

BOROUGH OF AVALON

ORDINANCE NO. 1398

AN ORDINANCE OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 385, ARTICLE IV OF THE CODE OF THE BOROUGH OF AVALON TO ALLOW FOR VEHICLE OWNERS TO PAY FOR TIME IN METERED PARKING SPACES THROUGH A MOBILE APPLICATION.

WHEREAS, Chapter 385 (“Vehicles and Traffic”), Article IV (“Metered Parking”) of the Code of the Borough of Avalon (“the Borough”) regulates metered parking within the Borough; and

WHEREAS, on February 15, 2022, Borough Council voted to approve a contractual agreement between the Borough and a third-party mobile parking payment system company to enable Borough residents to electronically pay parking meter fees; and

NOW, THEREFORE, the Council of the Borough of Avalon hereby ordains as follows:

Section 1. Chapter 385 (“Vehicles and Traffic”), Article IV (“Metered Parking”) is hereby amended as follows:

§ 385-24 Authorization to Contract.

[No change]

§ 385-25 Regulations.

[No change]

§ 385-26 Erection of meters.

On streets **where parking is permitted** designated, the proper officers shall create parking spaces, on the curb or pavements, or by other appropriate means, and in each space so marked, shall erect or cause to be erected a parking meter, which upon the deposit of a coin **or combination of coins of the United States in the parking meter, indicated in the parking meter, or electronic payment through a mobile application, as indicated on the parking meter or mobile application** will entitle the **individual** parking his/**her** car for a limited time, as is indicated on the parking meter ~~as indicated on the parking meter or mobile app,~~ **to park in such parking spot until the** and, the time when such period has elapsed.

§ 385-27 (Deposit of Coin) Payment.

A. In order for Police Officers or persons designated by Borough Council to patrol parking meters and to properly compute the time during which a vehicle is parked, **The** owner or operator of **a** said vehicle shall, upon entering **a designated** such parking space, during the time of limited parking, immediately deposit **coin or combination of coins of the United States in the parking meter or electronic payment through a mobile application** ~~a five-cent coin, a ten-cent coin, a twenty-five-cent coin of the United States in the parking meter situated at the side of said parking space, and operate the timing mechanism of the parking meter according to instructions thereon.~~

~~B. Only one hour of time will be registered on the parking meter. ***Vehicle owners paying for parking with a mobile application may extend their parking period beyond one hour, as permitted by the applicable mobile application.*** Parking meters shall include instructions as follows:~~

~~1 HOUR FOR EACH QUARTER~~

~~C. Failure to operate the meter shall constitute a violation of this article. Upon the deposit of the applicable parking fee, ~~of such coinage or upon issuance of an electronic payment through the Meter Feeder mobile app,~~ the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the particular amount ***paid.*** ~~deposited.~~ The parking meters, when properly operated, ~~shall be so adjusted that~~ ***will allow for*** time ~~may~~ ***to*** be added ***by depositing coins in the parking meter or through a mobile application*** ~~or so that coins may be deposited at any time throughout the marked range of the meters and the lawful time availability restored to the maximum period of one hour. If such vehicle shall remain parked in any such parking space for such length of time that the meter ***or mobile application*** shall indicate by a proper signal that the lawful parking period has expired, such vehicle shall be considered as parking overtime, and the parking of a vehicle overtime shall be a violation of this article.~~~~

§ 385-28 **Parking within lines.**

[No change]

§ 385-29 **Coin substitutes prohibited.**

[No change]

§ 385-30 **Tampering prohibited.**

[No change]

§ 385-31 **Enforcement.**

[No change]

§ 385-32 **Violations and penalties.**

Any person, firm, or corporation violating the provisions of this article or aiding, abetting, or assisting in the violation of said provisions should, upon violation of said provisions, be fined the sum of \$10 if paid within seven days of said violation; the sum of \$15 if paid within eight to 15 days of said violation; and the sum of \$25 if paid within 16 to 25 days of said violation. Furthermore, if a violation is paid through a mobile application or website, any person, firm, or corporation who is fined for violating the provisions of this article is charged a flat transaction fee of \$1.00 per \$20.00 of fines. The flat transaction fee may be subject to change. If fines are not paid within 25 days of the violation and upon conviction thereof before a Magisterial District Judge, violator shall be fined the sum of \$25 and costs of prosecution. Upon default of payment or upon failure to pay the fine and costs, the violator shall be committed to the Allegheny County Jail for a period not exceeding 10 days.

Section 2. Repealer. As of the effective date of this Ordinance, all ordinances (or parts of ordinances) currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

Section 3. Severability. The provisions of this Ordinance are severable. If any section, sentence or clause of this Ordinance is for any reason found to be unconstitutional, illegal or

invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, sentences or clauses of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective upon enactment by the Council of the Borough of Avalon after the effective date of this Ordinance.

ORDAINED AND ENACTED into law this ____ day of _____, 2022.

ATTEST:

BOROUGH OF AVALON

Lorraine Makatura
Borough Manager

President of Council

EXAMINED AND APPROVED by me this ____ day of _____, 2022.

Tom Lloyd
Mayor

APPROVED AS TO FORM:

Solicitor