



**APPLICATION FOR HANDICAP PARKING SPACE
(PLEASE PRINT)**

APPLICANT TO COMPLETE THIS SECTION:

Applicant's Name: _____

Street Address: _____

Phone Number: _____

City, State, Zip: _____

APPLICANT MUST BE OWNER OF VEHICLE AND MEET THE STANDARDS OF CHAPTER 116 -HANDICAPPED PARKING OF THE TOWN OF ELSMERE CODE:

HP Number: _____

Make & Year of Vehicle: _____

Expiration Date: _____

My signature below certifies that the information provided is true and correct and that I have received and will abide by the provisions contained in the Town Of Elsmere Handicap Code.

Applicants Signature: _____

THE FOLLOWING SECTION MUST BE COMPLETED BY YOUR PHYSICIAN:

PHYSICIAN MUST PROVIDE HIS OR HER CERTIFICATION BELOW.

I certify, under penalty of law, that the information concerning the applicant is true and correct, and that the applicant meets the requirements specified for the long-term **HARD** Handicap Plate with the State of Delaware:

Date: _____ Signature of Physician: _____ License # _____

PRINT NAME, ADDRESS AND TELEPHONE NUMBER OF LICENSED PHYSICIAN:

_____ (Physician's Name) _____ Telephone Number

_____ (Street Address or P.O. Box)

_____ (City, State and Zip)

Physician's Office Stamp

FOR OFFICE ONLY:

Hard Plate No: _____ Date Issued: _____

Expires: _____ Date of DELGIS verification: _____

Approved: _____ Denied: _____

Reason: _____

Date Handicap Space was installed by Public Works: _____

Chapter 116
HANDICAPPED PARKING

GENERAL REFERENCES

Parking of certain vehicles — See Ch. 152. **Vehicles and traffic — See Ch. 219.**
Streets and sidewalks — See Ch. 192. **Zoning — See Ch. 225.**
Abandoned vehicles — See Ch. 211.

ARTICLE I

Designation of Handicapped Parking Spaces
[Adopted 10-13-1992 by Ord. No. 287; amended in its entirety
11-9-2006 by Ord. No. 472]

§ 116-1. Request for parking space; qualifying conditions.

Any resident of Town of Elsmere may apply to the Department of Public Safety for a disabled person's parking space if he/she or another member of the household has a disability which limits or impairs his/her ability to walk and a licensed physician certifies that the applicant or household member has one or more of the following permanent disabilities with no prognosis for improvement:

- A. The inability to walk a distance of 200 feet without stopping to rest;
- B. The inability to walk safely without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- C. Is restricted by lung disease to such an extent that the applicant or household member's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the artificial oxygen tension is less than 60 mm/hg on room air at rest;
- D. Is required to use portable oxygen;
- E. Has a cardiac condition to the extent that the applicant or a household member's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;
or
- F. Is severely limited in his or her ability to walk due to an arthritic, neurological or orthopedic condition.

§ 116-2. Proof of disability required; final determination.

- A. A disabled person's parking space may be issued or reissued under this article only if the applicant submits proof satisfactory to the Department of Public Safety that the applicant or a household member has a disability that is permanent with no prognosis for improvement as described in § 116-1 of this article.
- B. Satisfactory proof prior to issuance and reissuance shall include the signature of a licensed physician on a Department of Public Safety application on which the physician indicates the applicant's or household member's disability. Once the application is complete and submitted to the Department of Public Safety, the Chief of Police will make the final determination of eligibility for a disabled parking space.

§ 116-3. Vehicle identification.

A disabled parking space shall be provided only to a resident whose vehicle has a current Delaware license plate (Hard Tag) with the internationally recognized wheelchair symbol in the same size as the numbers and/or letters on the plate.

§ 116-4. Number of spaces.

Only one parking space shall be provided per residence for a vehicle meeting the standards in § 116-3 of this article.

§ 116-5. Notification to Special Services Department.

A copy of each request shall be distributed to the Special Services Department, so that it may be determined if it is possible to place a sign pole at the requested site.

§ 116-6. Location of parking space. [Amended 4-11-2019 by Ord. No. 645]

The designated parking space shall be on the street directly in front of the residence, when applicable, and shall only be provided to those who have no driveway on their property. Notwithstanding the prior sentence, a resident may apply to the Chief of Police for a designated handicapped parking space, even if the resident has a driveway on their property, if a hardship interferes with access from the driveway to an accessible entry point on the dwelling. If the Chief of Police denies the request, the resident may appeal the denial to the Town Council.

§ 116-7. Signage and identification of parking space.

- A. A sign shall be placed at the parking site stating "HANDICAPPED." This sign shall display the registration number that has been assigned to the applicant's vehicle through the Delaware Division of Motor Vehicles.
- B. A smaller sign shall be placed under the "HANDICAPPED" sign stating or indicating "TOW-AWAY ZONE." The area will be designated a tow-away zone. A blue curb and/or street marking will be painted to designate the space.
- C. All costs involved in providing the parking space shall be borne by the Town of Elsmere.

§ 116-8. Termination of handicapped designation.

A designated handicapped parking area shall terminate and revert back to public parking upon the licensee's change of residence or death.

§ 116-9. Renewal of disabled parking space.

