

BOROUGH OF NORTH CATASAUQUA

ORDINANCE NO. 424

**AN ORDINANCE OF THE BOROUGH OF NORTH CATASAUQUA,
COUNTY OF NORTHAMPTON, COMMONWEALTH OF
PENNSYLVANIA, REPEALING AND REPLACING TITLE SEVEN -
TRAFFIC AND PARKING REGULATIONS**

WHEREAS, the Borough of North Catasauqua first organized Traffic and Parking Regulations pursuant to Ordinance No. 57, as adopted on June 28, 1926; and

WHEREAS, the Traffic and Parking Regulations and all ordinances adopted in furtherance of the regulations are consolidated into Title Seven of the Borough Code; and

WHEREAS, it is the desire of the Borough of North Catasauqua to repeal and replace Title Seven of the Borough Code;


NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Council of the Borough of North Catasauqua, Northampton County, Pennsylvania as follows:

1. **Intent.** It is the intent of the Borough of North Catasauqua to invalidate or supersede any Ordinance enacted prior to this date which cannot be read in conjunction with this Ordinance. Title Seven shall be repealed and replaced with the regulations as set forth in Exhibit "A" attached hereto.
2. This Ordinance shall be effective as of May 4, 2020.

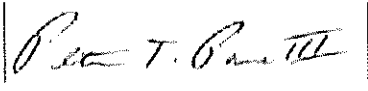
DULY ORDAINED AND ENACTED this 4th day of May, 2020, by the Borough Council in lawful session duly assembled.

ATTEST:

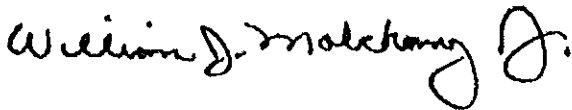
BOROUGH OF NORTH CATASAUQUA



Tasha Jandrisovits, Secretary

By  |
Peter Paone, President

Approved this 4th day of May 2020.


By
William J. Molchany, Jr., Mayor

TITLE SEVEN

VEHICLES AND TRAFFIC

ARTICLE 1
General Regulations

§701-1. Definitions and 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)¹, as amended.
- B. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§701-2. Manner of Adopting Permanent Traffic and Parking Regulations.

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

§701-3. 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.

§701-4. Temporary and Emergency Regulations.

- A. The Mayor 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

¹ Sec 75 Pa. C.S.A. §101 et seq.

traffic and/or parking in the limited areas for periods not to exceed seventy-two (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.

§701-5. Experimental Regulations; Violations and Penalties.

The Borough Council may, from time to time by resolution, designate places upon and along the highways in the Borough of North Catasauqua where, for a period of not more than ninety (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 of North Catasauqua relative to traffic and parking.

§701-6. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.

- A. The Borough Council shall have authority to close any street or 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 underway, 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. The Borough Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is underway 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 not more than \$25 plus costs.

§701-7. Authority of Police Officers.

The police officers of the Borough of North Catasauqua are hereby authorized to direct traffic on the highways of the Borough and at intersections thereof and to otherwise enforce the provisions of this chapter.

§701-8. Authorization for Use of Speed Timing Devices.

- A. The Borough Police Department is hereby authorized to use all 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 in accordance with 75 Pa. C.S.A. §3368.
- 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. §6101 et seq. (1977) as hereafter amended, supplemented, modified or reenacted by the Pennsylvania General Assembly.

ARTICLE II
Traffic Regulations

§702-1. Maximum Speed Limits.

- A. Maximum speed limits are established on specified streets and it shall be unlawful for any person to drive a vehicle, on any part of street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street.
- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine as prescribed by the Vehicle Code, as may be amended from time to time.

§702-2. Traffic Signals.

- A. Traffic signals may be erected at locations within the Borough and traffic at those locations shall be directed by those signals.
- B. Any driver of a vehicle who disobeys the directions of any traffic signal shall, upon conviction, be guilty of a summary offense and shall pay a fine as prescribed by the Vehicle Code, as may be amended from time to time.

§702-3. One-Way Streets.

- A. Streets within the Borough shall be designated 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.
- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine as prescribed by the Vehicle Code, as may be amended from time to time.

§702-4. Stop Intersections.

- A. Intersections within the Borough shall be established as stop intersections and official stop signs shall be erected in such a position as to face traffic approaching the intersection or through street on the stop street. Every driver of a vehicle approaching the intersection on the stop street shall stop

the vehicle as required by §3323(b) of the Vehicle Code, as may be amended from time to time, and shall not proceed into or across the intersection or through street until he or she has followed all applicable requirement of that section of the law.

