

Bill No.: 2-21
Introduced: March 9, 2021
By Commissioner: Grella
Enacted: _____

**MT. LEBANON, PENNSYLVANIA
ORDINANCE NO. _____**

**AN ORDINANCE CLARIFYING THE DUTIES OF THE MANAGER AND
AMENDING THE OVERNIGHT PARKING RESTRICTIONS.**

WHEREAS, Mt. Lebanon, PA (the "Municipality") currently maintains an Ordinance authorizing traffic control devices and regulating overnight parking as part of Chapter X of the Mt. Lebanon Code; and

WHEREAS, the Commission has deemed it to be in the Municipality's best interest to amend said Chapter X to conform the Chapter to the Municipality's interpretation and enforcement thereof.

NOW THEREFORE, Mt. Lebanon, Pennsylvania, hereby ordains:

Section 1. A new section 204.6 is added to read as follows:

204.6 enact traffic control regulations as set forth in section 6109 of the Pennsylvania Vehicle Code, as amended

Section 2. The introductory provisions of Section 906 of Chapter X are amended to read as follows, with language to be removed is in overstrike, and new language **bold and underlined**.

§906 Parking Overnight Prohibited. No Vehicle shall be permitted to Park upon any Street between the hours of 2:00 A.M. and 6:00 A.M. except:

906.1 For **Limited Overnight Parking** as provided in ~~§909~~ **907**; or

906.2 In designated all night parking zones ("Permit Parking Zones") ~~zones shall be recommended by the manager and approved by the Commission as~~ **authorized under section 908; or**

906.3 In designated Special Permit Parking Spaces as authorized under section 909.

§906.4 Individuals who utilize on-street overnight parking under any section of this Chapter must still comply with all vehicle code

regulations, local ordinances and posted signs regarding parking, including when one inch or more of snow or ice is anticipated, or other emergency situation requires the streets to be clear. No specific notice to the individual requester need be given in this instance.

Section 3. A new Section 907 of Chapter X is added to read as follows:

§907. Limited Overnight Parking and Extended Parking will be allowed as follows:

§907.1 Limited Overnight Parking. Residents may request on-street overnight parking for up to twenty (20) nights per vehicle license plate per calendar year.

907.2 The Manager may establish procedures to implement the requirements of this section including the form of requests under section 907.1.

907.3 The Manager may designate another employee or department to assume the Manager's responsibilities under this Part 9 of Chapter X.

Section 4. The remaining provisions of Section 906 of Chapter X are moved to a new section 908, and are amended to read as follows, with language to be removed is in overstrike, and new section references and language **bold and underlined**.

§908 Permit Parking Zones

~~**908.1** A permit shall be required for each vehicle parking in Permit Parking Zones between 2:00 A.M. and 6:00 A.M.~~

908.1 A resident/owner of a vehicle shall make **an** application to the Police Department for a permit pursuant to the following conditions:

908.1.1 Each application must contain the acknowledged signature of the owner of the vehicle verifying under oath that ~~he~~ **the applicant** is the owner of the vehicle and that the issuance of such a permit is necessary to permit ~~him~~ **the applicant** to park within one-quarter ~~quarter~~ **tenth**-mile of ~~his~~ **the applicant's** residence. Each application shall be accompanied by proof of residency. The form of such application shall be determined by the Manager.

908.1.2 A semi-annual fee of one hundred fifty dollars (\$150) shall be paid to the Municipality of Mt. Lebanon. The fee may be amended from time to time by resolution of the Commission.

908.1.3 A decal, **mirror hanging or other means of identification of the permit holder shall be established by the Manager.** ~~to be supplied by the Municipality shall be permanently affixed in the rear driver's side window.~~ Failure to ~~permanently affix the decal to the window~~ **follow the established means of identification** shall be grounds for revocation of the permit.

