

ORDINANCE NO. 1 OF 1975

TO: Borough of McKean, Erie County, Pennsylvania

AN ORDINANCE OF THE BOROUGH OF MCKEAN, ERIE COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGULATION AND CONTROL OF TRAFFIC, STOPPING, PARKING, LOADING AND UNLOADING OF VEHICLES UPON THE STREETS, PUBLIC ALLEYS AND PARK ROADWAYS OF THE BOROUGH OF MCKEAN IN CONJUNCTION WITH AND UNDER THE AUTHORITY OF AND WITHIN THE TERMS AND PROVISIONS OF THE ACT OF ASSEMBLY OF THE COMMONWEALTH KNOWN AS THE PENNSYLVANIA MOTOR VEHICLE CODE.

WHEREAS, The Borough of McKean has caused to be prepared the within Ordinances providing for the regulation and control of traffic, stopping, parking, loading and unloading of vehicles upon the streets, public alleys, and park roadways of the Borough of McKean in conjunction with and under the authority of and within the terms and provisions of the Act of Assembly of the Commonwealth known as the Pennsylvania Motor Vehicle Code, and

WHEREAS, legal notice was given by advertisement in a newspaper of general circulation in the Borough of McKean, that the Planning Commission of the Borough of McKean would hold a Public Hearing on Monday, December 9, 1974, to consider recommending the proposed Traffic Code to the Borough Council, and

WHEREAS, the proposed Traffic Code of the Borough of McKean was introduced in the Borough Council on December 9, 1974, which date was more than thirty (30) days before its final enactment, and

WHEREAS, notice of the introduction of the Traffic Code of the Borough of McKean, specifying the general nature and listing the Titles of the various Ordinances, was given by advertisement in a newspaper of general circulation in said Borough fifteen days before its final enactment.

The Borough of McKean hereby ordains the following as the Traffic Code of the Borough of McKean:

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TRAFFIC CODE

TITLE ONE - ADMINISTRATION
Art. 101. Purpose and Definition
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ARTICLE 101
Purpose and Definition

101.01 Purpose

101.02 Definitions

101.01 PURPOSE.

The purpose of this Traffic Code is to provide for the regulation and control of traffic, stopping, parking, loading and unloading of vehicles upon the streets, public alleys and park roadways of the Borough of McKean in conjunction with and under the authority of and within the terms and provisions of the Act of Assembly of the Commonwealth known as the Pennsylvania Motor Vehicle Code. In all cases not specifically covered by the provisions of this Traffic Code, the provisions of the Pennsylvania Motor Vehicle Code shall apply.

101.02 DEFINITIONS.

- (a) Except as otherwise provided herein, words and phrases when used in this Traffic Code shall have the meanings ascribed to them in the Pennsylvania Motor Vehicle Code as now in force or as hereafter amended, enacted or re-enacted.
- (b) "Street" is included in the definition of "highway" in the Vehicle Code.
- (c) "Sidewalk" means that portion of a street between curb lines and the adjacent property lines.
- (d) "Roadway" means that portion of a street or highway between the regularly established curb lines and that part improved and intended to be used for vehicular travel.
- (e) "Appropriate Police Official or Officer" means the Mayor, Chief of Police, or any Police Officer acting on the orders of the Mayor or Chief of Police.

ARTICLE 103
Enforcement and Penalty

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| 103.01 | Authority of police. | 103.04 | Owner prima-facie responsible for illegal parking. |
| 103.02 | Emergency and experimental regulations. | 103.05 | Through streets; stop streets. |
| 103.03 | Pennsylvania Motor Vehicle Code. | 103.06 | One Way Streets. |
| | | 103.07 | Limited Access at Intersection of Old North Main Street and Route 99. |

103.01 AUTHORITY OF POLICE.

It shall be the duty of the appropriate Borough Police Officers to enforce the provisions of this Traffic Code. Police Officers of the Borough of McKean are authorized to direct all traffic in person or by means of visible or audible signals in conformance with the provisions of this Traffic Code and the Pennsylvania Motor Vehicle Code, provided that in the event of fire or other emergency, or to expedite traffic or safeguard pedestrians, Police Officers of the Borough of McKean may direct traffic, as conditions may require, notwithstanding the provisions of this Traffic Code.