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine as prescribed by the Vehicle Code, as may be amended from time to time.

§702-5. Yield Intersections.

- A. Intersections within the Borough are established as yield intersections, and official yield signs shall be erected in such a position as to face traffic approaching the through street on the yield street. Every driver of a vehicle approaching the intersection on the yield street shall slow down or stop the vehicle as required by §3323(c) of the Vehicle Code, as may be amended from time to time, and then yield the right-of-way as required by that subsection of the Vehicle Code.
- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine as prescribed by the Vehicle Code, as may be amended from time to time.

§702-6. Operation of Motor Vehicles Restricted on Public Lands.

- A. Other than by invitation or for official business, or as regulated by other ordinance or resolution, no motor vehicle, including but not limited to a motorcycle, pedalcycle, or minibike shall be operated on any property owned by the Borough or any other public agency or instrumentality within the Borough without the permission of the property owner and a permit from the Police Chief of the Borough.
- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of not more than \$25 plus costs, which fine may be amended from time to time by resolution of Borough Council.

ARTICLE III
General Parking Regulations

§703-1. Vehicles to be Parked within Marked Spaces.

- A. 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.
- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine as set forth in the schedule of fines in this article, as may be amended from time to time.

§703-2. Parking Prohibited at all Time in Certain Locations.

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

Street	Side	Between
Howertown Road	West	Grove Street and Liberty Street

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine as set forth in the schedule of fines in this article, as may be amended from time to time.

§703-3. Parking Seasonally Restricted in Certain Locations.

- A. Parking shall be prohibited from March 1 to November 1 in the following locations:

Street	Side	Between
Grove Street	Both Sides	Witt Street and Culver Street

- B. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine as set forth in the schedule of fines set forth within this article, as may be amended from time to time.

§703-4. Parking of Trailers Prohibited.

- A. A Trailer shall be defined as a vehicle designed to be towed by a motor

vehicle.

- B. It shall be unlawful for any person or entity to park a trailer on any street or alley in the Borough without the trailer having attached thereto a means of traction, whether mechanical or otherwise constructed, designed or suitable for the purpose of drawing the trailer.
- C. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine as set forth in the schedule of fines in this article, as may be amended from time to time.

§703-5. Creation of Handicapped Parking Spaces.

A. Guidelines and purpose.

(1) A disabled person or the parent, guardian, person in loco parentis, or spouse of a disabled person to whom a permanent placard or license plate has been issued under 75 Pa. C.S.A. § 1338 (person with disability plate or placard) or § 1342 (veterans' plate and placard, shall be eligible, hereunder, to seek designation of a parking space for use by any vehicle so designated. Such spaces shall be governed by the Pennsylvania Vehicle Code, Sections 1342, 1338, 3354. The Commonwealth of Pennsylvania, Department of Transportation, Bureau of Motor Vehicles has provided forms MV-145A and MV-145V to assist all handicapped residents of Pennsylvania in applying for the proper relief.

(2) The Borough Council ("Council"), upon the recommendation of the Chief of Police, is hereby authorized to make all determinations with respect to establishment, continuation, and removal of parking spaces hereunder. This authority is applicable to preexisting spaces, their continuation and removal, notwithstanding that such spaces were previously established and authorized. Anyone aggrieved by the determination of Council may request reconsideration by filing said request within 15 business days of Council's decision.

(3) It is not the obligation of the Borough of North Catasauqua to provide off-street or on-street private parking for residents of the Borough with or without disabilities. Owners of apartment buildings shall make every effort to establish off-street parking for their tenants.

(4) Any parking space created hereunder is available for use by any vehicle displaying a valid registration plate or placard.

(5) Applications for designation of parking spaces hereunder shall be considered on a case by case basis pursuant, but not limited to, the following guidelines:

(a) The applicant must reside at the address and prove the need for the requested sign.

(b) The applicant must be a disabled person or the parent, guardian, person in loco parentis, or spouse of a disabled person to whom a permanent placard or license plate has been issued under 75 Pa .C.S.A. § 1338 (person with disability plate or placard) or § 1342 (veteran plates and placard).

(c) All on-street parking restrictions, such as sweeper, snow emergency routes, school zones, shall apply and be obeyed.

