

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 595

(Duly Adopted March 26, 2025)

AN ORDINANCE AMENDING CHAPTER 41 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO TRAFFIC CONTROL) TO MAKE CERTAIN STATE PARKING RESTRICTIONS UNDER 75 PA. CONS. STAT. § 3353(a), (b) AND § 3354(d)(2), (3) ALSO LOCAL ALBURTIS VIOLATIONS, SO THAT THEY MAY BE COVERED BY THE PROVISIONS OF CODIFIED ORDINANCES § 41-1204 (RELATING TO TICKETS IN LIEU OF CITATIONS FOR PROMPT PAYMENT), AND ESTABLISHING THE AMOUNT OF TICKETS FOR PROMPT PAYMENT OF HANDICAPPED PARKING VIOLATIONS AT FIFTY DOLLARS (\$50.00) WHEN PAID WITHIN TEN (10) DAYS.

WHEREAS, Section 6301 of the Vehicle Code, 75 PA. CONS. STAT. § 6301, generally provides that where the same conduct is proscribed under the Vehicle Code and a local ordinance, the charge shall be brought under the Vehicle Code and not the local ordinance; and

WHEREAS, Section 6301 of the Vehicle Code, 75 PA. CONS. STAT. § 6301, excepts parking violations from this general rule, so that parking violations may be brought under a local ordinance and the local ordinance shall govern the assessment and disposition of fines and forfeitures; and

WHEREAS, Section 6301 of the Vehicle Code, 75 PA. CONS. STAT. § 6301, also provides that local ordinances related to parking may authorize the payment of penalties in lieu of fines and costs under prescribed conditions; and

WHEREAS, Council desires to make certain parking violations under the Vehicle Code also constitute violations of Alburdis Codified Ordinances Chapter 41, so that they may be subject to the Tickets in lieu of Citations provisions of Codified Ordinances § 41-1204, and desires to extend those provisions to allow for a fifty dollar (\$50.00) ticket for handicapped parking violations if paid within ten (10) days; and

WHEREAS, on March 19, 2025, the Borough published a public notice in the *East Penn Press*, a newspaper of general circulation in the Borough of Alburdis, of its intention to consider and adopt on this Ordinance on March 26, 2025;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Codified Ordinances § 41-104 (relating to Traffic Control— General Provisions—Official Signs) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 41-104 Official Signs.

The Borough shall erect and maintain official traffic control devices for all restrictions set forth in Articles III through XI (~~except § 41-503 (relating to State Law Prohibitions Which Are Also Local Prohibitions)~~) in accordance with the design, placement, and other requirements of the Pennsylvania Department of Transportation regulations. *See also* § 41-803 (relating to Handicapped Parking Spaces), § 41-901 (relating to painted parking stall lines) and § 41-1202(b) (relating to Tow-Away Zone signs)

SECTION 2. Codified Ordinances § 41-106 (relating to Traffic Control—General Provisions—State Parking Prohibitions Take Precedence) is hereby deleted:

~~§ 41-106 State Parking Prohibitions Take Precedence.~~

~~To the extent 75 PA. CONS. STAT. ANN. § 3353 prohibits parking at a given location within a restricted parking zone designated in § 41-501 or Articles VI or VII, the state parking prohibition shall take precedence over the parking restriction established under this Chapter (but not over any standing restriction established under this Chapter).~~

SECTION 3. Codified Ordinances Chapter 41, Article V (relating to Traffic Control—No Parking Zones) is amended by adding the following new § 41-503 after existing § 41-502:

§ 41-503 State Law Prohibitions Which Are Also Local Prohibitions.

Except as otherwise permitted under 75 PA. CONS. STAT. § 3353 or § 3354, the following actions when prohibited under the State Vehicle Code shall also be prohibited under this Chapter and constitute violations of this Chapter:

- (a) No person shall stop, stand, or park a vehicle:
 - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street (*i.e.* double parking);
 - (2) On a sidewalk;
 - (3) Within an intersection;
 - (4) On a crosswalk; or
 - (5) Alongside or opposite any street excavation or obstruction where to do so would obstruct traffic.
- (b) No person shall stand or park a vehicle:
 - (1) In front of a public or private driveway;
 - (2) Within fifteen (15) feet of a fire hydrant;

- (3) Within twenty (20) feet of a crosswalk at an intersection;
 - (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - (5) Within twenty (20) feet of the driveway entrance to any fire station;
 - (6) On a two-way street if the vehicle is not positioned parallel to and with the right-hand wheels within twelve (12) inches of the right-hand curb.
- (c) No person shall park a vehicle:
- (1) Within fifty (50) feet of the nearest rail of a railroad crossing.
- (d) No person shall park or leave unattended a vehicle:
- (1) On private property (other than in a private parking lot) without the consent of the owner or other person in control or possession of the property;
 - (2) In a private parking lot (a privately owned parking lot open to the public for parking with or without restrictions or charge) which is properly posted in accordance with 67 PA. CODE § 218.115 to notify the public of any parking restrictions, if the operator of the vehicle violates such posted restrictions.

SECTION 4. Codified Ordinances § 41-1204 (relating to Traffic Control—Enforcement—Tickets in lieu of Citations) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 41-1204 Tickets in lieu of Citations.

(a) **In General.** Except in the case of violations of § 41-502 (relating to No Parking for Short Periods) or Article VIII (relating to

Handicapped Parking Spaces), police officers shall place on any vehicle found to be in violation of any of the parking, stopping, or standing provisions of this Chapter a notice to the owner or operator of such vehicle of the date, time, and place of such violation. Such notice shall allow for prompt payment of penalties for the violation as follows:

(1) The owner or operator may, within seventy-two (72) hours of the time when such notice was attached to his vehicle, pay the sum of Twenty-five Dollars (\$25.00) in full satisfaction;

(2) After seventy-two (72) hours, but within ten (10) days of the violation, the owner or operator may pay the sum of Thirty-five Dollars (\$35.00) in full satisfaction.

(b) Violations of § 41-502 or Article VIII. In the case of violations of § 41-502 (relating to No Parking for Short Periods) or Article VIII (relating to Handicapped Parking Spaces), a police officer *may* place on a vehicle found to be in violation of ~~§ 41-502~~ any of those provisions a notice to the owner or operator of such vehicle of the date, time, and place of such violation, and a statement that the owner or operator may, within ten (10) calendar days after the violation, pay the sum of fifty dollars (\$50.00) in full satisfaction. In that event, no citation shall issue unless the owner or operator shall fail to make full payment of the penalty within ten (10) calendar days after the violation.

(c) Citations After Failure to Pay Ticket in Timely Fashion. Where the owner or operator of the vehicle shall fail to make payment of the penalty prescribed under this § 41-1204 within ten (10) days from the date when the notice was attached to the vehicle, the owner or operator shall be subject to citation and the payment of the penalty provision otherwise set forth in this Article as they may relate to the violation, provided that prosecution for violations of § 41-503 (relating to State Law Prohibitions Which Are Also Local Prohibitions) and Article VIII (relating to Handicapped Parking Spaces) shall be made under the state Vehicle Code rather than this Chapter.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Albur-
tis, this 26th day of Marrch, 2025 in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Ronald J. DeIaco, President

Attest:

Stephen Nemeth, Borough Manager

AND NOW, this 26th day of March, 2025, the above Ordinance is hereby **APPROVED**.

Kathleen Palmer, Mayor