908.1.4 **Permits for a Permit Parking Zone will be assigned pursuant to rules of uniform applicability which will generally be a maximum of one per single residential unit or apartment, assigned on a first come first served basis.** ~~Only one~~ **If more space is available within a Permit Parking Zone, a maximum of two such permits, again on a first come first served basis,** shall be issued to persons residing within a single residential unit or apartment within the Municipality. **Permits may be reduced to one from two at renewal if there is unmet demand for one per single residential unit or apartment.**

908.1.5 Permit Parking Zones will be permitted only on those streets or portions of streets recommended by the ~~Manager~~ **Parking Enforcement Supervisor** and approved by the ~~Commission~~ **Manager** and only when requested by a majority of owners of properties abutting the proposed Permit Parking Zone or located directly across the street from properties abutting the proposed Permit Parking Zone **or as otherwise provided in section 909.3.**

~~**908.3** When snow and/or ice accumulates in excess of one inch, permitted vehicles must be removed from the street or they will be towed at owner's expense.~~

908.2 Permits are in effect only for the hours between 6:00 P.M. and 9:00 A.M.

908.3 The Municipality shall provide markings and signage for Permit Parking Zones.

908.4 In considering whether to recommend to the ~~Commission~~ **Manager** that a particular street or portion of street be designated as a Permit Parking Zone, **or whether to grant a permit for a Permit Parking Zone,** the **Parking Enforcement Supervisor** shall consider the following factors, along with other factors, which in ~~his~~ **the Parking Enforcement Supervisor's** discretion are relevant: the proximity of the affected properties to available public or private off-street parking; the availability to the affected properties of private off-street

parking solutions; the availability of sufficient street width and capacity to assure the free movement of general vehicular traffic, fire, other public safety and public works vehicles; potential interference with access to fire hydrants and visibility of stop signs and traffic at or near intersections.

908.5 The Manager may establish temporary Permit Parking Zones for applicants who have been issued permits to construct off-street parking facilities. Temporary Permit Parking Zones shall remain in effect for a period of six months, or until completion of construction of the off-street parking facilities, whichever is less.

908.6 Under and during emergency conditions, the manager may establish temporary Permit Parking Zones as ~~he~~ **the Manager** deems necessary, subject to subsequent Commission approval.

908.7 Established Permit Parking Zones may be rescinded or modified at any time by the Commission. **Compliance with all applicable rules and regulations is required in order to receive and use a permit for a Permit Parking Zone. There are no vested rights in permits, and all renewals will be subject to any changes in this Ordinance and any applicable rules and regulations.**

Section 5. A new Section 909 of Chapter X is added to read as follows:

§909 Special Permit Parking Spaces. Special Permit Parking Spaces may be established by the Manager for Single Family Dwellings or Two Family Dwellings (as defined in the Zoning Ordinance) for up to two vehicle license plates per such Dwelling only; when physical circumstances or conditions of the requestor's property exist that render it impossible to park two vehicles off street without substantial financial cost; when good reason exists; and in accordance with this section.

909.1 Good reason shall mean the presence of all of the following: the situation is expected to last more than 20 days; the reason for the request is beyond the control of the requestor; and, off street or alternative parking is not reasonably available.

909.2. Reasons which are not beyond the control of the requester include: too many vehicles; vehicle is too large for existing space; inconvenience of having to rearrange cars; off street or alternative parking is available but at a cost; or alternative parking is available but is not convenient.

909.3. Special Permit Parking Spaces will not be granted if it would create a public safety issue or be detrimental to the public welfare. The Manager may designate the location of the Special Permit

Parking Spaces, which may be different than the Space requested by the applicant. The Manager may combine Special Permit Parking Spaces into a Permit Parking Zone or require that a request be resubmitted under section 908.1 if more than one Special Permit Parking Space within the same general area would otherwise result.

909.4 Special Permit Parking Spaces will be authorized for the minimum duration possible, and will never be authorized for more than one year. A requester may reapply for a Special Permit Parking Space when the authorized time has expired. There are no vested rights in Spaces or permits, and all reapplications will be subject to any changes in this Ordinance and any applicable rules and regulations.

909.5 Special Permit Parking Spaces must receive the favorable recommendation of the Parking Enforcement Supervisor before the Manager may approve the request.

909.6. The form of any application and the documentation to be submitted with the application shall be determined by the Manager, and will include the following:

909.6.1 Each application must contain the acknowledged signature of the owner of the vehicle verifying under oath that the applicant is the owner of the vehicle and that the issuance of such a permit is necessary to permit the applicant to park within one-tenth mile of the applicant's residence. Each application shall be accompanied by proof of residency.

909.6.2 A semi-annual fee of one hundred fifty dollars (\$150) shall be paid to the Municipality of Mt. Lebanon. The fee may be amended from time to time by resolution of the Commission.

909.6.3 A decal, mirror hanging or other means of identification of the permit holder shall be established by the Manager. Failure to follow the established means of identification shall be grounds for revocation of the permit.

