

ORDINANCE NO. 1277

AN ORDINANCE OF THE BOROUGH OF TYRONE, A HOME RULE MUNICIPALITY, AMENDING ORDINANCE 1262 TO: 1. ESTABLISH NEW PARKING METER FEES OF SIX (6) MINUTES FOR FIVE CENTS, TWELVE (12) MINUTES FOR TEN CENTS AND THIRTY (30) MINUTES FOR TWENTY-FIVE CENTS; 2. CORRECT TYPOGRAPHICAL ERRORS; AND 3. ESTABLISH AN EFFECTIVE DATE.

The Borough of Tyrone hereby ordains the following:

Ordinance No. 1262 is hereby amended by underlining all material to be added and by ~~striking~~ through all material to be deleted as follows:

SECTION 1. PARKING PROHIBITED AT ALL TIMES.

No person shall park a vehicle or allow the same to remain parked upon any of the streets or parts of the streets described below.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Alley E	West	Between 10 th St. and the Bayer Bros. Warehouse
Belmont Ave.	East	To Herald St.
Berlin St.	Both	Between 10 th St. and Juniata River
Blair Ave.	West	Between 10 th St and 14 th St.
Cameron Ave.	East	South of 11 th St.
Cameron Avenue	East	From Tenth to Eleventh Street
11 th St.	North	Between Lincoln Ave and Jefferson Ave.
11 th St	North	Between Pennsylvania Ave and Washington Ave.
Hamlin Avenue	East	From 18 th Street to Oak Street

Herald St.	Both	Between Logan Ave. and Blair Ave.
Jefferson Ave.	East	South of 11 th St. to end
Lanners St.	Both	Between Logan Ave and Burley Ave.
Lincoln Ave.	Both	Between 15 th St. and 16 th St.
Lincoln Ave.	East	Between 21 st and the western Borough line
9 th St.	North	Between Washington Ave. and S. Logan Ave.
Oak St.	North	Between Adams Ave. and the western Borough line
Oak Street	South	From Adams Ave. to Madison Ave.
Park Ave.	Both	From the northerly terminus Of the ramp which passes over Schell Run between Shippen St. And 5 th St. to the southern Terminus of said ramp
Park Ave.	East	Between 3 rd St. and 7 th St.
Park Ave.	West	Between 7 th St. and 9 th St.
Pennsylvania Ave.	Both	From 16 th St. north to the Borough line
Pennsylvania Ave.	West	From 16 th Street to Alley J
Shippen St.	North	From S. Lincoln Ave. to the end Of Shippen St.
Shippen St.	South	From Washington Ave. west to S. Lincoln Ave.

Fifth Street	North	From the center point of the intersection with Short Street extending 45 feet east and from the center point of the intersection of Fifth and Short extending west 45 feet
Sixth St.	North	Between Washington Ave. and S. Lincoln Ave.
Sixth Street	Both	On the inside and outside radius of the two (2) curves existing thereon on that area of Sixth Street from S. Lincoln Avenue to the western terminus of the street as delineated by the Borough and as generally described on Exhibit "A" attached hereto
S. Lincoln Ave.	East	Between 9 th St. and 10 th St.
S. Lincoln Ave	West	Between 9 th St and ½ way to to 10 th St.
10 th St.	South	Between Washington Ave. and Logan Ave.
Washington Ave.	Both	Between 3 rd St. and 10 th St. provided, however, that parking shall be Permitted on Sundays on the easterly side between 9 th St. south to a point where Washington Ave. narrows

SECTION 2. PARKING PROHIBITED DURING CERTAIN HOURS.

No person shall park a vehicle or allow the same to remain parked upon any of the streets or parts of streets described below, between the hours specified as indicated below.

<u>Name of Street</u>	<u>Between</u>	<u>Prohibited Hours</u>	<u>Dates</u>
10 th (N. Side)	Logan Ave. to PA. Ave.	6:00 a.m. to 8:00 a.m.	November 15 through March 15 – every day. March 16 through November 14 – Wednesdays and Fridays.
10 th St. (S. Side)	Logan Ave. to Berlin St.	15 min. parking allowed only from 6:00 a.m. to 8:00 a.m.	Year round.

SECTION 3. LOADING ZONES ESTABLISHED.

