

**CITY OF JOHNSTOWN, PENNSYLVANIA**

**ORDINANCE NO. 5323**

Bill No. 16 of 2021

Introduced in Council November 22, 2021

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF JOHNSTOWN, PART FOUR – TRAFFIC CODE, CHAPTERS 482 AND 484, ORD 4320 PASSED 11-22-83; ORD 4393 PASSED 9-10-86; ORD 4668 PASSED 7-13-94; ORD 4713 PASSED 2-22-95; ORD 4753 PASSED 9-11-96; ORD 4760 PASSED 12-30-96; ORD 4790 PASSED 11-12 97; ORD 4843 PASSED 12-22-99; ORD 4851 PASSED 3-22-00; ORD 4857 PASSED 5-24-00, ORD 4883 PASSED 4-24-02; ORD 4888 PASSED 6-12-02; ORD 4918 PASSED 9-24-03; ORD 5048 PASSED 12-18-09; ORD 5216 PASSED 12-26-16, AND ORD 5217 PASSED 12-29-16, AMENDING PARKING RULES AND REGULATIONS.**

**BE IT ORDAINED AND ENACTED** by the City Council of the City of Johnstown, Cambria County, and Commonwealth of Pennsylvania, that the City of Johnstown Code of Ordinances, Part Four – Traffic Code, Title Eight, is hereby amended as follows:

**SECTION 482.06. PARKING FOR HANDICAPPED PERSONS AND DISABLED VETERANS IS HEREBY AMENDED TO READ:**

(a) When a motor vehicle bearing registration plates or displaying a placard issued to handicapped persons or disabled veterans as prescribed in the Vehicle Code is being operated by or for the transportation of the handicapped person or disabled veteran, the driver shall be relieved of any liability for parking for the period of 60 minutes in excess of the legal parking period permitted, except where local ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours.

(b) At the request of any handicapped person or disabled veteran, local authorities may erect on a street, as close as possible to his or her place of residence, a sign indicating that that place is reserved for a handicapped person or disabled veteran, that no parking is allowed there by others and that any unauthorized person parking there shall be subject to a fine.

(c) The Director of Finance, along with the Police Chief and the City Manager, are hereby authorized to issue permits for the establishment and use of handicapped zones upon proper application being made therefore, and upon payment of a fee, as set forth in this section. The handicapped zone and appropriate signage will be installed after payment of ~~seventy five dollars (\$75)~~ a fee established by resolution of City Council and amended from time to time. An annual maintenance fee will be assessed by resolution of City Council and amended from time to time. The applicant will also pay for the time and material needed to install proper signs.

(d) All handicapped zones will be renewed each year by application submitted to the Director of Finance who, in conjunction with the Police Chief and the City Manager, will determine if the handicapped zone shall be renewed. The application for renewal must be accompanied by proof of disability or handicap. Applicable proof must consist of

evidence of a Commonwealth of Pennsylvania handicapped plate, written proof from a physician of the condition or a State-issued placard.

(e) Handicapped zone permits will be issued only in residential areas of the City and there will be a restriction placed on the assigning of spaces covered by this section in the Central Business District, where parking meters are enforced.

(f) If a meter is removed for the issuance of a Handicapped Zone, the cost of that meter's lost revenue will not be charged to the person being granted the Handicapped Zone. However, no Handicapped Zones will be issued in the Central Business District.

**SECTION 482.17, LOADING ZONES IS HEREBY AMENDED TO READ:**

(a) Types of Zones; Fees. The Director of Finance, along with the Police Chief and the City Manager, are hereby authorized to issue permits for the establishment and use of loading zones upon proper application being made therefor, and upon payment of a fee, as set forth in this section established by resolution of City Council and amended from time to time. The types of loading zones and ~~the annual fees therefor~~ shall be as follows:

<u>Type</u>	<u>Fee (yearly)</u>
Metered (central core)	\$600.00
Metered (intermediate)	400.00
Metered (fringe)	250.00
Non-metered	100.00

The applicant will also pay for the time and material needed to install proper signs.

