

Chapter 325

VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the Borough Council of the Borough of East Washington 9-16-1985 by Ord. No. 404. Amendments noted where applicable.]

GENERAL REFERENCES

Storage of vehicles—See Ch. 284, Art. II.

Snow and ice removal—See Ch. 291, Part 2.

ARTICLE I

General Regulations

§ 325-1. Definitions; interpretation.

- A. Words and phrases when used in this chapter, except for sections or articles to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this chapter, the word “street” may be used interchangeably with the word “highway” and shall have the same meaning as the word “highway” is defined in the Vehicle Code.¹
- B. The term “legal holidays” as used in this chapter shall mean and include: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- C. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

1. Editor’s Note: 75 PaC.S.A. § 101 *et seq.* as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

§ 325-2. Manner of adopting permanent traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this chapter, except where the law specifically authorizes less formal action.

[Text continued on p. 325:3]

§ 325-3. Provisions to be continuation of existing regulations.

The provisions of this chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this chapter, are intended as a continuation of those earlier ordinances and regulations and not as new enactments. Nothing in this chapter 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affect any act done or liability incurred or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

§ 325-4. Temporary and emergency regulations.

- A. The [Municipal Official] shall have the following powers to regulate traffic and parking temporarily and in time of emergency:
- (1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and
 - (2) In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
- B. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than \$25 together with costs of prosecution.

§ 325-5. Experimental regulations.

The Borough Council may, from time to time by resolution, designate places upon and along the highways in the Borough of East Washington where for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this chapter. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than \$25 together with costs of prosecution, provided the purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

§ 325-6. Traffic on streets closed or restricted for construction, maintenance or special events.

- A. Borough Council shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.
- B. Borough Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop or is signaling that vehicle, by a flag or other device, not to proceed.
- C. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 325-7. Use of streets by processions and assemblages.

- A. For the purpose of this section, the words "assemblage" and "procession" shall have the following meanings:

ASSEMBLAGE — A gathering of people without vehicles which interferes with the movement of pedestrian or vehicular traffic on any street;

PROCESSION — A group of individuals, vehicles, animals and/or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

- B. It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Mayor, which shall be issued without fee. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage unless the permit has been granted, or at any time or place other than that authorized by the permit.
- C. It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the [Municipal Official], which shall be issued without fee. Application for the permit shall be made at least two weeks in advance of the day when the procession is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along

its route, and the time by which the end of the procession shall have reached the end of the route of the procession and the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.

- D. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 325-8. Authority of police officers.

The police officers of the Borough of East Washington are hereby given authority to direct traffic on the highways of the Borough and at intersections thereof.

§ 325-9. Authorization for use of speed-timing devices.

- A. The Borough of East Washington Police Department is hereby authorized to use all mechanical or electrical speed-timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, including but not limited to E.S.P. and Vascar systems.
- B. This section authorizes the use of said devices upon all highways within the Borough, be they Borough, county or state highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. §§ 101 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

ARTICLE II Traffic Regulations

§ 325-10. Maximum speed limits established on certain streets.

- A. Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle on any part of a street where a maximum speed limit applies at a higher speed than the maximum prescribed for that part of the street:

Street	Between	Maximum Speed Limit (mph)
Christman Avenue	Entire length	15
LeMoyné Avenue	Entire length	15
Thayer Street	Entire length	15
Watson Avenue, South	Entire length	15

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$35. Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

§ 325-11. Traffic signals at certain locations.

- A. At the following locations, traffic signals as indicated below shall be erected (or are ratified if previously erected), and traffic at those locations shall be directed by those signals:

Location	Type of Signal
Intersection of Beau Street, South Wade, North Wade and Thayer Streets	Red/yellow/green
Intersection of East Beau Street and Morgan Avenue	Red/yellow/green

- B. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 325-12. Intersections where turn prohibited on red signal.

- A. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

Intersection	Vehicles Traveling on
Intersection of Beau Street, South Wade, North Wade and Thayer Streets	All streets
Intersection of East Beau Street and Morgan Avenue	Both streets

- B. Any driver of a vehicle who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 325-13. One-way streets established.

