

ORDINANCE NO. 15517

FILE OF CITY COUNCIL

BILL NO. 10 - 2019

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February 6, 2018

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AN ORDINANCE

Amending Article 533 to authorize the Allentown Parking Authority (the "Parking Authority") to fix, alter, charge and collect parking rates and charges for on-street parking for specific locations, dates and hours, to promote and allow for flexibility in the fixing and adjustment of parking rates to promote downtown business and the public welfare, to take advantage of technological advancements in the parking industry and, when necessary, account for scheduled events in the downtown business area of the City of Allentown which are better served by off-street facilities and making adjustments to Article 333 to comply with the changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 533. be amended to read as follows:

**ARTICLE 533  
PARKING METERS**

- 533.01 Definitions
- 533.02 Parking Meter Zones Established; Traffic Control Maps
- 533.03 Sundays and Holidays Excepted
- 533.04 Time of Parking Limited by Zone; Hours of Operation
- 533.05 Marking of Spaces
- ~~533.06 Meter Signals~~
- 533.07 Manner of Parking
- 533.08 Deposit of Proper Forms of currency or Electronic Payment Coins in Meter
- 533.09 No Parking Beyond Meter-Indicated Time
- 533.10 Use of Meter Funds
- 533.11 Slugs Prohibited
- 533.12 Injuring or Defacing Meters
- 533.13 Exceptions
- 533.14 Enforcement
- 533.15 Duty of Police
- 533.16 Verification of Meters
- 533.17 Authority of Parking Authority to Fix and Adjust Rates for On-Street Parking
- 533.99 Notice of Violation; Waiver

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**533.01 DEFINITIONS**

The following words, whether in the singular or plural, when used in this article shall have the meanings ascribed to them in this article except in those instances where the context clearly indicates otherwise.

1. **Public place** shall mean any municipal parking lot operated by the City or the Parking Authority of the City.

2. **Parking meter** shall mean a device intended to assist public authorities in enforcing ordinances limiting the time during which vehicles may be parked on any street or highway or other public place within a parking meter zone.

3. **Parking meter zone** shall mean streets or highways, or portions thereof, or municipal parking lots operated by the City or the Parking Authority of the City on which parking meters are installed, operated and used. (8024 §2 4/3/56)

### **533.02 PARKING METER ZONES ESTABLISHED; TRAFFIC CONTROL MAPS**

All municipal parking lots operated by the City of Allentown or the Parking Authority of the City of Allentown. (8024 §3 4/3/56)

Parking meter zones shall be established and set forth by legend on the Traffic Control Maps of the City. (9844 §1 7/3/62; 14312 §1 8/18/05)

### **533.03 SUNDAYS AND HOLIDAYS EXCEPTED**

Parking restrictions and limitations in any parking meter zone are exempted on Sundays when there is no event at the PPL Center and on the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Martin Luther King, Jr. Day and Christmas. (8024 §4 4/3/56; 13201 §1 6/3/93; 14312 §1 8/18/05)

### **533.04 TIME OF PARKING LIMITED BY ZONE; HOURS OF OPERATION**

On all days, other than those set forth in Section 533.03, parking in all zones is hereby limited not to exceed the maximum time stated in each meter. The hours of operation of residential permit parking are Monday through Saturday from 8:00 A.M. to 10:00 P.M. The hours for the operation of on-street parking meters are Monday through Saturday on Hamilton Street between 4<sup>th</sup> to 10<sup>th</sup> Streets and the unit blocks between Walnut and Linden Streets shall be from 8:00 AM to 9:00 PM, and from 8:00 AM to 6:00 PM in all other areas, except as set forth in Section 533.17 as may be amended by Ordinance. ~~as set forth in this article.~~ (8024 §5 4/3/56; 13201 §1 6/3/93; 14312 §1 8/18/05; 15196 § 4/15/15; 15345 §1 1/18/17)

### **533.06 METER SIGNALS**

~~Parking meters shall be placed in such a way that each designated parking space is clearly marked as to show or display by a signal that the parking space controlled by such meter is or is not legally occupied.~~ Each parking meter shall indicate by a proper legend the established legal parking time and, when in operation, shall also indicate on or by its display the duration of the period of legal parking or any illegal or overtime parking. (8024 §7 4/3/56; 14312 §1 8/18/05)

### **533.07 MANNER OF PARKING**

Every vehicle parked parallel with the curb in any parking meter zone on a street or highway shall be parked with the front end of such parked vehicle at or immediately adjacent to the parking meter controlling such parking space facing forward in the direction of the flow of traffic. Every vehicle parked

perpendicular to the curb of any street or highway or on any parking lot within a parking meter zone and designated as "front end parking only", shall be parked with the front end ~~or the rear end~~ of such parked vehicle, as the situation may be, at or immediately adjacent to the parking meter controlling such parking space. of the vehicle facing forward into the parking space. All vehicles shall be parked entirely within the lines of the designated parking space controlled by the meter situated adjacent thereto. (8024 §8 4/3/56)