(b) Types of Metered Areas. The types of metered areas shall be determined as follows:

(1) Metered (central core). This area consists of the following streets:

- A. Washington, from Walnut to Clinton;
- B. Vine, from Walnut to Bedford;
- C. Clinton, from Vine to Washington; and
- D. Walnut, from Vine to Washington.

(2) Metered (intermediate). Areas abutting the core area in the direction of:

- A. Westward from core area to Johns Street;
- B. Eastward from core area to Adams Street (excluding Main Street);
- C. Southward from core area to Napoleon; and
- D. Northward from Walnut Street (at Railroad Station) (Clinton Street at Gautier Mills).

(3) Metered (fringe). Moxham area - Valley Pike, Kernville - 8th Ward.\*

\*Exception: All areas on Franklin Street and the area around Conemaugh Hospital will be considered a metered intermediate area and the fee for such zones will be four hundred dollars (\$400.00) per year established by resolution of City Council and amended from time to time.

~~(c) Fee Increases. All loading zones in the area designated as metered (central core) will increase by two hundred dollars (\$200.00) and those located in the area designated as metered (intermediate) will increase by one hundred fifty dollars (\$150.00).~~

(d) Renewal of Zones. All loading zones will be renewed each year by application submitted to the Director of Finance who, in conjunction with the Police Chief and the City Manager, will determine if the loading zone shall be renewed.

(e) Personal Use of Zones. Loading zones shall not be used for personal use. If the City determines that a loading zone is being used for personal use, the zone will be revoked.

(f) Reassessment of Rates. Loading zones will be reassessed and tied into parking garage rates on a yearly basis.

(g) Applications; General Regulations.

(1) If application is made and approved, the annual fee shall be paid between January 1 and February 28. If the application is made and approved between July 1 and December 31, the fee shall be one-half of the annual fee.

(2) Only persons engaged in a business may apply for zones.

(3) The Manager of the Bureau of Parking may approve or reject the establishment of loading zones. If rejected, an appeal may be taken within ten days to the Director of Public Works.

(4) Loading zones will be established and maintained upon the approval of an application therefor by the Bureau of Parking.

(5) If permission is granted, the applicant shall not use the loading zone as a private parking place.

(6) Loading zones approved and properly signed will be for the use of the applicant's customers only and shall not be used by the general public.

(7) In the case of a change of address or withdrawal from business, the applicant shall notify the Bureau of Parking. There shall be no refund of any of the fees if the business address has been changed or the person has withdrawn from the business.

(8) Loading zones shall be used daily from 8:00 a.m. to 6:00 p.m., prevailing time, except Sundays and holidays, unless otherwise specified.

(9) No person shall stop, stand or park a vehicle for any purpose for any period of time, other than for the expeditious loading or unloading of passengers and freight, in

any place marked as a passenger and/or freight curb loading zone during hours when the regulations applicable to such zone are effective. In no case shall the stop for such loading or unloading exceed thirty minutes.

(10) All vehicles using loading zones shall be placed parallel with the edge of the roadway headed in the direction of traffic and with the curb-side wheels within six inches of the edge of the roadway, unless the street is marked or posted for angle parking, or unless a vehicle, because of type and/or construction, cannot be loaded or unloaded parallel to the curb.

(11) The Director of Public Works shall have the right and discretion to determine the number, size and nature of signs necessary to designate loading zones.

(12) This section shall be applicable and effective as to any and all streets in the City, for the purposes aforesaid, which the Director of Public Works deems appropriate to carry out the purpose and intent of this section.

**SECTION 482.195. IMMOBILIZATION OF MOTOR VEHICLES IS HEREBY AMENDED TO READ:**

(a) Definitions. As used in this section:

(1) "Improperly parked" means parked overtime at a meter, parked in a restricted parking location or improperly stopped or parked on a public street, road, alley or parking garage.