- A. The following are established as one-way streets, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street:

Street	From	To	Direction of Travel
East Lane	Wheeling Street	Beau Street	Northbound

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 325-14. Stop intersections established. [Amended 11-17-1986 by Ord. No. 410; 9-19-1988 by Ord. No. 418; 7-16-1990 by Ord. No. 429; 6-15-1992 by Ord. No. 438]

- A. The following intersections are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or stop street, in the direction indicated in each case, shall stop the vehicle as required by Section 3323(b) of the Vehicle Code, and shall not proceed into or across the second-named or intersecting or through street until he/she has followed all applicable requirements of that section of the law.

Stop Street	Intersecting or Through Street	Direction of Travel
Central	North Avenue	East and west
Central	Wade	East
Chestnut Street	Wade	East
Chestnut Street and North Avenue	4-way stop	All
Christman	Harrison	North and south
Christman	Wheeling	South
East Lane [Added 11-19-2007 by Ord. No. 495]	East Wheeling Street	North and south
East Chestnut Street	Penn Street	All
East Chestnut Street	Sherman Avenue	All
East Wheeling Street and South Wade Avenue	4-way stop	All
Elmhurst	South Watson	West
Fairmont	Wilmont	North
Forrest Avenue and Walnut Street	4-way stop	All
Harrison	Wade	West

Stop Street	Intersecting or Through Street	Direction of Travel
LeMoyne and East Wheeling	4-way stop	All
LeMoyne Avenue	Lockhart	North and south
LeMoyne Avenue Extension	Beau Street	North
Lockhart	Christman	West
McKennan Avenue	Beau Street	South
Morgan Street	Wade	North
North Avenue	Beau Street	South
North Wade Avenue [Amended 7-6-1998 by Ord. No. 461]	McKennan Avenue	All
North Watson	Beau Street	South
North Watson	Wade	North
Penn Street	Chestnut	North and south
Sherman Avenue	Chestnut	South
Sixth	Central	North
South Wade Avenue	Harrison Street	All
South Watson	Beau Street	North
Wilmont	Beau Street	South
Wilmont Avenue [Added 10-16-1995 by Ord. No. 449]	Gray Alley	North and south
Wilmont	North Avenue	North
Wilmont Avenue and Wade Avenue	4-way stop	All

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 325-15. Play highways established and authorized.

- A. The following areas upon the streets in the Borough are established as play highways:

Street	Between	Days	Hours
Harrison Street	South Wade and Christman Avenue	As dictated by Mayor	

- B. The Mayor is authorized to designate as play highways, whenever he/she deems that action advisable and for whatever period of time directed by him/her, any part of any street in the Borough where sledding and coasting shall be permitted. That play highway shall be set apart for the purpose under the direction of the Mayor.
- C. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency with special permission of the Mayor or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$25 and costs.

§ 325-16. Restrictions on use of pushcarts.

- A. The word “pushcart,” as used in this section, shall mean a vehicle other than a pedalcycle propelled solely by human power and used or intended for use for the display, transport, exhibit or sale of goods, wares or merchandise.
- B. It shall be unlawful for any person to propel a pushcart upon any sidewalk in any business district except as necessary to move the pushcart to a location from which it is to be loaded or unloaded or from which goods, wares or merchandise are to be sold or dispensed under permit from Council as provided in Subsection C of this section.
- C. It shall be unlawful for any person to park a pushcart upon any sidewalk except for the purpose of selling or dispensing from that pushcart goods, wares or merchandise to passersby under permit from Council. Every such permit shall be issued to the person making application for the permit upon payment of a fee, which shall be for the use of the Borough, of \$100 for any calendar year; \$50 for any six-month period or \$25 for any three-month period. The permit shall be granted to the applicant upon payment of the fee and upon his signing an agreement with Council that he/she shall be bound by the conditions imposed by Council and made a part of the permit, dealing with the following matters:
 - (1) Restricting or limiting the parking of the pushcart to one or more stated locations upon the sidewalk and to stated days and hours at each location;
 - (2) Stating requirements to be adhered to in connection with the disposal of garbage and refuse resulting from the operations carried on;
 - (3) Requiring that there be no violation of any law, ordinance or regulation pertaining to health, sanitation and the handling of food or drink.
- D. Any person who violates any provision of this section or any condition of any permit granted under this section shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

§ 325-17. Skates, coasters, sleds and other toy vehicles.

