ORDINANCE 1-35
PARKING ORDINANCE

[Formerly part of Ordinance 1-31

AN ORDINANCE REGULATING PARKING WITHIN THE BOROUGH OF MERCERSBURG, PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND RESCINDING CERTAIN ORDINANCES OR PARTS OF ORDINANCES OF THE BOROUGH OF MERCERSBURG.

ARTICLE I

SECTION 1 – DEFINITIONS AND INTERPRETATION

(a) Words and phrases, when used in this ordinance, except for sections or articles to which different or additional definitions apply, shall have the meanings ascribed to them in The Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this ordinance, the word "street" may be used interchangeably with the words "highway" or "alley", and shall have the same meaning as the word "highway" as defined in The Vehicle Code.

(b) The term "legal holiday" as used in this ordinance shall mean and include: New Year's Day, Martin Luther King's Birthday, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

(c) In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(d) "commercial Vehicle"

ARTICLE II
SECTION 1 – MANNER OF ADOPTING PERMANENT PARKING REGULATIONS

All parking regulations of a permanent nature shall be enacted as ordinances, parts of ordinances or amendments to ordinances of the Borough of Mercersburg, except where the law specifically authorizes less formal action.

SECTION 2 –TEMPORARY AND EMERGENCY REGULATIONS

(a) In order to facilitate the movement of traffic during temporary and/or emergency conditions on the streets and roads of this Borough, the Mayor and/or Emergency Management Coordinator, Deputy EMC, Special fire police, Police, and Designated Borough Management shall have the following powers to regulate parking temporarily and in time of emergency:

1.) In the case of fire, flood, storm (including but not limited to snow, ice or other weather related storm) or other emergency, to establish temporary parking regulations; and

2.) In the case of emergency, as defined above, or during the conduct of public works, street sweeping, or any other public or private construction or maintenance work or while a special event or public events of limited scope or duration is being conducted, to restrict or prohibit parking or vehicular or foot traffic in limited areas for periods of time not more than is necessary to allow for safe regulation of the parking for the circumstances; and

3.) To give notice to the public on the declaration of temporary or emergency parking regulations, said notice shall be posted at the Borough offices and given by the Borough as a public service announcement to local media within twelve hours of such action; notice of termination of temporary or emergency parking regulations shall be posted at the Brough offices and given by the Borough as a public service announcement to local media within twelve hours of termination; and

4.) These temporary and emergency regulations shall be enforced by the The Mayor and/or Emergency Management Coordinator, Deputy EMC, Special fire police, Police, and Designated Borough Management in the same manner as permanent regulations; and

5.) Any violation of such regulations shall be charged as a summary offense and the continuation of such violation for each successive day shall constitute a separate offense and shall be subject to a fine as specified in the Borough schedule of fees plus costs of prosecution.

SECTION 3 – AUTHORITY OF POLICE OFFICERS

The Police Officers of the Borough, or any persons authorized by the Mayor and/or Council including but not limited to the MMP&W Fire Department, Police, Special Fire Police shall have authority to direct traffic on streets in the Borough and in other places where the Vehicle Code or this ordinance applies

ARTICLE III

SECTION 1 – VEHICLES TO BE PARKED WITHIN MARKED SPACES

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked reasonably completely within the lines bounding the space, and it shall be a violation of this article for any person to park a vehicle or allow it to remain parked otherwise.

SECTION 2 – ANGLE PARKING REQUIRED ON PARTS OF CERTAIN STREETS

Only angle parking shall be permitted on Center Square and every vehicle shall be parked with its front nearest the curb. The only exception to this is the Mercersburg Police Cruiser, or a truck while loading or unloading.

SECTION 3 – PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS

Parking shall be prohibited at all times in the following locations:

	STREETS	SIDE	BETWEEN
1.	North Main St.	East	Veterans Way and Fry Street
2.	South Fayette St.	East	East Seminary St. and South Main Street
3.	North Fayette St.	Both	East Seminary St. and Oregon Street
4.	East California St.	South	South Main St. and Constitution Avenue
5.	West California St.	North	South Main St. and North Park Avenue
6.	Veterans Way	Both	North Main St. and Faust Street
7.	Bennett Avenue	West	West Fairview Avenue to the end
8.	Oregon Street	South	North Main St. and North Fayette Street
9.	North Park Street	East	North Main St. and West Seminary Street
10.	Mercer Avenue	South	South Main St. and Lutheran Alley (Alley B West)
11.	Mercer Avenue	North	South Main ST. and 60 feet west
12.	Mercer Avenue	Both	Steiger Avenue and South Park Avenue
13.	South Main Street	West	Mercer Avenue to Feather Alley (2nd alley west)
14.	South Main Street	East	Meyers Alley (3rd Alley South) and 100 feet north, Meyers Alley (3rd Alley South) and 90 feet south
15.	South Main Street	South	Linden Avenue and Ft. Loudon Road

