

2002

AN ORDINANCE

(AS AMENDED)

PROVIDING FOR THE ESTABLISHMENT OF PARKING METER ZONES WITHIN THE CITY OF SCRANTON; ESTABLISHING HOURS OF OPERATION; PROVIDING FOR THE INSTALLATION OF METERS AND PARKING METER RATES; AUTHORIZING THE ENFORCEMENT OF PARKING ORDINANCES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

SECTION 1: DEFINITIONS:

The following words, when used in this article, shall have the meanings ascribed to them in this section; except in those instances where the context clearly indicates otherwise:

- "Vehicle" - Means any device in, upon, or by which any person or property is or may be transported upon a highway or street, except a device which is operated upon rails or tracks.
- "Street" - Means any public street, avenue, road, highway, boulevard, place, court, alley, thoroughfare, or other public place located in the City and established for the use of vehicles.
- "Person" - Means and includes every natural person, firm, partnership, copartnership, association, or corporation.
- "Operator" - Means and includes every individual who operates a vehicle as the owner thereof, or as the agent, employee or permittee of the owner or is in actual physical control of a vehicle.

SECTION 2: INITIAL PURCHASE AND INSTALLATION - PAYMENT AND CONTRACT

The company with which a contract is executed for the purchase of the meters shall furnish to the City a bond, with corporate surety subject to the approval by the City Solicitor to indemnify and save harmless the City from any and all litigation involving such parking meters. The bond shall be renewed annually for a total period of five years, premiums to be paid therefore by the company.

The company to which the contract is awarded shall, in its contract with the City, specify that it will indemnify against any and all claims by reason of defective parts, defective operation and any and all damages and costs that the City might suffer or be compelled to pay by reason of patent or other litigation against the City pertaining to the operation of the meters.

Introduced in Council on above date and referred to Committee on NOVEMBER 25, 2002

PUBLIC SAFETY

City Clerk

Scranton, Pa., January 19, 2003
Committee on Public Safety reports favorably on the within ordinance.

Chairman

Signatures:
Dec 9, 2002

CERTIFIED COPY

City Clerk

SECTION 3: PARKING METER RATES, METER ZONES AND HOURS OF OPERATION - HOLIDAYS:

(a) A parking meter zone is established on certain streets of the City limiting the time of parking to a maximum of two (2) consecutive sixty minute periods between the hours of 8:00 a.m. and 6:00 p.m. except Saturdays and Sundays. The streets included in the above time zone shall be:

TWO HOUR METERS - \$.50 PER HOUR:

- 400, 500, 600 blocks of Lackawanna Avenue
- 100, 200, 300, blocks of Penn Avenue
- 200, 300, 400, 500, 600 blocks of Spruce Street
- 200, 300, 400, 500, 600 blocks of Linden Street
- 100, 200, 300, blocks of Adams Avenue
- 100, 200, 300, blocks of North Washington Avenue
- 300, block of Wyoming Avenue
- 200, block of Forest Court (City Parking Lot)
- 200, block of Bogart Place (City Parking Lot)
- 300, 400 blocks of Madison Avenue, excluding any areas directly in front of private residences
- 700, 800, 900, 1000, 1100 and 1200 blocks of Mulberry Street, excluding any areas directly in front of private residences
- 800 block of Linden Street (northerly side from Monroe Avenue to McKenna Court)
- 200 block of Arthur Avenue (southeasterly side)
- 300 block of Arthur Avenue
- 1700 block of Linden Street from Colfax Avenue to Sherwood Court
- 1800 block of Linden Street, excluding any areas directly in front of private residences
- 300 block of Colfax Avenue
- 1800 block of Mulberry Street (entirety of southerly side and from Arthur Avenue to Obell Court on the northerly side)
- 1700 block of Mulberry Street (entirety of southerly side and from Colfax Avenue to Sherwood Court on the northerly side)
- 700 block of Clay Avenue (northwesterly side)
- 800 block of Pine Street (southeasterly side)
- 900 block of Pine Street (entirety of northerly side and from Quincy Avenue to Costello Court on the southerly side)
- 700 block of Quincy Avenue (southeasterly side)
- 700 block of Monroe Avenue (southeasterly side), excluding any areas directly in front of houses of worship
- 700 block of Madison Avenue, excluding any areas directly in front of private residences
- 700 block of Gibson Street (northerly side from Morr Court to Jefferson Avenue)
- 800 block of Jefferson Avenue, excluding any areas directly in front of private residences

