

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2520 Session of
1982

INTRODUCED BY O'DONNELL, JUNE 1, 1982

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JUNE 1, 1982

AN ACT

1 Amending the act of June 5, 1947 (P.L.458, No.208), entitled, as
2 amended, "An act creating as bodies corporate and politic
3 "Parking Authorities" in cities of the first, second, second
4 A and third classes, boroughs, and townships of the first
5 class; prescribing the rights, powers and duties of such
6 authorities; authorizing such authorities to acquire,
7 construct, improve, maintain and operate parking projects; to
8 conduct research of the parking problem, and to establish a
9 permanent coordinated system of parking facilities, and to
10 borrow money and issue bonds therefor; providing for the
11 payment of such bonds and prescribing the rights of the
12 holders thereof; conferring the right of eminent domain on
13 such authorities; empowering such authorities to enter into
14 contracts with, and to accept grants from, the Federal
15 Government, State, political subdivisions of the State or any
16 agency thereof; exempting the property and securities of such
17 parking authorities from taxation and conferring exclusive
18 jurisdiction on certain courts over rates," empowering an
19 Authority where authorized by ordinance or resolution of the
20 municipality which created it to administer and enforce on-
21 street parking regulations and providing that moneys
22 collected and received by an Authority on behalf of the
23 municipality are not subject to debts and obligations of the
24 Authority.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. The Title of the act of June 5, 1947 (P.L.458,
28 No.208), known as the "Parking Authority Law," amended May 10,

1 1951 (P.L.291, No.57), is amended to read:

2 AN ACT

3 Creating as bodies corporate and politic "Parking Authorities"

4 in cities of the first, second, second A and third classes,

5 boroughs, and townships of the first class; prescribing the

6 rights, powers and duties of such authorities; authorizing

7 such authorities to acquire, construct, improve, maintain and

8 operate parking projects[;], to conduct research of the

9 parking problem, [and] to supervise, operate and administer

10 an efficient coordinated system of on-street parking

11 regulation where so authorized by municipal ordinance or

12 resolution, to establish a permanent coordinated system of

13 off-street parking facilities, and to borrow money and issue

14 bonds for such facilities therefor; providing for the payment

15 of such bonds and prescribing the rights of the holders

16 thereof; conferring the right of eminent domain on such

17 authorities; empowering such authorities to enter into

18 contracts with, and to accept grants from, the Federal

19 Government, State, political subdivisions of the State or any

20 agency thereof; exempting the property and securities of such

21 parking authorities from taxation and conferring exclusive

22 jurisdiction on certain courts over rates for their

23 facilities.

24 Section 2. Subsection (g) of section 2 of the act, amended

25 July 22, 1965 (P.L.224, No.124), is amended to read:

26 Section 2. Findings and Declaration of Policy.--

27 It is hereby determined and declared as a matter of

28 Legislative finding:

29 * * *

30 (g) That this parking crisis, which threatens the welfare of

1 the community, can be reduced by administering and enforcing an
2 efficient system of on-street regulation, and by providing
3 sufficient off-street parking or parking terminal facilities, or
4 both properly located in the several residential, commercial and
5 industrial areas of the city, borough, or township of the first
6 class;

7 * * *

8 Section 3. Section 3 of the act is amended by adding clauses
9 to read:

10 Section 3. Definitions.

11 The following terms whenever used or referred to in this act
12 shall have the following meanings, except in those instances
13 where the context clearly indicates otherwise:

14 * * *

15 (l) The term "off-street parking" shall mean the parking of
16 vehicles in locations other than public streets or
17 thoroughfares, including without limitation, all facilities of
18 an Authority, as well as private and public parking lots and
19 parking garages.

20 (m) The term "on-street parking" shall mean the parking of
21 vehicles on public streets or thoroughfares located within the
22 physical boundaries of a municipality.

23 (n) The term "boot" shall mean the act of placing on a
24 parked vehicle a mechanical device, which is designed to be
25 attached to the wheel or tire of such vehicle so as to prohibit
26 its movement, for the enforcement of on-street parking
27 regulations or delinquent parking tickets or fines.

