

COUNCIL BILL NO. 1696

INTRODUCED BY LAMARR ADAMSON

ORDINANCE NO. 1607

AN ORDINANCE

AN ORDINANCE OF THE CITY OF DUBOIS AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS BY THE ADDITION OF PART X, PROVIDING FOR RESIDENTIAL AND COMMUTER PARKING DISTRICTS, REQUIRING PARKING PERMITS FOR PARKING THEREIN.

WHEREAS, the use of streets within the residential neighborhoods for the parking of vehicles by persons using adjacent governmental, commercial, educational, industrial and transit areas result in hazardous traffic conditions, the over-burdening of parking on certain neighborhood streets and the inability of residents in many neighborhoods to obtain adequate parking adjacent to or close by their places of residence; and

WHEREAS, the City Council of DuBois, in recognizing these detriments, desires to systematically reduce and eventually eliminate vehicles parked for business purposes on certain residential neighborhood streets; and

WHEREAS, the City Council of the City of DuBois further recognizes that the public purpose will be best served if a systematic approach is used that will incrementally reduce the number of vehicles parked during business hours for business purposes in residential neighborhoods; and

WHEREAS, the City Council acknowledges that the reduction of the number of vehicles so parked must be accomplished in a manageable way so that displaced business parkers, hereafter referred to as commuter parkers, may find reasonable alternative parking or transportation options and the impact on the overall balance of parking in the City of DuBois will be minimal to those affected with time afforded for adjustment; and

WHEREAS, the City Council of the City of DuBois recognizes that given the present parking demand within the City, which includes the central campus area of the DuBois Branch of the Pennsylvania State University, non-permitted parking close to the downtown and the central campus is no longer feasible. Providing and maintaining public parking is an expensive enterprise that in the most equitable circumstances should be substantially paid for by those who benefit most from it rather than by the public in general; and

WHEREAS, residents of neighborhoods pay taxes and other assessments needed by the City to maintain and police residential streets. Yet, because of the extensive commuter parking, neighborhood residents are frequently unable to reasonably enjoy the benefit of parking on the street themselves while they nevertheless pay the cost of maintaining this form of public parking reserve and,

WHEREAS, commuter parkers are generally non-residents of the City of DuBois and are not subject to City taxes and assessments. Thus, commuter parkers contribute little toward the cost of maintaining this public parking reserve, while they are the most frequent users, and

WHEREAS, the City of DuBois desires to mitigate this inequity.

NOW, THEREFORE:

BE IT ORDAINED by the Council of the City of DuBois in Council assembled:

Section 1001. Purpose and Intent. It is the intent of this Ordinance to establish residential parking districts and a commuter parking district and to establish a permit parking system differential between residents and non-residents of the parking districts in order to mitigate the inequity caused when residents who pay the cost of maintaining public parking are unable to reasonably enjoy the benefit of parking on the street themselves because of extensive parking by non-residents who do not contribute toward the cost of maintaining this public parking reserve.

Section 1002. Definitions. For purposes of this Chapter, the words and phrases defined hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context:

Resident (Commuter and Residential District) – A person residing permanently or continuously for a period exceeding 60 consecutive days within the residential or commuter parking districts, as established herein.

Section 1003. Establishment of Residential Parking Districts. City Council is hereby authorized to designate the residential parking districts and to establish the parking restrictions (i.e. days, hours, exemptions, as well as applicable permit fees, if any, therein). In residential parking districts, parking without a permit between 6:00 a.m. and 8:00 p.m., prevailing time, Monday through Friday, except on enumerated holidays, is expressly prohibited.

Pursuant to this Ordinance, a resident of a residential district may secure a residential parking permit, which, when appropriately displayed on vehicle in accordance with regulations established by the City of DuBois, will exempt the vehicle from all parking restrictions in the residential district for which the permit is designated. In addition, each residence located within the residential district will be entitled to secure two guest parking permits for the use of individuals desiring to park vehicles within the residential district while visiting residents living therein. Said guest permits shall be requested at the same time that the resident makes application for a residential parking permit.