16.	South Main Street	East	Jail House Alley (2nd alley South) and 26 feet north
17.	East California St.	North	a point located 30 feet east of the intersection of South Fayette St. and East California Street to Constitution Avenue
18.	Oregon Street	North	North Main Street and a point located 170 Feet east of the centerline of North Main St.
19.	North Main Street	East	Along entire length of curb in front of 123 North Main Street
20.	South Park Avenue	East	West California St. to Lion's Club Park
21.	North Park Street	West	North Main Street and aprox. 300 feet west
22.	South Main Street	East & west	Meyers Alley(3rd Alley South) to Constitution Avenue
23.	No Parking allowed on any alley shown on the Borough official map.		
24.	Fry Street	East & West	N. Main St. to a point 120 ft. east of intersection
25.	Johnstons Lane	North & South	N. Main St. to a point 120 ft. west of intersection
26.	Oregon St.	South	N. Main St. east to N. Fayette St.
27.	Oregon St.	North	N. Fayette St. to Church St.
28.	Constitution Ave.	East	S. Main St. toE. Seminary St.
29.	S. Park St.	East	W. California St. to W Seminary St.

SECTION 4 – PARKING OF TRUCKS, BUSES AND CERTAIN OTHER VEHICLES PROHIBITED IN CERTAIN LOCATIONS

It shall be unlawful for any person to park, or to allow to remain parked, on any of the parts of Center Square, any Commercial vehicle. Exception, vehicles registered as handicapped.

SECTION 5 – STANDING OR PARKING ON ROADWAY FOR LOADING OR UNLOADING

It shall be unlawful for any person to stop, stand or park a vehicle (other than a Pedal cycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for the purpose of loading or unloading persons or property shall be permitted and for no longer than necessary for the loading or unloading. Council from time to time may authorize special loading unloading zones that will be designated by appropriate signage and curbing painted yellow.

SECTION 6 – PENALTY FOR VIOLATION

Any person who violates any provision of this article shall, upon conviction, be sentenced to pay a fine Specified in the Borough Schedule of Fees and costs. Provided: it shall be the duty of the police officers and of parking enforcement personnel of the Borough to, indicate, in each case: the section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The police officer or other person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this article. The notice shall contain instruction to the owner or driver of the vehicle that if he will pay to the Borough Office at 113 South Main Street the sum as Specified in the Borough Schedule of Fees and costs within 10 days of the notice of violation, that act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this section.

ARTICLE IV

SECTION 1 – PARKING METER ZONES ESTABLISED

(a) Parking meter zones are established upon and along certain streets in the Borough as follows:

	Street	Side	Portion
1.	N. Main St.	West	Veterans Way to Center Square
2.	N. Main St.	East	Opposite fire hall to Center Square
3.	Center Square	All	
4.	South Main St.	Both	Center Square to Jail House Alley and Feather Alley (2nd Alley South)
5.	W. Seminary St.	Both	Center Square to Park Street/Ave.
6.	E. Seminary St.	Both	Center Square to Fayette Street

Rates as posted on individual parking meters as set forth by the Borough Council.

It shall be unlawful for any person to park or to allow to remain parked any vehicle in the 15 minute parking spaces for more than 15 minutes between the hours of 9:00 a.m. and 10:00 p.m. except Sundays and Holidays.

SECTION 2 – DAYS AND HOURS PARKING METERS IN OPERATION AND PARKING TIME LIMITS APPLY

1. Parking meters shall be operated by the deposit of a coin in the meter as prescribed by Section 5 of this article, and the parking rates for specified lengths of time (2 hours), shall apply at all times between the hours of 9:00 am and 6:00 pm Monday through Saturday, in the parking meter zones listed in Section 1 of this article. Provided, however: the requirements of this article as to parking time limit and as to deposit of coins in meters shall not apply on legal holidays, as defined in Article I, Section 1(b).
2. Multiple violations: Vehicles parked in metered spaces without the meter being activated with lawful coins shall be subject to the issuance of a citation for each period of two hours that the vehicle occupies the space with an expired meter.
3. During non-metered hours it is prohibited for a vehicle to occupy any portion of a metered space for more than twenty-four consecutive hours.
4. Borough vehicles and police vehicles are exempt from meter regulations.
5. Emergency vehicles are exempt from the provisions of this Ordinance when being operated as such by a valid operator.

