

BOROUGH OF EPHRATA
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 1586

AN ORDINANCE TO REPEAL AND REPLACE ARTICLE V, ON-STREET METERED PARKING, OF CHAPTER 305, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF EPHRATA, LANCASTER COUNTY, AND TO AMEND OTHER PROVISIONS OF CHAPTER 305 RELATING TO VIOLATIONS AND PENALTIES

WHEREAS, Section 1202 of the Borough Code, 8 Pa.C.S. § 1202, authorizes Borough Council to regulate the streets of the Borough; and

WHEREAS, the Borough Council of the Borough of Ephrata deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend certain provisions of Chapter 305 of the Code of the Borough of Ephrata relating to on-street metered and unmetered parking in the Borough, as set forth herein in more detail.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Council of the Borough of Ephrata, Lancaster County, Pennsylvania as follows:

SECTION 1. Recitals. The above recitals are incorporated herein.

SECTION 2. Adopted Ordinance. In accordance with the Borough Code, 8 Pa.C.S. § 101, *et seq.*, as amended, the Borough Council of the Borough of Ephrata hereby amends the existing Article IV entitled "Parking Regulations" of Chapter 305 entitled "Vehicles and Traffic" by adding and ~~removing~~ text as follows:

§ 305-33.2 Unauthorized use of parking places reserved for electric vehicles.

...

D. Any person found guilty of violating the provisions of this § 305-33.2 shall be fined as set forth in the Borough Fee Schedule ~~provided for in § 305-52 of this chapter.~~

§ 305-34. Violations and penalties.

Any person violating any of the provisions of this Article IV shall, upon conviction, be sentenced to pay a fine as set forth in the Borough Fee Schedule ~~of not more than \$15 and costs of prosecution.~~

SECTION 3. Adopted Ordinance. In accordance with the Borough Code, 8 Pa.C.S. § 101, *et seq.*, as amended, the Borough Council of the Borough of Ephrata hereby repeals the existing Article V entitled "On-Street Metered Parking" of Chapter 305 entitled "Vehicles and Traffic" in its entirety, and adopts in its place the following text:

Chapter 305

Article V

ON-STREET AND OFF-STREET PAID PARKING

§ 305-35 Paid Parking Zones Established.

Paid parking zones are established in the Borough upon and along certain streets and within off-street parking areas, as follows:

Street	Side	Between	Times
Main Street	South	Arch Street and Lake Street	2 hour
Main Street	North	Parkway Avenue and Lake Street	2 hour
State Street	West	Main Street to Locust Street	2 hour
Railroad Parking lot (16 East Main Street)			2 hour
Locust Street Parking Lot	n/a		Weekdays 8:00 AM to 5:00 PM (except the week of the Ephrata Fair)

§ 305-36 Parked Vehicle Regulations.

1. Lines and/or markings shall be painted or placed upon the curb, sidewalk, or roadway for the purpose of delineating each paid parking space. Every vehicle parked within a paid parking zone shall be parked wholly within the lines or markings so placed. It shall be unlawful and a violation of this Article for any person to park a vehicle across any such line or marking or to park a vehicle in such a position that the vehicle is not wholly within the area designated by those lines or markings.
2. All vehicles parked in a paid parking space within a parking lot must be parked straight in. Back in parking is prohibited in these lots.

§ 305-37 Rates and Operational Times of Paid Parking.

The paid parking rates for specified lengths of time for each paid parking zone shall be set forth in the Borough's Fee Schedule, which may be amended from time to time by resolution of Borough Council. Paid parking shall be in effect at all times and days between the hours of 8:00 a.m. and 6:00 p.m., except Sundays and holidays, and except from the Friday following Thanksgiving until the next January 2nd or January 3rd if January 2nd is a Sunday. These paid parking operating times may be temporarily changed by resolution of Borough Council.

§ 305-38 Approved Payment Methods.

1. When used in accordance with the provisions of this Article, the following are the approved methods of payment for use of any paid parking space while paid parking is in effect:

- A. Purchase of parking time using a telecommunications device (phone, computer, mobile device, etc.) through a payment software application ("Application") administered by a third-party vendor approved by the Borough; or
- B. Use of an annual Parking Permit issued by the Borough to the driver of the parking vehicle; or
- C. Use of a properly completed Parking Voucher issued by the Borough for parking facilities specified in this chapter as available for use with parking permits; or
- D. Payment at a parking kiosk, if one covers the paid parking space being occupied.