103.02 EMERGENCY AND EXPERIMENTAL REGULATIONS.

The appropriate Police Officer of the Borough of McKean, by and with the approval of the Borough Council, is hereby empowered to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulations shall remain in effect for more than thirty (30) days.

103.03 PENNSYLVANIA MOTOR VEHICLE CODE.

The provisions of the Pennsylvania Motor Vehicle Code shall apply to any violations thereof within the Borough of McKean.

103.04 OWNER PRIMA-FACIE RESPONSIBLE FOR ILLEGAL PARKING

If any vehicle is found upon a street or highway in violation of any provisions of this Traffic Code regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima -facie responsible for such violation.

103.05 THROUGH STREETS: STOP STREETS.

The Borough Council is authorized and empowered to designate certain streets for through traffic at certain intersections and to designate the location of intersections where approaching vehicles must come to a full stop before entering the intersection. Such designation shall be made in accordance with the procedure provided in Section 121.06.

103.06 ONE WAY STREETS.

The Borough Council is authorized and empowered to designate certain streets, or parts thereof, for one way traffic. Such designation shall be made in accordance with the procedure in Section 121.06.

103.07 LIMITED ACCESS AT INTERSECTION OF OLD NORTH MAIN STREET AND ROUTE 99.

- (a) all southbound traffic on old North Main Street shall be required to turn right at the accessway between old North Main Street and Route 99 and shall not proceed to that intersection.
- (b) old North Main Street from the above described accessway southwardly to the intersection of old North Main Street and Route 99 shall be limited to one way northbound travel.
- (c) left turns by southbound traffic on Route 99 at the intersection with old North Main Street is prohibited. All such turns shall be made in the above described access way.

103.99 PENALTY.

Whoever violates any provision of this Traffic Code or any regulation of the Borough Council issued hereunder shall be fined not more than fifty dollars (\$50.00) and, in default of payment of such costs and fine, imprisoned for a period of not more than ten days.

TITLE THREE - TRAFFIC REGULATIONS
Art. 111. Commercial Vehicles
Art. 113. Restrictions as to Speed

ARTICLE 111
Commercial Vehicles

111.01 Definitions
111.02 Commercial Vehicles
Prohibited
111.03 Exceptions
111.99 Penalty

111.01 DEFINITIONS

Unless otherwise expressly stated the following terms shall have for the purposes of this article the meaning indicated in this section:

- (a) "Borough" means the Borough of McKean.
- (b) "Commercial Vehicle" means as follows:
- (1) All buses transporting or authorized to transport passengers for pay or hire, except a bus or buses whose principal route is located within the Borough.
 - (2) All trucks, trailers or semitrailers transporting or authorized to transport property of any kind and all other vehicles designed or operated for the transportation of property.

111.02 COMMERCIAL VEHICLES PROHIBITED

Commercial Vehicles are not permitted to travel on the following streets, except to make pick-ups or deliveries thereon:

- A. Kevin Drive
- B. Paula Way

111.03 EXCEPTIONS.

This article shall not prohibit:

- (a) Emergency Vehicles. The operation of emergency vehicles over and along any street.
- (b) Detours. The operation of commercial vehicles upon any officially established detour in any case in which such vehicles could be operated over and along the street for which the detour is established.
- (c) Pick-ups at and deliveries to businesses located at the intersection of Kevin Drive and Main Street shall be permitted provided that neither entry to nor egress from such place of business is made via Paula Way.

111.99 PENALTY.

Whoever violates any provision of this article shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or imprisoned for not more than ten days, or both.

ARTICLE 113
Restrictions as to Speed

- 113.01 Restrictions as to speed limits to be enforced in the Borough
- 113.02 Exceptions
- 113.03 Enforcement
- 113.99 Penalty

113.01 RESTRICTIONS AS TO SPEED LIMITS TO BE ENFORCED IN THE BOROUGH
In accordance with PA. STAT. ANN. tit. 75, Section 1002 the following speed restrictions are to be in force in the Borough of McKean.