- A. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Borough or upon any roadway unless that roadway is on a portion of a street blocked off for sledding by authority of § 325-5 of Article I or § 325-15 of Article II of this chapter, provided nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.
- B. It shall be unlawful for any person to engage in roller-skating or to ride upon or propel any coaster or other toy vehicle upon any street except in order to cross the roadway.
- C. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$5 and costs.

ARTICLE III**Restrictions on Size, Weight and Type of Vehicle and Load****§ 325-18. Vehicle weight limits established on certain streets and bridges. [Amended 10-13-2008 by Ord. No. 501]**

- A. Except for local deliveries, on the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

Street or Bridge	Limits	Maximum Gross Weight (pounds)
Bakewell Alley [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Chambers Alley [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Christman Avenue	Intersection of Thayer Street to East Wheeling Street	5,000
Coal Lane [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
East Chestnut Street	Intersection of North Wade Avenue to Borough line	5,000
East Lane [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Ford Lane [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000

Street or Bridge	Limits	Maximum Gross Weight (pounds)
Grayson Alley [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Grey Alley [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Hemlock Alley [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Pine Alley [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Rule Alley [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Ryan Lane [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Stone Alley (also known as Stone Drive) [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Thayer Street	Intersection of North Wade Avenue to Christman Avenue	5,000
Victor Alley [Added 10-13-2008 by Ord. No. 501]	Entire length	5,000
Wade Avenue	Intersection of Wilmont Avenue to Borough line	5,000
Wheeling Street	Entire length	5,000
Wilmont Avenue	Intersection of East Beau Street to Borough line	5,000

- B. Any person who violates any provision of this section shall be prosecuted under Sections 4902(a) and 4902(g-1) of the Vehicle Code and, upon conviction, shall be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight, and costs; except for local deliveries.

ARTICLE IV

General Parking Regulations

§ 325-19. Vehicles to be parked within marked spaces.

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this article for any person to park a vehicle or allow it to remain parked otherwise.

§ 325-20. Angle parking required on portions of certain streets.

A. Only angle parking shall be permitted on the following portions of streets:

Street	Side	Between
Central Avenue	South	North Avenue and North Wade Avenue

B. On all streets where angle parking is required, every vehicle parked at the angle shall be parked with its front nearest the curb.

§ 325-21. Parking prohibited at all times in certain locations. [Amended 6-15-1992 by Ord. No. 438; 8-13-2012 by Ord. No. 510B]

Parking shall be prohibited at all times in the following locations:

Street	Side	Between
Central Avenue	Both	North Avenue and North Wade Avenue
Council Street [Added 5-21-2001 by Ord. No. 467]	South	North Wade Avenue and North Avenue
Council Street [Added 8-13-2012 by Ord. No. 510B]	North	North Wade Avenue and a point 180 feet westwardly therefrom
East Beau Street	Both	Easterly line of Morgan Avenue and westerly line of Wood Alley
East Chestnut Street [Amended 12-5-2005 by Ord. No. 482]	South	North Avenue to Forrest Avenue
East Wheeling Street	South	South Wade Avenue and westerly Borough line
Forrest Avenue [Added 6-19-2006 by Ord. No. 486]	Both	East Chestnut Street and Pine Alley
Harris Street	South	Entire length
LeMoyne Avenue	West	Lockhart Street southwardly to Borough line
North Avenue	East	Entire length
North Wade Avenue	East	East Beau Street and Chamber Avenue
Penn Street [Added 3-27-2000 by Ord. No. 465]	Both	Southerly line of East Chestnut Street southwardly to Borough line
South Wade Avenue	West	Entire length

Street	Side	Between
Thayer Street	North	Entire length
Wilmont Avenue	South	North Avenue to Fairmont Avenue

§ 325-22. Parking of trucks, buses and certain other vehicles prohibited. [Amended 11-6-2006 by Ord. No. 488]

It shall be unlawful for any person to park or to allow to remain parked on any Borough street or part of street any vehicle or object other than a passenger car. For the purpose of this section, "passenger car" shall not include the following:

- A. Bus.
- B. Motor home or recreational vehicle or camper.
- C. Passenger car attached to a trailer of any kind, except that the temporary parking for a period not exceeding 24 hours shall be permitted.
- D. Any vehicle exceeding 5,000 pounds gross weight.
- E. Boat (with or without trailer).
- F. Jet ski (with or without trailer).
- G. Snowmobile (with or without trailer).
- H. Any unattached trailer.

