

**QUAKERTOWN BOROUGH**  
**Bucks County, Pennsylvania**

**ORDINANCE #1244**

**AN ORDINANCE OF QUAKERTOWN BOROUGH, BUCKS COUNTY, PENNSYLVANIA, AMENDING PART 5 OF CHAPTER 15 OF THE QUAKERTOWN BOROUGH CODE AMENDING PAID PARKING REGULATIONS.**

**WHEREAS**, Quakertown Borough Council, under and pursuant to the Borough Charter, the Pennsylvania Borough Code, and the Pennsylvania Motor Vehicle Code, has the power to establish and regulate paid on-street parking; and

**WHEREAS**, said Borough Council deems it necessary and advantageous to adopt the within Ordinance as an exercise of these powers.

**NOW THEREFORE IT IS HEREBY ORDAINED**, by the Quakertown Borough Council as follows:

**ARTICLE I     METERED PARKING**

Part 5, On-Street Metered Parking, of Chapter 15, Motor Vehicles and Traffic, of the Quakertown Borough Code shall be amended to read as follows:

**Part 5   ON-STREET AND OFF-STREET PAID PARKING**

**§501   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:

| <b>Street</b>     | <b>Side</b> | <b>Between</b>   |
|-------------------|-------------|--|
| Branch Street     | South       | Third Street and Front Street  |
| East Broad Street | South       | Belmont Avenue and Hellertown Avenue   |
| West Broad Street | North       | Third Street and Front Street  |
| West Broad Street | South       | Fifth Street and Front Street  |
| West Broad Street | South       | Third Street and a point 128 feet west of Fourth Street                          |
| Fifth Street      | West        | A point 20 feet south of Apple Street and a point 120 feet south of Annie Street |

|                                  |               |   |
|----------------------------------|---------------|---|
| South Hellertown Avenue          | East          | East Broad Street and a point 121 feet to the south |
| South Hellertown Avenue          | West          | East Broad Street and a point 105 feet to the south |
| Third Street                     | East and West | West Broad Street and Apple Street                  |
| Freight Station Parking Lot      |               | From Train Station Parking Lot to south line border |
| Triangle Lot                     |               | Two hour parking                                    |
| Pool Lot                         |               | During Special Events                               |
| Stadium Lot                      |               | During Special Events                               |
| Skating Pond Lot                 |               | During Special Events                               |
| Electric Lot                     |               | During Special Events                               |
| 4 <sup>th</sup> Street Stone Lot |               | During Special Events                               |
| Senior Center Lot                |               | During Special Events                               |
| Borough Hall South Lot           |               | During Special Events                               |
| Borough Hall North Lot           |               | During Special Events                               |
| Cleveland Steel Lot              |               | During Special Events                               |
| Car Show Lot                     |               | During Special events                               |

**§502. 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 Part 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.

**§503. 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 6:00 a.m. and 6:00 p.m., except Sundays and holidays, and except from the Friday following Thanksgiving until the next January 2<sup>nd</sup> or January 3<sup>rd</sup> if January 2<sup>nd</sup> is a Sunday. These paid parking operating times may be temporarily changed by resolution of Borough Council.

§504. **Approved Payment Methods.**

1. When used in accordance with the provisions of this Part, 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; 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. All approved vendors shall be approved, authorized, and identified by separate resolution of Borough Council.
  - 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 Part.
  - 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. Annual Parking Permit.
- A. The Borough Manager is hereby authorized, at his or her discretion, to establish a program for the issuance of annual Parking Permits in accordance with the provisions of this Part. Two types of Parking Permits shall be issued under such a program, Residential and Merchant. The initial fees for these Permits shall be \$150.00 (\$50.00 for seniors - 62 years or older) for a Residential Permit and \$75.00 for a Merchant Permit. These 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 an annual Parking Permit program established by the Borough Manager under this Subsection from time to time by resolution.
  - B. Annual Parking Permits shall only be issued to Borough residents (Residential Permits) and the owners, operators, and employees of existing businesses, institutions, and any other similar commercial/nonresidential entities physically located within the Borough (Merchant Permits). The Borough may limit the number of annual Permits in circulation, and a person who is eligible for a Permit under this Part has no right to or guarantee of actually obtaining one.
  - C. Any individual or entity interested in acquiring or renewing an annual Parking Permit shall submit a 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 Part. Incomplete and/or noncompliant applications shall be rejected and returned, with the fee, to the applicant. All outstanding parking fees and fines attributable to the applicant, his/her immediate family, or his/her commercial/nonresidential entity must be paid prior to the issuance of an annual Parking Permit to such applicant. Issued Permits shall be valid only for the calendar year in which they are issued, and the cost of a Permit will be prorated based upon the day the Permit is purchased in any given calendar year.

