

Vice President Reichart convened the meeting of Hanover Borough Council on Wednesday Evening, April 26, 2017, 7:00 PM, in the Hanover Municipal Building, 44 Frederick Street, Hanover, Pennsylvania as advertised.

The meeting began with the Pledge of Allegiance to the Flag of the United States of America, followed by a moment of silence. On roll call the following answered as present: Mr. Angel, Mr. Marcoccio, Mr. McLin, Mr. Reichart, Mr. Roth and Mr. Shea; Mayor Adams; Solicitor Yingst; Manager Bowersox and Secretary Neiderer. Mr. Baumgardner, Mr. Funke, Ms. Libertini and Mr. Noble were absent.

PRELIMINARY MATTERS

It was moved by Mr. Roth, seconded by Mr. Shea to approve the minutes of Hanover Borough Council of the following Council Meeting:

(a) March 22, 2017

Motion carried.

It was moved by Mr. Roth, seconded by Mr. Angel to approve the bills for payment, the Report of the Mayor and the Report of the Fire Chief. Motion carried.

PUBLIC HEARING

➤ Intermunicipal Transfer of Liquor License to 455 Eisenhower Drive

Ms. Ellen Freeman from Flaherty & O'Hara, PC was present representing Giant Food Stores to request approval of a resolution on this evening's agenda for an intermunicipal transfer of a Liquor License pursuant to the revised liquor code. There will be a restaurant with seating for up to thirty (30) patrons; a full menu to eat in or to go; beer to go and on-premises consumption; and wine to go. The hours will be Monday through Saturday from 7:00 AM to 10:00 PM; and Sundays from 9:00 AM to 10:00 PM. There is a self-imposed two (2) beer limit for on-premises consumption that must be ordered with food. There will be no smoking, no video games and no pool tables.

Mr. Josh Erb, Manager of specialty products from Giant Food Stores noted that if approved, the remodeling will begin in September 2017 and should be completed by November 2017. Mr. Erb distributed a floor plan to Council members. Giant has similar PLCB licensed restaurants/to-go stores that have had zero liquor code violations. Mr. Erb asked for Council's support to pass the resolution on this evening's agenda.

MAYOR ADAMS:

Mayor Adams presented the following Water Department Staff Members with Certificates of Recognition for their work on the Lawrence Baker Sheppard Dam Rehabilitation Project:

"The Borough of Hanover takes pleasure in commending the following Water Department employees for outstanding performance of duty associated with the project to rehabilitate the Lawrence B. Sheppard Dam. The daunting scope of work included the cleaning, preparing, and resealing of every joint in the spillway and the regrading of the dam's breastwork. This was a significant undertaking that would normally be accomplished by a large contractor. Your willingness and enthusiasm to keep the project "in-house" provided the Borough significant flexibility with funding options. The onsite recommendations from the Borough employees on how to best employ available resources helped to reduce costs and keep the project on the scheduled completion timeline. Your meticulous attention to detail and

PRELIMINARY MATTERS

superior work ethic ensured the completed project exceeded the highest professional standards. The project was inspected by industry experts who were thoroughly impressed with the quality of the work. Your repairs not only ensured the Dam now meets all DEP standards, but you also saved the Borough over \$500,000. On behalf of the citizens of the Borough of Hanover, we warmly extend to you our heartfelt gratitude for a job well done. In witness whereof, I hereunto set my hand and cause my seal to be affixed this 26th day of April, 2017. Ben J. Adams, Mayor.”

Mayor Adams presented certificates to the following:

Francis A. Groft	Jeremy B. Ritz
Jonathan M. Fowler	Zachary W. Stiles
Samuel T. Smith, Jr.	Dustin A. Smith
Brandon W. Berkheimer	Robin L. Smith
Timothy E. Bankert	Dale T. Ault

Nathan H. Stormes, Scott D. Laughman and Jason A. Bullock were also recognized, but were not present to accept their letters this evening.

Mayor Adams expressed a special thank you to Conewago Contractors for donation of top soil; and the Public Works Department for their assistance with the project.

CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL

Mr. Jeffrey Frock, 195 Raubensline Road was present to let Council know that although he was the successful bidder for harvesting hay, he may not be able to mow the thistle since it is in low lying areas and a wet year is expected. The harvesting time begins June 1st and runs through August 15th. Vice President Reichart told Mr. Frock the matter would be referred to the Water & Sewer Committee for further discussion.

Mr. Blake Stevens, 309 Fulton Street stated he has a petition with 1,064 signatures in support of keeping the Sheppard Myers Dam. Vice President Reichart explained that the topic is still under discussion, but the Water and Sewer Committee is looking toward a recommendation to Council in the near future. He invited Mr. Stevens to attend the upcoming Water & Sewer Committee meeting. Any correspondence can be directed to Manager Bowersox for referral to the Committee.

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

It was moved by Mr. McLin, seconded by Shea to ratify the action of the Borough Officers in making the following investments with People’s Bank for a period of 30 days, from March 31, 2017 to April 30, 2017 a variable interest rate of 1.00%:

<u>Funds</u>	<u>Investments</u>
General Fund	\$6,941,500.00
Sewer Fund	\$1,869,200.00
Guthrie Memorial Library Fund	\$0.00
Regional Wastewater Treatment Fund	\$673,000.00
Market House Fund	\$49,200.00

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

<u>Funds</u>	<u>Investments</u>
Liquid Fuels Fund	\$433,400.00
Sewer Projects Fund	\$0.00
Library Projects Fund	\$18,800.00
Hanover Recreation Endowment Fund	\$297,600.00
Water Revenue Fund	\$4,600,000.00
Water Projects Fund	\$186,500.00
Hanover Recreation Board Fund	\$48,100.00
2013 Water Bonds	\$0.00
2013 Sewer Bonds	\$15,000.00
2013 General Bonds	\$165,000.00
2015 Water Bonds	\$6,100,000.00
Total	<u>\$21,397,300.00</u>

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to authorize the proper officers of The Borough of Hanover to enter into agreements for rental of stalls at the Hanover Market House:

<u>Name</u>	<u># Stalls</u>	<u>Term</u>	<u>Amount</u>	<u>Description</u>
a) Jessica Brane	1 stall	3 months	\$ 215.00	leggings
b) Arthur Smith	1 stall	1 year	\$ 305.00	home interiors
c) Deborah A. Rabine	2 stalls	1 year	\$ 610.00	crafts

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to approve Resolution No. 1182 entitled "**A RESOLUTION OF THE BOROUGH OF HANOVER, COUNTY OF YORK, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. 4-19862 INTO THE BOROUGH OF HANOVER FROM THE PA LIQUOR CONTROL BOARD VIA PUBLIC AUCTION.**" On roll call, the following voted in favor of the motion: Mr. Angel, Mr. Marcoccio, Mr. McLin, Mr. Reichart, Mr. Roth and Mr. Shea; the motion passed 6-0 with no one voting in opposition. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to award the bid for Sodium Permanganate to Main Pool & Chemical Company, Dupont, PA at a price of \$4.05 per pound; due to the first and second low bidders inability to provide the product as per specifications, and further authorizing the Borough Solicitor to seek compensation for the difference in pricing as specified in the bid bonds.

	<u>Company Name</u>	<u>Price per LB</u>
Low Bidder:	UNIVAR USA, Inc.	\$1.45
Second Low Bidder:	Coyne Chemical Co., Inc.	\$1.5749
*Third Low Bidder:	Main Poole & Chemical Co.	\$4.05