28 Section 4. Subsection (a) of section 5 of the act, amended
29 June 19, 1969 (P.L.90, No.32), is amended to read:

30 Section 5. Purposes and Powers; General.--

1 (a) The Authority, incorporated under this act, shall
2 constitute a public body corporate and politic, exercising
3 public powers of the Commonwealth as an agency thereof, and
4 shall be known as the Parking Authority of the city, borough, or
5 township of the first class, but shall in no way be deemed to be
6 an instrumentality of the city, borough, or township of the
7 first class or engage in the performance of a municipal
8 function, except such functions as are delegated to it by
9 municipal ordinance or resolution passed pursuant to this act.

10 The Authority shall be for the purpose of conducting the
11 necessary research activity, to maintain current data leading to
12 efficient operation of off-street parking or parking terminal
13 facilities, or both for the fulfillment of public needs in
14 relation to such parking, administering and enforcing an
15 efficient and coordinated system of on-street parking
16 regulations where so authorized by municipal ordinance or
17 resolution, establishing a permanent coordinated system of
18 parking or parking terminal facilities, or both planning,
19 designing, locating, acquiring, holding, constructing,
20 improving, maintaining and operating, owning, leasing, either in
21 the capacity of lessor or lessee, land and facilities to be
22 devoted to the parking of vehicles of any kind: Provided,
23 however, That the Authority shall not have the power to engage
24 in the sale of gasoline, the sale of automobile accessories,
25 automobile repair and service, or any other garage service and
26 shall not engage in the sale of any commodity or trade or
27 commerce.

28 The Authority shall have the power to lease portions of the
29 street level or other floors of the parking facilities for
30 commercial use and for any use in addition to parking, including

1 emergency automobile repair service, and the sale, by the
2 lessee, of any commodity of trade or commerce or any service,
3 and, except the sale of gasoline or the sale of automobile
4 accessories, where, in the opinion of the Authority, such
5 leasing is desirable and feasible in order to assist in
6 defraying the expenses of the Authority. Such leases shall be
7 granted on a fair competitive basis on such negotiated or
8 competitive basis as the Authority may deem best suited to
9 accomplish the above purpose.

10 Nothing herein contained shall be construed to prohibit the
11 sale or leasing by the Authority, upon such negotiated or
12 competitive basis as it may determine, of the right to occupy
13 and use the space above or under any parking facility for any
14 use in addition to parking (except the sale of gasoline or the
15 sale of automobile accessories), together with the right to use
16 and occupy such space within the parking facility as may be
17 necessary for the purpose of access to and support of structures
18 occupying the space above such parking facility.

19 * * *

20 Section 5. Clause (8) of subsection (b) of section 5 of the
21 act, repealed in part June 3, 1971 (P.L.118, No.6), is amended
22 and a clause is added to read:

23 Section 5. Purposes and Powers; General.--

24 * * *

25 (b) Every Authority is hereby granted and shall have and may
26 exercise all powers necessary or convenient for the carrying out
27 of the aforesaid purposes including, but without limiting the
28 generality of the foregoing, the following rights or powers: on
29 such obligations.

30 * * *

1 (8) To fix, alter, charge and collect rates and other
2 charges for its facilities at reasonable rates to be determined
3 exclusively by it, subject to appeal as hereinafter provided,
4 for the purposes of providing for the payment of the expenses of
5 the Authority, the construction, improvement, repair,
6 maintenance and operation of its facilities and properties, the
7 payment of the principal of and interest on its obligations, and
8 to fulfill the terms and provisions of any agreements made with
9 the purchasers or holders of any such obligations or with the
10 city. Any person questioning the reasonableness of [any rate]
11 the foregoing rates fixed by the Authority may bring suit
12 against the Authority in the court of common pleas of the county
13 wherein the project is located. The court of common pleas shall
14 have exclusive jurisdiction to determine the reasonableness of
15 such rates and other charges fixed, altered, charged or
16 collected by the Authority in connection with its facilities.