600 block of Gibson Street, excluding any areas directly in front of private residences

700 block of Pine Street (northerly side)

600 block of Pine Street (entirety of southerly side and from Kressler Court to Jefferson Avenue on the northerly side)

TWO HOUR METERS - \$.50 PER HOUR:

100, 200 blocks of Franklin Avenue

400, 500 blocks of Wyoming Avenue

400 block of North Washington Avenue

100 block of Spruce Street

TEN HOUR METERS - \$.50 PER HOUR:

600 block of Jefferson Avenue (northwesterly side)

100, 400, 500 blocks of Jefferson Avenue, excluding any areas directly in front of private residences

100 block of Mulberry Street (Northerly Side)

200 block of Mulberry Street

300 block of Mulberry Street (Southerly Side)

100 block of Vine Street (Westerly Side)

200, 300, 400, 500, 600 blocks of Vine Street

300, 400 blocks of Franklin Avenue

100, 200 blocks of Mifflin Avenue

100 block of Linden Street

400 block of Adams Avenue

700, 800 blocks of Linden Street

200 block of Madison Avenue

500 block of North Washington Avenue

400 block of Penn Avenue

300 block of Clay Avenue, excluding any areas directly in front of private residences

1100 block of Linden Street, excluding any areas directly in front of private residences

200 block of North Webster Avenue, excluding any areas directly in front of private residences

900, 1000, and 1100 blocks of Ridge Row

(b) The provisions of subsection (a) shall not be applicable on the following holidays:

New Years' Day

Memorial Day
Independence Day
Christmas Day
Labor Day
Thanksgiving Day

SECTION 4: INSTALLATION – SIGNAL OF ILLEGAL PARKING:

Parking meters installed in the parking meter zones established as provided in Section 3 shall be placed upon the sidewalk immediately adjacent to the individual places hereinafter described. Each parking meter shall be placed or set in such manner as to show that the parking space adjacent to such meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the City, and when operated, shall indicate by its violation signal, dial or pointer illegal parking.

SECTION 5: PARKING WITHIN DESIGNATED LINES:

- (a) Where lines or markings are painted or placed upon the curb, sidewalk and/or upon the streets adjacent to each parking space for which such meter is to be used, each vehicle parked adjacent or next to any parking meter shall park within the lines or markings to be placed. No person shall park any vehicle in a position that it shall not be entirely within the area as designated by such lines or markings.
- (b) More than one motorcycle may occupy a parking space or "angle park" so long as one of the motorcycles does not extend over the designated space line. At a metered parking space, each driver shall be responsible for the insertion of coins into the meter. If the meter is expired, all vehicles parked in the space shall receive an overtime citation.

SECTION 6: FRONT OF VEHICLE TO BE NEAREST METER:

When a parking space in any parking meter zone is parallel with the adjacent curb of sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be nearest to the parking meter. When a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle nearest to such meter.

SECTION 7: USE OF METERS - DEPOSIT OF COIN OR TOKEN:

When any vehicle shall be parked in any space adjacent to which a parking meter is located, in accordance with the provisions of this article, the operator shall, upon entering the parking space, immediately deposit or cause to be deposited, coins or tokens in such parking meter and in a manually operated parking meter, pull or turn the lever. Failure to deposit such coins or tokens and pull or turn the lever shall constitute a violation of this article and shall subject such person to the penalty prescribed in Section 17. Upon the deposit of such coins or tokens and placing such meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the part of the street in which such parking space is located as indicated on the parking meter. If such vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such parking space, the parking meter shall by its violation signal, dial or pointer, indicate such illegal parking and in that event, such vehicle shall be considered as parked overtime and beyond the period of legal parking time. No vehicle shall be parked at an "out of order" marked meter or where a meter has been removed for repair or is knocked down, longer than the time limit. The parking of a vehicle overtime or beyond the period of legal parking time in any such part of a street where any such parking meter is located, disabled or removed for repair shall be a violation of this article and punishable as hereinafter set forth.

SECTION 8: OVERTIME PARKING:

No person or operator shall cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described.

SECTION 9: PARKING BEYOND LEGAL PARKING PERIOD:

No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than the limited period of time for which such meter is located, irrespective of the number or amounts of coins deposited in such meter. Each period of overtime parking beyond the duration of time specified by the parking meter shall be considered a separate offense.

A violation will be deemed to have occurred if a vehicle bearing a specific registration plate number or vehicle identification number is found to be parked within six (6) spaces in either direction of the space in which the vehicle was parked at the time the registration number or vehicle identification number was recorded.

