

Chapter 305. Vehicles and Traffic

ARTICLE IX. Commercial Zone Parking Regulations

[Adopted 8-5-1996 by Ord. No. 3-1996]

§ 305-67. Title.

This article shall be known as the "Commercial Zone Parking Regulations."

§ 305-68. Definitions.

The terms set forth below in this § **305-68**, when used within Article **IX**, shall have the following meanings:

ALL-NIGHT PARKING

Any parking of a vehicle within the commercial parking zone between the hours of 2:00 a.m. and 6:00 a.m. of the same day.

[Amended 8-4-2008 by Ord. No. 3-2008]

BOROUGH

The Borough of Towanda of the County of Bradford and State of Pennsylvania.

CAR STOP

An object whose primary purpose is to constitute a physical obstruction to prevent any vehicle from moving in a certain direction beyond a certain point.

COMMERCIAL PARKING ZONE

All those streets and municipal parking areas which are identified in § **305-71** of this Article **XI**.

CURB

A raised street border usually composed of granite, concrete or asphalt, which guides, manages or retains objects such as vehicles or water.

CURBLINE

The area which borders a street where a curb would logically be placed if a curb were to be constructed.

FREE PARKING SPACE

A parking space intended for free vehicular parking.

MUNICIPAL PUBLIC PARKING AREAS

All those municipal public parking areas which are identified in § **305-71** of this Article **XI**.

OPERATOR

A person who drives or operates a motor vehicle into a parking space.

PARK

To place a vehicle in a parking space.

PARKING DAY

That time between 8:00 a.m. and 5:00 p.m. every Monday through Friday except for New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving and Christmas.

PARKING SPACE

A section of a street or municipal public parking area identified by lines or other markings which is intended for vehicular parking.

PERMIT HOLDER

Any person who owns a valid permit to park a vehicle in a permit parking space.

PERMIT INVITEE

Any person who has permission from a permit holder to park a vehicle in a permit parking space which is subject to the permit holder's permit.

PERMIT PARKING SPACE

A parking space intended for vehicular parking by permit only. A permit parking space shall be a free parking space unless and until a person has acquired a permit pertaining to that parking space.

PUBLIC PARKING SPACE

A parking space that is a permit parking space, Second Street parking space or a two-hour parking space.

RESIDENT PARKING SPACE

A parking space that is intended for vehicular parking by a designated resident and his invitees.

SECOND STREET RESIDENT

Any person who resides in the Borough along Second Street between Maple Street and Elizabeth Street.

SECOND STREET RESIDENT INVITEE

Any person who has permission from a Second Street resident to park a vehicle in a Second Street resident parking space.

SECOND STREET RESIDENT PARKING SPACE

A parking space intended for vehicular parking by a Second Street resident or a Second Street resident invitee.

TWO-HOUR PARKING SPACE

A parking space intended for free vehicular parking for up to two consecutive hours in a parking day.

VEHICLE

That in or on which a person or thing is or may be carried on land from one place to another.

§ 305-69. Establishment of a commercial parking zone.

There is established a commercial parking zone.

§ 305-70. Establishment of municipal public parking areas.

There are established municipal public parking areas.

§ 305-71. Establishment of parking spaces.

- A. Within the commercial parking zone on the streets and the municipal public parking areas, there are established two-hour parking spaces, permit parking spaces and Second Street resident parking spaces as follows:
- (1) Moving in a north to south direction, the following streets shall have the following types of public parking spaces:
 - (a) Second Street between Maple Street and State Street: nine Second Street resident parking spaces and five permit parking spaces on the west side of the street and seven Second Street resident parking spaces and six permit parking spaces on the east side of the street.
 - (b) Second Street between State Street and Poplar Street: six Second Street resident parking spaces and five permit parking spaces on the west side of the street and seven Second Street resident parking spaces and four permit parking spaces on the east side of the street.
 - (c) Second Street between Poplar Street and Pine Street: Second Street resident parking spaces on both the west and east sides of the street.
 - (d) Second Street between Pine Street and Bridge Street: 12 permit parking spaces on the west side of the street and six Second Street resident parking spaces, four permit parking spaces and three Second Street resident parking spaces on the east side of the street.
 - (e) Second Street between Bridge Street and Elizabeth Street: 10 Second Street resident parking spaces, 18 permit parking spaces and three Second Street resident parking spaces on the west side of the street and 32 Second Street resident parking spaces on the east side of the street.
 - (f) Main Street between Lombard Street and Maple Street: nine permit parking spaces and four two-hour parking spaces on the west side of the street and no public parking spaces on the east side of the street.
 - (g) Main Street between Maple Street and State Street: two-hour parking spaces on the west side of the street and no public parking spaces on the east side of the street.