§ 325-23. Parking time limited in certain locations certain days and hours.

No person shall park a vehicle or allow it to remain parked for longer than the time indicated in any of the following locations at any time on the days and between the hours indicated:

Street	Side	Between	Days	Hours	Parking Time Limit
East Beau Street	South	Intersection with South Wade Avenue west 250 feet	All	All	10 minutes

[Text continued on p. 325:13]

§ 325-24. General prohibitions. [Added 4-28-2005 by Ord. No. 477]

No person shall stand or park a vehicle:

- A. At any place where official signs prohibit standing or parking.
- B. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- C. Within 15 feet of a fire hydrant.
- D. Within an intersection.
- E. Within a crosswalk.
- F. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway.
- G. More than 12 inches from the edge or curb of a street.
- H. Within 20 feet of an intersection.
- I. On a sidewalk.
- J. Within four feet of a private driveway.
- K. In spaces or areas designated for handicapped or disabled veterans.

§ 325-25. Residential permit parking. [Added 11-6-2006 by Ord. No. 487]

A. Findings and purpose. The Council of the Borough of East Washington finds that:

- (1) Certain residential areas in the Borough are subjected to commuter vehicle parking, as defined in this section, therefore depriving the residents of those areas of spaces in which to park their own vehicles.
- (2) The establishment of a parking permit program for certain affected areas should facilitate the efficient movement of traffic by providing for parking preference during certain hours of the day and days of the week.
- (3) It is in the interest of affected residents of the Borough to establish a residential permit parking program to ensure primary access to available parking spaces by neighborhood residents.

B. Definitions. For the purpose of this section, the following terms shall have the following meanings:

COMMUTER VEHICLE — A motor vehicle parked in a residential area by a person not a resident of that residential area.

RESIDENT — A person who owns or leases real property within a residential area and who maintains either a voting residence or a bona fide occupancy, or both, at that address.

RESIDENTIAL AREA — A contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and nonbusiness property (such as schools, parks, churches, hospitals and nursing homes).

C. **Criteria.** The residential areas designated in Subsection D of this section are those deemed impacted and thus eligible for residential parking on the basis of the following criteria:

- (1) During any period between the hours of 7:00 a.m. and 6:30 p.m., Monday through Saturday, except legal holidays, the number of vehicles parked (or standing), legally or illegally, on the streets in the area is equal to 70% or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be 20 linear feet.
- (2) During the same period as specified in Subsection C(1) above, 10% or more of the vehicles parked (or standing) on the streets in the area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Bureau of Motor Vehicles and Licensing of the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used, provided that, in determining that a specific area identified is impacted and eligible for residential permit parking is designated as a residential permit parking area, the following factors are taken into consideration:
 - (a) The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
 - (b) The desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection with it.
 - (c) The need for parking in excess of the residential permit parking program in proximity to establishments located in the residential permit parking area and used by the general public for religious, health or educational purposes.

D. **Designation of residential permit parking areas.**

- (1) The following are designated as residential permit parking areas:

Area	Bounded by and Including
East side of Penn Street	East Chestnut Street and Walnut Street

- (2) Signs shall be erected along the streets in each residential permit parking area, indicating the days, hours, locations and conditions under which parking shall be by permit only.
- E. **Application for permit.** Application for a residential parking permit shall be made to the Borough Secretary by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle who resides on property immediately adjacent to a street or other location within a residential parking permit area. A separate application shall be required for each motor vehicle. Each application shall contain the following information:

the name of the owner or the driver, as the case may be, of the motor vehicle; the address of the resident; the make, model and registration number of the motor vehicle; and the driver number as taken from the applicant's current driver's license. At the discretion of the Borough Secretary, the applicant shall be required at the time of making application to present his or her driver's license and vehicle registration card.