- (a) Main Street (Route 99), north Borough limit to south Borough limit--35 m.p.h.
- (b) East Avenue--20 m.p.h.
- (c) Drown Avenue--20 m.p.h.
- (d) West Road--35 m.p.h.
- (e) Old North Main Street--25 m.p.h.
- (f) School Street--20 m.p.h.
- (g) Subdivisions (all streets)--20 m.p.h.
- (h) School Zones--15 m.p.h.
- (i) Hamot Street--20 m.p.h.
- (j) Maple Street--20 m.p.h.

113.02 EXCEPTIONS

The speed limitations set forth herein shall not apply to vehicles, when operated with due regard for safety, under the direction of the police in the chase or apprehension of violators of the law, or of persons charged with or suspected of any such violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to ambulances when traveling in emergencies. The exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

113.03 ENFORCEMENT

It shall be the duty of any and all duly appointed Police Officers of the Borough to enforce the provisions of this article.

113.99 PENALTY

In accordance with PA. STAT. ANN. tit. 75, Sections 1002 and 1301 any person violating any of the provisions of this article, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of payment thereof shall undergo imprisonment for not more than five days. Said fines for violations committed within the Borough shall be paid to the Treasurer of the Borough.

TITLE FIVE - STOPPING, STANDING AND PARKING

Article 121	Parking Generally
Article 123	Parking Meters
Article 125	Impounding of Vehicles
Article 127	Abandoned Vehicles on Private Property

ARTICLE 121
Parking Generally

121.01	Passenger and loading zones to be designated.	121.08	Parking time in metered zones.
121.02	Passenger zones; prohibited stopping.	121.09	Parking of commercial vehicles limited.
121.03	Loading zones; prohibited stopping.	121.10	Parking of truck-trailers.
121.04	Bus stops and taxicab stands designated.	121.11	Parking vehicle for certain purposes prohibited.
121.05	Other vehicles prohibited in bus stops, taxicab stands.	121.12	Stopping prohibited in specified places.
121.06	Parking time limited in designated nonmetered areas; notice.	121.13	Stopping restricted in specific areas.
121.07	Parking prohibited or limited to one side of street or parking area.	121.14	Parking near curb.
		121.15	Setting brakes; stopping motor.
		121.16	Parallel parking.
		121.17	Notice and Waiver
		121.99	Penalty

121.01 PASSENGER AND LOADING ZONES TO BE DESIGNATED.

The Borough Council shall have authority to determine, by proper resolution, the location of passenger zones and loading zones and shall erect and maintain or cause to be maintained appropriate signs indicating the same.

121.02 PASSENGER ZONES; PROHIBITED STOPPING.

No operator of a vehicle shall stop, stand or park any vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers in any place marked as a passenger zone.

121.03 LOADING ZONES; PROHIBITED STOPPING.

No operator of a vehicle shall stop, stand or park any vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the unloading and delivery or pickup and loading of materials, in any place marked as a loading zone. In no case shall the stop for loading or unloading of materials exceed forty-five minutes.

121.04 BUS STOPS AND TAXICAB STANDS DESIGNATED.

The Borough Council is authorized and required to establish, by proper resolution, bus stops and taxicab stands on such public streets in such places and in such number as shall be determined to be of the greatest benefit and convenience to the public. Every such bus stop and taxicab stand shall be designated by appropriate signs.

121.05 OTHER VEHICLES PROHIBITED IN BUS STOPS, TAXICAB STANDS.

No operator of any vehicle other than a bus shall stand or park in an officially designated bus stop, and no vehicle other than a taxicab shall stand or park in an officially designated taxicab stand, except that the operator of any passenger vehicle may stop temporarily in any such stop or stand for the purpose of and while actually engaged in the loading and unloading of passengers.

121.06 PARKING TIME LIMITED IN DESIGNATED NON-METERED AREAS; NOTICE.

The Borough Council is authorized and empowered to designate, by proper resolution, time limits for parking along the streets of the Borough where no parking meters have been installed. No such regulation shall be effective until short notice of the contents thereof has been advertised three times in a daily newspaper and the area so designated has been posted with proper signs informing the public of such regulation. A public list of such regulations heretofore or hereafter established shall be maintained and made available for public inspection, and all time limits for parking previously promulgated and properly posted are hereby ratified and conformed.

