

**BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 564

AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 525 TO INCREASE THE FINES FOR PARKING METER VIOLATIONS; RATIFYING THE CURRENT FINES AND PENALTIES FOR ADDITIONAL PARKING VIOLATIONS AND INCREASING THE FINES AND PENALTIES FOR SAID ADDITIONAL PARKING VIOLATIONS; REPEALING INCONSISTENT, PRIOR ORDINANCES AND/OR PORTIONS OF INCONSISTENT, PRIOR ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Borough Council is authorized to regulate traffic and parking in the Borough of California; and

WHEREAS, Borough Council has determined it to be in the best interest and public welfare of its citizens, visitors and invitees to regulate traffic and parking within the Borough of California; and

WHEREAS, on January 14, 1974, Borough Council adopted Ordinance No. 311, which regulated, comprehensively, all traffic and parking in the Borough; and

WHEREAS, Borough Council previously adopted Ordinance No. 525, which repealed prior Ordinance No. 448, Ordinance No. 451, Ordinance No. 453, and any other prior, inconsistent Borough ordinance(s), because Council determined it to be in the best interest and general welfare of the citizens, invitees and visitors of the Borough to revise the existing parking zones, parking meter rates, parking time limits, and fines and penalties for violations thereof; and

WHEREAS, on May 12, 2016, Borough Council adopted Ordinance No. 554, which amended Ordinance No. 525, to revise existing parking zones, parking meter rates, parking time limits, and, further, to include certain restricted parking zones within the Borough as Borough Council had determined it to be in the best interest and welfare of the citizens, invitees, and visitors of the Borough; and

WHEREAS, Ordinance No. 554 also renumbered certain Article Numbers of Ordinance No. 525; and

WHEREAS, on September 8, 2016, Borough Council adopted Ordinance No. 556, because Council determined it to be in the best interest and welfare of the citizens, invitees, and visitors of the Borough to amend Ordinance No. 554, and, again, amend Ordinance No. 525 to remove one of the restricted parking zones within the Borough that was created by the adoption of Ordinance No. 554; and

WHEREAS, Borough Council has determined it to be in the best interest and welfare of the citizens, invitees, and visitors of the Borough to amend Ordinance No. 525 to increase the fines and penalties for parking meter violations; and

WHEREAS, Borough Council has determined it to be in the best interest and welfare of the citizens, invitees, and visitors of the Borough to adopt this instant Ordinance to ratify the current fines and penalties for additional parking violations and to increase the fines and penalties for said additional parking violations.

NOW, THEREFORE, be it ORDAINED and ENACTED and it is hereby ORDAINED AND ENACTED by the Council of the Borough of California, Washington County, Pennsylvania, as follows:

SECTION 1. AMENDMENT TO ORDINANCE NO. 525, ARTICLE VII: FINES AND PENALTIES, TO INCREASE THE FINES AND PENALTIES FOR PARKING METER VIOLATIONS.

1. When adopted in 2011, Ordinance No. 525 contained Article VI: Fines and Penalties.
2. When adopted on May 12, 2016, Ordinance No. 554 renumbered certain articles in Ordinance No. 525; one of which was Article VI: Fines and Penalties, which became Article VII: Fines and Penalties.
3. Section No. 2 of Article VII: Fines of Penalties currently reads as follows:

(2) If the fine is paid within sixty (60) minutes from the time and date set forth upon a notice of violation by a duly authorized officer or employee of the Borough, the fine shall be two (\$2.00) dollars. If the fine is paid between sixty-one (61) minutes through one hundred twenty (120) minutes after the time of the notice, the fine will be three (\$3.00) dollars. If the fine is paid between one hundred twenty-one (121) minutes through the end of the first day after the date and time of the notice, the fine is seven (\$7.00) dollars. If the fine is paid between the second (2nd) day through the end of the fifth (5th) day after the date and time of the notice, the fine will be eleven (\$11.00) dollars. If the fine is paid between the sixth (6th) day through the end of the fifteen (15th) day after the date and time of the notice, the fine shall be fifteen (\$15.00) dollars. If a fine is not paid on or before the fifteenth (15th) day after the date and time of the notice, then the fine shall be fifteen (\$15.00) dollars and the proper officers of the Borough shall file a citation with the appropriate District Justice or other judicial entity, requesting the fifteen (\$15.00) dollar fine plus court costs; but even if the fine is paid in full before a final adjudication, the responsible party, being the owner and/or operator of the vehicle, shall remain liable for the court costs which the proper officers of the Borough shall proceed to claim at the hearing scheduled upon said citation against the defendant(s).