### **533.08 DEPOSIT OF PROPER COINS IN METER**

A. Upon parking any vehicle in any parking meter ~~space-zone~~, the operator shall immediately deposit, in the meter controlling such space or zone, any legally acceptable form of currency or electronic payment. Upon the deposit and placing the meter in operation, such ~~meter parking~~ space may be lawfully occupied by any vehicle during the period of parking time as indicated on the meter. (9844 §2 7/3/62)

B. Pursuant to this section, Council is hereby authorized and empowered to designate the proper coin or amount to be placed in such meter and to amend the instructions on the meter to reflect the proper coin or amount required for the operation of such meter. The rate per hour shall be One (\$1) Dollar except for Hamilton Street between 4<sup>th</sup> to 10<sup>th</sup> Streets and the unit blocks between Walnut and Linden Streets, where the rate shall be Two (\$2) Dollars, except as set forth in Section 533.17, as may be amended by ordinance. (12161 §1 12/22/75) (14312 §1 8/18/05; 15196 § 4/15/15)

### **533.09 NO PARKING BEYOND METER-INDICATED TIME**

No owner or operator of any vehicle shall cause, allow, permit or suffer such vehicle to be parked overtime or beyond the period of legal parking time as indicated or set forth on the instructions of such meter. (9844 §3 7/3/62)

### **533.10 USE OF METER FUNDS**

The payments coins required to be deposited in parking meters are levied and assessed as fees to provide for the proper regulations and control of traffic upon the streets and highways and other public places of the City, including the cost of supervising and regulating the parking of vehicles in the parking meter zones created hereby, and the cost of the purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of the parking meters and municipal parking lots. The coins required to be deposited in parking meters shall be collected and accounted for under the direction of the Executive Director of the Parking Authority and deposited by the Director at least once a week. (8024 §11 4/3/56; 13201 §1 6/3/93)

### **533.11 SLUGS PROHIBITED**

No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for legal coins of the United States. (8024 §12 4/3/56)

### **533.12 INJURING OR DEFACING METERS**

No person shall deface, injure, tamper with or willfully break, destroy or impair the usefulness of any parking meter installed by authority of Council or by the Parking Authority of the City. (8024 §13 4/3/56)

### **533.13 EXCEPTIONS**

Nothing in this article shall be construed as prohibiting the Authority from providing for free parking space for loading or unloading of commercial vehicles, for bus stops, taxicab stands or for other matters of a similar nature. The provisions of this Ordinance shall not apply to Vehicles of the City of Allentown or to the Allentown School District which display a Municipal plate and are engaged in official business." (8024 §14 4/3/56; 14312 §1 8/18/05; 15053 § 1 1/16/13)

### **533.14 ENFORCEMENT**

The duty of enforcing the provisions of this article shall be on the department of Police and the Allentown Parking Authority. In case of emergency, any of the provisions of this article may be temporarily suspended by such Director or Chief of Police, who shall then have the authority to adopt and enforce such other temporary rules and regulations as traffic conditions, during such emergency, may demand or required. (8024 §15 4/3/56; 13201 §1 6/3/93)

### **533.15 DUTY OF POLICE**

It shall be the duty of police officers or Parking Authority Personnel or other duly authorized City employees of the City, acting in accordance with instructions issued by the Chief of Police or the Chief's designee, or the Executive Director of the Parking Authority, to turn in the violation ticket. The violation shall contain: (14312 §1 8/18/05)

A. The number of each parking meter which indicates that the vehicles occupying the parking space adjacent to such parking meter is, or has been, parked in violation of any of the provisions of this article.

B. The State license number of such vehicle.

C. The day and hour at which such vehicle is parked in violation of any of the provisions of this article at the time of his inspection.

D. Any other facts, a knowledge of which may be considered necessary to a thorough understanding of the circumstances attending such violation. (11813 §1 7/21/70; 13201 §1 6/3/93; 14312 §1 8/18/05)

### **533.16 VERIFICATION OF METERS**

All parking meters located in the City of Allentown shall be checked for accuracy at least once a year. At the completion of each calendar year, a statement verifying that the annual inspection has been completed, shall be submitted to City Council. (13201 §1 6/3/93)

### **533.17 AUTHORITY OF PARKING AUTHORITY TO FIX AND ADJUST RATES FOR ON-STREET PARKING**

A. Provided the City Council is notified 30 days in advance of any rate change, or as soon as practicable after the scheduling of an event at the PPL Center, the Parking Authority is authorized to fix, adjust, charge and/or collect rates and other charges including enforcement charges for on-street parking for specific locations, dates and hours as follows:

1) After two (2) hours, the hourly parking rate may be adjusted for Hamilton, Linden and Walnut Streets, between 4th to 12th Streets and the unit blocks between Linden and Walnut Streets up to the total amount charged by any designated rate for event parking at the PPL Center on the date of such events not to exceed Ten (\$10) Dollars per hour.