121.07 PARKING PROHIBITED OR LIMITED TO ONE SIDE OF STREET OR PARKING AREA. In addition to the restrictions expressly adopted in Section 121.13, the Borough Council is authorized, by proper resolution, to prohibit parking or limit the parking of vehicles to designated sides of streets or designated areas of streets. Such limitation may be made to prevail at all times or at designated hours of the day. Such designation shall be made, approved, adopted, advertised and posted in the same manner as provided in Section 121.06.

121.08 PARKING TIME IN METERED ZONES

Where parking meters have been installed along the streets of the Borough, the parking time limit shall be as posted upon the meter for the location involved.

121.09 PARKING OF COMMERCIAL VEHICLES LIMITED.

No commercial vehicle with a chassis weight in excess of 3,000 pounds shall stand or park at any time on the streets of the Borough for a period of time in excess of two hours, except for vehicles of service companies, contractors, repairmen or others actually engaged in working operations in the vicinity during the actual period of such work.

121.10 PARKING OF TRUCK-TRAILERS.

No person shall park upon any street a truck-trailer or trailer without having attached thereon a means of mechanical traction constructed or designed for the purpose of pulling or drawing such trailer.

121.11 PARKING VEHICLE FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any street or highway in the Borough for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Commercial washing, greasing, painting or repairing such vehicle, except repairs necessitated by an emergency;
- (c) Displaying advertising thereon;
- (d) Offering goods, wares and merchandise therefrom for sale;
- (e) Storage which shall consist of allowing such vehicle to remain in one place continuously for over seventy-two hours.

121.12 STOPPING PROHIBITED IN SPECIFIED PLACES.

No operator of a vehicle shall stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal:

- (a) Within an intersection;
- (b) On a crosswalk;
- (c) Within fifteen feet from the intersection of curb lines or, if none, then within fifteen feet of the intersection of property lines at an intersection of streets other than private drives and alleys;
- (d) Within fifteen feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of the roadway;
- (e) Within fifteen feet of the driveway entrance to any fire station;
- (f) Within fifteen feet of a fire hydrant;
- (g) In front of a private driveway;
- (h) On a sidewalk or between a sidewalk and the curb;
- (i) Alongside or opposite any street excavation or construction when such stopping, standing or parking would obstruct traffic;
- (j) On the roadway side of any vehicle stopped or parked at the right-hand edge or curb of a street;
- (k) At any place where official traffic signs have been erected prohibiting standing and parking;
- (l) Within fifty feet of the entrance to any public, private or parochial school between the hours of 7:30 a.m. and 4:30 p.m. during the months in which such schools are in session;
- (m) In any alley;
- (n) With the left side of such vehicle next to the curb, except on one-way streets where parking is indicated as being permitted;
- (o) On the westside of Main Street (Rt. 99) from the north Borough limit to a point opposite the north line of School Street.
- (p) At any point adjacent to the "triangle".
- (q) On the east side of Main Street, from the north side of West Road to the South side of East Avenue.

121.13 STOPPING RESTRICTED IN SPECIFIED AREAS.

Except where necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal, the stopping or parking of vehicles is partially restricted along the following streets and at the following times of day and year,

- (a) Parking on the west side of Main Street (Route 99) from the north Borough line to the south Borough line is prohibited during the hours of Midnight to Eight a.m. on Mondays, Wednesdays, and Fridays from November 1st of each year to April 1st of the following year.
- (b) Parking on the east side of Main Street (Route 99) from the north Borough Line to the south Borough line is prohibited during the hours of Midnight to Eight a.m. on Tuesdays, Thursdays, and Saturdays from November 1st of each year to April 1st of the following year.

121.14 PARKING NEAR CURB.

No operator of a vehicle shall park any vehicle more than nine inches from any curb.

121.15 SETTING BRAKES; STOPPING MOTOR.

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended, without first effectively setting the brakes thereon and stopping the motor of such vehicle.

121.16 PARALLEL PARKING.

Except when necessary in obedience to traffic regulations or traffic signs, the operator of a vehicle shall not stop, stand or park such vehicle on any street other than parallel with the edge of the street.