4. Upon the adoption of this instant Ordinance, Section No. 2 of Article VII: Fines and Penalties shall read as follows:

(2) If the fine is paid within sixty (60) minutes from the date and time set forth upon a notice of violation by a duly authorized officer or employee of the Borough, the fine shall be five (\$5.00) dollars. If the fine is paid between sixty-one (61) minutes through one hundred twenty (120) minutes after the date and time of the notice, the fine will be seven (\$7.00) dollars. If the fine is paid between one hundred twenty-one (121) minutes through the end of the first day after the date and time of the notice, the fine is twelve (\$12.00) dollars. If the fine is paid between the second (2nd) day through the end of the fifth (5th) day after the date and time of the notice, the fine will be twenty (\$20.00) dollars. If the fine is paid between the sixth (6th) day through the end of the fifteen (15th) day after the date and time of the notice, the fine shall be twenty-five (\$25.00) dollars. If a fine is not paid on or before the fifteenth (15th) day after the date and time of the notice, then the fine shall be twenty five (\$25.00) dollars and the proper officers of the Borough shall file a citation with the appropriate District Justice or other judicial entity, requesting the twenty five (\$25.00) dollar fine plus court costs; but even if the fine is paid in full before a final adjudication, the responsible party, being the owner and/or operator of the vehicle, shall remain liable for the court costs which the proper officers of the Borough shall proceed to claim at the hearing scheduled upon said citation against the defendant(s).

SECTION 2. RATIFYING THE CURRENT FINES AND PENALTIES FOR ADDITIONAL PARKING VIOLATIONS AND INCREASING THE FINES AND PENALTIES FOR SAID ADDITIONAL PARKING VIOLATIONS.

1. For additional parking violations in the Borough, the current fines and penalties are as follows:

(1)	Parking outside of a stall:	\$15.00
(2)	Parking in a stall during posted, designated street sweeping hours:	\$15.00
(3)	Parking where prohibited:	\$15.00
(4)	Parking with left wheel to the curb:	\$15.00
(5)	Parking in a handicap space:	\$50.00
(6)	Parking by a fire hydrant:	\$15.00
(7)	Parking in an intersection:	\$15.00
(8)	Parking in a private lot:	\$15.00

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| (9) | Parking on the sidewalk: | \$15.00 |
| (10) | Parking in front of a driveway: | \$15.00 |
| (11) | Other, miscellaneous parking violations: | \$15.00 |
2. The adoption of the instant Ordinance will not only ratify the fines and penalties in Section No. 2, Subsection No. 1, above, but will also increase said fines and penalties as follows:
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| (1) | Parking outside of a stall: | \$25.00 |
| (2) | Parking in a stall during posted, designated street sweeping hours: | \$25.00 |
| (3) | Parking where prohibited: | \$25.00 |
| (4) | Parking with left wheel to the curb: | \$25.00 |
| (5) | Parking in a handicap space: | \$100.00 |
| (6) | Parking by a fire hydrant: | \$100.00 |
| (7) | Parking in an intersection: | \$25.00 |
| (8) | Parking in a private lot: | \$25.00 |
| (9) | Parking on the sidewalk: | \$25.00 |
| (10) | Parking in front of a driveway: | \$25.00 |
| (11) | Other, miscellaneous parking violations: | \$25.00 |

SECTION 3. REPEAL OF PRIOR ORDINANCES.

Any and all prior Ordinances and/or any and all portions of prior Ordinances, including, specifically, Ordinance No. 525, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict. The remaining Ordinances and/or portions of prior Ordinances, not modified herein, shall remain the same.

SECTION 4. SAVINGS CLAUSE.

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective immediately.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 25th day of June, 2019.

ATTEST:

BOROUGH OF CALIFORNIA

Borough Secretary

By: _____
President of Council

EXAMINED AND APPROVED by me this _____ day of _____,
2019.

BOROUGH OF CALIFORNIA

By: _____
Mayor