- D. All of the information provided within an application for an annual 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 annual 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. Moreover, any person or entity found to have violated this subsection shall be banned for three (3) years from applying for, receiving, or using an annual Parking Permit.
- E. An annual 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 calendar year for which it was originally issued. Moreover, nothing herein contained shall be construed to prevent any applicant from applying for a new annual Parking Permit provided the required fee is paid and there is compliance with all other provisions of this Part. The issuance of such a replacement Permit is not guaranteed as stated in Subsection 3.8 above.
- F. Residential Permits shall be issued to a single individual but may be used by any member of that individual's immediate family. A Residential Permit can only be used to cover the paid parking of a single vehicle at any one time. Residential Permits are transferable but not refundable.
- G. Merchant Permits shall be issued to a single commercial/nonresidential entity solely for the use by the owners and/or employees of said entity. A Merchant Permit is issued to the entity and may be used by any and all owners and employees of said entity at any time, but a Permit can only be used to cover the paid parking of a single vehicle at any one time. Merchant Permits are neither transferable nor refundable.
- H. The issuance or possession of an annual Parking Permit shall not reserve for the holder thereof any particular paid parking space nor guarantee that paid parking spaces will be unoccupied and available when the holder wishes to park.
- I. Parking Permit holders can only use a Permit 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.

4. Parking Vouchers.

- A. The Borough Manager is hereby authorized, at his or her discretion, to establish a program for the sale and use of Parking Vouchers. The initial fee for these Vouchers shall be \$0.50 per Voucher, which will only be sold in sheets of ten (10) vouchers. These 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 Parking Voucher program established by the Borough Manager under this Subsection from time to time by resolution.
- B. Original Parking Vouchers shall only be created by the Borough. The Borough shall only sell Vouchers directly to any Quakertown business, institution, or other similar commercial/non-residential enterprise physically located within the Borough ("**Voucher Buyer**"). Until it is filled-out, a Parking Voucher has no expiration date.
- C. To use a Parking Voucher, a Voucher Buyer or its employee/agent must fill the Voucher out, in ink, truthfully, completely, and legibly and then issue the filled-out Voucher to a customer. The customer shall place the filled-out Voucher upright within the parked vehicle on the dashboard where it is visible and readable from the outside the vehicle or may place it under the vehicle's windshield wiper. A Parking Voucher can only be used for one (1) parking event at one (1) parking space on one (1) vehicle. Partially used Vouchers cannot be reused or transferred to another vehicle or to another paid parking space. Filled out, but unused Vouchers cannot be used at a later date or time.
- D. A Parking Voucher can only be used to pay up to the Voucher's maximum parking time for the paid parking space being used, and a driver using a Voucher cannot park his/her vehicle in such space beyond the Voucher's maximum parking time for this space.

5. 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 Part.
- 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.

**§505. 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, the use of a parking kiosk (if available), the hanging of his/her annual Parking Permit on the rearview mirror, or the placement of a completed Parking Voucher upon the driver's side of the vehicle's dashboard or under the driver's side wiper. Upon the completion of one of these three 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 Part.

**§506. False Permits/Vouchers; Illegal Payments.**

- 1. It shall be unlawful and constitute a violation of this Part 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 use a fake, counterfeit, altered, invalid, expired, or otherwise improper Parking Permit or Voucher to pay for a paid parking space.
- C. Knowingly allow an unapproved person to use one's Parking Permit.
- D. Transfer a partially used Parking Voucher to a new vehicle or a different paid parking space.
- E. Sell at a marked up price or with additional fees, an unused Parking Voucher.
- F. Create, sell, or otherwise provide or produce a fake, counterfeit, altered, invalid, expired, or otherwise improper Parking Permit or Voucher.
- G. Provide or furnish false or incomplete information in an application to the Borough for an annual Parking Permit.
- H. Provide or furnish false or incomplete information when filling out and using a Parking Voucher to pay for a paid parking space.
- I. Knowingly undertake any action to avoid properly paying for parking in a paid parking space.
- J. Violate any provision of this Part, other than parking a vehicle overtime.

**§507. Unlawful to Park Overtime.**

It shall be unlawful, and a violation of this Part, 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 Part. 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.

**§508. 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.



**§509. 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 Part, 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 Part.
  - 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 15-507 of this Part 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 Part. Such ticket shall indicate the date and time it was placed on the vehicle (Issuance Date).
3. Violations of Section 15-506 of this Part 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.

**§510. Penalties for Violations.**

1. Parking Violations.
  - A. Any person who violates Section 15-507 of this Part concerning the parking of a vehicle overtime shall have thirty (30) 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 violates Section 15-507 of this Part concerning the parking of a vehicle overtime, and who fails to pay the initial 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 Township in enforcing the violation.

2. Non-Parking Violations. Any person who violates any provision of Section 15-506 of this Part 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 Township 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 15-506 may be subject to prosecution under the Pennsylvania Crimes Code.
3. Any person or entity convicted of violating any provision of this Part, other than parking a vehicle overtime, shall be banned for three (3) years from applying for, receiving, or using an annual Parking Permit, and any currently issued Permit shall be immediately revoked and returned to the Borough, without the refunding of any fee for such revoked Permit.
4. Any Voucher Buyer convicted of violating any provision of this Part concerning the purchase, use, or distribution of Parking Vouchers shall be banned for three (3) years from purchasing, using, or distributing Vouchers.

**§511. Exceptions.**

1. By resolution, the Borough Council may temporarily suspend the provisions of this Part, 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. The provisions of this Part shall not apply in those areas where no parking or special-purpose parking is in effect.

**ARTICLE II     REPEALER**

All Borough ordinances or parts of ordinances which are inconsistent herewith are hereby repealed but only to the extent of such conflict.

**ARTICLE III    SEVERABILITY**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid by any court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

**ARTICLE IV    EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after enactment.