

ORDINANCE NO. 2021 -

**AN ORDINANCE OF THE BOROUGH OF JIM THORPE
AMENDING CHAPTER 420 OF THE JIM THORPE BOROUGH
CODE CREATING PERMIT PARKING IN THE BOROUGH OF
JIM THORPE.**

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Jim Thorpe, that Chapter 420 of the Jim Thorpe Borough Code, hereinafter be amended by adding the following:

Section 420-45. Purpose. The Borough of Jim Thorpe finds that certain residential areas in the Borough are subjected to parking by non-residents on certain streets in the Borough of Jim Thorpe. The Borough Council further deems that it is in the best interest of the residents of the Borough to provide for the establishment of a residential parking program to assure primary access to available parking spaces by neighborhood residents.

Section 420-46. Definitions.

RESIDENT - a person who owns or leases real property within a residential area and who maintains either a voting residence, or bona fide occupancy, or both, at that address. A resident shall also include an adult individual who permanently resides within a residential area and maintains a voting residence, or bona fide occupancy, or both at that address.

Section 420-47. Designation of residential permit parking areas. Residential permit parking areas are hereby designated on: (1) West Broadway in the Borough of Jim Thorpe, from 5 West Broadway to 415 West Broadway inclusive, and (2) all of High Street.

Section 420-48. Parking in designated permanent parking areas.

Parking in designated residential permit parking areas shall be in accordance with the following:

- A. Vehicles with a residential parking permit may park at any time in a designated residential permit parking area.

- B. Vehicles without a parking permit may not park in the designated residential permit parking area at any time. Any vehicle without a permit shall be subject to a citation or ticket, and an additional citation(s) or ticket(s) if the vehicle remains parked illegally for each 8 hours after the first ticket is issued.
- C. Signs shall be erected along this street in the designated residential permit parking area indicating the area as a permit parking area.

Section 420-49. Application for permit. The person desiring a permit shall submit an application to the Borough Manager or his/her designee. This person must be an owner of or authorized by the owner of a motor vehicle as the driver and must reside on one of the following streets: A) Broadway, B) West Broadway, C) High Street, D) Race Street, E) Hill Road, F) Quarry Street. A separate Application shall be required for each residential unit within the Parking Permit District, and each application shall be accompanied by a permit fee, in an amount as established by resolution of the Borough Council, to be applied to the cost of administering the residential Permit Parking Program.

Each resident, as defined by this Ordinance, who owns or leases a registered vehicle shall be entitled to a parking permit for that vehicle. A resident shall not be entitled to a separate permit for each car that individual resident may own. Each application must contain the following information:

- A. The name of the resident.
- B. The address of the resident.
- C. The driver number as taken from the resident/applicant's current driver's license.
- D. Proof of residency which may include a Borough utility bill, current lease, or real estate tax bill.
- E. Proof of authorization (if applicable).

Section 420-50. Issuance of permit. Upon receipt of the application and the permit fee, and determination by the Borough Manager or his/her designee that the information upon the application shows that the applicant is entitled to one residential parking permit, the Borough Manager or his/her designee shall issue to the applicant the residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the residential parking number and the expiration date. The permit shall be renewable each year before the end of the calendar year and upon making application for renewal and payment of the permit fee. It shall be unlawful and a violation of this section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.

Section 420-51. Responsibility of permit owner:

- A. Notwithstanding any provision of this section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed on the rear windshield (left driver's side) of any vehicle; or on the right front fork of a motorized two wheel or three-wheel vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.
- B. A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing, or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.
- C. No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated; any such use or display by a person other than the permit holder shall constitute a violation of this section by the permit holder and by the person who so used or displayed the parking permit.

- D. It shall constitute a violation of this section for any person "(i) to falsely represent himself as eligible for a residential parking permit, or (ii) to furnish false information in an application to the Borough Manager in order to obtain a residential parking permit, or (iii) to sell or lease a parking permit.

Section 420-52. Revocation of permits. The Borough Manager or his/her designee shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this section. Upon written notification to him of the revocation, the permit holder shall surrender the permit to the Borough Manager or his/her designee. Failure to do so, when so requested, shall constitute a violation of this section. **Provided:** any person receiving such a notice may, within ten (10) days after the date of the notice, appeal to the Borough Council of the Borough of Jim Thorpe for a hearing on the revocation, and the decision of Borough Council shall be final.

Section 420-53. Guest passes.

Borough Manager and/or his/her designee shall have the authority to issue temporary parking permits to persons who are visiting residents within the designated residential parking areas. Such parking permits shall be valid for no more than 24 hours from time of issuance. Application for such a guest permit shall be made prior to the guest parking in the residential permit parking areas.

Section 420-54. Owner passes.

If an owner of a real property in the residential parking area designated above does not reside at the real property and does not lease or rent the real property to others, then said real property owners shall be eligible to apply for a parking permit provided the real property is used for residential

purposes, not commercial purposes. Such person may make application for a permit on forms provided by the Borough. Each such application shall contain the following information:

1. Name of the Applicant.
2. Address of the Applicant.
3. The address of the property owned by the Applicant within the residential parking District and certification by the Applicant that the property is not used for commercial purposes.
4. The Driver License Number as taken from the Applicant's current Driver's License.
5. Proof of Ownership of the real property which may include a real estate tax bill or a copy of the deed.

A person who applies for and receives an owner's parking permit under this Section must comply with all other Sections of this Ordinance as a permit holder.

Section 420-55. Other Parking Regulations.

Nothing in this Ordinance shall entitle a person to park in violation of any other state law or Borough Ordinance.

Section 420-56. Penalties.

1. It shall be the duty of the police officers and of parking enforcement personnel of the Borough of Jim Thorpe to report the date and hour of the violation, the license number of the vehicle, and any other factors, the knowledge of which is necessary for thorough understanding of the circumstances attending the violation.
2. 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 is parked in violation of

this Ordinance instructing the owner or driver that he shall pay, for the use of the Borough: The sum of Fifty (\$50.00) Dollars within forty-eight (48) hours after the time of the notice, the sum of Sixty (\$60.00) Dollars when such payment is made more than forty-eight (48) hours, but not more than five (5) days after the time of the notice, or the sum of Seventy-Five (\$75.00) Dollars when such payment is made more than five (5) days, but less than ten (10) days after the time of the notice enclosed with the envelope provided, at the Borough Police Department or any of the special parking fine boxes located within the Borough within the time limit. Payment will save the violator from prosecution and payment of the fee prescribed below.

3. Any person who violates this Ordinance and who fails to pay the fine set forth in this Ordinance above shall be cited after ten (10) days but within thirty (30) days of the violation and upon conviction be sentenced to pay a fine of not more than One Hundred Fifty (\$150.00) plus costs.

This Ordinance shall take effect on January 2, 2022.

In all other respects Chapter 420 of the Jim Thorpe Borough Code shall remain the same.

Duly enacted and ordained at a meeting of Jim Thorpe Borough Council held on the _____ day of September 2021 in lawful session duly assembled.

BOROUGH OF JIM THORPE

BY: _____
GREGORY STRUBINGER, PRESIDENT

ATTEST:

JOANNE KLITSCH, ASSISTANT SECRETARY

EXAMINED AND APPROVED this day of September 2021.

MICHAEL SOFRANKO, MAYOR