- (h) Main Street between State Street and Poplar Street: two-hour parking spaces on both the west and east sides of the street.
 - (i) Main Street between Poplar Street and Pine Street: two-hour parking spaces on both the west and east sides of the street.
 - (j) Main Street between Pine Street and Bridge Street: three-hour parking spaces on both the west and east sides of the street; however, on the west side of Main Street immediately prior to the intersection of Main Street and Bridge Street, there shall be a fifteen-minute loading zone.
[Amended 8-4-2008 by Ord. No. 4-2008]
 - (k) Main Street between Bridge Street and Washington Street: three-hour parking spaces on both the west and east sides of the street; however, on the east side of Main Street immediately prior to the intersection of Main Street and Bridge Street, there shall be a fifteen-minute loading zone.
[Amended 8-4-2008 by Ord. No. 4-2008]
 - (l) Main Street between Washington Street and Elizabeth Street: two-hour parking spaces on both the west and east sides of the street.
 - (m) Main Street between Elizabeth Street and Franklin Street: no public parking spaces on the west side of the street and two-hour parking spaces on the east side of the street.
 - (n) Merrill Parkway between Park Street and Pine Street: three permit parking spaces located on the west side of the Merrill Parkway between Park Street and Pine Street.
[Amended 8-4-2008 by Ord. No. 2-2008^[1]
[1] Editor's Note: This article also provided that, effective 8-3-2008, the current most southerly permit parking space located on the west side of the Merrill Parkway between Park Street and Pine Street is hereby eliminated.
 - (o) Merrill Parkway between Pine Street and Bridge Street: permit parking spaces on both the west and east sides of the street.
[Amended 8-4-2008 by Ord. No. 2-2008]
 - (p) Merrill Parkway between Bridge Street and Washington Street: no public parking spaces on the west side of the street and permit parking spaces on the east side of the street.
[Amended 8-4-2008 by Ord. No. 2-2008]
 - (q) Merrill Parkway between Washington Street and Elizabeth Street: no public parking spaces.
[Amended 8-4-2008 by Ord. No. 2-2008]
 - (r) Merrill Parkway between Elizabeth Street and Bridge Street: 19 permit parking spaces on the west side of the street and no public parking spaces on the east side of the street.
[Amended 8-4-2008 by Ord. No. 2-2008]
- (2) Moving in a west to east direction, the following streets shall have the following types of public parking spaces:

- (a) Lombard Street between Second Street and Main Street: permit parking spaces on both the north and south sides of the street.
- (b) Maple Street between Second Street and Main Street: eight permit parking spaces and seven two-hour parking spaces on the south side of the street and no public parking spaces on the north side of the street.
- (c) State Street between Second Street and Main Street: no public parking spaces on the south side of the street and three permit parking spaces, one residential parking space and four permit parking spaces on the north side of the street.
- (d) Poplar Street between Second Street and Main Street: four permit parking spaces on the south side of the street and no public parking spaces on the north side of the street.
- (e) Pine Street between Second Street and Main Street: three permit parking spaces and five two-hour parking spaces on the south side of the street and no public parking spaces on the north side of the street.
- (f) Bridge Street between Second Street and Main Street: four two-hour parking spaces on the south side of the street and five two-hour parking spaces, two permit parking spaces and two resident parking spaces on the north side of the street.
- (g) Washington Street between Second Street and Main Street: two-hour parking spaces on both the south and north sides of the street.
- (h) Elizabeth Street between Second Street and Main Street: six resident parking spaces, three permit parking spaces and three two-hour parking spaces on the south side of the street and no public parking on the north side of the street.
- (i) State Street between Main Street and Merrill Parkway: four two-hour parking spaces and four permit parking spaces on the south side of the street and no public parking spaces on the north side of the street.
[Amended 8-4-2008 by Ord. No. 2-2008]
- (j) Park Street between Main Street and Merrill Parkway: two-hour parking spaces on both the south side of the street and the north side of the street.
[Amended 8-4-2008 by Ord. No. 2-2008]
- (k) Court Street between Main Street and Merrill Parkway: two-hour parking spaces on both the south side and north side of the street.
[Amended 8-4-2008 by Ord. No. 2-2008]
- (l) Pine Street between Main Street and Merrill Parkway: two-hour parking spaces on both the south side and north side of the street.
[Amended 8-4-2008 by Ord. No. 2-2008]
- (m) Bridge Street between Main Street and Merrill Parkway: two hour parking spaces on the south side of the street and no public parking spaces on the north side of the street.
[Amended 8-4-2008 by Ord. No. 2-2008]

- (n) Washington Street between Main Street and Merrill Parkway: two-hour parking spaces on both the north side and south side of the street.
[Amended 8-4-2008 by Ord. No. 2-2008]
 - (o) Elizabeth Street between Main Street and Merrill Parkway: no public parking spaces on the north side of the street and two-hour parking spaces on the south side of the streets.
[Amended 8-4-2008 by Ord. No. 2-2008]
- B. Within the commercial parking zone, except on Second Street between Maple Street and Elizabeth Street, all parking spaces shall be free parking spaces unless designated as two-hour or permit parking spaces.
 - C. On Second Street between Maple Street and Elizabeth Street, all parking spaces shall be Second Street resident parking spaces unless designated as pet parking spaces.