17 * * *

18 (17) Notwithstanding anything to the contrary contained in
19 this act, and provided the legislative body of the municipality
20 which created the Authority shall so authorize by ordinance or
21 resolution, the Authority shall have and exercise all powers
22 necessary or convenient for the administration, supervision and
23 enforcement of an efficient system of on-street parking
24 regulation including, but without limitation, the power and
25 right to conduct research and maintain data related to on-street
26 parking activities, to issue parking tickets for illegally
27 parked vehicles, to collect on behalf of a municipality rates
28 and other charges, including fines and penalties, for
29 uncontested on-street parking violations, to boot or tow, or
30 both vehicles that are illegally parked or whose owner is

1 delinquent in payment of previously issued parking tickets, and
2 to own or lease any personal property used in connection with
3 the exercise of any power provided herein. The exercise by the
4 Authority of any power provided herein shall not be construed to
5 constitute the prosecution of a summary offense under 42 Pa.C.S.
6 Ch. 13 (relating to traffic courts).

7 Section 6. Section 6 of the act is amended by adding a
8 subsection to read:

9 Section 6. Purposes and Powers; Bonds.--

10 * * *

11 (d) All moneys collected or received by the Authority on
12 behalf of a municipality pursuant to section 5(b)(17) hereof
13 shall not be deemed to constitute revenues and receipts of the
14 Authority under the provisions of this act or be subject to any
15 debt or obligation of the Authority.

16 Section 7. Section 10 of the act, amended November 23, 1977
17 (P.L.232, No.73), is amended to read:

18 Section 10. Moneys of the Authority.

19 [All] Except as otherwise provided herein, all moneys of any
20 Authority, from whatever source derived, shall be paid to the
21 treasurer of the Authority. Said moneys shall be deposited, in
22 the first instance by the treasurer at the direction of the
23 Authority in one or more banks or bank and trust companies, in
24 one or more special accounts or under savings contracts in
25 savings associations in one or more special accounts, and each
26 of such special accounts, to the extent the same is not insured,
27 shall be continuously secured by a pledge of direct obligations
28 of the United States of America, of the Commonwealth, or of the
29 city, borough, or township of the first class creating the
30 Authority having an aggregate market value, exclusive of accrued

1 interest at all times, at least equal to the balance on deposit
2 in such account. Such securities shall either be deposited with
3 the treasurer or be held by a trustee or agent satisfactory to
4 the Authority. All banks, bank and trust companies and savings
5 associations are authorized to give such security for such
6 deposits. The moneys in said accounts shall be paid out on the
7 warrant or other order of the chairman of the Authority, or of
8 such other person or persons as the Authority may authorize to
9 execute such warrants or orders. In the case of moneys collected
10 or received by the Authority on behalf of a municipality
11 pursuant to section 5(b)(17), such moneys shall be pledged to
12 the use of the municipality and disbursed to the municipality as
13 provided by ordinance or resolution. Every Authority shall have
14 at least an annual examination of its books, accounts and
15 records by a certified public accountant. A copy of such audit
16 shall be delivered to the city, borough, or township of the
17 first class creating the Authority. A concise financial
18 statement shall be published annually at least once in a
19 newspaper of general circulation in the city, borough, or
20 township of the first class where the principal office of the
21 Authority is located. If such publication is not made by the
22 Authority the city, borough, or township of the first class
23 shall publish such statement at the expense of the Authority. If
24 the Authority fails to make such an audit then the controller,
25 auditors or accountant designated by the city, borough, or
26 township of the first class are hereby authorized and empowered,
27 from time to time, to examine at the expense of the Authority,
28 the accounts and books of the Authority, including its receipts,
29 disbursements, contracts, leases, sinking funds, investments and
30 any other matters relating to its finances, operation and

1 affairs.

2 The Attorney General of the Commonwealth of Pennsylvania
3 shall have the right to examine the books, accounts and records
4 of any Authority.

5 Section 8. This act shall take effect immediately.