2) On dates when there are no events at the PPL Center, the hourly parking rate for Hamilton, Linden and Walnut Streets, between 4th to 12th Streets and the unit blocks between Linden and Walnut Streets may be adjusted down to no charge and/or the hours of operation of on-street parking meters reduced.

3) On the dates when there are events at the PPL Center, the penalty of any violation notice shall be the sum of Twenty-Five Dollars (\$25.00) if paid within ten (10) days and, after ten (10) days, but within twenty (20) days, the sum of Fifty Dollars (\$50.00).

B. City Council must be notified 30 days in advance of any rate change and such change shall be noted at the next available council meeting. All rate changes shall be posted on the Parking Authority's

website and posted on their social media. City Council retains authority to further set limitations, veto and/or override any action taken by the Parking Authority hereunder by approval of a motion at any regularly scheduled meeting of City Council as set forth and in accordance with City of Allentown Home Rule Charter Section 807.D. and written notice to the Parking Authority.

C. The Parking Authority shall provide council with a written annual report on parking fee rate structures that will be distribution on a council agenda and referred to an appropriate committee for discussion. The report shall include procedures and rationale related to adjusting such fees. The start times and enforcement times shall be a part of this report. The report shall be sent to the full council for approval by resolution at a regularly scheduled council meeting.

### **533.99 NOTICE OF VIOLATION; WAIVER**

A. Any police officer or other duly authorized Parking Authority employee shall issue a violation notice to any vehicles parked in violation of the provisions of this article a notice of said violation. (12786 §1 8/5/87)

Each such owner or operator may, within ten (10) days of the time when such violation was alleged, pay as a penalty and in full satisfaction of each violation, the sum of Ten (\$10) Dollars; and after ten (10) days, but within twenty (20) days of the violation, the sum of Twenty-five (\$25) Dollars, except as set forth within Section 533.17. (12660 §1 6/5/85; 12786 §1 8/5/87; 13227 §3 12/1/93; 13901 §3 4/19/01; 14312 §1 8/18/05)

Failure of the owner or operator to make payment after twenty (20) days shall make the owner or operator subject to a penalty not to exceed One Hundred (\$100) Dollars and, in default of payment of fine and costs, be imprisoned not more than ten (10) days. (12660 + 6/5/85; 12786 §1 8/5/87; 13901 §3 4/19/01; 15131 § 5/7/14 )

SECTION TWO: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION THREE: That this ordinance takes effect 10 days after final passage.

Mr. Robinson and Mr. Guridy moved to make the following amendments to Bill 10:

1. In 533.03 add after the first sentence when there is no event at the PPL Center.
2. In 533.04 and 533.08B cross out as may be amended by ordinance and add except as set forth in Section 533.17.
3. In 533.17 A add at the beginning: provided that City Council is notified 30 days in advance of any rate change, or as soon as practicable after the after the scheduling of an event at the PPL Center.
4. In 533.17, 1. Add at the end not to exceed Ten (\$10) Dollars per hour.
5. In 533.17, B. Add at the beginning City Council must be notified 30 days in advance of any rate change and such rate change shall be noted at the next available Council meeting. All rate changes shall be posted on the Parking Authority's website and posted on their social media.
6. In 533.17 Add the following:
  - C. The Parking Authority shall provide Council with a written report on parking rate structures that will be distributed on a Council agenda and referred to an appropriate committee for discussion. The report shall include procedures and rationale related to adjusting such fees. The start times and enforcement shall be part of this report. The report shall be sent to full Council for approval by Resolution at a regularly scheduled Council meeting.
7. In 533.99 add at the end of the second paragraph except as set forth within Section 533.17

AMENDEMENTS WERE APPROVED, 6 – 1 (Zucal)

	Yea	Nay
Candida Affa, VP	X	
Julio A. Guridy	X	
Daryl Hendricks	X	
Cynthia Y. Mota		X
Courtney Robinson	X	
Ed Zucal		X
Roger MacLean, Pres.	X	
TOTAL	5	2

I hereby certify that the foregoing Ordinance was passed by City Council on March 6, 2019 and signed by the Mayor on March 7, 2019.

*Michael R. Naldi*

CITY CLERK