

**COUNTY OF CARBON  
COMMONWEALTH OF PENNSYLVANIA  
ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF CARBON ESTABLISHING AND PROVIDING FOR PARKING KIOSKS/MULTI SPACE PARKING METERS; ESTABLISHING KIOSKS ZONES; ESTABLISHING AND REGULATING UNMETERED PARKING LOTS; AND REGULATING PARKING, TICKETING AND PROVIDING PENALTIES FOR VIOLATION.**

IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of Carbon County as follows:

**1. ORDINANCE NO. 2008-01, ORDINANCE NO. 2013-02, ORDINANCE NO. 2014-01, ORDINANCE NO. 2018-04, ORDINANCE NO. 2020-02, AND ORDINANCE 2023-001 ARE HEREBY DELETED AND REVOKED IN THEIR ENTIRETY.**

**I. GENERAL REGULATIONS**

**§ 101 – Short Title**

This Ordinance shall be known and may be cited as the **CARBON COUNTY PARKING ORDINANCE**.

**§ 102 – Definitions and Interpretation**

1. In this Ordinance, the singular shall include the plural and the plural shall include the singular, and the masculine shall include the feminine.
2. All references to “County” in this Ordinance shall mean the County of Carbon.
3. All references to “County Commissioners” in this Ordinance shall mean the Carbon County Board of Commissioners.
4. Words and phrases, when used in this article shall have the meanings ascribed to them in the Vehicle Code (75 Pa. C.S.A. §101 et seq.) as amended, except that in this article, the word “street” may be used interchangeably with the word “highway”, and shall have the same meaning as the word “highway” as defined in the Vehicle Code.
5. The provisions of this article, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this article, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this article shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.
6. Kiosk. The term Kiosk may be used interchangeably with Multi Space Parking Meter in this Ordinance.

7. Parking Kiosk Zone. That zone or zones as designated in Section 201 and 301, et. seq and as depicted in Exhibits “A” and “B”.
8. The County of Carbon, for the purpose of this Ordinance, will be known as the “Lessor” and the individual or entity leasing any space(s) will be known as the “Lessee”.

### **§103 – Repealer**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

### **§104 – Severability**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the County of Carbon that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

### **§105 – Effective Date**

This Ordinance shall become effective upon enactment and recordation in the Ordinance Book of the County.

### **§106 – Enforcement**

The authorized Parking Enforcement Personnel of the County are hereby empowered to enforce the provisions of this Ordinance.

## **II. PARKING KIOSK ZONES**

### **§201 – Parking Kiosk Zones Established; Restricted and Handicapped Parking Violations**

Parking kiosk zones are established upon certain County owned property situated in the Borough of Jim Thorpe as more fully described in Exhibit A and Exhibit B attached hereto and made part hereof.

**\* CREDIT CARD CONVENIENCE FEE 25¢  
\$1.25 CREDIT CARD MINIMUM**

1. Parking Kiosk Zones 3, 4, 7, 8, and 9 (as identified and described in Exhibit B) will be for the use of employees of the County Monday through Friday from 7:00 A.M. until 5:00 P.M, with the exception of County-approved holidays. Zones 1, 2, 5, and 6 will be for the use of the public daily for a fee from 6:00 A.M. until 6:00 P.M., unless otherwise noted by signage or parking personnel.
2. Validated Parking. Effective January 1, 2022, County residents are eligible for up to two (2) hours of validated/no fee parking in Carbon County Parking Zones 1, 2, 5, and 6 for prescheduled and coordinated official transactions and activities with a County department under the Commissioner’s purview or a validated parking program with participating row or court offices. Official transactions may include,

but are not limited to, attendance at public meetings, voter registration, veteran services, licensing, tax assessment appeals and inquiries and mapping services.

3. The Carbon County Board of Commissioners, within its discretion, may provide, at convenient and suitable locations in the Parking Kiosk Lots, reserved parking spaces for handicapped persons, and shall designate those spaces by appropriate signage. It shall be unlawful, and a violation of this Ordinance, for any person to park in any such reserved parking space unless that vehicle bears or displays: a “handicapped registration plate”; a “handicapped parking placard”; a “disabled veteran registration plate”; or a “disabled veteran placard”. All provisions, requirements and restrictions contained in the other sections of this Ordinance shall apply to vehicles lawfully parking in reserved parking spaces for handicapped persons.
4. It shall be unlawful and a violation of this Ordinance for any non-County employee to park a vehicle in an employee-designated area during the hours prescribed in this section. Each hour the vehicle remains in the space after the initial violation shall be considered a separate violation of this Ordinance.