(2) "Boot", "booting" or "booted" means the act of immobilizing a motor vehicle, in such a manner as to prevent its operation, with a device or by means which will cause no damage to such vehicle unless such vehicle is moved while such device is in place or such means are employed.

(b) Boot Installation. A motor vehicle found parked within the City upon any public ground or in any public parking facility at any time may be booted by the Police Department or an employee of the Bureau of Parking if there are three or more unsettled parking violations pending against the owner of such motor vehicle or if the owner of the vehicle is more than three months in arrears in monthly parking fees. Such booting shall serve to prevent the removal of the vehicle by any person, except an authorized tower, until all fines, fees, penalties and costs are paid in full.

(c) Notice of Booting. Upon the booting of a motor vehicle, the officer or employee shall cause to be placed on the vehicle, in a conspicuous manner, notice sufficient to warn any individual that the vehicle has been immobilized and that any attempt to move the vehicle might result in damage to the vehicle. The notice shall also outline the procedure for obtaining removal of the boot. As soon as practicable, the officer or employee shall provide the owner of the booted vehicle, at his or her request, with notice of the specific parking violations for which, or on account of which, such vehicle was booted.

(d) Boot Removal; Post-Immobilization Hearing.

(1) The owner of a booted vehicle, or other authorized person, shall be permitted to secure the release of the vehicle upon:

A. Paying the amount of the fines and penalties for the violations for which the boot was attached;

B. Paying the amount of the fines, penalties and court costs, if any, for any other unsettled parking violations involving the owner of the booted vehicle; and

C. Paying the fees required under subsection (f) hereof.

(2) The owner of a booted vehicle, or other authorized person, shall have the right to a post-immobilization hearing limited to the determination of the validity of the booting. Such hearing must be requested within fifteen days after the vehicle is booted and shall be conducted by the designated District Magistrate. The hearing shall be held during normal business hours within ten business days of the demand therefor or as soon as practical. The post-immobilization hearing will not be determinative of or adjudicate the merits of any citation issued relative to any immobilized vehicle, but will be limited solely to determining whether the vehicle was properly subject to booting under the provisions of this section.

(e) Towing and Storage of Vehicles. The boot shall remain in place for forty- eight hours, unless the owner has complied with subsection (d) hereof. If such compliance has not occurred within forty-eight hours, the vehicle shall be towed or impounded. If the booting occurs when a vehicle is parked in any zone regulated by towing provisions, then such vehicle is subject to immediate towing and impounding. Towing and storage fees, as specified in Section 422.02, shall be paid, along with the fees specified in subsection (d) hereof, before the owner of such vehicle, or other authorized person, shall be permitted to repossess or secure the release of the vehicle. Vehicles unclaimed within sixty days of towing and storage shall be deemed abandoned and subject to disposal as such in the manner authorized by law.

(f) Booting Fee. The owner of a booted vehicle shall be subject to a fee of ~~one hundred fifty dollars (\$150.00)~~ established by resolution of City Council and amended from time to time for such immobilization, in addition to the fines and costs for the parking violations for which the vehicle was originally booted. All unpaid fees remaining unpaid after the twenty-first calendar day are subject to the booting provisions contained in this chapter with all fees and charges to be paid in full prior to removal of booting apparatus.

~~(1) Fees collected in excess of one hundred dollars (\$100.00) shall be dedicated for bond and other debt service of the Parking Fund operations and no other purposes.~~

(g) Enforcement; Implementation. This section shall be enforced by the Bureau of Parking or the Department of Police. The Director of the Bureau of Parking, or a successor position thereto, and the Chief of Police, or the City Manager, shall have the authority to implement the parking enforcement provisions set forth in this section, including waiver and/or settlement of disputed violations, and to promulgate such rules

and regulations as are necessary therefor, which regulations shall become effective upon approval by Council.