2. Payment App.

- A. From time to time, the Borough may enter into agreements with one or more third-party vendors approving and authorizing the use of that vendor's Application to pay for paid parking. Only Applications so approved may be used to pay for parking in a paid parking space.
- B. Upon proper registration with the approved third-party vendor, any driver or operator of a vehicle may pay for the use of any paid parking space through such vendor's Application. Drivers not registered with the approved third-party vendor shall not use this payment method.
- C. For drivers registered to make payment through an Application approved in accordance with this Section, additional fees and charges, such as processing and other similar fees, may be assessed by the third-party vendor to the driver for use of this Application. These fees and charges are in addition to the parking rates established by the Borough Council for use of the paid parking spaces, are not part of such parking rates, and are set, collected, and kept by the third-party vendor for use of its Application. By electing to pay for parking through an Application, the driver accepts and consents to the payment of such additional charges.
- D. Any drivers using an Application to pay for use of a paid parking space shall comply with the rules and regulations of the third-party vendor covering the use of its Application, as well as all of the applicable provisions of this Article.
- E. Drivers can only use an Application to pay up to the maximum parking time for the paid parking space being used and cannot park their vehicle in such space beyond the maximum parking time for this space, even if allowed to do so by the Application.

3. Monthly Parking Permit.

- A. The Borough Manager is hereby authorized, at his or her discretion, to establish a program for the issuance of monthly Parking Permits for the Locust Street Parking Lot in accordance with the provisions of this Article. The fees shall be made a part of the Borough's Fee Resolution and may be amended from time to time by resolution of Borough Council. Borough Council may amend, revise, or terminate

a monthly Parking Permit program established by the Borough Manager under this Subsection from time to time by resolution.

- B. Monthly Parking Permits shall only be issued to Borough residents and the owners, operators, and employees of existing businesses, institutions, and any other similar commercial/ nonresidential entities physically located within the Borough. The Borough may limit the number of monthly Permits in circulation, and a person who is eligible for a Permit under this Article has no right to or guarantee of actually obtaining one. Monthly Parking Permits shall not be issued for any paid parking zone other than the Locust Street Parking Lot.
 - C. Any individual or entity interested in acquiring or renewing a monthly Parking Permit shall submit an annual written application for such, on forms prepared and issued by the Borough for these purposes, along with the required fee. Every submitted application shall be reviewed by the Borough for completeness and compliance with the provisions of this Article. Incomplete and/or noncompliant applications shall be rejected and returned, with the fee, to the applicant. The cost of a Permit will be prorated based upon the day the Permit is purchased in any given month.
 - D. All of the information provided within an application for a monthly Parking Permit shall be truthful and complete to the best of the applicant's knowledge. The Borough shall have the authority to revoke and demand the return of any monthly Parking Permit when it is discovered that the application for such Permit was not truthful or complete, and the fee for a revoked Permit shall not be refunded.
 - E. A monthly Parking Permit holder shall be solely responsible for the Permit issued to him/her/it, and upon such Permit being lost, mislaid, or stolen, the holder shall report such event and the number of such Permit to the Borough. Lost, mislaid, or stolen Permits shall not be reissued or replaced, but if a Permit reported to be lost, mislaid, or stolen is subsequently found or retrieved, such Permit shall remain valid and effective for the remainder of the month for which it was originally issued. Moreover, nothing herein contained shall be construed to prevent any applicant from applying for a new monthly Parking Permit provided the required fee is paid and there is compliance with all other provisions of this Article. The issuance of such a replacement Permit is not guaranteed.
4. Parking Kiosk.
- A. From time to time, the Borough may install or have installed parking kiosks covering certain areas of paid parking which may be used to pay for parking in a paid parking space within these areas.
 - B. Upon approval, installation, and activation of such a kiosk, any driver of a vehicle may pay for the use of any paid parking space through such kiosk by following the directions posted on or about the kiosk concerning the use of the kiosk.
 - C. Additional fees and charges, such as processing and other similar fees, may be assessed by the third-party owner/operator of a kiosk to the driver of the parked

vehicle for use of the kiosk. These fees and charges are in addition to the parking rates established by the Borough Council for use of the paid parking spaces; are not part of such parking rates; and are set, collected, and kept by the third-party owner/operator for use of its kiosk. By electing to pay for parking through the kiosk, the driver accepts and consents to the payment of such additional charges, if any.

- D. Any drivers using a kiosk to pay for use of a paid parking space shall comply with the rules and regulations of the third-party owner/ operator covering the use of its kiosk, as well as all of the applicable provisions of this Article.
- E. Drivers can only use a parking kiosk to pay up to the maximum parking time for the paid parking space being used and cannot park their vehicle in such space beyond the maximum parking time for this space, even if allowed to do so by the kiosk.

