

**ORDINANCE NO. 1025
BOROUGH OF HATBORO
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE BOROUGH OF HATBORO CODE
OF ORDINANCES CHAPTER 15, "MOTOR VEHICLES AND TRAFFIC"**

WHEREAS, the Borough Code, 53 P.S. § 45101, et seq., authorizes the Borough Council of the Borough of Hatboro ("Borough Council") to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

WHEREAS, the Borough Council deems it be in the best interest and general welfare of the citizens and residents of the Borough to amend its Code of Ordinances by amending Chapter 15, "**Motor Vehicles and Traffic**";

WHEREAS, the Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Hatboro Borough will be served by the amendment of the Hatboro Borough Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Hatboro, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. CODE AMENDMENT. THE BOROUGH OF HATBORO CODE OF ORDINANCES CHAPTER 15 SHALL BE AMENDED AS FOLLOWS:

A. Section 15-408 shall be amended to read as follows:

§15-408. Violations and Penalties.

1. Any person who violates any section of this Part shall be issued a notice of violation (parking ticket) which shall be placed on or attached to the vehicle. The notice of violation shall include the following information:
 - A. A description of the violation of this Part for which the operator or owner of the vehicle is being cited.
 - B. The parking lot name and meter number or space number if applicable.
 - C. The date and time that the notice of violation was issued.
 - D. The State license number on the vehicle.
 - E. Instructions to the owner or operator that if the owner or operator will report to the office of the Chief of Police and pay, for the use of the Borough:
 - (1) For parking at over permitted time limits, the sum of \$25.00.
 - (2) For parking in a space reserved for handicapped without display or authorized handicapped parking permit—as per the Vehicle Code.
 - (3) For not being parked within the marked spaces, the sum of \$25.00.
 - (4) If the said fine is paid within 5 days, that act will save the violator from the penalties prescribed in §15-408(2) of this Part and the sum of the penalty will be reduced to \$15.00.
2. Any vehicle owner or driver in violation of any section of this Part and who fails to report to the Chief of Police and pay the sum to the use of the Borough as instructed in subsection 1.E, shall be cited within 15 days of the violation and, upon conviction of stated violation, shall be guilty of a

summary offense and maybe sentenced to pay a fine of not more than \$600 and/or undergo imprisonment for a term not to exceed 90 days.

B. Section 15-510 shall be amended to read as follows:

§15-510. Violations and Penalties.

- 1.. Any person who violates any section of this Part shall be issued a notice of violation (parking ticket) which shall be placed on or attached to the vehicle. The notice of violation shall include the following information:
 - A. A description of the violation of this Part for which the operator or owner of the vehicle is being cited.
 - B. The parking lot name and meter number or space number if applicable.
 - C. The date and time that the notice of violation was issued.
 - D. The State license number on the vehicle.
 - E. Instructions to the owner or operator that if the owner or operator will report to the office of the Chief of Police and pay, for the use of the Borough:
 - (1) For parking at over permitted time limits, the sum of \$25.00.
 - (2) For parking in a space reserved for handicapped without display or authorized handicapped parking permit—as per the Vehicle Code.
 - (3) For not being parked within the marked spaces, the sum of \$25.00.
 - (4) If the said fine is paid within 5 days, that act will save the violator from the penalties prescribed in §15-510(2) of this Part and the sum of the penalty will be reduced to \$15.00.
2. Any vehicle owner or driver in violation of any section of this Part and who fails to report to the Chief of Police and pay the sum to the use of the Borough as instructed in subsection 1.E, shall be cited within 15 days of the violation and, upon conviction of stated violation, shall be guilty of a summary offense and maybe sentenced to pay a fine of not more than \$600 and/or undergo imprisonment for a term not to exceed 90 days.

C. Section 15-101 shall be amended by adding the following:

10. The term “Operating Hours”, when used in this Chapter, shall mean the times between which use of a facility or Parking Lot shall be allowed.
11. The term “Parking Lot(s)”, when used in this Chapter, shall mean an area (areas) either owned or leased by the Borough and not a public street where parking is made available to the public.
12. The term "parking meter", when used in this Chapter, shall mean any mechanical device which is installed for the purpose of regulating parking spaces in the Borough. The term includes, but is not limited to, coin-operated parking meters, centrally located collection systems, and parking kiosks which accept multiple forms of payment.

D. The index of Chapter 15 and the index of ordinances shall be revised to reflect the new chapter and section titles below.