(d) The Chief of Police shall review the status of all on-street handicap/disabled veteran-parking areas on an annual basis to assure that the need for the parking space continues to exist.

(e) Applicants shall not have a driveway or garage for parking their vehicle off-street.

(f) Handicapped parking space will only be allowed if parking is permitted in the front of or on the side of the residence.

B. Criteria and conditions.

(1) No space shall be granted where adequate, accessible off-street parking is available to the applicant. The adequacy of accessible off-street parking shall be determined at the discretion of the Chief of Police.

(2) Applicant must have one or more of the below listed handicaps and be physically disabled as determined by the Department of Transportation, Bureau of Motor Vehicles:

(a) Person who is blind;

(b) Person who does not have full use of an arm or both arms;

(c) Person is wheelchair confined;

(d) Person is unable to walk a distance of 200 feet without stopping to rest (applicant may be asked to perform this and/or produce documentation verifying this condition);

- (e) Person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (f) Person is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (g) Person uses portable oxygen;
- (h) Person has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;
- (i) Person is severely limited in his or her ability to walk due to an arthritic, neurological, or orthopedic condition;
- (j) The person has severe cardiopulmonary insufficiency requiring the use of ambulatory equipment;
- (k) The person requires the use of prosthetic devices that restricts normal ambulation;
- (l) The person has a service-connected disability certified at 100%; or
- (m) The person requesting a space is a parent or spouse of a person qualified by (a) through (l), or is in loco parentis of a person specified in the above subsections.

(3) An applicant may register one vehicle with a gross weight not to exceed 14,000 pounds.

(4) No more than one handicapped parking space shall be established upon any single application.

(5) No handicapped parking space shall be allowed along a street or portion thereof where parking is prohibited, or which is of an insufficient width, or where the physical conditions of the street or traffic conditions would make it unsafe for a handicapped parking space for access and use by a handicapped/disabled person.

(6) No handicapped parking space shall be created or continued unless it can be demonstrated that the applicant's physical condition justifying such a parking space is reasonable expected to persist for a period of not less than one year.

(7) For the establishment or continuation of a handicapped parking space, a report from the applicant's treating physician may be considered, but any such report without more, shall not be considered conclusive. Any such medical report shall be independent and reliable, and otherwise not be from a physician whom is familiarly related to the applicant.

(8) In the event there is a material improvement in the physical condition of the applicant to the extent that the applicant would no longer qualify as a handicapped person or severely disabled veteran under the criteria set forth herein, the handicapped parking space shall be removed. Likewise, the handicapped parking space shall be removed if there is a change in the circumstances or conditions, such as the applicant's death or moving to another location, such that the handicapped parking space shall no longer be necessary or otherwise appropriate under the criteria referred to herein. The Borough shall be notified within ten (10) days of the termination, of any reason, of the residency of a person eligible for such parking space.

C. Location of handicapped parking space/spaces.

(1) No more than two handicapped parking spaces shall be located on any block where parking is permitted on both sides of the street.

(2) No more than one handicapped parking space shall be located on any block where parking is permitted on only one side of the street.

(3) All handicapped parking spaces permitted prior to the effective date of this ordinance shall be allowed to remain as located but must be renewed annually.

(4) In the event previously permitted spaces exceed the maximum allowed per block, the Council shall refrain from granting any additional spaces in that block until the number of handicapped spaces falls below the maximum allowed.

(5) Council shall solely determine the particular location of the handicapped parking space within the street, and shall have the appropriate signs or street or curb markings placed thereat.

(6) The discretion of the Borough to establish handicapped parking areas at other locations where the Council deems appropriate or to continue preexisting handicapped parking spaces is not limited hereby.

D. Renewal application.

(1) Each permit for a handicapped parking space shall be renewed on an annual basis.

(2) Applications for renewal shall complete the application form and submit it, together with supporting documentation, to the Borough for review by the Chief of Police and final decision by Council. If any permit is not renewed for any reason, any future application by the same applicant shall be considered a new application and shall be governed by the new application provisions of this policy.

§703-6. Creation of Official Parking Spaces.

Pursuant to the authority of the Borough to regulate parking in the exercise of its police powers under 75 Pa. C.S.A. § 6109(a)(1), the Borough, from time to time, at its discretion, designate parking spaces specifically for use by official Borough vehicles anywhere in the Borough, and indicate the same by posted signage.

§703-7. Schedule of Parking Fines.

