

ORDINANCE

AN ORDINANCE AMENDING SECTION 218 OF THE CITY OF COATESVILLE’S CODE ENTITLED “VEHICLES AND TRAFFIC” BY AMENDING THE SECTIONS GOVERNING PENALTIES AND VIOLATIONS IN SECTIONS 218-8, 218-10, 218-15, 218-18, 218-21, 218-26 AND 218-60.1 (TO PROVIDE FOR NEW FINES APPLICABLE TO PERIODS UP TO TEN DAYS AFTER ISSUANCE OF A TICKET, UP TO TWENTY DAYS AFTER ISSUANCE OF A TICKET AND AFTER TWENTY DAYS AND THEREAFTER PROVIDING FOR THE ISSUANCE OF CITATIONS) AND BY ALSO AMENDING SECTION 218-50 and 218-53 TO PROVIDE FOR ON-STREET PARKING METER RATES AT \$.25 FOR 10 MINUTES FOR DIFFERENT PERIODS OF TIMES DEPENDING UPON THE PARKING ZONE

WHEREAS, the City of Coatesville is a Third Class City located in Chester County, Pennsylvania governed by a Home Rule Charter (hereinafter the “City”); and

WHEREAS, the City has not updated its City Code for a significant period of time and has fees for parking and penalties for parking violations which are inconsistent with and significantly lower than those imposed in nearby communities; and,

WHEREAS, the City has a need to update its fees for parking and penalties for parking violations in order to keep abreast of the general inflation in the costs of goods and services that has occurred since the last revision to the City Code so as to keep current with the additional costs incurred by the City for its policing and administrative expenses incurred in controlling vehicles and traffic; and,

WHEREAS, the City continues to recognize that tickets prior to citations are favored and that a graduated fine procedure is common throughout the State and that such a graduated fine procedure has been used in the past by the City and is viewed as a progressive and effective means of enforcement of vehicles and traffic regulations.

NOW THEREFORE, in consideration of the foregoing, and the authority granted the City by the Third Class City Code, the City Charter and other relevant law, the City of Coatesville does hereby amend Section 218 of the City Code as follows:

Section 218-8 is deleted and the following amendment is made so that Section 218-8 is reads in its entirety as follows:

“Section 218-8 Violations and penalties.

A. Any violation of the provisions of § 218-2, 218-4, 218-6 218-7, 218-7.1 or 218-7.3 shall be subject to a fine of \$25.00 to be paid within ten days. Violations of 218-3 (obstruction of driveways) and 218-5 (fire hydrants) shall be subject to respective fines of \$45.00 and \$65.00 to be paid within ten days. Violations of 218-7.2 (Handicapped

Parking) shall be subject to a fine of \$65.00 if paid within ten days (and shall be subject to towing and payment of the costs thereof if noted on the signage designating the location).

B. Any violation of the provisions of § 218-2, 218-4, 218-6, 218-7.1 or 2187.3 shall be subject to a fine of \$50.00 to be paid after ten days but before twenty days. Violations of 218-3 (obstruction of driveways) and 218-5 (fire hydrants) shall be subject to respective fines of \$90.00 and \$130.00 to be paid after ten days but before twenty days. Violations of 218-7.2 (Handicapped Parking) shall be subject to a fine of \$130.00 if paid after ten days but before twenty days (and shall be subject to towing and payment of the costs thereof if noted on the signage designating the location).

C. Any violation of the provisions of § 218-2, 218-4, 218-6, 218-7, 218-7:1 or 218-7.3 shall be subject to a fine of \$75.00 to be paid after twenty days, but before citation. Violations of 218-3 (obstruction of driveways) and 218-5 (fire hydrants) shall be subject to respective fines of \$110.00 and \$200.00 to be paid after twenty days but before citation. Violations of 218-7.2 (Handicapped Parking) shall be subject to a fine of \$200.00 if paid after twenty days but before citation (and shall be subject to towing and payment of the costs thereof if noted on the signage designating the location).

D. Failure to respond by the payment of the fines as aforesaid shall, after twenty eight days, result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, and upon conviction for the offense, the defendant shall be ordered to pay the maximum fine prescribed by law, together with the costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.”

2. Section 218-10 is deleted in its entirety and replaced with the following:

“Section 218-10 Violations and penalties.

A. Any person violating the provisions of § 218-9 shall be subject to a fine of \$25.00 to be paid within ten days.

B. Any person violating the provisions of § 218-9 shall be subject to a fine of \$50.00 to be paid after ten days but within twenty days.

C. Any violation of the provisions of § 218-9 shall be subject to a fine of \$75.00 to be paid after twenty days, but before citation.

D. Failure to respond by the payment of the fines as aforesaid shall, after twenty eight days, result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, and upon conviction for the offense, the defendant shall

be ordered to pay the maximum fine prescribed by law, together with the costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.”

3. Section 218-15 is deleted in its entirety and replaced with the following:

“Section 218-15 Violations and penalties.

A. Any person, firm, corporation or any agent or employee thereof who violates the provisions of § 218-12 shall be subject to a fine of \$65.00 to be paid within ten days.

B. Any person violating the provisions of § 218-12 shall be subject to a fine of \$130.00 to be paid after ten days but within twenty days.

C. Any violation of the provisions of § 218-12 shall be subject to a fine of \$200.00 to be paid after twenty days, but before citation.