E. Part 6 in its entirety (sections 15-601 through 15-611) and Part 7 in its entirety (sections 15-701 through 15-707) shall be deleted and replaced as below:

F. Part 6 shall be revised to read as follows:

Part 6

Off-Street Parking

§15-601. Parking Lots, Types and Fees Established.

1. Parking Lots. The following parking lots and Operating Hours are established as Parking Lots operated by the Borough:
 - A. Bank Street Lot (Bank Street)
 - (1) Open 7 days per week, 24 hours per day
 - B. Moreland Avenue Municipal Lot (West Moreland Avenue and Orchard Street)
 - (1) Open 7 days per week, 24 hours per day
 - C. Fulmor Lot (Warminster Road)
 - (1) Lot closed (no parking)
 - D. Commuter Lot (Moreland Avenue and the Railroad)
 - (1) Open 7 days per week, 24 hours per day

2. Parking Types. The following types and regulations of parking uses are established in the parking lots operated by the Borough:
 - A. Short Term Shopper Parking (2 Hour Limit):
 - (1) 2 hour limit
 - B. Short Term Shopper Parking (3 Hour Limit):
 - (1) 3 hour limit
 - C. Commuter Parking:
 - (1) 24 hour limit
 - D. Daily Business District Parking:
 - (1) 24 hour limit
 - E. Long Term Parking:
 - (1) Parking spaces available for parking on a monthly or yearly rental basis. The rental fee shall be for a calendar month or year or the part of a calendar month or year remaining after the rental arrangements are made.
 - i. The rental fee shall be paid in advance to the Borough for the use of the Borough, and after the first month shall be automatically renewable until the renter notifies the Borough that he wishes to terminate the rental arrangements. The rental parking spaces shall be assigned by the Borough.
 - ii. The name of the renter of the parking space and/or the numbers and/or letters on the registration tag of the vehicle entitled to be parked there shall be recorded and reported to the Chief of Police.
 - iii. Spaces set aside for monthly or yearly rentals shall be numbered signs indicating "Parking by Permit only."
 - iv. It shall be unlawful for any person to park any unauthorized vehicle in a marked rental space.
 - F. Handicapped Restricted:
 - (1) Any of the above parking types may be reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs.
 - (2) It shall be unlawful, and a violation of this Part, for any person to parking any such reserved parking space, any vehicle unless that vehicle bears or displays either: a "handicapped registration plate," a "handicapped parking placard," a "disabled veteran registration plate," or a "disabled veteran placard."
 - (3) All provisions, requirements, and restrictions contained in the other sections of this Part shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.

3. Parking Fees. The Parking fee for each type of parking shall be fixed from time to time by resolution of Borough Council.

§15-602. Unlawful to Park Overtime or When Lot Closed.

It shall be unlawful for any person to park a vehicle, or to allow a vehicle to remain parked in any short term, metered, and long term rental Parking Lot:

- A. For longer than the maximum parking time prescribed by §15-601 of this Part.

B. At any time when the lot is not in operation and is closed to public use.

§15-603. Types of Vehicles.

The Parking Lots established by §15-601 of this Part shall be for the use of passenger cars, passenger vans, and pickup trucks only, and it shall be unlawful for any person to park any other kind or class of vehicle in any such lot.

§15-604. Manner of Parking.

Every vehicle parked in a Parking Lot shall be parked wholly within the lines bounding or marking the individual parking space assigned to that vehicle, and shall be parked headed into the parking space. It shall be unlawful for any person:

- A. To park a vehicle in a space not rented by him.
- B. To park a vehicle otherwise than as required by this Section.
- C. To park a vehicle elsewhere than in a designated individual parking space. Prohibited areas including, but not limited to, the access and exit driveways, turning and maneuvering spaces, and the through-ways of the Parking Lots.

§15-605. Distribution and Number of Parking Types.

The number and placement parking types shall be determined by the Borough Manager with recommendations from the Chief of Police.

§15-606. Metered Parking.

1. Placement and Characteristics of Parking Meters.

A. Individual parking meters installed in the Parking Lots shall be placed immediately adjacent to the individual parking spaces that shall be marked off and maintained in the lots.

- (1) For each parking meter there shall be a clear indication, through use of a directional arrow, or an identification as to number with the parking space, to show which individual parking space it serves.
- (2) Each parking meter shall indicate by a proper legend the parking rate and, when the parking space is occupied and the parking meter put into operation by the insertion of one or more coins, the parking meter shall indicate on and by its display the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or over-parking.

B. A centrally located collection system, or kiosk, may be used for the purpose of regulating parking spaces in the Borough.