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Shea to approve the *“Addendum to the Mobile Data Computer Service Agreement”* for an extension until December 31, 2017 for leasing of six (6) mobile data computers for the Hanover Borough Police Department. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to approve Resolution No. 1183 entitled **“A RESOLUTION OF BOROUGH COUNCIL OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA APPROVING THE INSTALLATION OF ADAPTIVE SIGNAL CONTROL TECHNOLOGY,”** which authorizes payment of the maintenance agreement after a five (5) year warranty period at an annual cost of \$250.00 per intersection, billed to the respective municipality where the signals are located. On roll call, the following voted in favor of the motion: Mr. Angel, Mr. Marcoccio, Mr. McLin, Mr. Reichart, Mr. Roth and Mr. Shea; the motion passed 6-0 with no one voting in opposition. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to grant the following request for a sewer billing credit, one time only, for a leak that has since been repaired and did not enter the sewer system:

<u>Owner</u>	<u>Location</u>	<u>Account #</u>	<u>Amount of Credit</u>
a.) Hanover Area Historical Society	113 W. Chestnut St.	53-0604040-0	\$507.20

Motion carried.

It was moved by Mr. McLin, seconded by Resolution No. 1184 entitled **“A RESOLUTION OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA APPROVING THE SALE OF PROPERTY LOCATED ON RUEL AVENUE KNOWN AS PARCEL NO. 44-18-21.”** On roll call, the following voted in favor of the motion: Mr. Angel, Mr. Marcoccio, Mr. McLin, Mr. Reichart, Mr. Roth and Mr. Shea; the motion passed 6-0 with no one voting in opposition. Motion carried.

Planning & Traffic Committee – Mr. Roth

It was moved by Mr. Roth, seconded by Mr. Shea to Ordinance No. 2256 entitled **“AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, ESTABLISHING THE APPLICATION PROCESS FOR THE CREATION OF A HANDICAPPED PARKING SPACE ON A PUBLIC STREET IN THE BOROUGH OF HANOVER, ESTABLISHING THE ELIGIBILITY CRITERIA FOR AN APPLICANT THEREFORE, PROVIDING LIMITATIONS ON THE NUMBER AND LOCATION OF SUCH SPACES AND EXCEPTIONS THERETO, PROVIDING FOR THE PLACEMENT OF SIGNAGE DESIGNATING HANDICAPPED SPACES AND PROVIDING FOR THE ANNUAL REVIEW THEREOF.”** .” On roll call, the following voted in favor of the motion: Mr. Angel, Mr. Marcoccio, Mr. McLin, Mr. Reichart, Mr. Roth and Mr. Shea; the motion passed 6-0 with no one voting in opposition. Mr. Marcoccio asked if there will be a standard application for residents, and Manager Bowersox confirmed same. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Angel to approve the first amendment to the Commonwealth of Pennsylvania Department of Community and Economic Development contract number C000060740 extending the present contract to June 30, 2018 for the Main Street Program funds. The original contract was approved by borough council on May 27, 2015 with an expiration date of June 30, 2017. Motion carried.

REPORTS OF THE STANDING COMMITTEES

Planning & Traffic Committee – Mr. Roth

It was moved by Mr. Roth, seconded by Mr. Angel to approve the agreement between York Area Development Corporation (YADC) and The Borough of Hanover that the Borough will review SDL Construction's invoice(s) for 219 and 227-227 ½ Baltimore Street and following approval will submit the invoice(s) to the County Community Development Block Grant (CDBG) program staff for review and payment. It is noted that the costs for 219 Baltimore Street will be paid using CDBG Funds and demolition costs related to 227-227 ½ Baltimore Street will be paid by YADC with funding from the County of York's Home Program. It is noted that SDL Construction, LLC was awarded the demolition project for Baltimore Street properties. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Angel to approve the Final Subdivision Plan for T. Baird McIlvain Co., 100 Filbert Street, owner of 498 Poplar Street (Parcel # 67-000-09-0203.A) into two separate lots located in the M Manufacturing District. Plans drawn by Group Hanover, Inc. (GHI) Engineers and Surveyors, 213 Carlisle Street, Hanover, Pennsylvania bearing project number 162290, and dated 07/11/16. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Angel to approve Amendment Number 2 with the County of York for a Community Development Block Grant (CDBG) project known as the Hanover Commons Storm Water System Improvements. The additional amendment increases the maximum payment sum to Hanover Land Services, Inc. by \$10,418.06 for a total contract price of \$51,538.06. The increase was due to the need to rebid the project a second time, for extra services due to unknown underground utilities and additional design work for a storm drain. The additional fees will be paid by the funds allotted under the CDBG grant for this project. Motion carried.

