

ORDINANCE NO. 848

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE REGULATING TRAFFIC, PARKING, AND IMPOUNDING OF VEHICLES.

BE IT ORDAINED AND ENACTED by the Borough of Monroeville in Council assembled as follows:

The general body of Monroeville Borough Ordinances governing traffic, parking and the removal and impounding of illegally parked vehicles is hereby codified, revised and consolidated in this Ordinance.

ARTICLE I

GENERAL REGULATIONS

Section 1. Definitions and Interpretation

(a) Words and phrases, when used in this ordinance, shall have the meanings ascribed to them in The Vehicle Code of Pennsylvania, as now in force, or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

(b) In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

Section 2. Manner of Adopting Permanent Traffic and Parking Regulations

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the Borough of Monroeville.

Section 3. Temporary and Emergency Regulations

The Mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

(a) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations;

(b) 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 seventy-two (72) hours.

Such temporary and emergency regulations shall be enforced by the Mayor and 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 regulation, 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 liable to the penalty set forth in the law or elsewhere in this ordinance 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 ordinance, to a fine of not more than ten dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five (5) days.

Section 4. Authority of Peace Officers

The peace officers of the Borough are hereby given authority to direct traffic on the highways of the Borough, and at intersections thereof.

ARTICLE II

TRAFFIC REGULATIONS

Section 1. Motor Vehicles not to be Driven on Sidewalks

No person shall operate a motor vehicle upon any sidewalk in the Borough; nor shall any person operate a motor vehicle upon or across any sidewalk except in order to gain access to or egress from a driveway or alley at such locations where the curb, if such sidewalk is curbed, shall have been properly cut down for the purpose. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than fifty dollars (\$50.00) and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than ten (10) days.

Section 2. Speed Limits Established

(a) The following speed limits are hereby established:

<u>Highway</u>	<u>Speed Limit</u>	<u>Designated Portion</u>
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PRINTOUT ITEMIZES HIGHWAYS WITH SPEEDS GREATER THAN 25 MPH

(b) A speed of twenty-five (25) miles per hour is hereby established for all other highways in the Borough and will be enforced where properly posted.

(c) Penalty: Vehicle Code, Section 1002

Section 3. Traffic Signals at Certain Intersections

At the following intersections, official traffic signals shall be erected (or if heretofore erected are hereby ratified), and traffic at such intersections shall be directed by such signals:

<u>Highway</u>	<u>Intersecting Highway</u>
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PRINTOUT ITEMIZES TRAFFIC SIGNAL LOCATIONS

Penalty: Vehicle Code, Section 1028

Section 4. One-Way Highways Established

The following are hereby established as one-way highways:

<u>Highway</u>	<u>Direction of Travel</u>	<u>Designated Portion</u>
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PRINTOUT ITEMIZES EXISTING ONE-WAY HIGHWAYS

Penalty: Any person who shall operate a motor vehicle upon any highway or portion thereof hereby established as a one-way highway other than in the direction hereby established for traffic thereon shall, upon conviction thereof, be sentenced to pay a fine of not more than ten dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five (5) days.

Section 5. Left Turns Prohibited at Certain Intersections

It shall be unlawful for the operator of any vehicle, traveling upon the first-named highway at any of the following intersections, in the direction or directions hereby indicated in each case, to make a left turn at the said intersection, as hereby indicated:

Vehicle Traveling From Direction of Travel Intersecting Highway

PRINTOUT ITEMIZES PROHIBITIONS ON LEFT TURNS

Penalty: Vehicle Code, Section 1011

Section 6. Through Highways Established

The following highways are hereby established as through highways, and the operator of every vehicle upon approaching any such highway at any intersection thereof (except for such intersections where there are now or shall hereafter be located official traffic signals) shall come to a full stop, within a reasonable distance, before entering any such through highway:

Highway Designated Portion

PRINTOUT ITEMIZES THROUGH HIGHWAYS

Penalty: Vehicle Code, Section 1016

Section 7. Single Stop Intersections Established

The following intersections (in addition to highways intersecting with the through highways established by Section 6 of this article) are hereby established as stop intersections, and official stop signs shall be erected (or are hereby confirmed if heretofore erected) in such a position as to face traffic approaching the second-named highway upon the first-named highway, in the direction or directions hereby indicated. All vehicles and tractors approaching any such intersection upon the first named highway, in the direction or directions hereby indicated in each case, shall come to a full stop, within a reasonable distance before entering any such intersection:

Stop Highway Direction of Travel Through Highway

PRINTOUT ITEMIZES SINGLE STOP INTERSECTIONS NOT COVERED IN SECTION 6 ABOVE

Penalty: Vehicle Code, Section 1016

Section 8. Multiple Stop Intersections Established

The following intersections (in addition to highways intersecting with the through highways established by Section 6 of this article and in addition to the single stop intersections established by Section 7 of this article) are hereby established as stop intersection, and official stop signs shall be erected (or are hereby confirmed if heretofore erected) in such a position as to face traffic approaching the second-named highway or highways upon the first-named highway, in the direction or directions hereby indicated. All vehicles and tractors approaching any such intersection upon the first named highway, in the direction or directions hereby indicated in each case, shall come to a full stop, within a reasonable distance before entering any such intersection:

Stop Highway Direction of Travel Other Stop Highway(s)

PRINTOUT ITEMIZES MULTIPLE STOP INTERSECTIONS

Penalty: Vehicle Code, Section 1016

Section 9. Yield-Right-of-Way Intersections Established

The following intersections are hereby established as yield-right-of-way intersections and official yield signs shall be erected (or are hereby ratified if heretofore erected) in such a position as to face traffic approaching the second-named highway from the first-named highway, in the direction or directions hereby indicated. All motor vehicles approaching any such intersection upon the first-named highway, in the direction or directions hereby indicated, shall yield the right of way to any vehicle in the intersection or approaching on the second-named highway so closely as to constitute an immediate hazard during the time that the operator of such motor vehicle is moving across or within such intersections:

Yield Highway Direction of Travel Through Highway

PRINTOUT ITEMIZES YIELD-RIGHT-OF-WAY INTERSECTIONS

Penalty: Vehicle Code, Section 1016.1

Section 10. Vehicle Weight Limits Established

(a) It shall be unlawful for any person to operate any type of a motor vehicle having a gross weight in excess of that herein respectively prescribed, upon any of the following highways or portions thereof:

Highway Maximum Gross Weight Designated Portion

PRINTOUT ITEMIZES WEIGHT RESTRICTIONS

(b) When circumstances require, load limits shall be permitted in excess of those stated in Section (a) hereof by reason of construction, excavation, or other development, provided, however, that an application be filed with the Borough Manager for a permit for the use of specific portions of designated streets beyond the mandated load limits. Such permit will be granted upon the posting of a cash bond in a sufficient amount to completely reconstruct the

specific portions of the designated street or streets. The amount of the bond will be determined by Borough Council upon the advice of the Borough Engineer. The proceeds of the bond shall be used solely to reconstruct the street or streets to the extent of returning it or them to the condition prior to special use by the applicant, and any excess monies shall be returned to the applicant. If the amount of repairs shall exceed Fifteen Hundred (\$1,500.00) Dollars, the job shall be advertised for bids, and the cost of advertising shall be chargeable against the bond.

(c) Penalty; Vehicle Code, Section 1101

Section 11. Accident Reports Required

The operator of any motor vehicle involved in an accident in the Borough and required by law to report such accident to any department or agency of the Commonwealth of Pennsylvania, or any other person required to make such report, shall, at the time of making such report to the Commonwealth, send a copy to the Chief of Police of the Borough containing the same information. Any person failing to send a copy to the Chief of Police as hereby required shall, upon conviction thereof, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five (5) days. A copy of such report may be had by any person upon payment of two dollars (\$2.00) to cover the cost of preparation.

ARTICLE III

PARKING REGULATIONS

Section 1. Parking Without Lights Authorized

The boundary limits of the Borough of Monroeville are hereby established as a zone in which motor vehicles may remain standing without lights, and all highways within such boundary limits are hereby designated as highways where motor vehicles may remain standing without lights.

Section 2. Parking Prohibited at All Times in the Following Locations

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

<u>Highway</u>	<u>Side</u>	<u>Designated Portion</u>
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PRINTOUT ITEMIZES RESTRICTIONS AGAINST PARKING AT ANY TIME

Penalty: Vehicle Code, Section 1021

Section 3. Parking Prohibited on All Bridges

Parking is hereby prohibited on all bridges located in the Borough at any and all times.

Penalty: Vehicle Code, Section 1021

Section 4. Parking Prohibited Between 2 A.M. and 6 A.M.

Parking is hereby prohibited on all highways in residentially zoned districts in the Borough at any and all times between the hours of two o'clock A.M. and six o'clock A.M.