1. Passenger Loading and Unloading Zones. The following areas are hereby established for the loading of persons and/or luggage, and it shall be unlawful for any person to park a vehicle in any such zone or to allow it to remain stopped in any such zone or longer than necessary to permit the expeditious loading or unloading of persons and/or luggage then in readiness at the curb or within the vehicle so as to be promptly loaded and unloaded:

<u>Street</u>	<u>Side</u>	<u>Location</u>
W. 10 th St.	North	20 W. 10 th St (Formerly Tyrone News Agency)

2. Non-Passenger Loading and Unloading Zones. The following areas are hereby established for the loading and unloading of merchandise, and it shall be unlawful for any person to park a vehicle in any such zone or to allow it to remain stopped in any such zone or longer than necessary to permit the expeditious loading or unloading of merchandise then in readiness at the curb or within the vehicle so as to be promptly loaded and unloaded:

<u>Street</u>	<u>Side</u>	<u>Location</u>
PA Ave.	West	961 PA Ave. (Currently Finks Hardware)

SECTION 4. PARKING METER ZONES AND TIME LIMITS ESTABLISHED AND PARKING CHARGES AUTHORIZED.

1. Parking Zones Established. Parking meter zones are established upon and along certain streets in the Borough of Tyrone described as follows:

ZONE 1: Two (2) hour Parking Zone

- 10th St. from Blair Ave. to PA Ave. on both the north and south sides
- 10th St. from PA Ave. to Logan Ave. on both the north and south sides
- 10th St. from Alley F to Logan Ave. on the south side
- PA Ave. from 12th St. to 11th St. on the west side
- PA Ave. from 11th St. to Rail Road Park turn around on both the east and west sides
- Logan Ave. from Alley K to 10th St. on the east side
- Logan Ave. from 10th St. to Herald St. on the east side
- Logan Ave. two (2) parking spaces in front of Ace Hardware on the east side
- 11th St. from Alley F to PA Ave. on the south side
- 12th St. from Logan Ave. to Blair Ave. on the south side
- 12th St. from PA Ave. to Blair Ave. on the north side
- Municipal Parking Lot located at Logan Ave. and Herald St.

Such meters shall be operative from 8:00 a.m. to 5:00 p.m., Monday through Saturday, except on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Nothing herein shall authorize the installation of meters or parking for any length of time in any location within a parking meter zone where parking is specifically prohibited by law or by any ordinance of the Borough.

SECTION 5. METERED PARKING FACILITIES ESTABLISHED.

Parking in metered parking facilities shall be unlawful, except in individual metered parking spaces. Such parking facilities are for the use of passenger vehicles and pickup trucks only, and it shall be unlawful for any person to park in any such facility any bus, tractor, trailer, tractor-trailer or large truck which could not, with safety, be parked in an individual parking space marked off, ~~as provided for in Section 406 of this Part.~~

a. Lots. The following are hereby established as metered parking lots in the Borough:

<u>Lot</u>	<u>Location</u>
Logan Avenue Lot	At the intersection of Logan Ave. and Herald St.

Parking meters in such lots shall be operative from 8:00 a.m. to 5:00 p.m., Monday through Saturday, except on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

SECTION 6. PARKING TIME LIMIT.

a. On-Street Parking. In the parking meter zones established by Section 4 of this Ordinance, during the time when parking meters shall be operative, parking time shall be limited to 2 hours as indicated by the maximum time limit on the face of the meter.

b. Parking Facilities. In the metered parking facilities, parking shall be limited to 2 hours as indicated by the maximum time limit on the face of the meter.

SECTION 7. INSTALLATION AND MAINTENANCE OF METERS.

The Municipal Manager is hereby directed to provide for the installation, regulation, control, operation and use of the parking meters provided for by this Ordinance and to maintain such meters in good condition, and is hereby invested with the power and authority to enter into one or more contracts, after approval of the terms and conditions thereof by Council, for the purchase and installation of parking meters, and for such protection and maintenance of parking meters as may be necessary to maintain the same in good operating condition. The payment of all money required from the Borough under any and all such contracts may be made from general municipal funds.

SECTION 8. PLACEMENT AND CHARACTERISTICS.

Parking meters installed in parking meter zones and in parking facilities, as specified in Sections 3 and 4 and 5 of this Ordinance, shall be placed and located under the direction of the Manager. Where possible, meters in the parking meter zones along the highways shall be placed on the curb. In every instance, the parking meter shall be immediately adjacent to the individual parking space to which such meter pertains. Each parking meter shall be placed or set in such manner as to show or display, by a signal, that the parking space adjacent to such meter is or is not legally in use. Each parking meter installed shall indicate, by a proper legend, the legal parking time established by the Municipality for such parking space and, when operated, shall indicate on and by its dial and pointer the duration of such period and, upon the expiration of such period, shall indicate illegal or overtime parking.