121.17 NOTICE AND WAIVER

- (a) For each violation of this article there shall be attached to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of this article. Each owner or operator may, within forty-eight hours of the time when such notice was attached to such vehicle, or within seventy-two hours should said violation occur on a Saturday or Sunday, pay to the appropriate Borough Police Official the sum of two dollars (\$2.00) for each such attached notice or shall after the expiration of such time, but within the next forty-eight hours, pay four dollars (\$4.00) for each such notice attached to such vehicle.

- (b) The payment in either manner as set forth in subsection (a) hereof shall be effective as payment of the penalty for and in full satisfaction of any parking violation of this article.
- (c) Each and every notice of Violation attached to any vehicle parked in violation of this article shall be considered a separate violation.
- (d) A Notice of Violation may be issued to violators at two hour intervals, said two hour interval is to commence upon issuance of the first Notice of Violation.

121.99 PENALTY.

Whoever violates any of the provisions of this article or who fails to satisfy such violation under Section 121.17 (a), and any person who aids, abets or assists therein shall be fined not more than fifty dollars (\$50.00) or, in default of payment thereof, imprisoned not more than ten days.

ARTICLE 123
Parking Meters

123.01	Title.	123.08	Parking beyond legally establishe time.
123.02	Purpose.	123.09	Excepted times for on-street parking.
123.03	Definitions.	123.10	Evidence of illegal parking.
123.04	Designation of individual on-street parking spaces.	123.11	Enforcement.
123.05	Installation of parking meters.	123.12	Notice and waiver.
123.06	Regulation of parking in individual on-street and off-street parking spaces; coin deposit required.	123.13	Rate schedules
123.07	Parking when signal indicates overtime.	123.99	Penalty.

123.01 TITLE.

This article shall be known as the Borough of McKean Parking Meter Code.

123.02 PURPOSE.

The purpose of this article is to provide for the regulation and control of motor vehicles parked on the streets of the Borough, and in any off-street parking facilities hereinbefore or hereinafter established by the Borough; to establish time limits for parking, which time limits shall be governed by parking meters, and to provide for penalties for the violation of the rules and regulations of the Parking Meter Code.

123.03 DEFINITIONS.

As used in this article, the following words shall be defined as followed:

- (a) "Vehicle" means any device in, upon or by which any person or property is or may be transported upon a public highway, except such as are used exclusively by human power.
- (b) "Parking" means the standing of a vehicle, except a police or fire vehicle, or ambulance, whether occupied or not, upon a highway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.
- (c) "Parking meter" means a mechanical device which shall indicate thereon the length of time during which a vehicle may be parked in a particular place or space, which shall have as a part thereof a receptacle or chamber for receiving and storing coins of United States money, a slot or place in which such coins may be deposited, a timing mechanism to indicate the passage of the interval of

123.03 DEFINITIONS (continued)

- (c) time during which parking is permissible and which shall also display an appropriate signal when the aforesaid interval of time has elapsed and which device shall contain on the outside thereof brief instructions as to its operation and a schedule of parking meter rates and time of operation.
- (d) "Off-street parking facilities" means the areas of land that the Borough may acquire, which areas may be improved, paved, or lighted and marked off into individual parking spaces and equipped with parking meters or attendants and used for parking of vehicles.
- (e) "On-street parking spaces" means a portion of the right of way or street sufficient to accommodate a parked vehicle as the same shall be designated by the appropriate Police Official.

123.04 DESIGNATION OF INDIVIDUAL ON-STREET PARKING SPACES.

- (a) The Borough Council is hereby authorized and directed, by proper resolution, to designate and mark off spaces as is deemed proper along the streets for the installation of parking meters for the parking of vehicles. At a place where an individual parking space is so marked off, each vehicle shall be parked entirely within such individual space.
- (b) The Borough Council is further authorized and directed, by proper resolution, to remove, vacate, alter or change such individual on-street parking spaces from time to time as circumstances and conditions of traffic flow and congestion may require.
- (c) The Borough Council herewith adopts as the individual on-street parking spaces such individual on-street parking spaces as are now in existence or which may hereafter be marked or designated, as set forth above.