Penalty: (If an official sign prohibiting parking has been erected)
Vehicle Code, Section 1021

Penalty: (If an official sign prohibiting parking has not been erected)
No penalty shall be imposed upon the violator for a first offense. Any person who shall violate this provision of the ordinance shall, upon first violation, be issued a warning, and shall, upon conviction of any subsequent violation, be sentenced to pay a fine of not less than two dollars (\$2.00) or more than ten dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than five (5) days.

Section 5. Parking Prohibited in Specific Locations During Certain Hours

Parking is hereby prohibited during certain hours in the following locations:

<u>Highway</u>	<u>Side</u>	<u>Designated Portion and Hour Restrictions</u>
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PRINTOUT ITEMIZES PARKING RESTRICTIONS IN SPECIFIC LOCATIONS DURING CERTAIN HOURS

Penalty: Vehicle Code, Section 1021

Section 6. Provisions for Local Records

It shall be the duty of the peace officers of the Borough to report to the Chief of Police all violations of any provisions of this article, indicating in each case, the section thereof violated, the license number of the vehicle involved in such violation, the location where such violation took place, the time of such violation, and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending such violation. The peace officer making such report shall also attach to every such vehicle a notice that such vehicle was parked in violation of this article, which notice shall contain instructions to the owner or operator of such vehicle for payment of penalty.

ARTICLE IV

REMOVAL AND IMPOUNDING OF
ILLEGALLY PARKED VEHICLES

Section 1. Authority to Remove and Impound Illegally Parked Vehicles

The Chief of Police of the Borough or his agent is hereby 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 in the Borough in violation of any provision of the law or of any ordinance of the Borough. Provided: no such vehicle shall be removed or impounded except in strict adherence to the provisions of this article.

Section 2. Approved Storage Garages Designated

The following garages located in the Borough are hereby designated as approved storage garages, as pounds for the storage of such impounded vehicles:

Smeltz Auto Service, 2262 Monroeville Road, storage on site

Ted's Service and Towing System, 4175 William Penn Highway, storage at 501 Old Frankstown Road.

Section 3. Garages to be Bonded

Every such approved storage garage or pound shall be bonded in the amount of ten thousand dollars (\$10,000) for the indemnifying of the owner of every such impounded vehicle against the loss thereof, or injury or damage thereto, while in the custody of such poundkeeper.

Section 4. Towing and Storage Charges

The towing charge to be collected by every such poundkeeper shall be ten dollars (\$10.00) for towing performed between 8 A.M. and 8 P.M. and shall be twenty dollars (\$20.00) for towing performed between 8 P.M. and 8 A.M. The storage charge shall be two dollars (\$2.00) for the first day and (\$2.00) for each additional day.

Section 5. Notification of Removal and Impounding

Within twelve (12) 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 Chief of Police of the Borough to the owner of record of such vehicle. Such notice shall designate the place from which such vehicle was removed, the reason for its removal and impounding, and the pound in which it shall have been impounded.

Section 6. Effect of Payment of Towing and Impounding Charges Without Protest

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

Section 7. Effect of Payment of Charges Under Protest

In the event that 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 in the Vehicle Code in other cases of summary offenses, and shall have the same rights as to appeal and waiver of hearing.

Section 8. Records of Vehicles Removed and Impounded

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

Section 9. Owner or Operator of Vehicle Remains Liable for Fine or Penalty

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

Section 10. Restrictions Upon Removal of Vehicles

No vehicle shall be removed under the authority of this article if, at the time of the intended removal thereof, 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 immediately.

ARTICLE V

INTERPRETATION AND REPEAL

Section 1. Severability

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions or parts thereof of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

Section 2. Provisions to be a Continuation of Existing Regulations

The provisions of this ordinance, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any of these repealed ordinances or regulations.

Section 3. Repeal of Certain Prior Ordinances

All ordinances of the Borough of Monroeville insofar as they deal with regulating traffic and/or parking are hereby repealed and declared unenforceable insofar as they are inconsistent herewith.

ORDAINED AND ENACTED this 11th day of September, 1973.

BOROUGH OF MONROEVILLE

ATTEST:

By S/ George C. Dale
President of Council

S/ Marshall W. Bond
Acting Secretary

EXAMINED AND APPROVED this 14th day of September, 1973.

S/ John J. Duncan
Mayor

Entered in Legal Book
September 25, 1973.