Public Service & Communications Committee – Mr. Shea

It was moved by Mr. Shea, seconded by Mr. Marcoccio to approve the Southwest York Outlaws 11U to hold a Hit-A Thon on May 7, 2017 at Good Field - Softball Field D from 11:00 AM to 6:00 PM for a \$50.00 tournament fee. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Marcoccio to develop a lease agreement for the Good Field Concession Stand at \$295.00 per month. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Marcoccio to amend the fee for Moul Recreational Complex field use to \$50.00 per two (2) hour session. Mr. Shea clarified that this charge refers to the Center Field and is in addition to the charge for the lights. Motion carried.

Water & Sewer Committee – Mr. Roth

It was moved by Mr. Roth, seconded by Mr. Angel to grant the request of the Hanover Cyclers Bicycle Club to set up a table to provide water to cyclers at the top of Bankert Road on Hanover Borough property on Sunday, May 21st, provided the area is policed for litter following the event. Motion carried.

MAYOR'S REPORT

Mayor Adams reported his attendance on April 8th to the Eichelberger Performing Arts Center of "An Evening of Comedy and Magic" sponsored by the Exchange Club for the prevention of child abuse. He encouraged all to attend a future performance as it is always an excellent show.

OTHER MATTERS

New Business

It was moved by Mr. Shea, seconded by Mr. Roth to ratify the appointment of Robert Marcoccio to the Business Privilege Tax Board of Appeals. Motion carried.

It was moved by Mr. Shea, seconded by Mr. Roth, to accept with regret, the resignation of J. Barry Bittinger, Chairman of the Hanover Borough Shade Tree Commission due to health reasons. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Shea authorizing the Guthrie Memorial Library to hire two (2) replacements for part time positions. Manager Bowersox explained that these staff members need to be replaced by May 12th to keep the library open during regular hours. There was no opposition to the motion. Motion carried.

Communications

Vice-President Reichart reminded all that Water Department Hydrant Flushing will occur on the following dates:

- West Side of Route 94: May 2nd & 3rd
- East Side of Route 94: May 9th & 10th

Mr. Shea noted the Hanover High School Drama program recently earned the top award in the County. Council congratulated them on their great work to achieve this recognition.

Mr. Shea let everyone know the ribbon cutting for the new softball field will be May 3rd.

Adjournment

It was moved by Mr. Roth, seconded by Mr. Shea to adjourn the meeting at 7:35 PM. Motion carried.

Respectfully submitted,



Dorothy C. Neiderer
Borough Secretary

NO. 2256

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, ESTABLISHING THE APPLICATION PROCESS FOR THE CREATION OF A HANDICAPPED PARKING SPACE ON A PUBLIC STREET IN THE BOROUGH OF HANOVER, ESTABLISHING THE ELIGIBILITY CRITERIA FOR AN APPLICANT THEREFORE, PROVIDING LIMITATIONS ON THE NUMBER AND LOCATION OF SUCH SPACES AND EXCEPTIONS THERETO, PROVIDING FOR THE PLACEMENT OF SIGNAGE DESIGNATING HANDICAPPED SPACES AND PROVIDING FOR THE ANNUAL REVIEW THEREOF.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Hanover, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

I. Definitions.

Applicant - A resident (or the parent, guardian or legal representative of the resident) who files an application for the installation of a handicapped parking space.

Block - The property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right of way, waterway, or other barrier to or gap in the continuity of development along such street, alleys excluded.

Borough - The Borough of Hanover, York County, Pennsylvania.

Department - The Pennsylvania Department of Transportation.

Handicapped parking space - a parking space reserved for use by handicapped persons or disabled veterans utilizing vehicles lawfully bearing handicapped registration plates or placards.