123.05 INSTALLATION OF PARKING METERS.

The Borough Council of the Borough of McKean is hereby authorized and directed, by proper resolution, to place, install, maintain and remove, if necessary, parking meters along the curb side or in the immediate vicinity of individual on-street parking spaces designated and marked off for that purpose. Such parking meters shall be devices as defined in Section 123.03 (c) and such parking meters shall be under the management, supervision and control of the Borough Council.

123.06 REGULATION OF PARKING IN INDIVIDUAL ON-STREET AND OFF-STREET PARKING SPACES; COIN DEPOSIT REQUIRED.

Whenever a vehicle shall be parked in an individual parking space on-street or off-street, where a parking meter has been installed, the person parking such vehicle shall deposit one-cent coins, five-cent coins, ten-cent coins, or twenty-five cent coins of United States money in such parking meter for the time desired by such person.

123.07 PARKING WHEN SIGNAL INDICATES OVERTIME.

No person shall permit a vehicle to remain in any individual on-street or off-street parking space adjacent to a parking meter while such meter is displaying a signal indicating that the vehicle occupying such space has been parked beyond the period of time prescribed for such parking space.

123.08 PARKING BEYOND LEGALLY ESTABLISHED TIME.

No person shall cause, allow, permit or suffer any motor vehicle owned or operated by such person to be parked overtime or beyond the period of legal parking established for any individual on-street or off-street parking space and when the parking meter governing such space shows a red violation flag.

123.09 EXCEPTED TIMES FOR ON-STREET PARKING.

The provisions of this article relating to on-street parking spaces shall not apply to vehicles parking in such spaces between the hours of 6:00 p.m. and 9:00 a.m. on Mondays through Saturdays, inclusive, nor shall the provisions of this article apply to the parking of vehicles on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas, or on those days as the Borough Council may from time to time prescribe.

123.10 EVIDENCE OF ILLEGAL PARKING.

- (a) Any vehicle parked in violation of the provisions of this article in an on-street or off-street individual parking space shall be deemed illegally parked.
- (b) The presence of a vehicle in an on-street or off-street parking space when the time signal on the meter shows a violation shall be deemed prima-facie evidence of the unlawful parking of such motor vehicle by its owner or operator.

123.11 ENFORCEMENT.

It shall be the duty of any and all duly appointed Police Officers of the Borough to enforce the parking provisions of this article. Borough Police Officers shall issue Notices of Violation with no more frequency than the maximum time allotted by the Parking Meter, provided said time does not exceed two hours.

123.12 NOTICE AND WAIVER.

- (a) For each violation occurring in either an on-street or off-street parking space, there shall be attached to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of this article. Each owner or operator may, within forty-eight hours of the time when such notice was attached to such vehicle, pay to an appropriate police official the sum of one dollar (\$1.00) for each such attached notice or may after the expiration of such time but within the next forty-eight hours, pay two dollars (\$2.00) for each such notice attached to such vehicle.
- (b) The payment in either manner as set forth in subsection (a) hereof shall be effective as payment of the penalty for and in full satisfaction of any parking violation of this article.
- (c) Each and every notice of Violation attached to any vehicle parked in violation of this article shall be considered a separate violation.

123.13 RATE SCHEDULES.

The off-street and on-street parking sites and the rates to be charged therefore may be established from time to time as circumstances demand by the Borough Council.

123.99 PENALTY.

Whoever violates any of the provisions of this article or who fails to satisfy such violation under Section 123.12 (a), and any person who aids, abets or assists therein shall be fined not more than fifty dollars (\$50.00) or, in default of payment thereof, imprisoned not more than ten days.

ARTICLE 125
Impounding of Vehicles

125.01	Authority to remove and impound.	125.06	Payment of charges required.
125.02	Designation of approved storage garages.	125.07	Payment of charges without protest.
125.03	Garage to post bond.	125.08	Payment of charges under protest.
125.04	Towing and storage charges.	125.09	Record of vehicles impounded.
125.05	Notification to Owners	125.10	Liability of vehicle owner or operator.
		125.11	Restrictions upon removal of vehicle.