#### **§202 – Days and Hours Parking Kiosks in Operation and Parking Time Limits Apply**

Parking Kiosks shall be operated, by deposit of currency, credit card or other approved manners of payment as set forth in Section 204 below, and the parking rates for specified lengths of time as well as the maximum parking times prescribed in Section 201 shall apply at all times, seven (7) days a week, in the Parking Kiosk Zones listed in Section 201. See Exhibit B.

#### **§203 – Placement and Characteristics of Parking; Improper Parking Violation**

1. Multi-space parking meters/kiosks will be installed in several locations of the Parking Kiosk Zones established by this Ordinance, and such kiosks shall be placed at such key points in the parking district with clear signage to indicate their locations. The Parking Kiosk Zones as described in Section 201 and Exhibit B shall be designated by signage placed by the County.
2. Lines and/or markings shall be painted or placed upon the curb, sidewalk or roadway adjacent to each parking space for the purpose of delineating the parking space for which the kiosk shall be used. Every vehicle parked at any parking space shall be parked wholly within the lines or markings so placed and applicable to that space.
3. It shall be unlawful and a violation of this Ordinance for any person to park a vehicle across any such line or marking, or to park a vehicle in such a position that the vehicle is not wholly within the area designated by those lines or markings.

#### **§204 – Deposit in Kiosk; Parking Kiosk Violations**

1. Whenever a vehicle is to be parked in the Parking Kiosk Zone during any times designated in Section 201, the driver of the vehicle, upon entering the parking space, shall immediately deposit such currency or other form of payment in a Parking Kiosk.

2. The following methods are the approved means of payment for use of any parking space in a Parking Kiosk Zone:
  - A. Deposit of coins and/or bills (U.S. Currency) where applicable in the Kiosk.
  - B. Insertion of a valid debit card or credit card in the Kiosk.
  - C. Purchasing of parking time by using a telecommunication device (i.e., phone, computer, mobile device, etc.) through a software application administered by a third-party vendor approved by the County.
3. Upon making the required payment for legal parking time through a method authorized in Section 204 of this Ordinance, the parking space may be lawfully occupied by the vehicle for the time indicated on the Temporary Parking Permit.
4. Upon the expiration of time of the parking period, the vehicle shall be in violation of this Ordinance and may be ticketed per the terms of this Section 206. Each hour after the time of the initial violation the vehicle remains in the space after the parking time has expired will be considered a separate violation of this Ordinance.
5. During the Parking Kiosk hours of operation, if any vehicle is found to be in a parking space without having made a payment by any of the means described in Section 204, Paragraph 2, that vehicle shall be considered to be in violation of this Ordinance. Each hour the vehicle remains in the space after the initial violation shall be considered a separate violation of this Ordinance.
6. It shall be unlawful for any person to park a vehicle, or to allow a vehicle to remain parked in any Parking Kiosk lots for longer than the maximum parking time prescribed by Section 201 of the Article, or at any time when the lot is closed to public use. There will be no occupied campers, recreational vehicles, or other vehicles permitted in the parking lots after 6:00 P.M.

#### **§205 – Unlawful to Tamper with Kiosk**

It shall be unlawful, and a violation of this Ordinance, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of the Parking Meter Kiosk installed under the provisions of this Ordinance. Nothing in this section shall apply to the servicing or opening of the kiosk by employees, agents or designated individuals of the County under the direction of the County Commissioners.

#### **§206 – Ticketing of Vehicles Parked Unlawfully; Effective Payment Within 72 Hours**

1. It shall be the duty of the parking enforcement personnel of the County to report: (1) the date and hour of the violation; (2) the license number of the vehicle; and (3) any other factors, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
2. The parking enforcement personnel making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Article instructing the owner or driver that he shall pay, for the use of the County:

- A. Where the parking violation pertains to Section 204 of this Ordinance, the sum of \$30.00 within seventy-two (72) hours after the time of the notice; or the sum of \$40.00 when such payment is made after more than seventy-two (72) hours. Timely payment will prevent the violator's account from being forwarded to collections and from incurring the additional costs, penalties, and interest prescribed in Section 207 of this Ordinance.
- B. Where the parking violation pertains to Section 203 or Section 301 of this Ordinance, the sum of \$40.00 within seventy-two (72) hours after the time of the notice; or the sum of \$50.00 when such payment is made after more than seventy-two (72) hours. Timely payment will prevent the violator's account from being forwarded to collections and from incurring the additional costs, penalties, and interest prescribed in Section 207 of this Ordinance.
- C. Where the parking violation pertains to Section 201 of this Ordinance, the sum of \$75.00 within seventy-two (72) hours after the time of the notice; or the sum of \$100.00 when such payment is made after more than seventy-two (72) hours. Timely payment will prevent the violator's account from being forwarded to collections and from incurring the additional costs, penalties and interest prescribed in Section 207 of this Ordinance.

