

**BOROUGH OF SWARTHMORE
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1038 OF 2010

AN ORDINANCE OF THE BOROUGH OF SWARTHMORE, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING TITLE FOUR OF THE CODIFIED ORDINANCES OF THE BOROUGH OF SWARTHMORE, ENTITLED “PARKING,” TO ADD A NEW CHAPTER 444 TO BE ENTITLED “MOBILITY IMPAIRED RESIDENTIAL ACCESSIBLE PARKING,” WHICH NEW CHAPTER SHALL ESTABLISH PROCEDURES, ELIGIBILITY CRITERIA AND A PERMITTING PROCESS FOR ASSIGNMENT OF ON-STREET MOBILITY IMPAIRED RESIDENTIAL ACCESSIBLE PARKING SPACES TO RESIDENTS OF THE BOROUGH

BE IT ENACTED AND ORDAINED by the Borough Council and Mayor of the Borough of Swarthmore as follows:

Section 1: Amendment of Title Four “Parking” to include new Chapter 444 to be entitled “Mobility Impaired Residential Accessible Parking.” Title Four of the Codified Ordinances of the Borough of Swarthmore is hereby amended to include the following new Chapter 444 to be entitled “Mobility Impaired Residential Accessible Parking:”

**Chapter 444
Mobility Impaired Residential Accessible Parking**

444.01 POLICY.

It is the objective of this ordinance to accommodate the needs of the Borough for on-street mobility impaired residential accessible parking spaces when no off-street parking option is reasonably available.

444.02 APPLICATION PROCESS.

(a) Each resident of the Borough seeking to have a parking space restricted to use by mobility impaired persons designated at or near his or her residence shall submit to the Borough Manager an application for such mobility impaired parking space on forms furnished by the Borough Manager for such purpose. The application shall, inter alia, require the applicant to provide a written justification for the need for an on-street mobility impaired residential accessible parking space in lieu of using the driveway or other off-street parking.

(b) The application shall be accompanied by proof of a mobility impaired parking placard for the applicant, (including number and color) or disabled license plate number issued by the Pennsylvania Department of Transportation.

(c) The application shall be accompanied by proof of residency, such as a deed, lease or copy of a tax or utility bill or and a copy of a valid drivers' license.

444.03 REVIEW OF APPLICATION; CRITERIA FOR ISSUANCE OR DENIAL OF A PERMIT.

(a) Upon receipt of a completed application for an on-street mobility impaired residential accessible parking space, the Code Enforcement Officer shall review such application and conduct a site inspection of the residence of the applicant and make a determination as to whether a permit for an on-street mobility impaired residential accessible parking space should be issued. There shall be a presumption that parking for the mobility impaired be located off-street whenever feasible and appropriate. In determining whether the applicant has reasonable opportunity for off-street parking, the Code Enforcement Officer shall consider some combination of the following criteria, giving weight to unique conditions on the property at issue:

(1) Is the applicant's existing driveway fourteen feet (14') in width, or wider? Fourteen feet (14') is the recommended minimum driveway width for persons confined to a wheelchair.

(2) If the applicant's driveway is less than fourteen (14') feet, can the applicant's driveway be widened to accommodate the need for additional parking space without significant cost or impact to use of the lot?

(3) Is the running-slope of the applicant's driveway in excess of one inch rise per twelve inches of length (a "1:12 ratio")? A running-slope in excess of the 1:12 ratio is not recommended for mobility impaired parking.

(4) Is the cross-slope of the applicant's driveway in excess of one inch rise per fifty feet of length (a "1:50 ratio")? A cross-slope of more than 1:50 is not recommended for mobility impaired parking.

(5) Is the driveway of adequate length to accommodate a parked vehicle (minimum 20'-0" from face of structure to back of side walk)?

(6) Is the slope of the land area in between the driveway and the residence in excess of the 1:12 ratio? A slope in excess of the 1:12 ratio is not recommended for wheelchair use.