- F. Issuance of permit. Upon receipt of the application and determination by the Borough Secretary that the information upon the application shows that the applicant is entitled to a residential parking permit, the Borough Secretary shall issue to the applicant a residential parking permit, which shall be valid for the remainder of the calendar year. The permit shall display the serial and registration numbers of the motor vehicles, the residential parking area number, and the expiration date. The permit shall be renewable annually before the expiration date, upon making application for renewal. It shall be unlawful and a violation of this section for any person to display other than the current and valid permit while standing or parking in a residential permit parking area at any time when those permits are to be displayed.
- G. Temporary and exemption parking permits.
- (1) Temporary parking permits may be issued by the Borough Secretary to bona fide visitors of residents of a designated residential permit parking area.
 - (2) Exemption parking permits may be issued to handicapped persons.
 - (3) The parking restrictions imposed by this section shall not apply to any service or delivery vehicle when used to provide service or to make deliveries to residences within a parking permit area, provided that the parking of the service or delivery vehicle within the parking permit area does not exceed four hours in duration on any given day.
- H. Responsibility of permit holder:
- (1) Notwithstanding any provision of this section to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle operated by him or her in any designated residential parking area during those times when parking of motor vehicles is permitted in that area. While a vehicle for which a residential parking permit has been issued is so parked, that permit shall be displayed so as to be clearly visible through the windshield of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential permit parking area.
 - (2) A residential parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than residential permit parking regulation or restriction.
 - (3) No person other than the permit holder whose name appears on the permit shall use a residential parking permit or display it on a vehicle operated by him or her. Any such use or display by a person other than the permit holder shall constitute a

violation of this section by the permit holder and by the person who so used and displayed the parking permit.

- (4) It shall constitute a violation of this section for any person to falsely represent himself or herself as eligible for a residential parking permit or to furnish false information in an application to the Borough Secretary in order to obtain a residential parking permit.
- I. Revocation of permits. The Borough Secretary shall have authority to revoke the residential parking permit of any permit holder found to be in violation of any provision of this section. Upon written notification to him or her of the revocation, the permit holder shall surrender the permit to the Borough Secretary. Failure to do so, when so requested, shall constitute a violation of this section, provided any person receiving such a notice may, within 10 days after the date of this notice, appeal to Borough Council for a hearing on the revocation, and the decision of Borough Council shall be final.

§ 325-26. Violations and penalties. [Amended 4-28-2005 by Ord. No. 477]

- A. Any person who violates any provision of this article shall pay a fine of not more than \$15 and costs.
- B. Any person who violates § 325-24K shall, upon conviction, be sentenced to pay a fine of no more than \$50 and costs.

ARTICLE V

Removal and Impoundment of Illegally Parked Vehicles

§ 325-27. Applicability and scope.

This article is enacted under authority of Section 6109(a-22) of the Vehicle Code,² and gives authority to the Borough of East Washington to remove and impound those vehicles which have been abandoned or are not legally entitled to operate or park on the streets and highways of the commonwealth under authority of the Vehicle Code.

§ 325-28. "Abandoned vehicle" defined.

- A. A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
 - (1) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours;
 - (2) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours;

2. Editor's Note: 75 Pa C.S.A. §§ 101 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

- (3) The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:
 - (a) A valid registration plate.
 - (b) A certificate of inspection.
 - (c) An ascertainable vehicle identification number.
 - (4) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.
- B. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

§ 325-29. Removal of vehicle by or at direction of police.

- A. Outside business and residence districts. Whenever any police officer finds a vehicle in violation of any of the provisions of Section 3351 of the Vehicle Code (relating to stopping, standing and parking outside business and residence districts), the officer may move the vehicle or cause the vehicle to be moved or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway where the vehicle will not interfere unduly with the normal movement of traffic or constitute a safety hazard.
- B. Unattended vehicle obstructing traffic. Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel in such position or under such circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard.
- C. Removal to garage or place of safety. Any police officer may remove or cause to be removed to the place of business of the operator of a wrecker or to a nearby garage or other place of safety any vehicle found upon a highway under any of the following circumstances:
 - (1) Report has been made that the vehicle has been stolen or taken without the consent of its owner.
 - (2) The person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.
 - (3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before an issuing authority without unnecessary delay.
 - (4) The vehicle is in violation of Section 3353 of the Vehicle Code (relating to prohibitions in specified places) except for overtime parking.

- (5) The vehicle has been abandoned as defined herein. The officer shall comply with the provisions of Subsection D below and Chapter 75 (relating to abandoned vehicles and cargos) of the Vehicle Code.