- (1) The centrally located collection system shall be clearly identified as such.
- (2) There shall be a clear indication, through use of a receipt, or an identification as to number with the parking space, to show which parking space it is being used.
- (3) The receipt issued by the collection system must be placed on the dashboard of the vehicle occupying the space that corresponds to the receipt. This receipt shall be clearly visible from the exterior of the vehicle. The transaction is not deemed complete until the valid receipt is placed on the dashboard as required by this section.

2. Payment for Parking in Parking Lots; Overtime Parking Unlawful.

A. Whenever a vehicle is to be parked in any space regulated by an coin operated parking meter, at any time when the Parking Lot is open for use and the parking meters are to be in operation, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in the proper parking meter one or more proper coins of the United States of America as specified in the legend on the parking meter. Upon the deposit of the coin or coins, and placing the parking meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter.

B. Whenever a vehicle is to be parked in any space regulated by a centrally located collection system, or kiosk, at any time when the Parking Lot is open

for use and the kiosk is in operation, the driver of the vehicle, upon entering a parking space, shall immediately deposit, or cause to be deposited at the designated kiosk, proper currency of the United States of America as specified on the kiosk. Proper payment shall include payment by credit card or other proper electronic payment if so accepted at the kiosk. Upon the deposit of the proper payment at the kiosk, and placing the issued receipt on the dashboard of the corresponding vehicle in a visible location, the parking space may be lawfully occupied by the vehicle for the time indicated on the receipt.

C. If any vehicle remains in any metered parking space for such length of time beyond the metered time, that vehicle shall be considered as being parked overtime, and the parking of a vehicle overtime shall be a violation of this Part.

(1) Provided: every hour that a vehicle remains parked at a meter showing a violation shall constitute a separate violation of this Part.

3. Unlawful to Deposit Substitute for Coin in Coin Operated Parking Meters. It shall be unlawful for any person to deposit in any coin operated parking meter installed under the provisions of this Part any slug or other substitute for a coin of the United States of America.
4. Unlawful to Remain Parked at a Parking Meter Showing Violation. It shall be unlawful, and a violation of this Part, for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this Part, when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle.
5. Unlawful to Tamper with Parking Meter. It shall be unlawful, and a violation of this Part, 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 Part. Provided, however, that nothing in this Section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Borough under the direction of the Chief of Police or Borough Council.

§15-607. Violations and Penalties.

1. Any person who violates any section of this Part shall be issued a notice of violation (parking ticket) which shall be placed on or attached to the vehicle. The notice of violation shall include the following information:
 - A. A description of the violation of this Part for which the operator or owner of the vehicle is being cited.
 - B. The parking lot name and meter number or space number if applicable.
 - C. The date and time that the notice of violation was issued.
 - D. The State license number on the vehicle.
 - E. Instructions to the owner or operator that if the owner or operator will report to the office of the Chief of Police and pay, for the use of the Borough:
 - (1) For parking at over permitted time limits, the sum of \$25.00.
 - (2) For parking in a space reserved for handicapped without display or authorized handicapped parking permit—as per the Vehicle Code.
 - (3) For not being parked within the marked spaces, the sum of \$25.00.
 - (4) If the said fine is paid within 5 days, that act will save the violator from the penalties prescribed in §15-607(2) of this Part and the sum of the penalty will be reduced to \$15.00.
2. Any vehicle owner or driver in violation of any section of this Part and who fails to report to the Chief of Police and pay the sum to the use of the Borough as instructed

in subsection 1.E, shall be cited within 15 days of the violation and, upon conviction of stated violation, shall be guilty of a summary offense and maybe sentenced to pay a fine of not more than \$600 and/or undergo imprisonment for a term not to exceed 90 days.

SECTION 2. REPEALER.

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 3. REVISIONS.

The Council of the Borough of Hatboro does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION 4. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.

The failure of the Borough of Hatboro to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION 7. ENACTMENT.

Under the authority conferred by the Borough Code, 53 P.S. § 45101, *et seq.*, and other relevant statutory law, the Council of the Borough of Hatboro in the County of Montgomery, Commonwealth of Pennsylvania does hereby ordain and this Ordinance for the Borough of Hatboro, this 23rd day of March, 2015.

Approved by the Borough Council of the Borough of Hatboro, this 23rd day of March, 2015.

ATTEST:

BOROUGH OF HATBORO:



Alfred Zoller, Borough Manager

By: 

John Zygmunt, Council President

Examined and approved as an Ordinance, this _____ day of _____, 2015.



Norm Hawkes, Mayor