

No. 244

AN ACT

SB 962

Amending the act of June 5, 1947 (P. L. 458), entitled, as amended, "An act creating as bodies corporate and politic 'Parking Authorities' in cities of the first, second, second A and third classes, boroughs, and townships of the first class; prescribing the rights, powers and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to establish a permanent coordinated system of parking facilities, and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such authorities; empowering such authorities to enter into contracts with, and to accept grants from, the Federal Government, State, political subdivisions of the State or any agency thereof; exempting the property and securities of such parking authorities from taxation and conferring exclusive jurisdiction on certain courts over rates," authorizing, in cities of the second class, the leasing of portions of the street level or other floors and the sale or leasing of space above any parking facility for any use in addition to parking (excepting the sale of gasoline or automobile accessories) on such negotiated or competitive basis as the authorities may determine.

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

Section 1. Subsection (a) of section 5, act of June 5, 1947 (P. L. 458), known as the "Parking Authority Law," amended July 22, 1965 (P. L. 224), is amended to read:

Section 5. Purposes and Powers; General.—

(a) The Authority, incorporated under this act, shall constitute a public body corporate and politic, exercising public powers of the Commonwealth as an agency thereof, and shall be known as the Parking Authority of the city, borough, or township of the first class, but shall in no way be deemed to be an instrumentality of the city, borough, or township of the first class or engage in the performance of a municipal function. The Authority shall be for the purpose of conducting the necessary research activity, to maintain current data leading to efficient operation of off-street parking or parking terminal facilities, or both for the fulfillment of public needs in relation to parking, establishing a permanent coordinated system of parking or parking terminal facilities, or both planning, designing, locating, acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, land and facilities to be devoted to the parking of vehicles of any kind: Provided, however, That the Authority shall not have the power to engage in the sale of gasoline, the sale of automobile accessories, automobile repair and service, or any other garage service and shall not engage in the sale of any commodity of trade or commerce.

The Authority shall have the power to lease portions of the street level or other floors of the parking facilities for commercial use and in cities of the second class, for any use in addition to parking, including emergency automobile repair service, and the sale, by the lessee, of any commodity of trade or commerce or any service, and, except the sale of gasoline or the sale of automobile accessories, where, in the opinion of the Authority, such leasing is desirable and feasible in order to assist in defraying the expenses of the Authority. Such leases shall be granted on a fair competitive basis or in cities of the second class, on such negotiated or competitive basis as the Authority may deem best suited to accomplish the above purpose.

Nothing herein contained shall be construed, except in cities of the second class, to prohibit the sale or leasing by the Authority, of the right to occupy and use the space above any parking facility for commercial uses other than parking (except the sale of gasoline or the sale of automobile accessories), together with the right to use and occupy such space within the parking facility as may be necessary for the purposes of access to and support of structures occupying the space above such parking facility. Nothing herein contained shall be construed, in cities of the second class, to prohibit the sale or leasing by the Authority, upon such negotiated or competitive basis as it may determine, of the right to occupy and use the space above or under any parking facility for any use in addition to parking (except the sale of gasoline or the sale of automobile accessories), together with the right to use and occupy such space within the parking facility as may be necessary for the purpose of access to and support of structures occupying the space above such parking facility.

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Section 2. This act shall take effect immediately.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.