

**ORDINANCE 94-2
TRAFFIC AND PARKING ORDINANCE
CLINTONVILLE BOROUGH**

An Ordinance prescribing traffic and parking regulations and providing penalties for their violation.

The Borough of Clintonville hereby ordains as follows;

**ARTICLE 1
GENERAL REGULATIONS**

SECTION 1. DEFINITIONS AND INTERPRETATION. 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 reacted, except in those instances where the context clearly indicates a different meaning. The singular shall include the plural and the masculine shall include the feminine.

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 Clintonville.

SECTION 3. Special Powers of the Mayor. The Mayor shall have the following powers to regulate traffic and parking temporarily and in times of emergency;

a. In the case of fire, flood, storm, or other emergency, to establish temporary traffic and parking regulations.

b. In the case of emergency, or to facilitate public works or in the case of the conduct of processions and public events, to restrict or prohibit parking or traffic in limited areas for a period of not more than twenty-four (24) hours. Such temporary and emergency regulations shall be enforced by the Mayor and the Police of the Borough in the same manner as permanent regulations. Any person who shall operate a vehicle in violation of any such regulations shall be liable to the penalty set forth in the law for such violation, and in the case of any violation for which no specific penalty is set forth in the law, to a fine of not more than Twenty-five Dollars (\$25.00), and in default of payment of such fine and costs of prosecution, to imprisonment in the county jail for not more than five (5) days.

The mayor shall further have the power and authority to establish, change and abolish and to designate by appropriate markings or signs, crosswalks, traffic lanes and parking spaces.

SECTION 4. AUTHORITY OF POLICE OFFICERS. The police officers of the Borough are hereby given authority to direct traffic on the highways of the Borough and at intersections thereof.

SECTION 5. Motor Vehicles not to be driven on sidewalks. No person shall operate any motor vehicle longitudinally upon any sidewalk in the Borough; nor shall any person operate any 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 that purpose. Any person who shall violate any of the provisions of this section shall upon conviction thereof, be sentenced to pay a fine not more than Twenty Five (\$25.00) Dollars, and, in default of payment of such fine and costs of prosecution to imprisonment in the county jail for not more than five (5) days.

SECTION 6. Any person who shall operate a vehicle on any street or portion thereof hereby established as a one way street other than the direction established hereby for vehicular traffic thereon, shall, upon conviction thereof, be sentenced to pay a fine of not more than Twenty Five \$(25.00) Dollars and costs of prosecution, and in default of payment of as such fine and costs, to imprisonment in the county jail not to exceed 5 days.

SECTION 7. STOP Intersections established. The following intersections located in the Borough are hereby declared to be stop intersections, and official stop signs shall be erected (or are hereby confirmed if heretofore erected), in such position as to face traffic approaching stated side of street. All vehicles approaching the intersection upon the second named street shall come to a full stop, within a reasonable distance before entering said intersection.

1. Routes 208 and 308 4 way stop
2. North side of Emlenton Street (Rt. 208) at Irwin Street 1 way stop
3. North side of Emlenton Street at Cox Street 1 way stop
4. North side of Emlenton Street at Presbyterian Church 1 way stop
5. North side of Emlenton Street at Park Street 1 way stop
6. South of Cox Street at Park Street 1 way stop
7. Park Street at intersection of Irwin Street 1 way stop.
8. West side of Irwin at Craig Street 1 way stop
9. East side of Franklin Street (Rt 308) and Irwin Street 1 way stop
10. East side of Franklin Street at Reas Court 1 way stop
11. West side of Franklin Street at Thorne Alley 1 way stop
12. West side of Franklin Street at Village Acres 1 way stop
13. North side of Thorne alley at Village Acres 1 way stop
14. Thorne Alley at Armstrong Alley and Mercer Street Stop both ends
15. Thorne Alley and Mercer Street 1 way stop
16. Porter Road and Mercer Street (Rt 208) 1 way stop
17. Porter Road and Cross Street 1 way stop
18. South side of Mercer Street at Cross Street Ext. 1 way stop
19. Cross Street and Cross Street Ext. 1 way stop
20. East side of Butler Street (Rt 308) and Yogus Street Stop both ends
21. East side of Butler Street and Hawkins Street Stop both ends
22. East side of Butler Street and McQuiston Street Stop both ends
23. East side of Butler Street and Moore Street Stop both ends
24. East side of Butler Street and Bell Street 1 way stop
25. Bell Street to Church Street Stop both ends
26. Church Street to South side of Emlenton Street (Rt 208) 1 way stop

ARTICLE 11 NO PARKING:

No parking will be allowed 127.7 feet from intersection south on route 308.

Section 1. PARKING Parking without lights Authorized.

The boundary limits of the Borough of Clintonville are hereby established as a zone in which motor vehicles may remain standing without lights, all vehicles are prohibited from parking at on all streets in the Borough of Clintonville with the following exception.

2. Limited parking on West side of Butler street for a time period of Two (2) hour parking from where No Parking stops on 308, 188.6 feet south to the loading zone at the hi rise, All vehicles must be parked the direction of flow of traffic.

