENDING THE CITY'S RESERVED PARKING PROGRAM FOR PERSONS WITH DISABILITIES AND SEVERELY DISABLED VETERANS AND RELATED PROVISIONS.

WHEREAS, the Council of the City of Scranton recognizes the special needs of persons with disabilities in the City, especially the need to facilitate access to and from that person's place of residence; and

WHEREAS, the City wishes to amend the existing Reserved Parking Program for persons with disabilities to, among other things, allows such persons to reserve a parking space for their specific vehicle.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON THAT all ordinances and resolutions codified in Section 439-27 of the City Code—including but not limited to File of Council 54-1986, File of Council 106-1986, File of Council 30-2013, and File of Council 42-2016, as may have been amended—are hereby amended or repealed to the extent necessary to repeal Section 439-27 in its entirety and replace it as follows:

439-27 Reserved Parking for Persons with Disabilities


A. Reserved Parking Program


- (1) Authority. The Police Department shall administer a residential parking program for persons with disabilities in accordance with this section and may promulgate rules and regulations to such effect.
- (2) Reserved Parking. The Police Department may reserve a parking space for a person with a disability near that person's place of residence, provided that such reserved space:
 - (a) be an otherwise legal parking space on a public highway or public property; and
 - (b) not be on a location governed by Article IV of this Chapter.
- (3) Eligibility. A person shall only be eligible for a reserved parking space if that person holds a valid:
 - (a) Person with a Disability placard;
 - (b) Person with a Disability plate;
 - (c) Severely Disabled Veteran placard;
 - (d) Severely Disabled Veteran plate; and/or
 - (e) Severely Disabled Veteran motorcycle decal.
- (4) Determining Factors. When determining whether, where, and when to provide a reserved parking space to an eligible person, the Police Department shall consider:
 - (a) Access to private parking, such as a driveway or garage, on or near the property;
 - (b) Overall availability of parking in the area wherein a sign is requested;
 - (c) Frequency of use of the vehicle;
 - (d) Presence of other parking spaces reserved for persons with disabilities; and
 - (e) Any other reasonable and lawful factor.

B. Reserved Parking Application

- (1) Application. Any person wishing to obtain a reserved parking space under this Section shall apply on a form prescribed by the Police Department.

Introduced in Council on above date and referred to Committee on July 2, 2024

RULES

City Clerk

Scranton, PA July 16, 2024
Committee on Rules reports favorably on the
with ordinance

Chair

SIXTH ORDER:
July 9, 2024

CERTIFIED COPY


City Clerk

- (2) **No Fee.** No fee shall be charged to any applicant under this subsection.
- (3) **Signage.** If a person is approved for a reserved parking space, the Department of Public Works shall install signage reserving that space for persons with disabilities.
- (4) **Approval.** A person approved for a reserved parking space shall comply with all provisions of this Section.
- (5) **Additional Information.** Any person whose application for a reserved parking space is not initially approved shall be given notice as to why their application was not initially approved and an opportunity to provide additional information before the application be denied.
- (6) **Renewal.** The Police Department shall require the periodic renewal of reserved parking spaces. Any person wishing to renew a reserved parking space shall apply for renewal on a form prescribed by the Police Department.

C. Vehicle-Specific Reserved Parking.

- (1) **Eligibility.** The Police Department may limit access to a reserved parking space to a specific vehicle if the eligible person meets subparagraph (A)(3)(b), (d), or (e).
- (2) **Determining Factors.** When determining whether, where, and when to limit access to a specific vehicle, the Police Department shall consider the factors of paragraph (A)(4).
- (3) **Signage.** If a person is approved for a vehicle-specific reserved parking space, the Department of Public Works shall install signage reserving that space for the specific vehicle. In all other respects, such signage shall conform to paragraph (B)(4).

D. Notice and Removal.

- (1) **Notice of Change in Qualifications.**
 - (a) A person issued a reserved parking space shall notify the Police Department within 30 days upon any of the following:
 - i. The person's plate or placard expires or is rescinded (and has not been renewed or reissued); or
 - ii. The person's place of residence changes.
 - (b) Upon the death of a person issued a reserved parking space, the Police Department shall be notified within 30 days by a personal representative, spouse, next of kin, or household member of the person.
- (2) **Right to Remove.** The City of Scranton reserves the right to remove or have removed, permanently or temporarily, any reserved parking access or signage for just cause.

E. Miscellaneous

- (1) **City Property.** All signage shall remain property of the City of Scranton.
- (2) **Not to Supersede Existing Signs.** Except as required under law, including 75 Pa.C.S.A. § 3354(d)(1) (as may be amended) and the American with Disabilities Act, access to reserved parking under this Section shall not supersede other parking regulations, including, but not limited to, street sweeping and snow removal regulations.
- (3) **Construction.** This Section shall be construed as to carry out the powers provided to local authorities under 75 Pa.C.S.A. § 3354(d). In the event of any inconsistency between this Section and 75 Pa.C.S.A. § 3354, the provisions of 75 Pa.C.S.A. § 3354 shall prevail.

F. Violations

- (1) **Illegal Parking.** Except for a person lawfully parking a vehicle bearing a person with a disability or a severely disabled veteran plate, placard, or motorcycle decal, no person shall park a vehicle on public or private property reserved for a person with a disability or a severely disabled veteran which property has been so posted.

(2) **Illegal Signage.** It shall be unlawful for any person or owner of realty to install or maintain signage reserving parking for persons with a disability parking upon any public highway or property except in accordance with this Section. A person violating this paragraph is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 and not more than \$200.

NOW, THEREFORE, BE IT FURTHER ORDAINED THAT all ordinances and resolutions codified in Subsection 439-26(A) of the City Code—including but not limited to File of Council 29-2012, as amended by File of Council 42-2016, as may have been amended—are hereby amended or repealed to the extent necessary to amend Subsection 439-26(A) as follows:

“Handicapped parking only – posted § 430-27.41 \$55”
shall be replaced with
“Parking Reserved for Persons with Disabilities § 439-27(B)(1) \$50”.

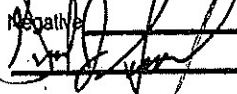
SECTION 1. This Ordinance shall take effect immediately upon approval.

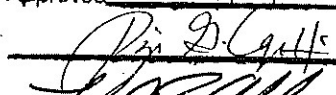
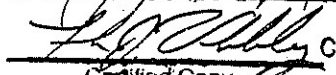
SECTION 2. If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City of Scranton reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

SECTION 3. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the “Home Rule Charter and Optional Plan Law”, 75 Pa.C.S.A. § 3354(d), and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

Passed by the Council
July 16, 2024

Receiving the Affirmative votes of Council Persons
King, Schuster, Rothchild, McAndrew, Smurl

Negative _____ NONE _____

President

Approved 7/17/2024
 Mayor
 City Clerk
Certified Copy 