§ 305-72. Parking space requirements.

- A. All parking spaces shall be plainly designated as such by lines or markings placed upon curbs, curblines, sidewalks, streets or municipal public parking surfaces.
 - B. Parking spaces shall be parallel to the curb or curblines except where placed along the northern side of Court Street and the northern and southern sides of Park Street where the parking spaces shall be diagonal to the curb or curblines at an angle of 45° to the curb or curblines, except that in municipal public parking areas, parking spaces may be parallel, diagonal or perpendicular to the curb, curblines or car stop.
[Amended 9-13-2010 by Ord. No. 2010-4]
 - C. Whenever there is a perpendicular, diagonal or parallel space, the parking space shall be no less than seven feet and no more than nine feet in width and no less than 19 feet and no more than 22 feet in length.
[Amended 9-3-1996 by Ord. No. 6-1996^[1]]
- [1] *Editor's Note: This ordinance also provided for the repeal of former Subsection D, which immediately followed this subsection, which dealt with parallel parking spaces.*

§ 305-73. On-site identification of parking spaces.

- A. On the streets identified in § 305-71 of this Article IX, on each side of the street on its curb, tree lawn or sidewalk, there shall be at least one sign which identifies the public parking spaces located along that side of the street.
- B. There shall be a sign in each municipal parking lot which identifies the public parking spaces located within said lot.
- C. Within the municipal parking lot located behind the Citizen and Northern Bank building which is located at the intersection of Main Street and Bridge Street in the Borough, there shall be a sign located within 100 feet of any two-hour parking space, and said sign shall identify said parking space.

§ 305-74. Illegal parking.

[Amended 6-7-1999 by Ord. No. 4-1999]

- A. Three-hour free parking during any parking day. It shall be unlawful for the operator of any vehicle and/or his or her agent in any one parking day to park that vehicle and/or another vehicle in one or more three-hour parking spaces for an accumulated total time in excess of three hours or more.
- B. Permit parking. During a parking day, it shall be unlawful for the operator of a vehicle to park the vehicle in a permit parking space unless, in regard to that space, the operator is a permit holder or permit holder invitee.
- C. Second street residence parking. During a parking day, it shall be unlawful for the operator of a vehicle to park the vehicle in a Second Street resident parking space unless the operator is a Second Street resident or Second Street resident invitee.
- D. Use of a non-parking space. During a parking day, it shall be illegal for the operator of a vehicle to park the vehicle on any street or municipal public parking lot within the commercial parking zone except in designated parking spaces.
- E. All-night parking. It shall be illegal for the operator of a vehicle to park said vehicle on any street located within the commercial parking zone at any time between the hours of 2:00 a.m. and 6:00 a.m.:
[Amended 8-4-2008 by Ord. No. 3-2008]
 - (1) During any Monday or Friday;
 - (2) Whenever there is a total accumulation of four or more inches of snow which is located within five feet of any part of the parked vehicle and which is located upon the street upon which the vehicle is parked.
- F. Parking outside the lines. It shall be illegal for the operator of a vehicle to park the vehicle in a parking space unless the vehicle is parked entirely within the lines of the parking space.
- G. Direction of entry.
 - (1) It shall be illegal for the operator of a vehicle to park the vehicle in a parallel parking space unless the vehicle enters the parking space from the direction of travel of the lane of street traffic located to the immediate left of the parking space.
 - (2) It shall be illegal for the operator of a vehicle to park the vehicle in a diagonal or perpendicular parking space unless the operator enters the parking space front-end of the vehicle first.
- H. Loading zones. Vehicles parked in any loading zone shall be parked fully within the loading zone. The loading zone shall only be used for loading and unloading. The vehicle shall not be in the loading zone in excess of 15 continuous minutes.
[Added 8-4-2008 by Ord. No. 4-2008]

§ 305-75. Violations and penalties for illegal parking.