SECTION 3 – PLACEMENT AND CHARACTERISTICS OF PARKING METERS

Parking meters installed in the parking meter zones established by Section 1 of this article shall be placed upon the curb or sidewalk, and immediately adjacent to the individual parking spaces described in Section 4 of this article. Each parking meter shall be placed or set so as to show that the parking space adjacent to that meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the Borough, and when the adjacent space is occupied by a vehicle, the parking meter shall indicate on and by its dial and pointer or LED display the duration of the period of legal parking, and, on the expiration of that period shall indicate illegal parking or over-parking.

SECTION 4 – METHOD OF PARKING

1. Lines and/or markings may be painted or placed upon the curb, sidewalk or roadway adjacent to each parking meter for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked at any parking

meter where lines and/or markings are painted shall be parked within the lines or markings so placed and applicable to that meter.

2. It shall be unlawful and a violation of this article for any person to park a vehicle unreasonably across any such line or marking, or to park a vehicle in such a position that said vehicle is not completely within the area designated by those lines or markings.
3. It is prohibited at any time to occupy portions of more than one space when painted lines define such or to park in any portion of the area not clearly designated for parking.
4. Parking is prohibited along a yellow line unless it is marked for parking
5. Double parking is prohibited on all Borough of Mercersburg streets and parking spaces.
6. Some spaces shall be marked for specific vehicles. These include, but are not limited to: handicapped; handicapped van-only; Borough vehicles; and Borough Police. It is prohibited to park in these specifically marked spaces with a vehicle which does not meet the specifications of the sign.

SECTION 5 – COIN DEPOSIT IN METER; OVERTIME PARKING UNLAWFUL

Whenever a vehicle is to be parked in any space adjacent to a parking meter, at any time in the period of limited parking as prescribed by Section 2 of this article, the driver of the vehicle, upon entering the parking space, shall immediately deposit, or cause to be deposited, in that parking meter, one or more proper coins of the United States of America as specified in the legend on the parking operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter. If any vehicle shall remain in any such parking space for such length of time that the meter shall indicate by proper signal that the lawful parking time has expired, that vehicle shall be considered as having been parked overtime, and the parking of a vehicle overtime shall be a violation of this article.

SECTION 6 – UNLAWFUL TO DEPOSIT SUBSTITUTE FOR COIN IN METER

It shall be unlawful for any person to deposit in any parking meter installed under the provisions of this article any slug or other substitute for a coin of the United States of America.

SECTION 7 – TICKETING OF VEHICLES PARKED UNLAWFULLY; EFFECT OF FINE WITHIN 48 HOURS

(a) It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the directions of the Chief of Police, to report:

(1) The number of each parking meter that indicates a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this article;

(2) The date and hour of violation;

(3) The license number of the vehicle;

(4) Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.

(b) The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this article, and instructing the owner or driver that if he will report to the Borough Office and pay, for the use of the Borough, a fine as specified in the Borough schedule of fees within 48 hours after the time of the notice, or will place the sum as specified in the Borough schedule of fees enclosed within the envelope provided, in the mail slot on the Borough office door after normal business hours, within the time limit, that act will save the violator from prosecution and from payment of the fine prescribed in Section 10 (a) of this article.

SECTION 8 – ENFORCEMENT

The provisions of this Ordinance shall apply to all operators of all vehicles, public and private, and they shall be enforced twenty-four hours a day except as otherwise specified by this Ordinance. It shall be prohibited for any operator to violate any of the provisions of this Ordinance except as otherwise permitted.

The operator of any vehicle shall obey the lawful instruction of any law enforcement officer, parking enforcement officer, official traffic signs or control devices appropriately placed and in accordance with provisions of these regulations

SECTION 9 – PENALTY FOR VIOLATION

(a) Any person who violates any provision of this article, with the exception of Section 8 shall, upon conviction, be sentenced to pay a fine as specified in the Borough schedule of fees, all repair costs and court costs.

(b) Any person who violates any provision of Section 8 of this article shall, upon conviction, be sentenced to pay a fine as specified in the Borough schedule of fees and costs, and in default of payment of fine and costs, to imprisonment for not more than 30 days.

SECTION 10 – EXCEPTIONS

(a) By resolution, Council may temporarily suspend the provisions of this article requiring coin deposit in meters and establishing a maximum parking time at meters.

(b) The Borough shall have authority to establish no-parking or special-purpose parking zones within any parking meter zone, and to remove parking meters from those areas as previously installed there, and the provisions of this article shall not apply in those areas where no-parking or special-purpose parking is in effect.

(c) A tradesman who does work within the meter parking zone may request the Police Department to reserve parking meters for his vehicles or equipment while in the act of plying his trade for a fee as specified in the Borough schedule of fees per parking meter per day, payable in advance.