(h) Right to Hearing Not Waived. Nothing in this section shall be construed to deprive any person of the Constitutional right to a hearing or trial as to the violations for which citations have been issued.

(i) Tampering With Boot; Unauthorized Movement of Vehicle. No person shall tamper with, remove or attempt to remove any device used to immobilize a motor vehicle that has been booted pursuant to this section, or move or attempt to move the booted vehicle before release of the vehicle has been officially secured.

**SECTION 482.197, PARKING GARAGES; MONTHLY PERMITS; RATES IS  
HEREBY AMENDED TO READ:**

(a) City Garage; Permit Application. Any person wishing to park his or her vehicle in a monthly parking space in a City garage must first apply to the Bureau of Parking therefor. After the application is accepted, and the applicant agrees in a signed contract to the regulations set by the Bureau of Parking, a vehicle parking permit shall be issued and a space assigned. The vehicle parking permit shall show the applicant's assigned parking space.

(b) Permit Required. No person shall park a vehicle in a monthly parking space in a City garage without a vehicle parking permit. The vehicle parking permit shall be as designated by the Bureau of Parking.

(c) Parking Spaces. There shall only be one motor vehicle permitted to park in an assigned parking space at one time.

(d) Violations. Whoever fails to park in the assigned parking space, obtain a vehicle parking permit or properly place the parking permit in the location designated by the Bureau of Parking, or parks in an unauthorized or unassigned space, shall have his or her motor vehicle tagged by the Department of Police or an employee of the Bureau of Parking and shall remit with the tag a fine of ~~fifteen dollars (\$15.00)~~ twenty dollars (\$20.00) for such violation. Upon default of payment of such fine within fifteen days, the tag shall be turned over to the District Magistrate for further action or the motor vehicle may be booted as per Section 482.195. Monthly parkers who continue to park without properly showing their monthly parking permit shall have their parking privileges revoked.

(e) Fees; Billing. On the first day of the month a parking invoice shall be mailed to the monthly parker. Parking Garage fees are to be established by resolution of City Council and amended from time to time. All parking fees shall be due by the fifteenth day of the month. Any invoice received after the eighteenth day of the month shall be charged a five dollar (\$5.00) penalty fee. Any parker who has three months parking in arrears will automatically have his or her parking privileges revoked. The parker shall then have one month to settle the account or the matter will be turned over to the District Magistrate for further action.

(f) Additional or Replacement Permits. Additional or replacement vehicle parking permits shall be available at the Bureau of Parking at the rate of five dollars (\$5.00). The monthly parker shall be responsible for always having a valid parking permit.

~~(g) Effective January 1, 2017, the following monthly parking rates are hereby increased by ten dollars (\$10.00) per month in all of the City of Johnstown owned and operated parking garages thru the City's Parking Fund for the purposes of debt service obligations for the repair, maintenance and upgrading and capital improvements of the City's parking facilities. Rates for monthly parking will be established by resolution of City Council and amended from time to time.~~

~~—Effective January 1, 2017, the following monthly parking rates are hereby increased by five dollars (\$5.00) per month for all open and uncovered parking areas owned and operated thru the City of Johnstown, for the purposes of debt service obligations for the repair, maintenance and upgrading and capital improvements of the City's parking facilities.~~

~~—(1) All net increases shall be dedicated for bond and other debt service of the Parking Fund operations and no other purposes.~~

~~—Reserved spaces, from \$47.50 per month to \$50.00 per month;~~

~~—Reserved spaces—volume rate, from \$42.50 per month to \$45.00 per month;~~

~~—Reserved spaces—roof, from \$37.50 per month to \$40.00 per month.~~

(h) At the discretion of the Director of Finance, garages may be made available for use during recreational events and a fee for such event parking will be established by resolution of City Council and amended from time to time. Vehicles must be removed within two hours after the conclusion of said events. If a person using event parking does not remove his or her vehicle after said event, he or she shall be subject to a fine of twenty dollars (\$20.00). Upon default of payment of such fine within fifteen days, the tag shall be turned over to the District Magistrate for further action or the motor vehicle may be booted as per Section 482.195.