Any person who violates any parking ordinance enumerated herein, or any parking statute under the Vehicle Code at 75 Pa. C.S.A. § 101 et seq. which is not enumerated herein, shall be issued a citation, and upon conviction, be guilty of a summary offense, and pay the costs of such conviction, together with a fine in the amount designated herein for the designated violation:

PARKING VIOLATION	FEE
Within an intersection	\$25
Within 15' of a fire hydrant	\$25
Within 20" of crosswalk at intersection	\$25
Wrong side of street	\$25
Wrong direction on one-way street	\$15
Double-parked	\$25

Prohibited parking	\$25
Temporary prohibited parking	\$25
Handicapped parking without placard or plate	\$50/\$200 if fine is posted
Obstruction of a handicapped parking space	\$15
Overtime parking	\$25
Blocking traffic	\$25
On snow emergency route during emergency	\$50
In a posted private lot	\$25
More than 12" from the curb	\$15
Unattached trailer	\$25
Fire lane	\$25
Blocking driveway	\$25
With expired inspection	\$25
With missing or obscured registration plate	\$50

§703-8. Moving Permit Required.

Before anyone may park or otherwise use the Borough streets for purposes of moving into, out of, or within the Borough, a moving permit must be obtained from the Borough Office. Unless modified by further ordinance, the fee for obtaining a moving permit shall be \$15. Any permit or signage obtained from the Borough attendant with the issuance of a moving permit shall be displayed as directed.

ARTICLE IV
Removal and Impoundment of Illegally Parked Vehicles

§704-1. Applicability and Scope.

This article is enacted under authority of §6109(a-22) of the Vehicle Code, as may be amended from time to time, authorizing the Borough to establish procedures for and to remove and impound those vehicles which are parked in a tow-away zone and in violation of parking regulations of this chapter. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others may be towed under the provisions of the Vehicle Code.

§704-2. Authority to Remove and Impound.

The Borough shall have authority to remove and impound, or to order the removal and impounding of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking are in the manner stated in §704-1 of this article; provided, no such vehicle shall be removed or impounded except in strict adherence to the provisions of this article, or the provisions of the Vehicle Code, as may be amended from time to time. Attendant herewith, the Borough shall ensure compliance with all applicable notice provisions pursuant to §§ 3352, 6309, 6309.1, 6309.2, 7305 and any other applicable section of the Vehicle Code, as may be amended.

§704-3. Designation of Approved Storage Garages; Bonding; Towing and Storage

Removal and impounding of vehicles under this article 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 its schedule of charges for towing and storage of vehicles under this article to Borough Council, and, when the schedule is approved by Borough Council, those charges shall be adhered to by the approved storage garage, and no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or

impounded under this article by any approved storage garage. Borough Council shall strike from its list of approved storage garages any garage that assesses any unapproved charge in connection with any vehicle removed or impounded under this article.

§704-4. Payment of Towing and Storage Charges.

The payment of towing and storage charges shall not relieve an owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this article for which the vehicle was removed or impounded.

§704-5. Reclamation Costs.

In the case of the reclamation of abandoned vehicles as defined at 75 Pa. C.S.A. 102, the owner or driver of a vehicle shall bear financial responsibility for all towing and storage charges incurred, and pursuant to 75 Pa. C.S.A. §7306, shall also pay a fee of \$50, of which \$25 shall be transmitted to the Pennsylvania Department of Transportation by the approved storage garage to which the vehicle was taken.

§704-6. Records of Vehicles Removed and Impounded.

The Borough shall cause a record to be kept of all vehicles impounded under this article and shall be able, during business hours, to provide the owner or the agents of the owner of any impounded vehicle with information as to the place of storage of the vehicle.

§704-7. 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 immediately remove the vehicle.

§704-8. Violations and Penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, be guilty of a summary offense and sentenced to pay a fine of no more than \$100 for a first offense, or not less than \$200 but not more than \$500 or imprisonment for not more than ninety (90) days, or both for a subsequent

offense, with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 Pa. C.S.A. §7301 et seq. as may hereafter be amended, supplemented, modified or reenacted by the Pennsylvania General Assembly.

§704-9. Reports and Disposition of Unclaimed Vehicles.

If, after a period of fifteen (15) days, a vehicle in storage remains unclaimed, a report shall be filed with PennDOT in accordance with §7311 of the Vehicle Code, as may be amended from time to time, by the person having legal custody of the vehicle. If a vehicle has not been claimed after thirty (30) days, the vehicle may be transferred to a licensed salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Vehicle Code, as may be amended from time to time.