Placard - An instrument of notice that is hung from the inside rearview mirror of a vehicle or otherwise displayed on a vehicle as required by law indicating that said vehicle is currently authorized to park in a handicapped parking area.

Resident - An individual who occupies real estate within the Borough where such real estate is used as said individual's principal residence.

Parking Review Committee - A Committee of the Borough made up of the Public Safety Committee, Chief of Police and Director of Public Works.

II. Application Process.

(A) Fees. The application for the erection of a permanent or temporary handicapped parking space shall be made available to any Borough resident (or the parent, guardian or legal representative of a Borough resident) and when submitted shall be accompanied by a fee of fifty dollars (\$50.00). An annual renewal fee of ten dollars (\$10.00) shall apply to all permits renewed under Section IV below. Fees may be waived if the Applicant falls within the Federal Housing and Urban Development Poverty Guidelines.

(B) Application. The application will be designed and developed by the Parking Review Committee, but shall include, at a minimum, the identity of the Applicant, the address of the Applicant's residence, the make, model and license plate number of the Applicant's vehicle (if any), the Applicant's disability, whether the disability is permanent or temporary, whether off-street parking is available immediately adjacent to or on the Applicant's property, the location of any current handicapped parking spaces on the same block where the Applicant resides, and a signature section. The application shall also contain a clause informing the Applicant that the Applicant is required to notify the Borough Manager immediately if and when the Applicant moves from the address set forth on the application or no longer has a disability or no longer possesses a valid handicapped registration plate or placard. If the Applicant is applying to have the fee waived due to economic hardship, the Applicant must provide documentation that their income falls within the Federal Housing and Urban Development Poverty Guidelines. Upon receipt of an application from a handicapped or disabled individual (or such person's parent, guardian or legal representative), the Parking Review Committee may collect such relevant information as the Committee deems necessary to evaluate the application, including medical records evidencing the Applicant's disability.

III. Eligibility.

(A) After acquiring a handicapped or disabled veteran's registration plate or placard from the Department, any Borough resident may file an application for the creation of a handicapped parking space upon the block on which the resident resides. The possession of a handicapped or disabled veteran's registration plate or placard does not guarantee that the resident's application for a handicapped parking space will be granted.

(B) Statement of Disability. All applications for a handicapped parking space must be supported by proof of the Applicant's asserted disability from a medical doctor, doctor of osteopathy, or doctor of podiatry medicine (collectively, "physician"). The application shall include a statement by a physician, which shall be signed by the physician and which statement shall not be issued more than six months prior to the date of the application. Said physician's statement shall specifically set forth the nature of the Applicant's disability, how the disability limits the Applicant's mobility, and the estimated duration of the Applicant's disability. Notwithstanding the Applicant's provision of a physician's statement of disability, the Parking Review Committee may require the Applicant to provide additional medical records evidencing the Applicant's ongoing disability.

(C) Criteria. In order to provide an adequate number of handicapped parking spaces in a particular block and to preserve adequate parking spaces for all Borough residents, before the Borough creates a handicapped parking space, the Parking Review Committee must determine that the limitations upon the number and placement of handicapped parking spaces on a particular block set forth in subsection (D) hereof will not be exceeded if the requested handicapped parking space is created, that the Applicant has proven that there is no handicapped accessible off-street parking available to the Applicant, and that the Applicant meets one or more of the following criteria:

1. The Applicant is medically required to use portable oxygen;
2. The Applicant has limited or no use of one or both legs;
3. The Applicant suffers from severe limitation in the ability to walk due to any arthritic, neurological or orthopedic condition or any physical ailment that prevents the Applicant from walking 200 feet without stopping to rest;
4. The Applicant suffers from a serious cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association; or
5. The Applicant suffers from any other physical or mental impairment not heretofore mentioned which constitutes a substantial degree of disability and

imposes great difficulty on the Applicant walking more than 200 feet without stopping.