The permits shall not exempt vehicles parked in deference to any other parking restrictions posted on streets within the designated district. Only a resident may secure a permit or a guest permit for that district. The "R" residential district is Fourth Street from East DuBois Avenue to Park Street and East Second Avenue from College Place to First Street.

Section 1004. Establishment of a Commuter Parking District. City Council is hereby authorized to designate the Commuter Parking District and to establish the parking restrictions (e.g. days, hours and exemptions, as well as the applicable fees therein). In the Commuter Parking District, parking without a permit between 6:00 a.m. and 8:00 p.m., prevailing time, Monday through Friday, except on enumerated holidays, is expressly prohibited.

Pursuant to this Ordinance, a person who is a non-resident of the Commuter District but is a student or employee of the DuBois Campus of the Penn State University may secure a permit (designated as a Commuter Parking Permit) which, when appropriately displayed on a vehicle in accordance with regulations established by the City of DuBois, will permit the vehicle to be parking during the aforementioned times on any street within the Commuter District where parking is not otherwise restricted. A person who is a resident of the Commuter District may secure a permit (designated as a Residential/Commuter Parking Permit) which, when appropriately displayed on a vehicle in accordance with regulations established by the City of DuBois, will permit the vehicle to be parked during the aforementioned times on any street within the Commuter District where parking is not otherwise restricted.

The Commuter District is designated as the area along East Second Avenue from College Place to North Sixth Street and the West Side of College Place.

Section 1005. Administration of Permits. Application for residential, commuter and residential/commuter parking permits shall be made on forms provided by the City of

DuBois and shall include proof of identity, proof of residency, proof of application with Penn State University and such other reasonable information as may be deemed necessary by the City of DuBois to issue and control such permits. Permits shall be displayed or affixed to vehicles in a fashion deemed appropriate by the City of DuBois as administratively determined by the City Manager or his designee.

Section 1006. Fees for Permits. The fees for permits in the residential and commuter parking districts shall be as follows:

Residential Parking Permit	\$0 annually
Residential/Commuter Parking Permit	\$0 annually
Commuter Parking Permit	\$0 annually

Section 1007. Parking Permit Fines. All money received from the enforcement of parking permits shall be allocated to appropriate funds established by the City of DuBois to manage, administer and enforce the parking program or to create additional facilities, as needed, in response to the objective of removing commuter parking during business hours from residential streets.

Section 1008. Review and Report Required Semi-Annually. Because the express purpose of this Ordinance is to incrementally reduce and eliminate commuter parking during business hours on residential streets, City Council recognizes the need to periodically review those factors that will affect reducing the size of the district. These include factors such as the parking demand in the commuter parking district; availability of alternative parking, both private and public, outside of residential areas; as well as the advent or further development of transportation alternatives. Accordingly, City Council hereby charges the City Manager (or his designee) to prepare a staff report assessing parking conditions within the City of DuBois along with appropriate recommendations for further reducing commuter parking on residential streets. Such report and recommendation shall be made to City Council not less than semi-annually. Thereafter, City Council shall review such recommendation in a public hearing and may modify this Ordinance and other ordinances appropriately to further implement reduction of commuter parking in residential areas.

Section 1009. Severability. This Ordinance and each section and provision of this Ordinance are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Ordinance, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

Ordained and enacted by the City Council of the City of DuBois in lawful session assembled this 10th day of January, 2000.

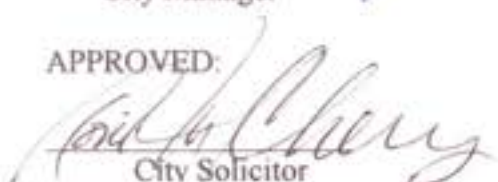
CITY OF DUBOIS

By  Mayor and President of Council

ATTEST:


City Manager

APPROVED:


City Solicitor