D. Failure to respond by the payment of the fines as aforesaid shall, after twenty eight days, result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, and upon conviction for the offense, the defendant shall be ordered to pay the maximum fine prescribed by law, together with the costs of prosecution, and/or to be incarcerated in the county prison for not more than ten days for each such violation.”

4. Section 218-18 is deleted in its entirety and replaced with the following:

“Section 218-18 Violations and penalties.

A. Any person, firm, corporation or any agent or employee thereof who violates the provisions of § 218-17 shall be subject to a fine of \$25.00 to be paid within ten days.

B. Any person violating the provisions of § 218-17 shall be subject to a fine of \$50.00 to be paid after ten days but within twenty days.

C. Any violation of the provisions of § 218-17 shall be subject to a fine of \$75.00 to be paid after twenty days, but before citation.

D. Failure to respond by the payment of the fines as aforesaid shall, after twenty eight days, result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, and upon conviction for the offense, the defendant shall be ordered to

pay the maximum fine prescribed by law, together with the costs of prosecution, and/or to be incarcerated in the county prison for not more than ten days for each such violation.”

5. Section 218-21 is deleted in its entirety and replaced with the following:

“Section 218-21 Violations and penalties.

A. Any person violating the provisions of § 218-20 shall be subject to a fine of \$25.00 to be paid within ten days.

B. Any person violating the provisions of § 218-20 shall be subject to a fine of \$50.00 to be paid after ten days but within twenty days.

C. Any violation of the provisions of § 218-20 shall be subject to a fine of \$75.00 to be paid after twenty days, but before citation.

D. Failure to respond by the payment of the fines as aforesaid shall, after twenty eight days, result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, and upon conviction for the offense, the defendant shall be ordered to pay the maximum fine prescribed by law, together with the costs of prosecution, and/or to be incarcerated in the county prison for not more than five days.”

6. Section 218-26 is deleted in its entirety and replaced with the following:

Section 218-26 is deleted in its entirety and replaced with the following:

“Section 218-26 Violations and penalties.

A. Any person violating the provisions of § 218-24 shall be subject to a fine of \$40.00 to be paid within ten days.

B. Any person violating the provisions of § 218-24 shall be subject to a fine of \$80.00 to be paid after ten days but within twenty days.

C. Any violation of the provisions of § 218-24 shall be subject to a fine of \$100.00 to be paid after twenty days, but before citation.

D. Failure to respond by the payment of the fines as aforesaid shall, after twenty eight days, result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, and upon conviction for the offense, the defendant shall be ordered to pay the maximum fine prescribed by law, together with the costs of prosecution,

and/or to be incarcerated in the county prison for not more than five days.”

- 7. Section 218-50 is amended and the descriptions of the time limits for parking and the rates in subsections A. through G are deleted (with the descriptions of the streets remaining the same) and said subsections are replaced with the following amendatory language:

- “A. Zone 1 limit: one hour; rate: \$.25 per 10 minutes.
- B. Zone 2 limit: two hours; rate: \$.25 per 10 minutes.
- C. Zone 3 limit: one hour; rate: \$.25 per 10 minutes.
- D. Zone 4 limit: 90 minutes rate: \$.25 per 10 minutes.
- E. Zone 5 limit: four hours; rate: \$.25 per 10 minutes.
- F. Zone 6 limit: five hours; rate: \$.25 per 10 minutes.
- G. Zone 7 limit: ten hours; rate: \$.25 per 10 minutes.”

- 8. Section 218-53 is amended and the descriptions of the time limits for parking and rates are deleted) and said Zones 1-7 are replaced with the following amendatory language:

- Zone 1 limit: one hour; rate: \$.25 per 10 minutes.
- Zone 2 limit: two hours; rate: \$.25 per 10 minutes.
- Zone 3 limit: one hour; rate: \$.25 per 10 minutes.
- Zone 4 limit: 90 minutes rate: \$.25 per 10 minutes.
- Zone 5 limit: four hours; rate: \$.25 per 10 minutes.
- Zone 6 limit: five hours; rate: \$.25 per 10 minutes.
- Zone 7 limit: ten hours; rate: \$.25 per 10 minutes.”

- 9. Section 218-60.1 is deleted in its entirety and replaced with the following:

“Section 218-60.1 Violations and penalties.

A. Any person violating the provisions of § 218-60 shall be subject to a fine of \$25.00 to be paid within ten days.

B. Any person violating the provisions of § 218-60 shall be subject to a fine of \$50.00 to be paid after ten days but within twenty days.

C. Any violation of the provisions of § 218-60 shall be subject to a fine of \$75.00 to be paid after twenty days, but before citation.

D. Failure to respond by the payment of the fines as aforesaid shall, after twenty eight days, result in the issuance of a citation to the defendant. Thereafter, the prosecution shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, and upon conviction for the offense, the defendant shall be ordered to pay the maximum fine prescribed by law, together with the costs of prosecution,

and/or to be incarcerated in the county prison for not more than five days.”

All other terms of the Chapter 218 of the Code, shall remain in full force and effect.

If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

This Ordinance shall be effective thirty (30) days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED this 8th day of June, 2015.

Linda Lavender-Norris, President
City Council

ATTEST:

Michael O'Rourke, Interim City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 13th day of April, 2015, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the 8th day of June, 2015, that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.

Michael O'Rourke, Interim City Manager