

ORDINANCE NO 2012-09

AN ORDINANCE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA AMENDING CHAPTER 78, ENTITLED "BICYCLES", CHAPTER 158 ENTITLED "SKATEBOARDS, ROLLER SKATES, AND ROLLER BLADES" AND CHAPTER 190, ENTITLED "VEHICLES AND TRAFFIC", OF THE CODE OF THE BOROUGH OF GREENCASTLE

WHEREAS, Section 1202 of the Borough Code, 53 P.S. §46202, authorizes Pennsylvania municipalities to enact parking regulations provided that such regulations are not inconsistent with the Vehicle Code;

WHEREAS, the Council of the Borough of Greencastle deems it to be in the best interest, and for the general welfare, of the citizens and residents of the Borough to enact certain parking regulations in the Borough pursuant to its authority to regulate parking as provided for by the Borough Code; and

WHEREAS, the Council of the Borough of Greencastle deems it in the best interest, and for the general welfare of the citizens and residents of the Borough to amend certain provisions relating to the enforcement of Chapter 78 and Chapter 158 of the Borough of Greencastle.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Mayor and Borough Council of the Borough of Greencastle, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION I: Chapter 190, Section 6 entitled "Authority of Police Officers" of the Code of the Borough of Greencastle, is hereby renamed and amended in its entirety and shall read as follows:

§190-6 Authority of Police Officers; Authority of Meter Attendants

- A. The police officers of the Borough of Greencastle are hereby given authority to direct traffic on the highways of the Borough and at intersections thereof and to enforce the provisions of this Chapter in accordance with the laws of the Commonwealth of Pennsylvania.
- B. The Borough may employ meter attendants for the purpose of enforcing parking laws and regulations. Meter attendants employed by the Borough of Greencastle, for the purpose of policing the use of the parking meters, are authorized to enforce the parking regulations of this Chapter 190.

SECTION II: Chapter 190, Section 26 entitled "Vehicles to be parked within marked spaces; parking prohibited in certain marked areas" of the Code of the Borough of Greencastle, is hereby amended to make certain amendments to Subparagraph (B) and to add a Subparagraph (C) and Subparagraph (D) which subparagraphs shall read in their entirety as follows:

- B. Parking shall be prohibited at all times by any vehicle which in any way will block the intersection of any street or alley or the entrance or exit of any street or alley. Parking shall at all times be prohibited within the painted line area adjacent to any fire hydrant or within fifteen (15') feet of any fire hydrant, whichever is of greater distance; within the painted line area marking the permissible distance to park from any intersection in any area where erected signs or painted lines indicate a "No Parking" area; in any manner so as to block any private or public driveway or access way to a parking lot or parking facility or other facility of the Borough.
- C. Parking on a sidewalk or curb at any time by any vehicle shall be prohibited at all times. Parking shall be prohibited at all times within twenty (20') feet of a crosswalk; within thirty (30') feet of a stop sign, yield sign or a traffic signal; and on private property which has been posted by the property owner.

- D. No vehicle shall be parked or standing upon a two-way roadway or thoroughfare with the right-hand wheels in excess of twelve (12") inches from the right-hand curb or in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder.

SECTION III: Chapter 190, Section 33 entitled "Violations and penalties" of the Code of the Borough of Greencastle is hereby amended in its entirety and shall read as follows:

- A. **Parking Violations.** Unless otherwise provided for in this Article, any person violating the provisions of this Article shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine in the amount of Fifty Dollars (\$50.00) and costs of prosecution (court costs and reasonable attorney fees) and if such violation is a violation of the Vehicle Code of the Commonwealth of Pennsylvania, the penalty shall be in accordance with the Motor Vehicle Code of the Commonwealth of Pennsylvania, Sections 3353(e) and 3354(f), as 75 Pa.C.S.A. §§ 3353(e), 3354(f), as amended from time to time. Provided, however, that any person accused of such violation by notice placed on the vehicle by a police officer or meter attendant may settle and compromise the claim against him or her for such parking violation by paying to the Borough the sums set forth below within seventy-two (72) hours after the placement of such notice on the vehicle:
1. The sum of Fifteen Dollars (\$15.00) for the following violations:
 - i. Parking a Motor Vehicle on a Sidewalk
 - ii. Parking in front of, or blocking, a public or private driveway entrance;
 - iii. Parking within twenty (20') feet of a crosswalk;
 - iv. Parking within thirty (30') feet of a stop sign, yield sign or a traffic signal;
 - v. Parking any place where official signs prohibit parking; and
 - vi. Parking with the vehicles right-side wheels in excess of twelve (12") inches of the right-side curb;
 2. The sum of Twenty-five Dollars (\$25.00) for the following violations:
 - i. Parking within fifteen (15') feet of a fire hydrant or within the painted lines adjacent to a fire hydrant; and
 - ii. Parking or Unattended Vehicle on Private Property when posted by property owner.
- B. **Presumption of Liability.** The fact that a motor vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the motor vehicle at the time of such parking.

SECTION IV: Chapter 190, Section 48 entitled "Fines" of the Code of the Borough of Greencastle, is hereby amended by replacing its contents with the following:

- A. Any person, firm, corporation, or owner of any vehicle parked in violation of any provision of this article or aiding, abetting, or assisting in the violation thereof, shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine in the amount of Fifty Dollars (\$50.00) and cost of prosecution (court costs and reasonable attorney fees). Provided, however, that any person accused of such violation may settle and compromise the claim against him or her for such violation by paying the Borough the sums set forth below within seventy-two (72) hours after the placement of such notice on the vehicle:
1. The sum of Ten Dollars (\$10.00) for violations of Sections 190-37, 190-39, 190-40, 190-41, 190-42, 190-43, and 190-44.
- B. Violations of Section 190-45, "Tampering with meters unlawful" is a criminal act punishable as a felony, misdemeanor, or summary offense depending upon the extent of damage inflicted (see 18 Pa.C.S.A. §3304; as amended from time to time).

SECTION V: Chapter 78, Section 3 entitled "Violations and penalties" of the Code of the Borough of Greencastle shall be amended by replacing the contents thereof with the following:

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of Fifty Dollars (\$50.00) plus costs of prosecution (court costs and reasonable attorney fees). Provided, however, that any person accused of such violation by notice provided to them by a police officer of the Borough of Greencastle, may settle and compromise the claim against him or her for such violation by paying the Borough the sum of Twenty-Five Dollars (\$25.00) within seventy-two (72) hours of such notice being provided to them.

SECTION VI: Chapter 158, Section 4 entitled "Violations and penalties" of the Code of the Borough of Greencastle shall be amended by replacing the contents thereof with the following:

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of Fifty Dollars (\$50.00) plus costs of prosecution (court costs and reasonable attorney fees). Provided, however, that any person accused of such violation by notice provided to them by a police officer of the Borough of Greencastle, may settle and compromise the claim against him or her for such violation by paying the Borough the sum of Twenty-Five Dollars (\$25.00) within seventy-two (72) hours of such notice being provided to them.

SECTION VII: Repealer. All provisions of previous Ordinances of the Borough of Greencastle which are contrary to this Ordinance are expressly repealed.

SECTION VIII: Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

SECTION IX: Savings Clause. In all other respects, Chapters 78, 158 and 190 of the Code Borough of Greencastle shall remain as previously enacted and ordained.

SECTION X: Effective Date. This Ordinance shall take effect immediately.

ENACTED AND ORDAINED this 4th day of September, 2012 by the Council of the Borough of Greencastle, Franklin County, Pennsylvania.

ATTEST:

/S/ Kenneth W. Womack
Kenneth W. Womack, Secretary

/S/ Charles R. Eckstine
Charles R. Eckstine, President

/S/ Robert E. Eberly
Robert E. Eberly, Mayor

