

On the issue of Alley/Street Parking

This State Vehicle Code definition matches the same definition in Allentown's Ordinance 615-26. It seems that folks are hung up on the idea that a "sidewalk" is only that portion of the pedestrian right of way that is concrete. It's akin to believing that one blows their nose with a Kleenex. We all know, Kleenex is the brand of tissue paper, not what we use for that purpose. In this case, the "sidewalk" is the area set aside for pedestrians to walk along side the road/street. The sidewalk can be grass, stones, asphalt, concrete or dirt etc. It will help to have this made clear to everyone who is considering allowing parking in front of garages or on secondary streets that are too narrow for parking. There is no way they can do so without impeding the pedestrian right of way for the designated sidewalk.

TITLE 75 VEHICLES

CHAPTER 1 GENERAL PROVISIONS

Code." § 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Sidewalk." That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

§ 615-26. Driving or parking on sidewalk. [Amended 7-22-1999 by Ord. No. 13771]

The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway, nor shall any person park a vehicle at any place between the curblines and property line of any street unless specifically granted an exception, by Council, in the form of a resolution, where it is determined that such use will not interfere with the public's use of right-of-way, and a written agreement with the City.

Reading PA ordinance

§ 576-403. Parking prohibited in specific areas.

[Amended 1-14-2008 by Ord. No. 1-2008; 8-23-2010 by Ord. No. 61-2010; 9-26-2022 by Ord. No. 113-2022; 10-10-2022 by Ord. No. 119-2022]

Except when necessary to avoid conflict with other traffic or to protect the safety of any person or in compliance with law or the direction of a police officer or other traffic control device, **no person shall:**

C. Park a vehicle:

- (1) Within 50 feet of the nearest rail or railroad crossing.
- (2) At any place where official signs prohibited parking.
- (3) In an alley less than 18 feet wide.

Also, when asked about enforcing similar alley/sidewalk restrictions the following Cities and Municipalities all indicated that such laws are enforced:

Philadelphia Parking Authority, Bethlehem Parking Authority & Lancaster Parking Authority.

On the issue of Enforcement

Here, under Title 53 and Chapter 55 “The Parking Authorities” act, the powers granted to a Parking Authority are clear.

Under (17) the power to act and carry out things necessary would certainly include the power to set our own hours of operation.

Under (21) the Parking Authority has the power to issue parking tickets for illegally parked vehicles; (Note, there is no time limitation on that power).

Further, under the enabling ordinance 12628, Bill 35-1984 under section 5 the purpose and power shall be as determined by the Parking Authority Law of 1947 (not by a subsequent city ordinance). Also, section 8 construes to the Parking Authority the empowerment to exercise all power necessary or convenient for the administration and

enforcement of an efficient system of off-street and on-street parking regulations within the city of Allentown.

It seems quite clear to me that city council does not determine the hours of operation, nor does council have the authority to limit the Parking Authority's power to enforce the parking ordinances except by amending the ordinances themselves with time or other limitations on enforcement. The Purposes and Powers of the Allentown Parking Authority are granted to it by the enabling ordinance which is part of the articles of incorporation that created the Allentown Parking Authority.

CHAPTER 55

PARKING AUTHORITIES

5505. Purposes and powers.

(d) Powers.--An authority has all powers necessary or convenient for the carrying out of the purposes under this section, including:

(17) To do all acts and things necessary:

- (i) for the accomplishment of its purposes;
- (ii) for the promotion of its business;
- (iii) for the general welfare of the authority; and

(iv) to carry out the powers granted to the authority by this chapter or any other statute.

(21) Notwithstanding anything to the contrary contained in this chapter, if authorized by resolution or ordinance of the legislative body of the parent municipality, to administer, supervise and enforce an efficient system of on-street parking regulation. This paragraph includes the power:

- (i) to conduct research and maintain data related to on-street parking activities;
- (ii) to issue parking tickets for illegally parked vehicles;
- (iii) to collect on behalf of a municipality rates and other charges, including fines and penalties, for uncontested on-street parking violations;
- (iv) to boot or tow a vehicle which is illegally parked or the owner of which is delinquent in payment of previously issued parking tickets; and
- (v) to own or lease personal property used in connection with the exercise of any power provided in this paragraph.

The exercise by the authority of any power under this paragraph shall not be construed to constitute the prosecution of a summary offense under 42 Pa.C.S. Ch. 13 (relating to traffic courts).

On the issue of permitting double parking

What happens when two vehicles decide to “unload” next to each other and completely block traffic. If this 5-minute permission was granted the APA and APD would be powerless to enforce it. This will only increase double parking in the city and create more dangerous situations.

APA would be more receptive to the 6 month horn and siren approach and then re-evaluate.