§ 305-39 Tampering with kiosks.

It shall be unlawful and a violation of this Article for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking kiosk installed under the provisions of this Article, provided that nothing in this section shall apply to the servicing or opening of parking kiosks by officers, employees or police officers of the Borough of Ephrata under the direction of the Chief of Police or the Borough Council.

§ 305-40 Payment of Parking; Overtime Parking Unlawful.

Whenever a vehicle is to be parked in any paid parking space, at any time paid parking is in effect, upon entering the parking space, the driver of the vehicle shall immediately pay for such space through the use of the Application or the use of a parking kiosk. Upon the completion of one of these two actions, the parking space may be lawfully occupied by the vehicle for the time paid for, up to the maximum parking time for that particular space. If any vehicle shall remain in any such parking space longer than was paid for or longer than the maximum parking time for such space, that vehicle shall be considered as having been parked overtime which constitutes a violation of this Article.

§ 305-41 False Permits/Vouchers; Illegal Payments.

1. It shall be unlawful and constitute a violation of this Article for any person to:
 - A. Knowingly use a parking app or other type of program not approved or accepted by the Borough in an attempt to pay for a paid parking space.
 - B. Knowingly undertake any action to avoid properly paying for parking in a paid parking space.
 - C. Violate any provision of this Article, other than parking a vehicle overtime.

§ 305-42 Unlawful to Park Overtime.

It shall be unlawful, and a violation of this Article, for any person to permit a vehicle to remain in a paid parking space without paying for such space, beyond the time paid for such space, or beyond the maximum parking time for such space. Such vehicle shall be viewed as having been parked overtime and as such, is in violation of this Article. Each additional hour that such person

permits such vehicle to remain in a paid parking space after the allowed or paid-for time for parking has elapsed is hereby declared to be an additional violation.

§ 305-43 Requirement to Move Vehicle.

Once a vehicle has been parked in a paid parking space for the maximum parking time for such space, the vehicle must be immediately removed from that space and cannot reoccupy it for twenty-four (24) hours. Such vehicles not removed within twenty-four (24) hours from such a space may be towed by or at the direction of the Borough, at the vehicle owner's sole expense, including, but not limited to, towing, storage, and violation fees and penalties.

§ 305-44. Reporting of Violations.

1. 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 all violations of any provision of this Article, indicating in each case:
 - A. The section thereof violated.
 - B. The location where such violation took place, and if applicable, the number of each paid parking space where a vehicle occupying said space is, or has been, parked in violation of any provision of this Article.
 - C. The date and time of the violation.
 - D. The vehicle make and model.
 - E. The license number of the vehicle and the issuing state.
 - F. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
2. Every officer/personnel issuing a parking ticket for a violation of Section 305-42 of this Article shall place upon such vehicle in violation copy of such ticket to notify the owner or driver thereof that such vehicle was parked in violation of a provision of this Article. Such ticket shall indicate the date and time it was placed on the vehicle (Issuance Date).
3. Violations of Section 305-41 of this Article shall be enforced in accordance with the procedures set forth in the Pennsylvania Borough Code, Pennsylvania Motor Vehicle Code, and/or the Pennsylvania Crimes Code, where applicable.

§ 305-45 Penalties for Violations.

1. Parking Violations.
 - A. Any person who violates Section 305-42 of this Article concerning the parking of a vehicle overtime shall have fifteen (15) days from the Issuance Date of the parking ticket to pay the initial fine set forth in the Borough Fee Schedule.
 - B. Any person who receives a parking ticket for a violation of Section 305-42 of this Article and does not pay the initial fine set forth in the Borough Fee Schedule shall be subject to an additional fine equal to the amount of the initial fine such that the total amount due is twice the amount of the initial fine. Payment of either the

initial fine within 15 days or the initial fine plus the additional fine within 30 days shall save the violator from prosecution and from payment of the costs of prosecution.

