

BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 481

ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 365, ARTICLE III ENTITLED "PARKING", TO PROVIDE FURTHER PARKING RESTRICTIONS, TO PROHIBIT THE PARKING OF UNHITCHED TRAILERS ON ANY BOROUGH STREET, AND TO AMEND THE PENALTIES FOR VIOLATIONS, AMENDING ORDINANCE NUMBER 365, ARTICLE IV ENTITLED "SNOW AND ICE EMERGENCY", SECTION 4 ENTITLED "PENALTY FOR VIOLATION", AMENDING ORDINANCE NUMBER 397, SECTION 2 ENTITLED "PENALTIES", AND AMENDING ORDINANCE NUMBER 399, SECTION 2 ENTITLED "PENALTIES" TO AMEND THE PENALTIES FOR VIOLATIONS OF PARKING REGULATIONS

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 4 entitled “Penalty for Violation” provides penalties for violation of this Article; and

WHEREAS, Ordinance Number 476, Section 4, amended Ordinance Number 365, Article III entitled “Parking”, to renumber Section 4 entitled “Penalty for Violation” to Section 5; and

WHEREAS, Ordinance Number 365, Article IV entitled “Snow and Ice Emergency” provides for traffic and parking regulations in the Borough during a period of snow emergency; and

WHEREAS, Ordinance Number 365, Article IV entitled “Snow and Ice Emergency”, Section 4 entitled “Penalty for Violation” provides penalties for violation of this Article; and

WHEREAS, Council for the Borough of Leesport enacted Ordinance Number 397 on December 19, 2001, to limit parking in and along Scott Drive to permit holders only and to provide regulations thereof; and

WHEREAS, Ordinance Number 397, Section 2 entitled “Penalties” provides the penalties for violation of this Ordinance; and

WHEREAS, Council for the Borough of Leesport enacted Ordinance Number 399 on August 21, 2002, to limit parking in the Triangle area bounded by Railroad Avenue, Main Street and Lee Street to permit holders only and to provide regulations thereof; and

WHEREAS, Ordinance Number 399, Section 2 entitled “Penalties” provides the penalties for violation of this Ordinance; and

WHEREAS, Council for the Borough of Leesport desires to amend Ordinance Number 365, Article III entitled “Parking”, to add a new Section 5 to be entitled “Further Parking Prohibited” to provide additional parking restrictions; and

WHEREAS, Council for the Borough of Leesport desires to amend Ordinance Number 365, Article III entitled “Parking”, to add a new Section 6 to be entitled “Unhitched Trailers” to prohibit unhitched trailers on any Borough street; and

WHEREAS, Council for the Borough of Leesport desires to amend Ordinance Number 365, Article III entitled “Parking”, to renumber existing Section 5 entitled “Penalty for Violation” to Section 7; 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 7 entitled “Penalty for Violation” in its entirety; and

WHEREAS, Council for the Borough of Leesport desires to amend Ordinance Number 397, Section 2 entitled “Penalties” in its entirety; and

WHEREAS, Council for the Borough of Leesport desires to amend Ordinance Number 399, Section 2 entitled “Penalties” in its entirety.

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”, is amended to add a new Section 5 to be entitled “Further Parking Prohibited”.

SECTION 2. Ordinance Number 365, Article III entitled “Parking”, Section 5 entitled “Further Parking Prohibited” shall read in its entirety as follows:

Parking shall be prohibited at the following:

- (a) in front of a fire hydrant;
- (b) in areas marked by official Borough signage as a construction zone;
- (c) in a handicapped spot except for vehicles lawfully bearing a Disability Parking Placard;
- (d) in a fire zone; and
- (e) within twenty feet (20’) of a crosswalk at an intersection.

SECTION 3. Ordinance Number 365, Article III entitled “Parking”, is amended to add a new Section 6 to be entitled “Unhitched Trailers”.

SECTION 4. Ordinance Number 365, Article III entitled “Parking”, Section 6 entitled “Unhitched Trailers” shall read in its entirety as follows:

It shall be unlawful for any person to park an unhitched trailer, including but not limited to a utility trailer, camper, boat, or other trailer, for more than 48 hours on any street of the Borough of Leesport.

SECTION 5. Ordinance Number 365, Article III entitled “Parking”, is amended to renumber Section 5 entitled “Penalty for Violation” to Section 7.