D. Notice to owner prior to removal.

- (1) Prior to removal of an abandoned vehicle bearing a registration plate, certificate of inspection or vehicle identification number plate by which the last registered owner of the vehicle can be determined, the Police Department shall send a notice by certified mail to the last registered owner of the vehicle informing the owner that, unless the vehicle is moved to a suitable location within seven days of the date notice is mailed, the vehicle will be removed under this section and held at a suitable facility where it may be reclaimed by the owner in accordance with the provisions of Section 7306 (relating to payment of costs upon reclaiming vehicle) of the Vehicle Code. If the abandoned motor vehicle does not bear an identifiable registration plate, certificate of inspection or vehicle identification number plate, the notice may be secured to the vehicle.
- (2) If within the seven-day period the owner so requests, the owner shall be given an opportunity to explain to the police officer or Department why the owner believes the vehicle should not be removed. If the police officer or Department determines that the vehicle shall, nonetheless, be removed, the owner shall be given an additional 48 hours to remove the vehicle, have it removed or demand a hearing, which shall conform to the requirements of 2 Pa.C.S.A. Ch. 5, Subch. B (relating to practice and procedure of local agencies). The police officer or Department shall inform the owner of the right to a hearing by delivering to the owner a notice warning the owner that, unless the vehicle is removed or a hearing is demanded, the owner shall be subject to the provisions of Section 7306. If as a result of the hearing it is determined that the vehicle will be removed, the owner shall be given an additional 48 hours to remove the vehicle or have it removed. The hearing shall be before a civilian officer or employee of the municipality in which the vehicle is located.
- (3) The provision for notice set forth in this subsection is applicable only if the vehicle is abandoned upon a highway and is not in violation of Section 3351(a) or 3353(a and b) of the Vehicle Code. Notice under this subsection is in addition to any other notice requirements provided in the Vehicle Code.

§ 325-30. Designation of approved storage garages; bonding; towing and storage.

Any police officer may remove or removal and impounding of vehicles under this chapter shall be done only by "approved storage garages" that shall be designated from time to time by Borough Council. Every such garage shall submit evidence to Borough Council that it is bonded or has acquired liability insurance in an amount satisfactory to Borough Council as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garage keeper for the purpose of towing or storage. The approved storage garage shall submit to Borough Council its schedule of charges for towing and storage of vehicles under this chapter, and when the schedule is approved by Borough

Council, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this chapter by any approved storage garage. Borough Council shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this chapter.

§ 325-31. Effect of payment of towing and storage charges.

The payment of any towing and storage charges authorized by this chapter shall, unless payment is made under protest, be final and conclusive and shall constitute a waiver of any right to recover the money so paid. If payment of any towing or storage charges is made under protest, the offender shall be entitled to a hearing before a district justice. Payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this chapter for which the vehicle was removed or impounded.

§ 325-32. Reclamation costs.

In order to reclaim his vehicle, the owner shall pay towing and storage costs plus a \$25 fee, of which \$10 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

§ 325-33. Records of vehicles removed and impounded.

The Borough of East Washington shall cause a record to be kept of all vehicles impounded under this article and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

§ 325-34. Restrictions upon removal of vehicles.

No vehicle shall be removed under the authority of this article or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

§ 325-35. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 Pa.C.S.A. §§ 7301 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

ARTICLE VI

Snow and Ice Emergency

§ 325-36. Declaration of snow and ice emergency.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in § 325-38 of this article, the Mayor, in his discretion, may declare a snow and ice emergency (designated in this article as a “snow emergency”). Information on the existence of a snow emergency may be given by the Borough through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

§ 325-37. Parking and driving restrictions during emergency.

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency for any person:

- A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in § 325-38 of this article; or
- B. To drive any motor vehicle on any such snow emergency route unless that vehicle is equipped with snow tires or chains.

§ 325-38. Snow emergency routes designated.

Snow emergency routes shall be designated by the Chief of Police or Mayor of the Borough of East Washington.

§ 325-39. Violations and penalties.