(7) Will the requested on-street space be located in an area with a lesser running slope and cross slope than would be available off-street? On-street spaces

should not be approved in areas where the street slopes are greater than the slopes on or surrounding the applicant's off-street parking options.

(8) Is the requested on-street space located in proximity to a curb ramp or driveway approach for access to the sidewalk or walkway? If not, the requested space location may need to be revised, or a curb ramp may need to be installed at the expense of the applicant to comply with ADA requirements.

(9) Is there a park strip or landscape area between the curb and sidewalk? For van accessible loading and unloading, a concrete landing area may need to be constructed at the applicant's expense adjacent to the proposed space between curb and sidewalk.

(b) If the Code Enforcement Officer determines that a reasonable off-street parking alternative is not available, the Code Enforcement Officer shall issue a permit for a parking space reasonably close and convenient to the applicant's residence, taking into account the configuration and use patterns of the adjoining streets and sidewalks, the circumstances of the applicant, and any other relevant factor. Upon approval by the Code Enforcement Officer, the Borough Manager shall issue a permit for an on-street mobility impaired residential accessible space and shall cause the approved parking space to be delineated in the street with paint in the location approved by the Code Enforcement Officer and a sign to be installed adjacent to such parking space indicating that parking is restricted to vehicles bearing a mobility impaired placard or license plate. To the extent that a concrete landing area or curb cut is required pursuant to Sections 444.03(a)(7) or (8) above, a permit may be conditioned upon the applicant installing such landing area or curb cut at the applicant's expense and in compliance with all applicable building or accessibility codes.

(c) If the applicant's original application is denied, there must be substantial change in the facts and/or medical condition of the applicant before requesting a re-evaluation of the decision.

(d) A denied application may be appealed to the Borough's Uniform Construction Code (UCC) Board of Appeals (see Chapter 1431 of the Codified Ordinances of the Borough of Swarthmore).

444.04 ANNUAL RENEWAL REQUIREMENT.

(a) All approved on-street mobility impaired residential parking space permits expire on June 30th in each year.

(b) For an on-street mobility impaired residential accessible space to remain, the applicant will be required to fill out and submit an annual re-application form to the Borough Manager.

(c) Upon expiration of a permit for an on-street mobility impaired residential parking space, the Borough shall cause the street markings and signage therefor to be removed.

444.05 PARKING PROHIBITED BY VEHICLES WITHOUT MOBILITY IMPAIRED PARKING PLACARD OR DISABLED LICENSE PLATE.

An on-street mobility impaired residential accessible parking space is available for use by anyone possessing a valid mobility impaired parking placard or disabled license plate issued by the Pennsylvania Department of Transportation, and is not a reserved parking space for the applicant. No person shall park a vehicle which does not display such a placard or license plate in a designated mobility impaired on-street parking space.

444.06 OTHER PARKING PROHIBITIONS NOT AFFECTED.

Nothing herein is intended to allow on-street mobility-impaired parking in an area where on-street parking is not otherwise permitted. For example, if parking is prohibited on one side of a street, this ordinance shall not be construed to allow the designation of an on-street mobility impaired residential parking space on the side of such street on which parking is prohibited.

Section 2: Severability. The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

Section 3: Repealer. All resolutions or ordinances, or parts thereof, which are inconsistent herewith are hereby repealed to the extent of the inconsistency.

Section 4: Adoption. This Ordinance shall take effect and be in force from and after its enactment as required by law.

ENACTED AND ORDAINED THIS 14TH DAY OF JUNE, 2010.

SWARTHMORE BOROUGH COUNCIL

SUSAN D. SMYTHE
PRESIDENT

APPROVED THIS 14TH DAY OF
JUNE, 2010

ATTESTED THIS 14TH DAY OF
JUNE, 2010

RICHARD H. LOWE
MAYOR

JANE C. BILLINGS
BOROUGH MANAGER/SECRETARY