SECTION 6. Ordinance Number 365, Article III entitled “Parking”, Section 7 entitled “Penalty for Violation” is amended to read in its entirety as follows:

- (a) Any person who violates any Section of this Article shall be issued a parking ticket by the Berks Regional Police Department.
- (b) The penalties for any person who receives a parking ticket for a vehicle, except an oversized vehicle, shall be fined as follows:
 - 1. Any person who receives a parking ticket for the violation of Section 1, 2, 3, or 4 of this Article shall pay a fine as set forth as follows:
 - i. Fifteen Dollars (\$15.00) if payment of the fine is received within three (3) days of receipt of the ticket;
 - ii. Twenty Dollars (\$20.00) if payment of the fine is received after three (3) days of receipt of the ticket but within seven (7) days of receipt; or
 - iii. Twenty Five Dollars (\$25.00) if payment of the fine is received after seven (7) days of receipt of the ticket.
 - 2. Any person who receives a parking ticket for the violation of Section 5. or Section 6. of this Article shall pay a fine of Fifty Dollars (\$50.00).
- (c) Any person who receives a parking ticket for a vehicle more than ten (10) feet wide or more than twenty (20) feet long shall pay a fine of One Hundred Dollars (\$100.00).
- (d) All fines must be paid to the Northern Berks Regional Police Department. Payments may be made by mail or placed in the Drop Box located at the Northern Berks Regional Police Department.

SECTION 7. Ordinance Number 365, Article IV entitled “Snow and Ice Emergency”, Section 4 entitled “Penalty for Violation” is amended to read in its entirety as follows:

- (a) If, at any time during a period of snow emergency declared under Section 1. of this Article, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere within a snow emergency route, that person shall be issued a parking ticket by the Berks Regional Police Department and be required to pay a fine of Fifty Dollars (\$50.00).

- (b) If, at any time during a period of snow emergency declared under Section 1. of this Article, a person shall drive a motor vehicle upon a snow emergency route, without having the vehicle equipped with snow tires or chains, that person shall be issued a parking ticket by the Berks Regional Police Department and be required to pay a fine of Fifty Dollars (\$50.00).
- (c) All fines must be paid to the Northern Berks Regional Police Department. Payments may be made by mail or placed in the Drop Box located at the Northern Berks Regional Police Department.

SECTION 8. Ordinance Number 397, Section 2 entitled “Penalties” is amended to read in its entirety as follows:

Any person violating any of the provisions of this Ordinance or failing to comply therewith, or with any of the requirements thereof, shall be issued a parking ticket by the Berks Regional Police Department. Any person who receives a parking ticket shall pay a fine as set forth as follows:

- (a) Fifteen Dollars (\$15.00) if payment is received within three (3) days of receipt of the ticket;
- (b) Twenty Dollars (\$20.00) if payment is received after three (3) days of receipt of the ticket but within seven (7) days of receipt; or
- (c) Twenty Five Dollars (\$25.00) if payment is received after seven (7) days of receipt of the ticket.

All fines must be paid to the Northern Berks Regional Police Department. Payments may be made by mail or placed in the Drop Box located at the Northern Berks Regional Police Department.

SECTION 9. Ordinance Number 399, Section 2 entitled “Penalties” is amended to read in its entirety as follows:

Any person violating any of the provisions of this Ordinance or failing to comply therewith, or with any of the requirements thereof, shall be issued a parking ticket by the Berks Regional Police Department. Any person who receives a parking ticket shall pay a fine as set forth as follows:

- (a) Fifteen Dollars (\$15.00) if payment is received within three (3) days of receipt of the ticket;
- (b) Twenty Dollars (\$20.00) if payment is received after three (3) days of receipt of the ticket but within seven (7) days of receipt; or

- (c) Twenty Five Dollars (\$25.00) if payment is received after seven (7) days of receipt of the ticket.

All fines must be paid to the Northern Berks Regional Police Department. Payments may be made by mail or placed in the Drop Box located at the Northern Berks Regional Police Department.

SECTION 10. 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 11. 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 12. The effective date of this Ordinance shall be immediately upon its enactment and approval by the Mayor.

ENACTED AND ORDAINED this 19th day of October, 2022.

