

**BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 476**

**ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 365, ARTICLE III ENTITLED "PARKING", TO AMEND THE NO PARKING PROHIBITION ALONG THE EAST SIDE OF WASHINGTON STREET AND TO PROHIBIT PARKING BETWEEN MAIN STREET AND THE TRAIL HEAD FOR THE SCHUYLKILL RIVER TRAIL FOR EVENT PARKING AND ALLOW FOR RESIDENTIAL PARKING**

**WHEREAS**, pursuant to 75 Pa.C.S.A. §3353 entitled "Prohibitions in Specified Places", Subsection (d) entitled "Restrictions by Appropriate Authorities" local authorities may by erection of official traffic-control devices prohibit parking of vehicles on any highway where engineering and traffic studies indicate parking would constitute a safety hazard or unduly interfere with the free movement of traffic; and

**WHEREAS**, pursuant to 75 Pa.C.S.A. §6109 entitled "Specific Powers of Departments and Local Authorities", Subsection a entitled "Enumeration of Police Powers", Number 1 a local authority may prohibit parking within its boundaries as a reasonable police power; and

**WHEREAS**, 75 Pa.C.S.A. §6109 entitled "Specific Powers of Departments and Local Authorities", Subsection b entitled "Actions by Local Authorities" requires traffic and parking regulations by local authorities to be established by duly enacted ordinances of the governing body of the local authority; and

**WHEREAS**, 75 Pa.C.S.A. §6109 entitled "Specific Powers of Departments and Local Authorities", Subsection c entitled "When Traffic Control Devices Required" provides that a parking regulation by a local authority per 75 Pa.C.S.A. §6109(a)(1) shall not be effective until official traffic control devices giving notice of the traffic regulation are erected; and

**WHEREAS**, Leesport is organized as a Borough in the Commonwealth of Pennsylvania governed by the Borough Code of Pennsylvania, 8 Pa.C.S.A. § 101, et. seq., and

**WHEREAS**, Section 1202(31) of the Borough Code of Pennsylvania, 8 Pa.C.S.A. § 1202(31), authorizes the Borough of Leesport to enact an Ordinance regulating parking accommodations to promote the convenience and protection of the public; and

**WHEREAS**, Council for the Borough of Leesport enacted Ordinance Number 365 on March 15, 1995 to regulate traffic and parking in the Borough; and

**WHEREAS**, Ordinance Number 365, Article III entitled "Parking" provides for parking regulations in the Borough; and

**WHEREAS**, Ordinance Number 365, Article III entitled “Parking”, Section 1 entitled “Parking Prohibited at all Times in Certain Locations”, Number 15 prohibits, in part, parking on the east side of Washington Street between Main Street and Borough line; and

**WHEREAS**, Council for the Borough of Leesport desires to amend Ordinance Number 365, Article III entitled “Parking”, Section 1 entitled “Parking Prohibited at all Times in Certain Locations” to remove the parking prohibition along the east side of Washington Street from Main Street to the head of Schuylkill Valley Trail for residents; and

**WHEREAS**, Council for the Borough of Leesport desires to amend Ordinance Number 365, Article III entitled “Parking”, to add a new Section 4 to be entitled “Event Parking Prohibited” to prohibit parking along the east side of Washington Street from Main Street to the head of Schuylkill River Trail for events including but not limited use of the public pool and playing fields located across the street; and.

**WHEREAS**, Council for the Borough of Leesport desires to amend Ordinance Number 365, Article III entitled “Parking”, to renumber existing Section 4 entitled “Penalty for Violation” to Section 5; and

**WHEREAS**, pursuant to 75 Pa.C.S.A. §3353 entitled "Prohibitions in Specified Places", Subsection (e) entitled "Penalties" any person violating an official traffic control device prohibiting parking shall be guilty of a summary offense and upon conviction sentenced to a fine of not more than \$50.00 plus costs; and

**WHEREAS**, 75 Pa.C.S.A. §6301 entitled "Prosecution Under Local Ordinances Superseded by Title" provides that local ordinances relating to parking shall prescribe fines for violations; and

**WHEREAS**, Section 1202(31) of the Borough Code of Pennsylvania, 8 Pa.C.S.A. § 1202(31), authorizes prosecution of an ordinance regulating parking by a criminal action in the same manner provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure; and

**WHEREAS**, Council for the Borough of Leesport desires to amend Ordinance Number 365, Article III entitled “Parking”, Section 4 entitled “Penalty for Violation” to amend the penalty for violation to be in accordance the Pennsylvania Motor Vehicle code.

**BE IT ENACTED AND ORDAINED**, by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania (“Borough”) as follows:

**SECTION 1.** Ordinance Number 365, Article III entitled “Parking”, Section 1 entitled “Parking Prohibited at all Times in Certain Locations”, Number 15 prohibition of parking along Washington Street is amended to provide in its entirety as follows:

	Street	Side	Between
15.	Washington Street	East Side	Schuylkill River Trail Head and Borough Line
	Washington Street	West Side	Main Street and Borough Line

**SECTION 2.** Ordinance Number 365, Article III entitled “Parking”, is amended to add a new Section 4 to be entitled “Event Parking Prohibited”.

**SECTION 3.** Ordinance Number 365, Article III entitled “Parking”, Section 4 entitled “Event Parking Prohibited” shall read in its entirety as follows:

Parking for attending events and activities including but not limited to utilization of the swimming pool and playing fields shall be prohibited on the east side of Washington Street, so that the portion between Main Street and the trail head for the Schuylkill River Trail shall be for residential parking only.

Residents residing along the east side of Washington Street between Main Street and the trail head for the Schuylkill River Trail shall be permitted to park in the area designated as No Event Parking.

**SECTION 4.** Ordinance Number 365, Article III entitled “Parking”, is amended to renumber Section 4 entitled “Penalty for Violation” is renumbered to Section 5.

**SECTION 5.** Ordinance Number 365, Article III entitled “Parking”, Section 5 entitled “Penalty for Violation” is amended to read in its entirety as follows:

Any person who violates any provision of this Part shall be guilty of a summary offense and upon conviction before the District Justice, be sentenced to pay a fine of not more than Fifty and 00/100 Dollars (\$50.00) and costs pursuant to the applicable rules of Criminal Procedure.

**SECTION 6. Signs.** Installation and maintenance of all necessary signs required to be installed and maintained to indicate the prohibition against parking in accordance with the terms of this Ordinance, at such locations and with such spacing as specified by the Pennsylvania Department of Transportation (hereinafter called “PennDOT”) and as shall be deemed necessary by the Borough.

**SECTION 7. Enforcement.** This Ordinance shall be enforced by the Police Department authorized or contracted to patrol and serve the Borough under the Pennsylvania Motor Vehicle Code. Prosecution for violations of this Part shall be under this Ordinance or the Pennsylvania Motor Vehicle Code.

**SECTION 8.** The provisions of this Ordinance are severable, and if any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by

a court of competent jurisdiction, such decision of the court shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Council of the Borough of Leesport that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION 9.** All existing ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.


**SECTION 10.** The effective date of this Ordinance shall be immediately upon its enactment and approval by the Mayor.

ENACTED AND ORDAINED this 16<sup>th</sup> day of June, 2021.

COUNCIL FOR THE  
BOROUGH OF LEESPORT,  
BERKS COUNTY, PENNSYLVANIA

  
\_\_\_\_\_  
Martin Goetz, President

ATTEST:

  
\_\_\_\_\_  
Sandra Weiser-Pascavage, Borough Manager / Secretary

APPROVED this 16<sup>th</sup> day of June, 2021.

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Charles Berger, Mayor of the Borough