- A. Any person who violates any subsection of § **305-74** commits a summary offense and, upon citation conviction, shall be sentenced to pay the costs of prosecution and a fine as follows: for any infraction of § **305-74A, B, C, D, E** or **G**, a fine of \$20 shall be assessed, and for every infraction of § **305-74F**, a fine of \$5 shall be assessed.
[Amended 6-7-1999 by Ord. No. 4-1999]
- B. If a person willfully fails to pay any part of any costs or fine imposed for a violation of this article, after hearing and conviction, the contemtor may be imprisoned for a period of time up to two days.

§ 305-76. Notice of fine in lieu of citation prosecution.

Before a person shall be cited for a violation of any section of this article, a notice shall be placed on the vehicle at issue which shall indicate the date and time of the violation, the date and time of the notice, the section of this article violated, the street and license number of the vehicle at issue, the fine due upon citation conviction and the fine due if the violator exercises his or her rights under § **305-77** of this article.

§ 305-77. Payment of fine.

Any person who violates any section of this article shall not be subject to a citation prosecution if, within 48 hours of the date and time of the violation as noted on the notice mandated by § **305-76** of this article the violator deposits in a Borough Fine-o-meter a sum of money equal to 1/2 of the fine that would be due upon citation conviction. Payment of said money shall constitute full payment for the violation in lieu of citation prosecution.

§ 305-78. Placement of Fine-o-meter.

Fine-o-meters for receipt of payment of fines collectible under this article shall be located on Main Street in the Borough.

§ 305-79. Enforcement.

Any member of the Borough Police Department and any person appointed by the Borough Council as a parking space enforcement officer may enforce this article.

§ 305-80. Report to Mayor.

Whenever a police officer or parking space enforcement officer executes a notice or citation pursuant to § **305-76** of this article, the police officer or parking space enforcement officer, as the case may be, shall immediately report the violation to the Borough Mayor by use of a consecutively numbered traffic violation ticket which shall indicate the date and time of the violation and the section of this article violated.^[1]

[1]

Editor's Note: Original Section 68-15, Forgiveness, as amended 5-7-2007 by Ord. No. 3-2007, which followed this section, was repealed 4-4-2011 by Ord. No. 2011-1.

§ 305-81. Burden of proof regarding invitees.

- A. Any person cited for violating § **305-74D** of this article, at hearing, shall have the burden of demonstrating by a preponderance of evidence that at the time of the alleged violation in regard to the parking space at issue that person was a permit parking invitee.
- B. Any person cited for violating § **305-74E** of this article, at hearing, shall have the burden of demonstrating by a preponderance of evidence that at the time of the alleged violation that person was a Second Street resident invitee.

§ 305-82. Procedure for acquisition of parking space permit.

- A. An application for a permit parking space shall be made in writing with the Borough Secretary or the Secretary's designee. Application shall be accepted on a first-come basis. An applicant may apply for any permit parking space not already subject to an active permit; however, the holder of a permit shall have the absolute right to renew a permit so long as the renewal application is presented to the Borough Secretary or the Secretary's designee during the last 90 days that the current permit remains in force and effect.
- B. A permit shall be valid for a calendar year. A permit fee shall be paid by a permit applicant at the time the permit application is filed with the Borough Secretary or the Secretary's designee. The application fee shall be \$60, except the fee shall be \$120 in regard to the following permit parking spaces.

§ 305-83. Stickers and cards.

- A. Upon issuance of a parking space permit, the permit space holder shall be given a sticker as well as a card by the Borough Secretary or the Secretary's designee which identifies the permit parking space that is subject to the same holder's permit.
- B. A Second Street resident, upon request, shall be given one or more Second Street resident stickers and cards.

§ 305-84. Transfer or sale of permits prohibited.

[Added 9-3-1996 by Ord. No. 6-1996]

No person or legal entity who acquires a permit to a permit parking space shall convey, transfer, assign or sell the permit and the intended transaction shall have no force and effect.

§ 305-85. Prohibited parking; violations and penalties.

[Added 9-3-1996 by Ord. No. 6-1996]

- A. It shall be unlawful for any owner or operator of any motor vehicle or other vehicle to park such vehicle at any time in areas clearly marked by no-parking signs, as designated from time to time by the Borough Council. Said no-parking areas shall be defined by the placing of no-parking signs immediately adjacent to the no-parking area. In addition thereto, the Borough Council may define no parking areas by painting "No Parking" on the road surface or sidewalk.
- B. Any person who violates this section commits a summary offense and upon conviction shall be sentenced to pay the costs of conviction and a fine of \$10. If within 48 hours following the placement by way of § **305-83** of an appropriate notice on a vehicle parked in violation of this section the violator exercises his rights under §§ **305-51** and **305-52** by payment of the sum of \$2, the violator shall not be subject to citation prosecution.

§ 305-86. Amendment procedure.

This Article **IX**, in regard to the number, type and location of public parking spaces within the commercial parking zone, may be amended by resolution of the Council of the Borough.