**SECTION 484.02, INSTALLATION AND DESIGN OF METERS IS HEREBY AMENDED TO READ:**

(a) The Bureau of Parking shall direct the installation of parking meters in the zones established as provided in this chapter upon the curb immediately adjacent to each designated parking space. Such meters shall be capable of being operated either automatically or mechanically upon the deposit therein of the required coin of United States currency for the full period of time for which parking is lawfully permitted. As new parking technology is made available to the Bureau of Parking, additional payment options may be allowed at the discretion of the City Manager and/or his or her designee.

(b) Each parking meter shall be so designed, constructed, installed and set that it will indicate, by an appropriate signal, how much of the lawful parking period remains after the deposit of the coin or coins required, and also indicate, by an appropriate signal, upon the expiration of the time period registered by deposit of one or more coins, as

provided herein, that the lawful parking meter period has expired. Rates for said meters will be established by resolution of City Council and amended from time to time.

(c) Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

**SECTION 484.08, OVERTIME PARKING; WAIVER FINE; SUCCESSIVE VIOLATIONS IS HEREBY AMENDED TO READ:**

Any person parking overtime in any metered zone shall be given a tag by the Department of Police or by an employee of the Bureau of Parking, and the violator shall forward the tag, together with a fine of ten dollars (\$10.00), if paid to the Bureau of Parking within ten calendar days of issuance of the tag if paid after ten calendar days of issuance of the tag, or fifteen dollars (\$15.00). If the violator fails to do so, twenty dollars (\$20.00). If the violator fails to pay the fine after thirty (30) calendar days, he or she shall be subject to the procedure and penalty provided elsewhere in this chapter for violations of this chapter. Each successive violation in excess of two hours while parked at the same location shall be cause for the issuance of another tag and subsequent tags for each two hours of violation.

**SECTION 484.09, PARKING IN RESTRICTED AREAS; WAIVER FINE is hereby amended to read:**

Any person parking in a restricted area shall be tagged by the Department of Police or by an employee of the Bureau of Parking and shall remit with the tag a fine of twenty-five dollars (\$25.00) thirty dollars (\$30.00) for such illegal parking. Upon failure to return the tag and the fine, such person shall be subject to the procedure and penalty provided elsewhere in this chapter for violations of this chapter.

**SECTION 484.11, USE OF METERED AREAS FOR LOCAL SERVICE AND REPAIRS; HOOD REQUIRED; FEE; DEPOSIT IS HEREBY AMENDED TO READ:**

Any person desiring to use a parking meter area for the performance of local service and repairs in connection with his or her business or trade shall make an application for a parking meter hood with the Bureau of Parking and shall pay to the Director of Finance a fee charge of eight dollars (\$8.00) per day for each day that the meter is being occupied by the individual requesting the meter hood. The fee will be established by resolution of City Council and amended from time to time. No such area will be used for the parking of private vehicles of such person.

**SECTION 484.99, PENALTY IS HEREBY AMENDED TO READ:**

Any person violating any provision of this chapter whereas a specific fine is not listed, is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than fifty dollars (\$50.00)- and/or imprisonment of no more than thirty (30) days.




**PASSED FINALLY IN COUNCIL: December 8, 2021**

By the following vote:

Yeas: Mr. Britt, Mr. Arnone, Rev. King, Mr. Vitovich, Mrs. Mock, Mr. Capriotti, Mayor Janankovic

Nays:




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Frank J. Janakovic, Mayor  
Marie Mock, Deputy Mayor

**ATTEST:**

I do hereby certify the forgoing is true and correct copy of Ordinance No. 5323 as the same adopted by City Council of the City of Johnstown, Pennsylvania.



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Dan Penatzer, Interim City Manager