(D) Final determination. After collecting all pertinent information, the Parking Review Committee will review and investigate all information related to the application. The Parking Review Committee may obtain an independent medical review of the Applicant's medical records and asserted disability. If the Parking Review Committee determines the Applicant has met the requirements of this article, the Parking Review Committee may approve and authorize the creation of the handicapped parking space and installation of signage in accordance with applicable state laws and regulations and shall define the duration of its validity. In the event the Parking Review Committee determines the Applicant has not met the requirements of this article, the Parking Review Committee shall deny the application and inform the Applicant in writing of the denial and the reason(s) for the denial. The Applicant may appeal the decision of the Committee to Borough Council, which shall consider such appeal pursuant to the provisions of the Local Agency Law. Upon approval for a handicap parking space the Applicant shall pay to the Borough one hundred eighty-five dollars (\$185.00) to cover the cost of material and labor to erect the handicapped parking sign and paint the appropriate markings within the street right-of-way. In addition, the Applicant shall pay to the Borough one hundred dollars (\$100.00), which will be held in escrow by the Borough to pay the costs of removal of the sign and street painting when same are no longer authorized.

Fees described in Sections II.A and III.D are based upon reasonable estimates of the cost of labor and material to complete the tasks for which the fee is charged. The charges shall be subject to change to reflect increases or decreases in the cost of such labor and materials upon resolution of Borough Council enacted from time to time.

(E) Nonexclusive right. If a handicapped parking space is created under this article, the handicapped parking space so created may be used by any person parking a vehicle lawfully bearing registration plates or placards issued to handicapped persons or disabled veterans. The decision to approve the creation of a handicapped parking space shall not be construed as granting the Applicant the exclusive right to park his/her vehicle in the handicapped parking space created hereunder.

(F) Other parking regulations. Nothing in this article shall exempt handicapped individuals from other parking restrictions or regulations applicable to the space/block.

IV. Limitation on Number of Handicapped Parking Spaces.

The Parking Review Committee shall not authorize handicapped parking space(s) in excess of the limitations set forth below.

(A) Central Business District. No additional handicapped parking spaces may be granted by the Parking Review Committee within the Central Business District, as defined by the Zoning Ordinance of the Borough. The Director of Public Works may direct the installation of a handicapped parking space within the Central District as he/she deems appropriate to assure adequate and convenient parking for handicapped persons and the general public. In making such determinations the Public Works Director shall consider all relevant factors that the Parking Review Committee must consider pursuant hereto.

(B) One-way roadways. When the roadway is a one-way roadway, no more than two handicapped parking spaces may be granted on each side of the block on which parking is permitted.

(C) Two-way roads. When the roadway is a two-way street, no more than three handicapped parking spaces may be granted on each side of the block on which parking is permitted.

(D) Other parking restrictions. The Parking Review Committee may consider other parking restrictions applicable to a particular block and other information regarding the block including, but not limited to the size of the block and existing limitations or restrictions on parking in the area and may further restrict the number of handicapped parking spaces to maintain an adequate number of unregulated parking spaces, as it deems appropriate.

(E) Council Action. Borough Council may authorize more than the maximum number of handicapped parking spaces on a particular block by ordinance, setting forth the block which is excluded from the above limitations and the maximum number of handicapped parking spaces permitted on that particular block. Any such ordinance shall expire and be of no further force and effect after the expiration of two years from the effective date of the amending ordinance, unless reenacted by Council. The Parking Review Committee shall notify each Applicant on the subject block no more than ninety days and no less than sixty days prior to the expiration of such ordinance.

(F) Existing handicapped parking spaces in excess of the limitations set forth in this section and existing on the effective date of this section shall be permitted to remain in place, subject to annual review by the Parking Review Committee and/or review by the Committee in response to a complaint of misuse or lack of need therefore. Applicants for preexisting handicapped parking spaces shall be notified of the obligation for an annual review of the grant of the handicapped parking space and of the obligation to notify the Borough of a change of circumstances resulting in the absence of a need for the handicapped parking space as set forth in Section II.B above.