§704-10. Illegal Storage of Vehicles.

- A. No owner of a vehicle shall store it upon any public highway as defined in the Vehicle Code or upon public property of the Borough of North Catasauqua. As used herein, "storage" shall mean the parking of a vehicle in one place continuously for more than seventy-two (72) hours. Each seventy-two (72) hour period shall constitute a separate violation.
- B. Notice of violation.
 - (1) Any police officer or duly authorized employee of the Borough shall place on the vehicle stored in violation of the provision of this section a notice to report to the Magisterial District Judge in whom appropriate jurisdiction lies.
 - (2) For violation of this section, the owner or operator, within ten (10) days of the date such notice having been attached to their vehicle, shall pay as a penalty the sum of \$25 plus costs, which fine may be amended from time to time by resolution. Upon second violation of this section, the offender's vehicle, regardless if it was involved in the first violation, will be removed and impounded, and all costs, including but not limited to towing and storage, will be borne by the offender.

§704-11. Warrantless Inventory Search of Impounded Vehicles.

Impounded vehicles shall be inventoried by the Police Department in order to ensure the protection of the owner's property and the protection of the Department and the Borough from any claims or disputes regarding such property. The contents of all vehicles, including the contents of containers, shall be searched and inventoried on an official inventory report form.

ARTICLE V
Snow, Ice or Other Emergency

§705-1. Declaration of Snow, Ice or Other Emergency.

In order to facilitate the movement of traffic and to combat hazards, including but not limited to snow and ice, the Mayor or their designee, in their discretion, may, any time within eight (8) hours of a predicted weather or other event, declare a snow, ice, or other emergency (designated in this article as an “emergency”). Information on the existence of an emergency shall be given by the Borough via radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media. Notice of said emergency shall also be posted on the Borough’s website and communicated to all members of Borough Council by email.

§705-2. Parking Prohibited, Driving Motor Vehicles Restricted on Snow Emergency Routes During Emergency.

- A. After any emergency is declared and for eight (8) hours thereafter, as specified by the Mayor or their representative, it shall be unlawful for any person or persons to park or leave parked, any vehicle at any place along any street where official signs have been erected prohibiting parking during emergencies as passed by Council by resolution hereafter.
- B. After any emergency is declared and for eight (8) hours thereafter, it shall be unlawful at any time to drive any motor vehicle on any such emergency route, unless, in the case of a snow emergency, said vehicle is equipped with snow tires or chains.

§705-3. Establishment of Emergency Routes.

The Borough’s emergency routes are streets marked with permanent signs designating them as snow emergency routs. As designated by Borough Council, they are as follows:

Front Street from Borough line to 2 nd Street	South side only
Eugene Street from Bridge to Cypress Street	South side only
Cypress Street from 3 rd Street to Grove Street	West side only
Grove Street from Main Street to American Street	Both sides
Arch Street from Front Street to Grove Street	South side only

Howertown Road from Borough line to Borough line	Both sides
4th Street from Main Street to Borough line	West side only
Wyandotte Street from Howertown Road to Main Street	Both sides
Lincoln Avenue from Grove Street to Borough line	Both sides
Main Street from Borough line to 4 th Street	Both sides

A map detailing these routes is attached hereto. Borough Council may, from time to time, amend these routes. Drivers shall observe all posted routes.

§705-4. Violations and Penalties.

- A. If at any time during a period of emergency declared under §705-1 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 plus costs. Such fine may be amended from time to time by resolution of Borough Council.

- B. If, at any time during a period of emergency declared under §705-1 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 not more than \$25 plus costs. Such fine may be amended from time to time by resolution of Borough Council.

ARTICLE VI
Special Events

§706-1. Purpose.

The Borough Council is empowered to ensure the public health, safety, and welfare by the regulation of special events. Special events on public property which involve the gathering and/or movement of persons and/or vehicles within the Borough may create hazardous conditions, including but not limited to excessive traffic, garbage, noise, sanitation, and other circumstances of conduct the regulation of which is necessary to ensure the public health, safety and welfare. Special events on public property may require support in the form of police protection, traffic control, solid waste disposal and recycling, and such other public services provided by the Borough.

It is the policy of the Borough not to subject its taxpayers to the payment of costs and expenses associated with any special event not sponsored by the Borough. The direct costs and expenses associated with the provision of public services for a special event shall be borne by the sponsor of such event.