SECTION 11 – PROHIBITION OF CONTINUOUS PARKING

(a) No person shall park his vehicle in the portion of the parking meter zone hereinafter defined continuously for more than two hours at any time when parking meter regulations are in effect.

(b) The portion of the parking meter zone to which Section 12(a) shall be applicable consists of all the spaces on both sides of the street on North Main Street, South Main Street, East Seminary Street and West Seminary Street immediately adjacent to Center Square.

(c) The provisions of this Section shall apply to those classes of persons defined in Section 11(c) and (e), without exception.

ARTICLE V

SECTION 1 – UNMETERED PARKING LOTS ESTABLISHED

(a) The following is established as the un-metered parking lot operated by the Borough, for the use of passenger cars, passenger vans and pick-up trucks only: The lot on the southwest corner of the intersection of Hitching post Alley (Third Alley North) and North Fayette Street. Maximum parking time shall be 72 consecutive hours. The lot shall be in operation 365 days per year, 24 hours per day without interruption.

(b) It shall be unlawful for any person to park a vehicle, or to allow a vehicle to remain parked in the un-metered parking lot for longer than the maximum parking time prescribed by this section.

(c) Council shall have authority to close any portion of the lot, while construction or maintenance work is under way or a special event is being

conducted on the closed portion. It shall be unlawful for any person to park a vehicle upon any such closed portion.

(d) It shall be unlawful for any person to park any kind of class of vehicle except those described in paragraph (a) of this section in the unmetered parking lot.

(e) Every vehicle parked in the un-metered parking lot shall be parked within the lines bounding or marking the individual parking space, and shall be parked headed into the parking space. It shall be unlawful for any person to park a vehicle otherwise than as required by this section; or to park a vehicle elsewhere than in an individual parking space, the prohibited areas including, but not limited to, the access and exit driveways and turning and maneuvering spaces.

(f) The Borough of Mercersburg assumes no liability or responsibility for damage to or theft of any vehicle parked on public lots.

(g) The provisions of this Ordinance shall apply to all operators of all vehicles, public and private, and they shall be enforced twenty-four hours a day except as otherwise specified by this Ordinance. It shall be prohibited for any operator to violate any of the provisions of this Ordinance except as otherwise permitted.

SECTION 2 – RESERVED PARKING FOR BOROUGH BUSINESS

The following spaces are designated as reserved for conducting Borough business with no overnight parking permitted:

	LOCATION	SIDE	BETWEEN
1.	South Main Street	East	Jail house Alley (2nd Alley South) and 63 feet north
2.	South Main Street	West	Feather Alley (2nd Alley South) and 60 feet north
3.	Rear of Borough Hall		

SECTION 3 – RESERVED PARKING SPACES FOR HANDICAPPED MAY BE APPROVIDED

Council, at its discretion, may provide at convenient and suitable locations on public streets, in the unmetered parking lot, or in the lot behind Borough Hall, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful, and a violation of this article, for any person to park in 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". Provided, all provisions, requirements and restrictions contained in the other sections of this article shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.

SECTION 4 – PENALTY FOR VIOLATION

Any person who violates any provision of this article shall, upon conviction, be sentenced to pay a fine as specified in the Borough schedule of fees and costs.

ARTICLE VI
INTERPRETATION AND REPEAL

SECTION 1 – SEVERABILITY

The provisions of this ordinance shall be severable, and if any of its provisions shall be held unconstitutional, illegal or otherwise invalid, that decision not affect the validity of any of the remaining provisions of this ordinance. It is declared as a legislative intent that this ordinance would have been enacted had that unconstitutional, illegal or otherwise invalid provision not been included in the ordinance.

SECTION 2 – PROVISIONS TO BE CONTINUATION OF EXISTING REGULATIONS

The provisions of this ordinance, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this ordinance, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this ordinance shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

SECTION 3 – REPEAL OF CERTAIN PRIOR ORDINANCES

All prior ordinances of the Borough of Mercersburg in so far as they deal with the regulation of traffic and/or parking are repealed and declared unenforceable in so far as they are inconsistent with or identical to any provision of this ordinance. In particular, Ordinance 1-31 Articles VI, VII, VIII, Ordinance 179,195, 203 except Sections 1 and 2; 238, 244, 249, 265, 266 and 274 are repealed.

SECTION 4 – EFFECTIVE DATE

This Ordinance shall take effect upon its enactment.

ADOPTED this 9 day of October, 2006.

Joshua C. Meyers
Borough Council President

James C. Zeger
Mayor

ATTEST:

SEAL

Steven N. Mellott
Borough Secretary

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