125.01 AUTHORITY TO REMOVE AND IMPOUND.

The appropriate Police Official of the Borough is authorized to remove and impound or to order the removal and impounding of any vehicle parked on any of the streets, highways or public property of the Borough in violation of any of the provisions of the Vehicle Code or of any ordinance of the Boro or police regulations issued by authority of same. No vehicle shall be removed or impounded except in strict adherence to the provisions of this article.

125.02 DESIGNATION OF APPROVED STORAGE GARAGES.

Approved storage garages or pounds for the storage of such impounded vehicles shall be designated by resolution of the Borough Council approving a contract with such garage for services required under this article.

125.03 GARAGE TO POST BOND.

Every such approved storage garage or pound shall post a bond in the amount of five thousand dollars (\$5,000) to be filed with the Borough for the indemnifying of the owner of any such impounded vehicle against the loss thereof, or injury or damage thereto while in the custody of the poundkeeper.

125.04 TOWING AND STORAGE CHARGES.

The following are fixed and established as the charges that shall be made for the towing and storage of any vehicle removed and impounded under the authority of this article:

- (a) Towing from any location in the Borough:
 - Passenger cars including station wagons, \$15.00
 - All other vehicles, \$25.00
- (b) Storage: \$1.00 per day or any part thereof.

125.05 NOTIFICATION TO OWNERS.

Within twelve hours from the time of removal of any vehicle under authority granted by this article, notice of the fact that such vehicle has been impounded shall be sent by the appropriate Police Official of the Borough to the owner of record of such vehicle. Such notice shall designate the place from which the vehicle was removed, the reason for its removal and impounding and the pound in which it shall have been impounded.

125.06 PAYMENT OF CHARGES REQUIRED.

No person shall remove any vehicle from an approved storage garage or pound without first paying the towing and storage charges therefor.

125.07 PAYMENT OF CHARGES WITHOUT PROTEST.

The payment of any towing and impounding charges authorized by this article, unless such payment shall have been made "under protest", shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid.

125.08 PAYMENT OF CHARGES UNDER PROTEST.

In the event any towing and impounding charges so imposed shall be paid "under protest", the offender shall be entitled to a hearing before a magistrate or court of record having jurisdiction, in which case such defendant shall be proceeded against and shall receive such notice as is provided by the Vehicle Code in other cases of summary offenses, and shall have the same rights as to appeal and waiver of hearing.

125.09 RECORD OF VEHICLES IMPOUNDED.

The appropriate Borough Police Official shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owners or agents of the owners thereof with information as to the place of storage of such vehicles.

125.10 LIABILITY OF VEHICLE OWNER OR OPERATOR.

The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance on account of which the vehicle was removed and impounded.

125.11 RESTRICTIONS UPON REMOVAL OF VEHICLES.

No vehicle shall be removed under the authority of this article if the owner, or person for the time being in charge of such vehicle, is present and expresses a willingness and intention to remove such vehicle and does so immediately; provided his willingness and intent is made known to the tow truck operator or Police Official prior to hook up of the tow truck to the vehicle.

ARTICLE 127
Abandoned Vehicles on Private Property

127.01	Abandoned vehicles.	127.06	Notice of hearing.
127.02	Notice to owners.	127.07	Failure to act; imposition of costs.
127.03	Mode of notice.	127.08	Emergency powers.
127.04	Owner may request hearing.	127.99	Penalty
127.05	Failure to request hearing.		

127.01 ABANDONED VEHICLES.

No person shall park, store or leave any motor vehicle of any kind in a wrecked, junked, stripped or abandoned condition, in a place where its presence constitutes a hazard on private property, and no owner of such motor vehicle, or the owner or occupant of any property, shall allow, permit or suffer the same to be left upon any privately owned property, unless the same be authorized in conjunction with a business properly operated, pursuant to the zoning laws and other laws of the Borough.

127.02 NOTICE TO OWNERS.

Should it be found that a violation of this article exists, the appropriate Police Official shall notify the owner of the property on which the motor vehicle is stored or parked, or the owner of the motor vehicle, or both, of the violation, and order the owner of such motor vehicle within five days thereof, and the owner of the property on which the motor vehicle is stored or parked, within forty-five days thereof, to remove the motor vehicle.