(G) In designating a handicapped parking space the Parking Review Committee and the Director of Public Works shall confirm that the space to be designated and any access isles shall be level, with surface slopes not exceeding 1:50 (2%) in all directions.

V. Placement of Signs.

(A) Generally. For a single application for a handicapped parking space, sign and road marking placements will be positioned as close as possible to the place of residence of the Applicant as the street design and existing street features permit. In the event more than the permissible number of handicapped parking spaces are requested on a one- or two-way roadway, the handicapped parking spaces may be relocated in the center of the block or otherwise adequately positioned to collectively reflect, as a whole, the needs of all Applicants, as determined by the Parking Review Committee.

(B) Authority to post. The Director of the Department of Public Works will direct all postings, sign removal and replacements of handicapped parking space in accordance with Department rules and regulations. The Department of Public Works will report the posting or removal of handicapped parking signs and road markings and all actions taken upon applications for handicapped parking spaces to the Parking Review Committee.

(C) Disputes regarding sign placement. The Parking Review Committee shall be responsible for investigating Borough and citizen complaints regarding the placement of handicapped parking signs and the Parking Review Committee shall require that all complaints be in writing and it shall conduct an investigation of the complaint within ninety calendar days after receiving a complaint. Upon conducting an investigation, the Parking Review Committee shall report the complaint, its investigation and its findings in a manner it deems just and appropriate, including but not limited to the removal of the handicapped parking space. The complainant, block residents, Applicant and the Borough shall be entitled to present evidence to the Parking Review Committee.

VI. Annual Reporting.

(A) Annual reporting. After approval of the application, the Applicant shall submit an annual renewal application. The renewal application shall be designed by the Parking Review Committee and require the Applicant to verify the continuance of his/her disability. The Parking Review Committee shall require an Applicant to submit an updated physician's statement of the Applicant's disability, based on the criteria set forth under the Eligibility and Determination subsections of this ordinance. The Parking Review Committee may require the Applicant to submit medical records, other than a physician's statement, which evidences the Applicant's ongoing disability. In January of each year, the Parking Review Committee shall mail to (via regular first class mail) each Applicant (and Applicants under prior rules and regulations) the renewal application referenced herein. If the Applicant fails to submit the renewal application, including the physician's statement of disability and additional medical records (if such records are requested) by March 15th of that year or the Applicant is no longer eligible for a handicapped parking space, the Parking Review Committee shall inform the Director of Public Works that the handicapped parking space should be removed. The Parking Review Committee may obtain an independent medical review of Applicant's medical records. The Parking Review Committee shall give written notice of its determination that the Applicant is no longer eligible for a handicapped parking space to the Applicant within thirty days of the Borough's receipt of the renewal application. The Applicant may appeal the determination of the Parking Review Committee to Borough Council, which shall consider such appeal pursuant to the provisions of the Local Agency Law.

VII. Penalties for violations.

(A) False Statements. It shall be unlawful for any person to knowingly and willfully, with the intent to deceive, make a false statement to any public official for the purpose of obtaining a handicapped parking space. Any person who violates this provision shall be guilty of committing a summary offense and, upon conviction thereof, shall be fined not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00), plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.

(B) Violations. Any person who violates any other provision of this Ordinance shall be guilty of committing a summary offense and, upon conviction thereof, shall be subject to a criminal fine not to exceed one thousand dollars (\$1,000.00) per violation and, in default of payment thereof may be imprisoned for a period of time not to exceed thirty (30) days.

(C) Penalties for violation. Whoever parks in a designated handicapped parking space and does not lawfully bear handicapped registration plate or placards shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and in default of payment thereof may be imprisoned for a period of time not to exceed thirty (30) days.

ENACTED AND ORDAINED by the Hanover Borough Council on this 26th day of April, 2017.

ATTEST:

**BOROUGH COUNCIL OF THE
BOROUGH OF HANOVER**

Secretary

By: _____

Council Vice-President

Approved this 26th day of April, 2017.

Mayor