909.7 Permits are in effect only for the hours between 6:00 P.M. and 9:00 A.M.

909.8 The Municipality shall provide markings and signage for Special Permit Parking Spaces.

909.9 In considering whether to recommend to the Manager that a particular area be designated as a Special Permit Parking Space, or whether to grant a permit for a Special Permit Parking Space, the Parking Enforcement Supervisor shall consider the following factors, along with other factors, which in the Parking Enforcement Supervisor's discretion are relevant: the proximity of the affected properties to available public or private off-street parking; the availability to the affected properties of private off-street parking solutions; the availability of sufficient street width and capacity to assure the free movement of general vehicular traffic, fire, other public safety and public works vehicles; potential interference with access to fire hydrants and visibility of stop signs and traffic at or near intersections.

909.10 Established Special Permit Parking Spaces may be rescinded or modified at any time by the Commission. Compliance with all applicable rules and regulations is required in order to receive and use a permit for a Special Permit Parking Space.

Section 5. A new Section 910 of Chapter X is added to read as follows:

§910 Examples.

910.1 Applicant lives 0.5 miles from a public garage or public parking lot. Applicant may still qualify for a Special Permit Parking Space. A tenth of a mile or less is necessary for an alternative space to be viewed as a reasonably available alternative to the Special Permit Parking Space.

910.2 Applicant can park one vehicle off street, but does not have room for two. Assuming all other requirements are met, applicant may qualify for one Special Permit Parking Space, but not two.

910.3 Applicant has a garage but cannot fit a large SUV in the garage. This is not a reason beyond the control of the applicant, and the garage will be deemed to be available parking.

910.4 In response to several requests on the same street, a Permit Parking Zone is established instead of Special Permit Parking Spaces. Applicant wishes to have a Special Permit Parking Space in front of applicant's house instead of using the Permit Parking Zone. This is not a reason beyond the control of applicant. The Permit Parking Zone is available and must be used.

910.5 A Permit Parking Zone is available, but often applicant may have to walk more than a tenth of a mile depending on who else has parked in the Permit Parking Zone. This will not qualify for a Special Permit Parking Space. The Permit Parking Zone is available and must be used.

910.6 Applicant works late at night and does not wish to move or rearrange vehicles either at night or early the next morning when another member of the household works. This is not a reason beyond the control of applicant and does not support a Special Permit Parking Space.

910.7 Applicant has a Special Permit Parking Space but receives a citation or is towed when applicant leaves the vehicle parked during a snow event as set forth in section 906.4. These actions are proper by the Municipality. Nothing in this ordinance permits the applicant to leave the vehicle parked on the street without regard to other relevant ordinances and restrictions.

910.8 During the day, vehicles are parked in the Special Permit Parking Space such that there is no space for applicant to park. No relief is available to applicant. The Special Permit Parking Space is not a reserved space; it only authorizes on street parking between 6 pm and 9 am.

910.9. A Special Permit Parking Space has been established. Later, several residents on the same street apply for a Special Permit Parking Space. The Manager establishes a Permit Parking Zone and requires overnight parking in accordance with those requirements. Residents must use the Permit Parking Zone even if the parking area is different from the Special Permit Parking Space.

910.10. A resident lives next to a public parking facility but there are no available permits. The public parking facility is not considered available parking.

910.11. A permit holder sells the holder's residence, and desires to transfer the permit along with the property. This is not permitted. A permit is not property, grants no vested rights and is not transferable. The new owner must apply for a permit, the issuance of which cannot be guaranteed.

910.12. The Ordinance or other rules and regulations change, and a permit holder objects and wishes to be considered grandfathered in the old rules. This treatment is not available. There are no rights to

the continuation of a permit, a Special Permit Parking Space, or a Permit Parking Zone, all of which are subject to change.

Section 6. The current Section 909 of Chapter X is deleted in its entirety.

Section 7. The following sections of Chapter X are renumbered:

907 to 911

908 to 912

910 to 913

911 to 914

912 to 914

913 to 915

Section 8. In all other respects, Chapter X and all enacted traffic regulations are reaffirmed.

Section 9. This Ordinance will be effective October 1, 2021.

ORDAINED AND ENACTED into an Ordinance and passed by the Commission of Mt. Lebanon, Pennsylvania on this ____ day of _____, 2021.

ATTEST:

MT. LEBANON, PENNSYLVANIA

Secretary

President of the Commission