

AN ORDINANCE OF
THE BOROUGH OF LUZERNE RELATING
TO HANDICAPPED PARKING RESTRICTIONS
IN THE BOROUGH OF LUZERNE

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Borough of Luzerne, Luzerne County, Pennsylvania, that the above ordinance is hereby enacted as follows:

Section 1: Definitions – As used in this Ordinance, the following terms shall have the meanings indicated:

HANDICAPPED PARKING PERMIT – An emblem or permit issued by the Borough of Luzerne in the exercise of its discretion, as a revocable license, to a handicapped person upon payment of the fees and charges herein ordained, taking into account the location of the handicapped parking space, traffic ordinance or the Borough of Luzerne, provisions of the Pennsylvania Motor Vehicle Code, or any emergency or other traffic regulation presently or hereafter promulgated by the Borough.

HANDICAPPED PERSON – A person who shall qualify for the issuance of a handicapped motor vehicle license plate or placard by the Commonwealth of Pennsylvania, in accordance with the provisions of Section 1338 of the Pennsylvania Motor Vehicle Code, as presently in effect or hereafter amended.

MOTOR VEHICLE – A motor vehicle owned by the handicapped person or a family member residing with or at the residence of the handicapped person within the Borough, and for which a handicapped motor vehicle registration plate or placard has been issued by the Pennsylvania Department of Transportation, Bureau of Motor Vehicles.

PARKING SPACE – Such space as the Borough may determine, from time to time, is reasonably required for the parking of a vehicle permitted by this Ordinance, in order to accomplish the objective thereof, and which shall be nonexclusive, as hereinafter ordained.

Section 2: Handicapped parking permit; application; issuance; terms.

(a) A handicapped person, as hereinbefore defined, who is the owner of a motor vehicle, as hereinbefore defined, may apply, in writing, to the Borough for the issuance of a handicapped parking permit, in accordance with the provisions of this Ordinance, for which, if issued, the applicant shall pay to the Borough upon issuance a fee of Two Hundred (\$200.00) Dollars on a calendar year basis, without apportionment; and thereafter shall pay an annual renewal fee of Fifty (\$50.00) Dollars per year on or before January 31 of each year. The

initial application fee shall cover the cost of signs to be supplied and installed by the Borough designating a parking area as a handicapped parking area.

(b) No permit shall be granted to any borough resident who shall have available any off-street parking or a driveway serving the residence of any such resident.

(C) Only one (1) permit shall be granted to any Borough resident or family until residing at a specific address, and such permit, which shall be a revocable license, shall be issued only to the disable applicant.

(D) Any permit issued pursuant to the terms and provisions of this Ordinance shall be nontransferable, subject to all present and future Pennsylvania Motor Vehicle Code, borough traffic and street cleaning and snow removal regulations and ordinances of the Borough of Luzerne.

(E) The handicapped parking spaces provided pursuant to the terms and provisions of this Ordinance **shall be exclusive**; and the holder of a permit therefore may exclude or prohibit parking in such space by another vehicle to which a handicapped motor vehicle registration plate or placard has been issued by the Pennsylvania Department of Transportation, Bureau of Motor Vehicles.

Section 3: Violations and penalties.

(A) Any person to whom a handicapped parking permit has been issued pursuant to the terms and provisions of this Ordinance and who shall violate any of the terms and provisions hereof shall be subject to revocation of the permit so issued and the removal of handicapped parking signs installed by the Borough designating the permitted area as a handicapped parking area for the applicant.

(B) Any person not possessing a handicapped placard or a handicapped registration plate issued by the Commonwealth of Pennsylvania Department of Transportation who shall park in or occupy a handicapped parking space designated and established by this Ordinance shall, upon conviction of such violation, be subject to a fine of not more than fifty (\$50.00) Dollars.

(C) Any person not possessing a handicapped placard or a handicapped registration plate issued by the Commonwealth of Pennsylvania Department of Transportation who shall park in or occupy a handicapped parking space designated and established by this Ordinance shall be summarily subjected to the removal of any vehicle or object so parked in such place by the Borough of Luzerne's Police Department, acting through its designated vehicle tower, in order to protect the health, welfare and safety of the handicapped person to whom a handicapped parking permit has been issued; and all costs incurred in the removal of any such vehicle or object shall be at the cost of the owner thereof.

Section 4: Conflicts.

Any ordinance or part of ordinance conflicting with this ordinance shall be and the same is hereby repealed insofar as the same effects this Ordinance.


ADOPTED this 14th day of May, 2025 at a regular meeting of the Borough Council of Luzerne held this 14th day of May, 2025.

ATTEST:

BOROUGH OF LUZERNE



NICOLE LORD, SECRETARY



MICHAEL JANCUSKA
CHAIRMAN OF COUNCIL

APPROVED:



RONALD REINO, MAYOR