§706-2. Definitions.

As used in this Article, the following words shall have the meanings indicated:

ASSEMBLAGE – A gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.

APPLICANT – A person or group sponsoring or organizing an event who has filed a written application for a permit and who assumes responsibility for all duties and responsibilities under this chapter.

OBSTRUCT – To block, close up, impede, or hinder passage.

PennDOT – The Commonwealth of Pennsylvania, Department of Transportation.

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.

PUBLIC RIGHT-OF-WAY – Any street, avenue, boulevard, highway, sidewalk,

alley, or similar place owned by or under the control of a government entity.

PUBLIC SERVICES – Includes but is not limited to police, traffic and crowd control, solid waste disposal and recycling, janitorial, custodial, and street cleaning, fire, and emergency medical services.

PUBLIC SPACE – Property owned by or under the control of a government entity.

SPECIAL EVENT – Includes but is not limited to an assemblage, procession, public gathering, competition, race, reenactment, or spontaneously planned event which is held on a public street, sidewalk, or recreational facility; or on any other property, but which requires coordination of public services beyond that which the Borough routinely provides.

SPECIAL EVENT PERMIT – A permit issued by the Borough for a special event.

§706-3. Permit Required.

- A. It shall be unlawful for any person to hold or participate in any special event within or through the Borough unless the organizer first obtains a permit from the Borough. Once issued, a special event permit is not assignable to a third party.

- B. No person or entity shall be required to obtain a special event permit from the Borough to engage in the following:
 - (a) Funeral procession;
 - (b) Lawful exercise of First Amendment activity, such as free speech and the right to assemble on sidewalks, streets, or other public property unless such activity will result in the obstruction of Borough streets, sidewalks, or other public property, will impede the ability of the Borough to respond to a public safety emergency, or will obstruct access to private property not owned by the applicant;
 - (c) A governmental agency acting within the scope of its authority and functions;
 - (d) Moving and construction activities subject to other regulations;
 - (e) Student participating in district-sanctioned educational activities under the immediate direction and control of school authorities, and such does not obstruct access to public or private property.

§706-4. Application Process.

- A. Application Required. A person seeking a special event permit shall file an application on a form to be provided by the Borough. The application must be filled out completely and signed and dated by the applicant. If the special event is sponsored by an entity, organization or association, a person legally authorized to bind the entity, organization or association must sign the application.
- B. Filing Period. An application for a permit as required by this Article shall be submitted to the Borough at least 60 days and not more than 180 days prior to the planned date of the event. In the event that the permit involves the closing of a road under the jurisdiction of the Commonwealth of Pennsylvania, the application must be submitted not fewer than 75 days before the proposed date of the event.
- C. Late application. Where good cause is shown, the Borough may, but is not required to, consider an application filed less than 60 days prior to the proposed event date, provided that all the requirements of can be met.
- D. Application Contents. The application must contain the following information:
 - (a) The name, address, contact number, and e-mail address of the applicant;
 - (b) The purpose of the event, and name, if any;
 - (c) The date and times of the event, including set-up and clean-up;
 - (d) The location(s) of the event. If the event will proceed along a route, a map of the route shall be included;
 - (e) Plans for:
 - (1) Transportation and parking facilities;
 - (2) Food, beverages, and the providers thereof;
 - (3) Sanitary facilities;
 - (4) Security and traffic control;
 - (5) Collection and recycling of materials;
 - (6) Post-event trash removal and site restoration.
 - (f) Proof of comprehensive general liability insurance in the amount of \$1,000,000, naming the Borough as an additional insured. In the event that the permit requires the closing of a road under the jurisdiction of the Commonwealth of Pennsylvania, the applicant must also name the Pennsylvania Department of Transportation as an additional insured.

(g) The following statements:

- (1) A statement indemnifying and holding the Borough harmless;
- (2) A statement that the applicant understands and agrees that it is responsible for recovery costs as described herein;
- (3) A statement that information set forth in application is true and correct to the best of the applicant's knowledge under penalty of law;
- (4) A statement that the applicant will comply with the requirements of this Article, and any other applicable ordinances, rules, regulations, or requirements.

(j) Such additional information as the Borough shall find reasonably necessary to arrive at a fair determination as to whether a permit should be issued.