127.03 MODE OF NOTICE.

Notice shall be given by personal service or by registered mail to the last known address of the violator. In the event that, on diligent search, the address of either the property owner or motor vehicle owner cannot be ascertained, the posting of such notice or copies thereof on the real property, motor vehicle, structure or area immediately adjacent thereto shall constitute sufficient notice.

127.04 OWNER MAY REQUEST HEARING.

Within ten days after receipt of the notice, the party or parties affected may request a hearing with the Borough Council by filing a written request. The owner of the motor vehicle shall, with the request, file a fee of fifteen dollars (\$15.00) to cover the costs involved in the hearing. After such hearing, the Borough Council shall affirm, withdraw or modify the notice.

127.05 FAILURE TO REQUEST HEARING.

If a hearing is not requested, then the parties affected shall proceed to remove or have removed such motor vehicle from such property in accordance with the notice and order.

127.06 NOTICE OF HEARING.

On proper request, a hearing on the matter shall be given forthwith and where more than one party is involved it shall be the duty of the party requesting the hearing to notify all other parties affected or interested of the time and place of the hearing.

127.07 FAILURE TO ACT; IMPOSITION OF COSTS.

If the violation complained of shall not have been remedied within the period as required by the order, the Borough shall, through its own agents, contractors and/or employees, remedy the violations by removing such vehicle and charge the costs thereof to the real property owner on whose property the vehicle is located. Such cost shall, after a proper demand and refusal or a failure to pay after thirty days, constitute a lien on such realty which shall be filed by the Borough Solicitor.

127.08 EMERGENCY POWERS.

Nothing in this article shall prevent appropriate Borough officials from removing from private property without notice, any attended or unattended motor vehicle, the presence of which constitutes a hazard or threat to the life, health, safety, welfare and morals of the citizens of the Borough which is imminently dangerous and which may constitute a nuisance which gives rise to the existence of emergency conditions.

127.99 PENALTY.

Whoever violates any provision of this article shall, upon conviction before any Magistrate or alderman be fined not less than five dollars (\$5.00) nor more than three hundred dollars (\$300.00) or, in default thereof, be imprisoned for not more than thirty days. Each day's failure to comply with the order shall constitute a separate offense for each vehicle in violation thereof.

TITLE SEVEN - PEDESTRIANS AND HORSES

Article 131 Pedestrians
Article 133 Horses

ARTICLE 131
Pedestrians

131.01 Pedestrian right of way
131.02 Right of way at controlled intersection.
131.99 Penalty

131.01 PEDESTRIAN RIGHT OF WAY.

- (a) The operator of any vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by police officers or traffic control signals.
- (b) Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (c) Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right of way to vehicles upon the roadway. However, this provision shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of pedestrians.

131.02 RIGHT OF WAY AT CONTROLLED INTERSECITON.

At intersections where traffic is controlled by traffic control signals or by Police Officers, operators of vehicles shall yield the right of way to pedestrians crossing or those who have started to cross the roadway on a green or "go" signal. In all other cases pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a green or "go" signal.

131.99 PENALTY.

Whoever violates any of the provisions of this article shall be fined not more than fifty dollars (\$50.00) and, in default of payment, shall be imprisoned not more than ten days.

ARTICLE 133

Horses

- 133.01 Prohibition against riding Horses
on Borough sidewalks
- 133.02 Enforcement
- 133.99 Penalty

133.01 PROHIBITION AGAINST RIDING HORSES ON BOROUGH SIDEWALKS.

No rider or other person in control of a Horse shall allow or permit a Horse upon any sidewalks in the Borough, nor upon that area between the curb and the sidewalk.

133.02 ENFORCEMENT.

It shall be the duty of any and all duly appointed Police Officers of the Borough to enforce the provisions of this article.

133.99 PENALTY.

Whoever violates any provision of this article shall be fined not less than ten dollars (\$10.00), or imprisoned for not more than five days or both.

TITLE EIGHT - SEVERABILITY

ARTICLE 141 SEVERABILITY

ARTICLE 141
Severability

141.01 Severability

141.01 SEVERABILITY .

If any provisions of this Code or the application of any provisions hereof to particular circumstances is held invalid, the remainder of the Code or the application of such provisions to other circumstances shall not be affected thereby.