- A. If at any time during a period of snow emergency declared under § 325-36 of this article a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this article and, upon conviction, shall be sentenced to pay a fine of not more than \$15 and costs.
- B. If at any time during a period of snow emergency declared under § 325-36 of this article a person shall drive a motor vehicle upon a snow emergency route without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this article and, upon conviction, shall be sentenced to pay a fine of \$25 and costs.

ARTICLE VII

Handicapped Parking Sign

[Adopted 11-4-2013 by Ord. No. 518]

§ 325-40. Title.

This article shall be known and cited as the “East Washington Borough Handicapped Parking Sign Ordinance of 2013.”

§ 325-41. Purpose and scope.

- A. The East Washington Borough Council, recognizing the needs of disabled persons in East Washington Borough, hereby enacts this article which will facilitate access to and from the disabled person's place of residence.
- B. This article is enacted pursuant to Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. § 3354(2), permits local authorities to erect on a street as close as possible to a place of residence a sign or signs indicating that a parking space is reserved for a vehicle bearing a "handicapped" parking license plate.

§ 325-42. Restricted handicapped residential parking.

Any East Washington Borough resident who has been issued by the Commonwealth of Pennsylvania a handicapped license plate, or on whose behalf said license plate has been issued, pursuant to § 1338 of the Motor Vehicle Code, shall be eligible for the installation, in front of said person's residence, or as close as possible, a sign indicating that parking in such space is restricted to those vehicles bearing handicapped license plates, which eligibility shall expire twelve months from the date such sign is installed. Application for such restricted parking sign shall be made to the Secretary/Treasurer of East Washington Borough and/or his designee.

§ 325-43. Application procedure.

- A. Application form and content.
- B. Application for a restricted handicapped parking space shall be made on a form provided by East Washington Borough. The application must be accompanied by documentation evidencing issuance of a handicapped plate by the Commonwealth of Pennsylvania. Applications can be obtained at the Borough building. Only a handicapped license plate will be considered valid; a handicapped placard is not acceptable for issuing handicapped parking spots.

§ 325-44. Initial application fee.

- A. An application fee as set by resolution of the East Washington Borough Council is required. The Borough shall assess the costs of the sign and the installation of the same on the successful applicant.
- B. Annual renewal. All approved applicants shall be required to file a renewal application by February 15 of each succeeding year in which the reserved space is held. A renewal fee as set by resolution must accompany the application. Renewal application can be obtained at the Borough building.
- C. Applications are to be completed in their entirety. Applications not completed in their entirety will not be considered. Failure to file a renewal application will result in the individual's right to a handicapped reserved parking sign. Said sign will be removed by the Department of Public Works upon authorization of the East Washington Borough Chief of Police.
- D. Approval or denial of an application will be made within 60 days by the East Washington

Borough Council.

§ 325-45. Installation of restricted handicapped parking sign.

If an application is approved by the East Washington Borough Secretary/Treasurer, the Public Works Department will be notified and installation of one reserved parking sign will be completed. The signs remain property of the Borough of East Washington.

§ 325-46. General provisions.

- A. Unlawful signs. It shall be unlawful for any person or owner of realty to erect a reserved parking sign or handicapped parking sign upon the streets of East Washington Borough without first making application to East Washington Borough Secretary/Treasurer. Any violation will be subject to the penalties set forth herein.
- B. Reserved parking signs do not supersede existing parking regulations including, but not limited to, street cleaning, snow ban or snow removal regulations.
- C. The Secretary/Treasurer shall be notified immediately if an eligible person no longer qualifies for a sign under this article; for example, if an eligible person enjoys an improved health condition or moves from the premises wherein the sign is located. Failure to notify the East Washington Borough Secretary/Treasurer constitutes a violation of this article.
- D. East Washington Borough reserves the right to remove any handicapped parking signs for cause shown.

§ 325-47. Penalties.

- A. Any person who parks in a reserved parking space who is not authorized to do so shall be subject to immediate citation and the vehicle will be subject to immediate removal.
- B. No person shall erect a handicapped parking sign upon the streets of East Washington Borough without proper application and approval cited in § 325-42.
- C. Any person violating any of the provisions of this article shall, upon summary conviction thereof in a summary proceeding before a District justice, be sentenced to pay a fine of not more than \$300 and costs and/or to be imprisoned in the County Jail for a period not to exceed 90 days. Each and every day upon which any person violates or continues to violate the provision of this article shall constitute a separate offense.