SECTION 10: USE OF SLUGS OR SUBSTITUTES:

No person shall deposit or cause to be deposited in a parking meter any slug device, or metallic substitute for a coin or token.

SECTION 11: TAMPERING WITH METERS:

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.

SECTION 12: HANDICAPPED PARKING AREAS:

No person shall park a motor vehicle in a space upon a street, highway or entrance, public or private, which displays a sign showing said space is for the use of handicapped parking. Said areas are exclusively restricted to individuals who are handicapped and whose license plate so indicates or also who properly displays a temporary handicap placard.

SECTION 13: NOTICE OF VIOLATION -- WAIVER PAYMENT:

The reporting of any violation shall include the following:

- (a) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any provisions of this article;
- (b) The state license number of such vehicle;
- (c) The length of time which such vehicle is parked in violation of any provisions of this article at the time of his or her inspections;
- (d) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

The violation notice shall be placed on such vehicle as notice to the owner thereof that such vehicle has been parked in violation of the provisions of this article and instructing such owner to report at the Office of the City Treasury in regard to such violation. Each such owner may within one hundred twenty hours (120) of the time when such notice was attached to such vehicle, pay at the City Treasurer's office, as a penalty for, and in full satisfaction of such violation, the sum of ten dollars (\$10.00). The failure of such owner to make such payment at the City Treasurer's office within one hundred twenty hours shall render such owner subject to the penalties hereinafter provided for violation of the provisions of this article.

SECTION 14: TEMPORARY SUSPENSION – PRESCRIBING OTHER REGULATIONS:

(a) TEMPORARY SUSPENSION OF ARTICLE PROVISIONS:

The provisions of this article may be temporarily suspended by the Director or the Acting Director of the Department of Public Safety, and he/she may prescribe temporarily such other rules and regulations as traffic conditions may require.

(b) TEMPORARY SUSPENSION OF A PARKING METER:

A metered parking space may be temporarily suspended by the Director or the Acting Director of the Department of Public Safety, for the purpose of street construction, traffic conditions or public safety. The Director of Public Safety is authorized to issue a permit to any person, company, firm, or corporation for the temporary suspension of a parking meter so that the vehicle of said person, company, firm or corporation may be parked at said meter. The fee for such permit shall be ten dollars (\$10.00) per day per meter.

SECTION 15: EXCEPTIONS:

A. Nothing in this article shall be construed as prohibiting the City from providing for free parking, a space or spaces, for loading and unloading purposes, for bus stops, taxicab stands and other matters of a similar nature. Commercial vehicles, actively engaged in loading and unloading in a parking meter zone shall be exempt from the provisions of this article.

B. Any person who resides on any street where parking meters are designated to be installed by this Ordinance may apply to the City for a Parking Permit. The resident shall show proof of residency in the form of a driver's license or other valid identification. The resident shall also show proof of vehicle ownership by providing a valid Title or vehicle Registration. If a resident establishes proof of residency and vehicle ownership to the satisfaction of the City then a Parking Permit shall be issued.

The Parking Permit shall authorize the holder to park in any parking space located only on the block of the person's residence. The Permit shall be displayed on the vehicle in a prominent place readily identifiable by enforcement personnel.

The City Treasurer's Office shall be responsible for the issuance of all Permits on a form prescribed by the City and after a payment of a Permit Fee of \$5.00.

SECTION 16: USE OF METER FEES AND FINES:

- (a) The fines described in Section 13 of this article are hereby levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets and also the cost of the supervision, protection, inspection, operation maintenance, control and use of the parking meters described herein;
- (b) The monies deposited in the meters shall be collected by the Scranton Parking Authority or agents thereof.

SECTION 17: PENALTY:

Whoever violates any of the provisions of this article, shall, upon conviction, be fined not more than fifty dollars (\$50.00) and in default of the payment thereof, be imprisoned for not more than five (5) days.

SECTION 18: ENFORCIBILITY AND AMENDABILITY OF ORDINANCE:

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

SECTION 19: EFFECTIVE DATE:

This ordinance shall become effective immediately upon approval.

SECTION 20: ENACTION OF ORDINANCE:

This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

Passed by The Council

January 13, 2003
receiving the affirmative votes of Council Persons

MCCORMICK, GILHQOLEY, HAZZOURI, DIBILEO, MURPHY
Negative NONE

Kevin P. Murphy
President

Approved 1/16/03
Chris DeStefano Mayor

Jay S. ... City Clerk
Certified Copy