- C. Any person who violates Section 305-42 of this Article concerning the parking of a vehicle overtime, and who fails to pay the initial fine set forth in the Borough Fee Schedule within fifteen (15) days from the Issuance Date and who also fails to pay the additional fine set forth in the Borough Fee Schedule within thirty (30) days of the Issuance Date, shall be cited for such violation and, upon conviction before the Magisterial District Judge or other court of competent jurisdiction and in accordance with the procedures set forth in the Pennsylvania Borough Code, be sentenced to pay a secondary fine established by the Fee Schedule plus the costs of prosecution, including, but not limited to, all court costs and reasonable attorney fees incurred by the Borough in enforcing the violation.
2. Non-Parking Violations. Any person who violates any provision of Section 305-41 of this Article shall, upon conviction before the Magisterial District Judge or other court of competent jurisdiction and in accordance with the procedures set forth in the Pennsylvania Borough Code, be sentenced to pay a fine of not more than \$1,000 plus the costs of prosecution, including, but not limited to, all court costs and reasonable attorney fees incurred by the Borough in enforcing the violation. Each day a violation continues shall constitute a separate offense, and each provision violated shall constitute a separate offense. In addition to and/or in place of the above, any violations of Section 305-41 may be subject to prosecution under the Pennsylvania Crimes Code.

§ 305-46 Exceptions.

1. By resolution, the Borough Council may temporarily suspend the provisions of this Article, in whole or in part.
2. By resolution, the Borough Council may temporarily establish no-parking or special-purpose parking zones within any paid parking zone with new or different regulations, requirements, and fees.

SECTION 4. Adopted Ordinance. In accordance with the Borough Code, 8 Pa.C.S. § 101, *et seq.*, as amended, the Borough Council of the Borough of Ephrata hereby amends the existing Article VI entitled "Off-Street Unmetered Parking" of Chapter 305 entitled "Vehicles and Traffic" by adding and ~~removing~~ text as follows:

§ 305-52. Violations and penalties.

- A. 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 they must pay the fine as set forth in the Borough Fee Schedule if he or she will report to the office of the Chief of Police and pay, for the use of the Borough, the sum of \$10 within five days after the time of the notice or will place the sum of \$10 enclosed within the envelope provided in any of the special parking fine boxes

~~installed at various locations within the Borough within that time limit 15 days and,~~
that act will save the violator from prosecution and from payment of the fine prescribed in Subsection B hereof.

SECTION 5. Adopted Ordinance. In accordance with the Borough Code, 8 Pa.C.S. § 101, *et seq.*, as amended, the Borough Council of the Borough of Ephrata hereby amends the existing Article VIII entitled “Snow and Ice Emergency” of Chapter 305 entitled “Vehicles and Traffic” by adding and removing text as follows:

- A. If, at any time during a period of snow emergency declared under § 305-63 of this Article, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Article and, upon conviction, shall be sentenced to pay a fine as set forth in the Borough Fee Schedule ~~of not more than \$15~~ and costs.

SECTION 6. Adopted Ordinance. In accordance with the Borough Code, 8 Pa.C.S. § 101, *et seq.*, as amended, the Borough Council of the Borough of Ephrata hereby repeals the existing § 305-106 of the Code of the Borough of Ephrata, which section contains Schedule XXIII: Parking Meter Zones. § 305-106 shall be replaced with [RESERVED].

SECTION 7. Adopted Ordinance. In accordance with the Borough Code, 8 Pa.C.S. § 101, *et seq.*, as amended, the Borough Council of the Borough of Ephrata hereby amends the existing § 305-107 of the Code of the Borough of Ephrata, Schedule XXIV: Unmetered Parking Lots, by repealing the ~~following~~ text:

Lot Location	Maximum Parking Time (hours)	Days; Hours
Railroad Lot	2	Monday through Saturday 9:00 a.m. to 6:00 p.m.

SECTION 8. Repealer. All prior ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent they are inconsistent with this Ordinance. Except as expressly amended, nothing herein shall be deemed to affect or alter any other provision of the Ephrata Code.

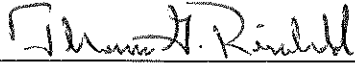
SECTION 9. Savings Clause. In all other respects, the Borough Ordinances shall remain as previously enacted and ordained.

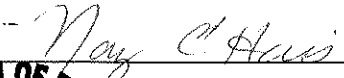
SECTION 10. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be illegal or invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion or provision shall be severable and shall not affect or impair any remaining portion of this Ordinance and Chapter, which shall remain in full force and effect.

SECTION 11. Effective Date. This Ordinance shall be effective immediately.

DULY ENACTED AND ORDAINED this 9th day of September, 2024 by the Council of the Borough of Ephrata, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF EPHRATA
Lancaster County, Pennsylvania

By: 
Thomas G. Reinhold, President

Attest: 
Nancy C. Harris, PE, Secretary



Approved by me this 9th day of September, 2024.

By: 
Ralph E. Mowen, Mayor