SECTION 9. INDIVIDUAL PARKING SPACES; MANNER OF.

The Municipal Manager shall cause lines and/or markings to be painted or placed upon the curb and/or upon the street and in the parking facilities adjacent to each parking meter for the purpose of designating the parking space for which such meter is to be used.

Each vehicle parked adjacent to any parking meter shall be parked wholly within the lines or markings so placed and applicable to such meter, It shall be unlawful and a violation of this Section to park any vehicle across any such line or marking, or to park any vehicle in such a position that such vehicle shall not be wholly within the area so designated by such lines or markings.

When such individual parking space in any parking meter zone is parallel, perpendicular or diagonal to the adjacent curb, sidewalk or other raised structure containing the parking meter, any vehicle parked in such individual parking space shall be parked so that the front of such vehicle shall be nearest to the parking meter, except on streets providing parking parallel to the curb, and where two meters are installed on one standard so that certain meters are designed to be at the rear of the vehicle.

On approval, by motion of Council, certain parking spaces, reduced in size, shall be provided within the metered parking facilities of the Borough for compact vehicles (whose length from bumper to bumper is 15 feet or less) and marked accordingly. When so designated and marked, no person shall park any vehicle other than a compact vehicle in such spaces.

SECTION 10. COIN DEPOSIT; OVERTIME PARKING.

Whenever any vehicle is to be parked in any space adjacent to which a parking meter shall have been placed at any time during the period of limited parking, as herein prescribed, the operator of such vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited in such parking meter, one or more proper coins of the United States, as shall be specified in the legend upon such parking meter. Upon the deposit of such coin or coins and placing the meter in operation, such parking space may be lawfully occupied, as follows:

- a. On-Street Parking Rates: Six (6) minutes for \$0.05; Twelve (12) minutes for \$0.10; and Thirty (30) minutes for \$0.25 – Meters supplied with quarter appropriate slots only for coin used.
- b. Metered Parking Facilities: Thirty (30) minutes for \$.25 – Meters supplied with quarter appropriate slots only for coin used.
- c. Meter Bag Rental. The Borough will provide meter bags (or caps) indicating No Parking.

Anytime to contractors working on properties adjacent to the meter(s), to vans of moving companies engaged in moving, to media vehicles for on-site broadcasts, to service clubs and social service agencies for the provision of special-event public services, and to churches and other organizations for weddings, celebrations, or funerals.

Rental rates for meter bags (or caps) shall be determined by the Borough from time to time in its duly adopted fee schedule. Meter bags may be used from 6:00 a.m. until 10:00 p.m. No charge shall be made for service clubs or social service agencies providing special-event public services approved by Council or the Manager or for funerals.

Rental of a meter bag shall not exempt the parker from complying with overnight parking limitations or parking restrictions due to snowfall.

SECTION 11. UNLAWFUL TO DEPOSIT COIN TO EXTEND PARKING TIME BEYOND.

It shall be unlawful and a violation of this Part Ordinance for any person to deposit or cause to be deposited, in any parking meter, any coin for the purpose of increasing or extending the parking time of any vehicle beyond the total legal parking time in the space occupied by such vehicle, as prescribed in Sections 4 and 5 herein.

SECTION 12. UNLAWFUL TO REMAIN AT METER SHOWING.

a. Initial Violation. It shall be unlawful and a violation of this Ordinance for any person to permit a vehicle to remain in any parking space adjacent to a parking meter when such meter shall display a signal indicating that such vehicle shall already have been parked beyond the period of time prescribed for such parking purpose. The continuation of the violation, referred to herein, of a period of more than 1 hour shall constitute a new and separate offense for each successive 1-hour period.

b. Separate and Subsequent Violations. If an individual parks a vehicle in violation of Section ~~11-a~~ 12.a of this Ordinance, each hour of continued violation within a 24-hour period shall constitute a separate and subsequent violation. The reoccurrence of a violation of Section ~~11-a~~ 12.a at the same metered space in the same 24-hour period shall also constitute a separate and subsequent violation.

SECTION 13. UNLAWFUL TO TAMPER WITH.

It shall be unlawful and a violation of this Ordinance for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this ordinance. Nothing herein shall apply to the servicing or opening of parking meters by parking meter enforcement officers, employees and/or ~~peace~~ police officers of the Borough under the direction of the Municipal Manager or Council.

SECTION 14. REPORT AND NOTICE OF VIOLATION.

