

**BOROUGH OF WEST VIEW
ORDINANCE NO. 1524**

**AN ORDINANCE OF THE BOROUGH OF WEST VIEW, ALLEGHENY COUNTY,
COMMONWEALTH OF PENNSYLVANIA, 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 West View, Allegheny County, Commonwealth of Pennsylvania, that the
following criteria as to the issuance of disability parking permits within the Borough of West
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 \$50.00 fine, 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 West View Borough Chief of Police or his 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 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 designee reject an application or renewal application for a disability parking permit under the provisions of this Ordinance, the Chief of Police or his 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 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 West View 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 West View. 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 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 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 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 West View 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.

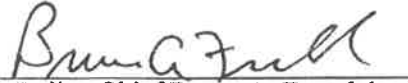
9. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.


10. Effective Date. This Ordinance shall become immediately effective upon the date of execution.

ORDAINED AND ENACTED THIS 8th day of March, 2023.

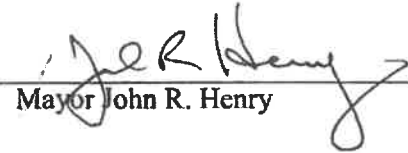
ATTEST:

BOROUGH OF WEST VIEW


Police Chief Bruce A. Fromlak
Borough Secretary


William F. Aguglia
Council President

Approved as to form:


Mayor John R. Henry