COUNCIL FOR THE
BOROUGH OF LEESPORT,
BERKS COUNTY, PENNSYLVANIA

Ronald Strause
Ronald Strause, President

ATTEST:

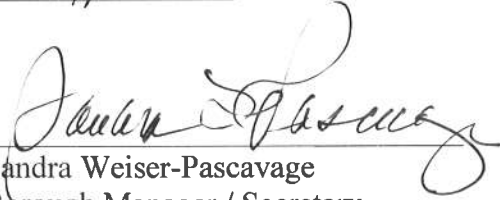
Sandra Weiser-Pascavage
Sandra Weiser-Pascavage, Borough Manager / Secretary

APPROVED this 19th day of October, 2022.

Charles M. Berger /s/
Charles Berger, Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 482 adopted by the Council of the Borough of Leesport, Berks County, Pennsylvania at a public hearing following a regular meeting held on October 19, 2022, pursuant to notice as required by law.


Sandra Weiser-Pascavage
Borough Manager / Secretary

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NOTICE TO THE RESIDENTS OF THE BOROUGH OF LEESPORT

The Borough Council of Leesport, Berks County, Pennsylvania on Wednesday, October 19, 2022, beginning at 6:00 p.m. in the Leesport Borough Hall at 27 South Canal Street in Leesport will consider enactment of the Ordinance summarized below. The complete title and summary of the proposed Ordinance are as follows:

ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 365, ARTICLE III ENTITLED "PARKING", TO PROVIDE FURTHER PARKING RESTRICTIONS, TO PROHIBIT THE PARKING OF UNHITCHED TRAILERS ON ANY BOROUGH STREET, AND TO AMEND THE PENALTIES FOR VIOLATIONS, AMENDING ORDINANCE NUMBER 365, ARTICLE IV ENTITLED "SNOW AND ICE EMERGENCY", SECTION 4 ENTITLED "PENALTY FOR VIOLATION", AMENDING ORDINANCE NUMBER 397, SECTION 2 ENTITLED "PENALTIES", AND AMENDING ORDINANCE NUMBER 399, SECTION 2 ENTITLED "PENALTIES" TO AMEND THE PENALTIES FOR VIOLATIONS OF PARKING REGULATIONS

Section 1 amends Ordinance Number 365, Article III entitled "Parking" to add a new Section 5 to be entitled "Further Parking Prohibited". Section 2 sets forth Ordinance Number 365, Article III, Section 5 entitled "Further Parking Prohibited" in its entirety, which in summary provides additional parking restrictions. Section 3 amends Ordinance Number 365, Article III to add a new Section 6 to be entitled "Unhitched Trailers". Section 4 sets forth Ordinance Number 365, Article III, Section 6 entitled "Unhitched Trailers" in its entirety, which in summary prohibits unhitched trailers on any Borough street. Section 5 amends Ordinance Number 365, Article III to renumber Section 5 entitled "Penalty for Violation" to Section 7. Section 6 amends Ordinance Number 365, Article III, Section 7 entitled "Penalty for Violation" in its entirety, which in summary sets forth the penalties for the violation of any section of Article III. Section 7 amends Ordinance Number 365, Article IV entitled "Snow and Ice Emergency", Section 4 entitled "Penalty for Violation" in its entirety, which in summary sets forth the penalties for parking or driving without snow tires or chains on a snow emergency route during a snow emergency. Section 8 amends Ordinance Number 397, Section 2 entitled "Penalties" in its entirety, which in summary provides the penalties for violation. Section 9 amends Ordinance Number 399, Section 2 entitled "Penalties" in its entirety, which in summary provides the penalties for violation. Section 10 provides that the provisions of the Ordinance are severable. Section 11 is the repealer. Section 12 provides an effective date.

All interested residents are invited to attend and be heard. A complete copy of the proposed Ordinance is available for inspection without charge and for copying at a charge not greater than the cost thereof at the Borough Hall at 27 South Canal Street, Leesport during regular office hours.

COUNCIL FOR THE BOROUGH OF LEESPORT,

BERKS COUNTY, PENNSYLVANIA
Sandra L. Weiser-Pascavage
Borough Manager

Christopher J. Hartman, Esquire, Solicitor
To be published in the Reading Eagle on October 12, 2022