It shall be the duty of the ~~peace~~-parking meter enforcement officers of the Borough, acting in accordance with instructions by the Manager, or of other designated municipal employees, as the case may be, and finding any vehicle parked in violation of any provision of this ordinance to report:

The State, provincial or other license number of such vehicle;
The location and nature of the parking violation;
The time at which such vehicle was noted to be parked in violation of this ordinance; and, Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

Every ~~peace~~-parking meter enforcement officer or municipal employee, as the case may be, shall also attach to such vehicle, where possible, a notice to the owner thereof, that such vehicle was parked in violation of a provision of this ordinance, and instructing such owner to report at the Payment Office of

the Municipality in regard to such violation.

Every such owner may, within 72 hours of the time when such notice was attached to such vehicle, pay to such Payment Office, as a penalty and in full satisfaction of such violation, the sum of:

- a. \$5.00 for violations of Sections ~~9.a, 9.b~~ 10.a, 10.b and ~~11.a~~ 12.a of this Ordinance, except that when such owner presents payment for fines of violations of these Sections during the office hours of such Payment Office and such presentation of payment is within 30 minutes of the issuance of such notice of violation, the fine for violations of these Sections will be discounted by 50 percent;
- b. \$ 5.00 for violations of Section ~~8~~ 9 and ~~10~~ 11 of this Ordinance;
- c. \$ 10.00 for violations of Sections ~~9.e~~ 10.c and ~~11.b~~ 12.b of this Ordinance;
- d. \$25.00 for violations of Section ~~12~~ 13 of this Ordinance; and,
- e. \$15.00 for violations of any other Section of this Ordinance.

The failure of such owner to make such payment to the Payment Office within such 72-hour period shall render such owner subject to the penalties hereinafter provided for violation of the provisions of this Ordinance.

If such owner shall, in fact, make payment after such 72-hour period but before 30 days has elapsed from the date of such violation or before the filing of a Complaint with the Magisterial District Judge on account of such violation, the following payments shall be accepted in full satisfaction of violations of this Ordinance:

- f. \$10.00 for violations of Sections ~~9.a, 9.b~~ 10.a, 10.b and ~~11.a~~ 12.a of this Ordinance;
- g. \$ 7.00 for violations of Sections ~~8~~ 9 and ~~10~~ 11 of this Ordinance;
- h. \$15.00 for violations of Sections ~~9.e~~ 10.c and ~~11.b~~ 12.b of this Ordinance;
- i. \$35.00 plus cost of repair, if any, for violations of Section ~~12~~ 13 of this Ordinance; and,
- j. \$20.00 for violations of any other Section of this Ordinance.

If such owner shall make payment after 30 days from the date of such violation, but before the filing of a complaint with the Magisterial District Judge on account of such violation, the sum of \$20.00 shall be accepted for any violation of Sections ~~8, 9.a, 9.e, 10, 11.a and 11.d~~ 9, 10.a, 10.c, 11, 12.a and 12.b of this Ordinance, and \$35.00, plus the cost of repair shall be accepted for any violation of Section ~~12~~ 13 of this Ordinance, and \$20.00 shall be accepted in full satisfaction of any other violations of this Ordinance.

SECTION 15. PENALTY FOR VIOLATION.

Any person who shall violate any provision of this ordinance (except for Sections ~~8, 9, 10, 11, and 12~~ 9, 10, 11, 12, and 13 of this Ordinance) shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not less than \$20.00 nor more than \$25.00 and costs of prosecution and, in default of payment of such fine and costs, to undergo imprisonment for not more than 5 days.

Any person who shall violate any provision of Sections ~~8, 9.a, 9.b, 10, or 11~~ 9, 10.a, 10.b, 11, or 12 of this Ordinance shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not less than \$15.00 nor more than \$25.00 and costs of prosecution and, in default of payment of such fine and costs, to undergo imprisonment for not more than 5 days.

Any person who shall violate any provision of Section ~~9.e or 12~~ 10.c or 13 of this Ordinance shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not less than \$35.00 nor more than \$50.00 and costs of prosecution and, in default of payment of such fine and costs, to undergo imprisonment for not more than 10 days. In addition, any person violating any provision of Section 13 shall also pay the cost of repair of the meter, if any.

SECTION 16. REPEALER.

All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

SECTION 17. SEVERABILITY.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinances. It is hereby declared as the intent of the Borough Council of the Borough of Tyrone that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 18. EFFECTIVE DATE.


This Ordinance shall become effective at the earliest possible dated provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Tyrone by the Borough Council on this 10th day of November, 2008.

ATTEST:


Sharon Dannaway
Borough Manager/Secretary

BOROUGH OF TYRONE


James Kilmartin
Mayor/President of Council