E. Submission of Applications. Applications shall be submitted to and processed by the Borough Zoning Officer, who shall perform all duties prescribed by this Article, shall present the application to Borough Council, shall notify the applicant of the decision of Borough Council, and shall issue any permit or denial as directed by Borough Council.

E. Cost recovery. The Borough shall require payment of cost recovery fees for the provision of public safety and public works services for special events, but only if such costs reflect a good faith estimate of actual expenses to be incurred and do not include costs associated with protecting First Amendment activity from actual or threatened harm. All special event sponsors shall work in good faith with the Borough to achieve the least expensive alternatives available consistent with the purpose of the proposed special event. The Borough Zoning Officer shall, upon receipt of the special event permit application, contact any relevant Borough department officials in order to establish an accurate, good faith estimate of the cost of Borough resources necessary for the event.

Upon issuance of a special event permit, the applicant/permittee shall be required to remit payment, in the amount estimated and requested by the Borough for the purposes of cost recovery, to the Borough Office no less than 10 days prior to the date on which the event is to occur. Failure to remit the necessary payment by this deadline will result in a denial of the permit request or revocation of an awarded permit.

Within 30 days after the conclusion of the event, the Borough shall provide the permittee an accurate account of the costs incurred upon its resources as a direct result of the event.

Should actual costs of the event exceed the costs estimated by the Borough and payment remitted by the applicant, the Borough shall issue an invoice to the permittee for the balance of the costs, to be paid within 30 days of the invoice date.

Should the actual costs of the event be less than that estimated by the Borough and payment remitted by the applicant, the Borough shall issue a refund to the permittee in the amount of the overpayment within 30 days of the calculation of the actual costs.

§706-5. Standards for Issuance of Permit.

A permit shall issue if:

- a. The conduct of the event will not require the diversion of so great a number of police officers of the Borough to properly police the event and/or the movement of participant and spectators at the event and/or in the areas contiguous thereto as to prevent normal police protection to the Borough.
- b. The concentration of persons, animals, and/or vehicles at assembly points of the event will not unduly interfere with proper fire and police protection or ambulance service to areas contiguous to such assembly areas.
- c. The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay.

§706-6. Notice to Applicant.

The Borough Zoning Officer shall notify the applicant for a permit as to whether the application has been approved or rejected and, if approved, a good faith cost recovery fee, within 15 days following action by the Borough Council. If the application is rejected, the notice shall be in writing and communicate the basis therefor. Should the application be approved, a permit shall issue upon payment of the recovery fee as prescribed herein.

§706-7. Contents of Permit.

The permit shall state the name of the permittee; the date, times, and location(s) of the event, the purpose of the event, a listing of municipal services to be provided, the portions or any streets to be traversed or blocked, the approximate number of people and/or vehicles expected at the event, any special conditions of the event, and the signature of the issuer.

§706-8. Denial or Revocation of Permit.

A permit shall be denied to any applicant who fails to satisfy or who violates any requirement of this Article; if the Borough believes that the issuance of a permit would jeopardize the public safety; or if the issuance of a permit would violate any law or regulation. The failure to satisfy any requirement of this Article, or the violation of this Article prior to the event may result in the revocation of a permit.

§706-9. Appeal Procedure.

Any person or entity aggrieved by the action of Borough Council shall have the right to request reconsideration of the Borough Council's action at its next regularly scheduled meeting. Reconsideration shall be requested by the submission of a written request sent by registered or certified mail to the Borough Office. Borough Council shall undertake reconsideration at its next regularly scheduled meeting following receipt of such request, and shall render a written decision within 15 days following its meeting, which shall be sent to the appellant by regular mail.

§706-10. Restoration of Premises.

A permittee shall return any public property upon which an event is held to its condition prior to the conduct of the event. Failure to do so may result in the permittee being prohibited from being issued a future special event permit for a future event or being required to post a bond prior thereto. To the extent that property is not restored to its pre-event condition, the permittee will be billed and for any costs or expenses incurred by the Borough in the restoration of the premises, and the Borough may enforce its rights relative to nonpayment in any court of competent jurisdiction.

§706-11. Violations and penalties.

Any person who violates any provision of this Article shall, upon conviction thereof before a Magisterial District Justice or other court of competent jurisdiction, be sentenced to pay a civil penalty not to exceed \$600 for each and every separate offense, plus the costs of prosecution and reasonable attorney fees incurred in enforcement proceedings. Each day in which a person is in violation of this Article and each section of this Article violated shall be considered a separate violation hereunder.