#### **§ 207 – Collections Procedures**

1. If payment is not received within fourteen (14) days after the issuance of notice of a parking violation, the violator's account shall be deemed to be delinquent, and the County may thereafter employ any and all lawful means, methods and procedures as it deems necessary for collection of the delinquent account, including but not limited to referral of the violator's delinquent account to a designated third-party collection agency.
2. The violator shall be responsible for the payment of any and all additional costs, penalties and interest associated with the collection of his or her delinquent account by a third-party collection agency.
3. The County of Carbon has contracted with T2 Systems, Inc. to serve as its designated third-party agency for the collection of any and all fines, costs, penalties and interest associated with a delinquent parking violation account, and that agency is likewise authorized to employ any and all lawful means, methods and procedures as it deems necessary for collection of the delinquent account.

#### **§208 – Exceptions**

1. By Resolution, the Carbon County Board of Commissioners may from time to time amend, revise and/or temporarily or permanently suspend any of the provisions of this Ordinance as it deems necessary and appropriate, within its sole discretion.
2. The County shall have authority to establish no-parking and/or special purpose parking zones within any Parking Kiosk Zone at any time, on a temporary or permanent basis, and if deemed necessary, to remove parking kiosks previously

installed there. Except as may otherwise be provided by Resolution of the Carbon County Board of Commissioners, the provisions of this Ordinance shall not apply in those areas where no-parking or special purpose parking is in effect.

3. Any designated parking space(s) for the Office of Veterans Affairs shall be exempt from the payment of a parking fee while the individual is conducting business in the Office of Veterans Affairs during that office's regular hours of operations.

### **§209 – Towing**

The County reserves the right to enlist the aid of a towing company to remove violators of this Ordinance from County premises. All costs associated with towing will be at the vehicle owners expense.

## **III. LEASE OF PARKING SPACES**

### **§301 - Parking of Fee Basis Only; Reserved Parking Violation**

1. The parking spaces in the Parking Kiosk Lots shall be available in exchange for payment of a daily, monthly, bi-annual, or annual fee. The fee shall be fixed by the Board of Commissioners pursuant to a duly enacted Resolution. The leased parking spaces shall be assigned by the Parking Administrator and approved by the Board of Commissioners. Said spaces shall be designated and marked as "Reserved".
2. The rental fees shall be paid in advanced to the Parking Administrator for the use of the County. Failure to provide payment will result in the loss of use of the space(s). The Lessee will be in violation of this Ordinance, and will forfeit the reserved space. The associated lease shall thereafter be null and void.
3. Any vehicle that is occupying a "Reserved" space that is not authorized to do so, shall be considered in violation of this Ordinance and will be ticketed accordingly. Each hour the vehicle remains in the space after the initial violation shall be considered a separate violation of this Ordinance.
4. In the event of an impending snow/ice storm, Lessee shall move his, her or its vehicle(s) to the Northern most space(s) then available in the lot (i.e. the spaces under/near the State Route 903 Bridge) during the evening preceding the storm to aid in snow removal efforts. The vehicle(s) may return once the lot has been cleared and the storm has passed. Failure to do so is a violation of this Ordinance and will result in a fine and/or towing of the vehicle at the vehicle owner's expense. Each hour the vehicle remains in the space after the initial violation shall be considered a separate violation of this Ordinance.

## **IV. LIABILITY**

1. Notice is hereby given that County of Carbon is not liable to any visitor or lessee or to the owner(s) of any motor vehicle(s) or to any person(s) delivering any motor

vehicle(s) to the County parking facility. The County of Carbon is not liable for loss or damage to any motor vehicle or the contents thereof caused by fire, theft, explosion, weather conditions, breakage or collision. The vehicle owner or lessee shall solely bear all risks of loss of damage to the motor vehicle(s) or property therein from any cause and the occurrence of such loss or damages.

- 2. In the event of any damage to a motor vehicle for which the County of Carbon may be held legally liable, any such liability is strictly limited to the reasonable and ordinary costs of labor and parts necessary to repair that damage. The County of Carbon shall not be liable for damages for loss of use of the motor vehicle or for any other special damages caused by delay or inability to obtain parts, materials and/or skilled labor.

This Ordinance shall become effective as determined by Resolution of the Carbon County Commissioners.

**DULY ORDAINED AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_ 2024 by the Carbon County Board of Commissioners in lawful session assembled.

**CARBON COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**Michael J. Sofranko, Chairman**

\_\_\_\_\_  
**Wayne E. Nothstein, Vice-Chairman**

\_\_\_\_\_  
**Rocky C. Ahner, Member**

**ATTEST:**

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**Eloise K. Ahner, Chief Clerk/County Administrator**