- A. Each calendar year the Department of Public Safety shall send a renewal application to each person who has been granted a designated parking space. This renewal application shall request the recipient to return the completed application to the Department of Public Safety within 60 days of the original mailing date.
- B. Any recipient who fails to return the renewal application to the Department of Public Safety within 60 days of the original mailing date shall have his or her space repealed.

§ 116-10. Parking in designated disabled person's parking spaces; violations and penalties.

- A. Residents who have been granted a disabled person's parking space by the Town of Elsmere must park their designated vehicle in the designated space and no other within 200 feet.
- B. Residents who park their designated vehicle outside their designated disabled person's parking space, but within 200 feet of that space, shall be fined not less than \$100 nor more than \$300 for a first offense.
- C. Residents who park their designated vehicle outside their designated disabled person's parking space, but within 200 feet of that space, for a second offense shall have that vehicle towed away and the space shall be revoked. The resident shall be responsible for all towing and impoundment costs. After one year has passed, such residents may reapply to the Department of Public Safety for a disabled person's parking space. Reapplication for a parking space shall follow the same procedure as the original application.
- D. Unauthorized vehicles parked in a designated disabled person's parking space shall be fined not less than \$100 nor more than \$300, plus all applicable costs, and shall additionally be responsible for the cost associated with towing and impoundment.

§ 116-11. Repeal of disabled person's parking space.

- A. The Chief of Police shall have the authority to repeal an approved disabled person's parking space.
- B. The following procedure shall be followed whenever the Chief of Police determines that a disabled person's parking space should be repealed:
 - (1) After determining that there is sufficient reason to repeal a disabled person's parking space, the Chief of Police shall notify the person to whom the space was granted that he intends to repeal the space. The Chief of Police may remove the disabled person's space without prior notice if it is determined that the person no longer resides in the Town of Elsmere.
 - (2) Notification shall be in writing and shall explain the reason(s) the Chief is taking this action.

§ 116-12. Designation of parking space at nonresidential property.

Notwithstanding any other provision of this article, a disabled person's parking space may be issued to a church or other nonresidentially zoned property which accommodates the public to provide a single parking space, provided that the applicant establishes that a member of the public that regularly attends such place has a need for such a parking space in front of that property and such property and such person using that space would otherwise meet the requirements of this chapter.

§ 116-13. Presentation of false information.

Any person who intentionally presents false information to the Town of Elsmere or the Department of Public Safety in an attempt to obtain a disabled person's parking space under this article shall, for the first offense, receive a mandatory fine of \$100. For each subsequent like offense, the person shall receive a mandatory fine of \$200.

ARTICLE II
Nonresidential Handicapped Parking Space Specifications
[Adopted 2-12-2004 by Ord. No. 425]

§ 116-14. Size, location, and identification of spaces.

All individuals and artificial entities, other than residential, served by on-lot parking shall provide parking spaces for motor vehicles which transport disabled persons, which shall be properly designated in accordance with this section's standards and the American with Disabilities Act (ADA), or as may be amended, whichever is more restrictive.

- A. Handicap parking spaces shall be a minimum of eight feet wide by 18 feet long with an adjacent parallel access aisle five feet wide. The adjacent parallel access aisle may be shared by two accessible parking spaces. One in every eight accessible spaces shall have an access aisle a minimum of eight feet wide (rather than five feet) and shall be signed "van accessible."
- B. Handicap parking spaces shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area and/or structure without assistance. Where feasible, this means locations where there is no need to crossvehicular access lanes or aisles. Ramps shall be provided at curbs.
- C. Handicap parking spaces shall be posted and marked with both a ground-mounted sign and pavement marking which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons.

§ 116-15. Required number of handicap parking spaces.

REQUIRED NUMBER OF OFF-STREET HANDICAP PARKING SPACES

Number of Parking Spaces Provided	Number of Handicap Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2%

REQUIRED NUMBER OF OFF-STREET HANDICAP PARKING SPACES

Number of Parking Spaces Provided	Number of Handicap Spaces Required
1,001 or more	20 spaces + 1% of spaces over 1,000

- A. Residential units designed for occupancy by disabled persons shall provide one handicap parking space for each dwelling unit designed for such occupancy.
- B. Off-street parking spaces required for the disabled by this article shall count toward fulfilling this article's total off-street parking requirements.
- C. Other Code guidelines for handicap accessibility to public facilities shall be in accordance with regulations issued by federal agencies, including the United States Department of Justice, under the Americans with Disabilities Act of 1990. More specifically, these regulations include 28 CFR Part 36, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, Final Rule."

§ 116-16. Enforcement.

- A. The provision of this article shall be enforced by any law enforcement officer or any Code Enforcement Officer of the Town of Elsmere.
- B. Any officer observing a violation of this article shall first issue written notice of violation to the property owner advising the owner of the requirements of this article and directing the property owner to comply with the requirements of this article within 30 calendar days of the notice of violation.
- C. If after 30 calendar days the property owner has failed to comply with the notice of violation, the officer issuing the violation may issue a summons or take such other legal action as may be appropriate.

§ 116-17. Violations and penalties.

Any person convicted of violating any provisions of this article shall pay a fine of not less than \$100 nor more than \$300.