

ARTICLE 535

Residential Permit Parking Board of Appeals

- 535.01 Purpose; Establishment.
- 535.02 Board Membership.
- 535.03 Procedure for Appeal.
- 535.04 Decision of Board.
- 535.05 Judicial Remedies.

535.01 PURPOSE; ESTABLISHMENT.

There is hereby created a Residential Permit Parking Board of Appeals whose function it shall be to hear and decide appeals from:

(a) Residents who live within designated Residential Parking Permit zones who have been adversely affected causing an extreme hardship as a result of Ordinance 3260 (Residential Permit Parking Program); Article 534; Section 534.06 (a), (b) and (f). (Ord. 3970. Passed 10/19/99.)

(b) Students, relatives of residents, or persons caring for residents who live within a designated Residential Parking Permit" zone, who have been adversely affected causing an extreme hardship as a result of Ordinance 3260 (Residential Permit Parking Program); Article 534; Section 534.06 (a) and (b).

535.02 BOARD MEMBERSHIP.

(a) The Board of Appeals shall consist of three (3) members and three (3) alternates appointed by the Mayor with the advice and consent of City Council. Each member and alternate is to be appointed for a period of one (1), two (2), and three (3) years respectively or until his successor has been appointed. Board members may succeed themselves if duly reappointed. Members shall receive no compensation for the services rendered to the Board.

(b) The Board of Appeals shall be comprised of two (2) members and two (2) alternates being residents of a designated zoned area. One (1) member and one (1) alternate shall be residents in a non-zoned area.

(c) Vacancies shall be filled for the unexpired term of any member whose place becomes vacant, and the Mayor may remove any member for cause. The member may request a Public Hearing before being removed.

(d) Any member currently serving on the Board of Appeals shall continue to serve until his current term expires at which time the vacancy shall be filled in accordance with Section 535.02 (a).

535.03 PROCEDURE FOR APPEAL.

(a) When any person wishes to appeal Ordinance 3260, Section 534.06, Section (a) or (b) a written request must be filed with the Bethlehem Parking Authority. Documentation in the form of physician medical statements shall be included or any other documents pertinent to the appeal.

(b) Application for appeal may be made when it is felt the Residential Parking Permit program has created an undue hardship for a resident.

(c) Appeal hearings shall be scheduled on an as needed basis. However, no longer than thirty (30) days shall pass for hearing on any appeal.

(d) Hearings shall be open to the public. The Board shall elect a Chairperson and prescribe such rules as may be necessary as to place and conduct of hearings. The Board may in such rules make provisions for a filing fee for appeals in the amount of \$10.00, which shall be paid to the Bethlehem Parking Authority. The Board shall be provided with the services of a secretary from the Parking Authority who will take minutes of the meeting and transcribe same. The costs of providing the secretary shall be borne by the Authority.

(e) The Board shall affirm, modify or waive certain requirements as required by Ordinance No. 3260 (Residential Permit Parking Program) by concurring votes of two (2) members and an alternate in attendance. Failure to secure two (2) concurring votes shall be deemed a denial of the appeal request. Attendance by no less than two (2) members and alternate of the Board shall be required to constitute a quorum.

(f) The Secretary shall forthwith transmit copies of the appeal to the Director of the Parking Authority.

535.04 DECISION OF BOARD.

The Board shall render its decision at a public meeting within seven business days after the conclusion of the hearing. The decision shall state the findings of the Board with respect to the material fact and shall reference the provisions of the Ordinance. In reaching its decision, the Board shall consider the expressed intent of the Ordinance.

535.05 JUDICIAL REMEDIES.

This Article shall not be construed to limit or deny any judicial remedies to which a party may be entitled by law or equity, but any aggrieved party having an appeal under this Article must first avail himself or herself of the appeal. Any costs incurred by the Appeals Board shall be borne by the Parking Authority.

(Ord. 3354. Passed 10/2/90.)