A. Handicapped Zones. Vehicles identified as belonging to handicapped persons and displaying their cards shall park at the following places where designated signs are;

1. Clintonville Post Office
2. Clintonville Fire Department
3. Clintonville Apartments
4. Grace United Methodist Church
5. McKinley Funeral Home

B. Ambulance and Fire Zone. Fire, rescue and ambulance personal shall park on the West side of Clintonville Fire Hall, this is a No Parking Zone for unauthorized vehicles.

C. Tractor Trailer Trucks. Over the road trucks, over 30,000 gross weight, commonly known as tractor trailer rigs, or 18 wheelers, shall be allowed to park on Butler Street the remainder of the way down, but are not permitted to leave running longer than a maximum of 1 hour.

D. Loading and unloading Zone. Loading and unloading of persons and supplies will be permitted at the following locations;

1. Clintonville Apartments
2. Skis Market
3. Ho Bo Video

that unless the vehicle is removed or a hearing is demanded, the owner shall be subject to the provisions of section 4. 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.

C. 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 1 or 2.

SECTION 4. Payments of costs upon reclaiming a vehicle. In event the owner or leinholder of an abandoned vehicle reclaims the vehicle, the reclaiming party shall pay the costs for towing and storage, plus a fee of \$25.00 of which \$10.00 shall be transmitted to the department by the salvor.

SECTION 5. Towing and storage charges fixed. The reasonable towing and storing charge of the pound are hereby 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.

SECTION 6. Mayor to Notify Owners of Impounded Vehicles; Within twelve (12) hours from the time of removal of any vehicle under the authority granted by this article, notice of the fact that such vehicle has been impounded shall be sent by the Mayor of the Borough to the owner of record of such vehicle. Such notice shall designate the place from which said vehicle was removed, the reason for its removal and impounding, and the pound in which it shall have been impounded.

SECTION 7 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 8. 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 by the Vehicle Code in other cases of summary offenses, and shall have the same rights as to appeal and waiver the hearing.

SECTION 9. Records of Vehicles Removed and Impounded. The Mayor 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.

SECTION 10. Owner or Operator of Vehicle Remains Liable for Fine or Penalty. 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 said vehicle was removed or impounded.

SECTION 11. Restrictions upon Removal of Vehicle. 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 III INTERPRETATION

SECTION 1. Severability. The provisions of this ordinance shall be coverable and if any of its provisions shall be held unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional or illegal provision not been included herein.

E. Parking at the Clintonville Post Office adjacent to the north Side of Park Street shall be limited to Ten (10) minutes.

F. SPEED LIMITS:

Speed limits shall be posted on the back streets in the Borough of Clintonville with a speed limit of (15) fifteen miles pre hour.

ARTICLE III REMOVING AND IMPOUNDING VEHICLES

Section 1. Unattended vehicle obstructing traffic. The mayor may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, in such position or under such circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard.

Section 2. Removal to garage or place of safety. The Mayor may remove or cause to be removed to the place of business of the operator of a wrecker or to a nearby garage or to other place of safety any vehicle found upon a highway under any of the following circumstances;

A. Report has been made that the vehicle has been stolen or taken without the consent of its owner.

B. The person or persons in charge of the vehicle are physically unable to provide for the custody or the removal of the vehicle.

C. 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,

D. The vehicle is in violation of the parking provisions of this ordinance.

E. The vehicle has been abandoned as defined hereinafter. The Mayor shall comply with the provisions of Section 3 and 4. A vehicle (other than a pedacycle or handicapped cart) 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 Forty Eight (48) hours.

2. The Vehicle has remained illegally on a highway or other public property for a period of more than Forty Eight (48) hours.

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.

F. 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.

SECTION 3. Notice to owner prior to removal.

A. 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 Mayor 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 (7) 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 4 (relating to payment upon reclaiming vehicle). If the abandoned vehicle does not bear an identifiable registration plate, certificate of inspection or vehicle identification number plate, the notice may be secured to the vehicle.

B. If, within the seven day period, the owner so requests, the owner shall be given an opportunity to explain to the Mayor why the owner believes the vehicle should not be removed. If the Mayor 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. Ch. Subch. B (relating to the practice and procedure of local agencies). The Mayor shall inform the owner of the right to a hearing by delivering to the owner a notice warning the owner

SECTION 2. Any ordinance heretofore in existence and inconsistent with this ordinance is hereby repealed.

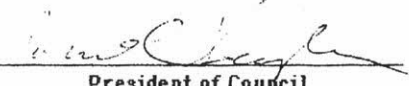
**ARTICLE IV
FINES AND PENALTIES**

Any person violating any of the provisions of this Ordinance shall, upon summary conviction before a magistrate, be sentenced to pay a fine of Twenty five (\$25.00) and costs of prosecution, and in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

ENACTED AND ORDAINED THIS DAY OF 1994

BOROUGH OF CLINTONVILLE

SEAL



President of Council

ATTEST:



Secretary of Council



Mayor

Secretary of Council