

**ORDINANCE NO. 508
(Non-Legislative)**

**BOROUGH OF PARKESBURG
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF PARKESBURG BOROUGH, CHESTER COUNTY, PENNSYLVANIA, REPEALING ORDINANCES NO. 378, 421, 437 AND 452 RELATING TO PARKING AND PROVIDING A COMPREHENSIVE PARKING ORDINANCE REGULATING ALL PARKING WITHIN THE BOROUGH AMENDABLE BY RESOLUTION OF BOROUGH COUNCIL, SAID PARKING ORDINANCE INCLUDES: (1) DEFINITIONS; (2) NO PARKING AREAS; (3) LIMITED PARKING AREAS; (4) COMPACT CAR PARKING AREAS; (5) HANDICAPPED PARKING AREAS; (6) PROHIBITION OF PARKING CERTAIN TYPES OF VEHICLES (AND SPORTS AND OTHER EQUIPMENT) IN CERTAIN AREAS; (7) PROCEDURES FOR PARKING IN A SNOW EMERGENCY AND PROCEDURES FOR GOVERNING DEPOSIT OF SNOW IN THE BOROUGH; AND (8) RELEVANT PENALTIES FOR VIOLATIONS OF THE ORDINANCE

WHEREAS, The Borough of Parkesburg is a Borough and Municipality in the Commonwealth of Pennsylvania organized and governed according to the Borough Code; and

WHEREAS, the Borough Code authorizes Borough Council to regulate among other things, parking, [Section 1202(31)], the streets [Section 1202(12)], the towing of vehicles, [Section 1202(34)], the licensing of parking (Section 2903) and the general regulation of nuisances and protections for the health, safety and welfare of the public [Sections 1202(4) and 1202(5)]see 53 P.S. § 46202(31)(12)(34)(4)(5) and 53 P.S. Section 47903 and such other authority generally granted under the Borough Code 53 P.S. Section 45101 et seq; and

WHEREAS the Borough Council has granted broad powers under the Borough Code at Section 201 thereof see 53 P.S. § 46201 to act for the benefit of the public welfare; and

WHEREAS, in order to provide for a comprehensive and consistent means of regulation of parking and use of the streets and other public areas, the Borough has decided to repeal and rescind Ordinances No. 378, 421, 437 and 452 which addressed the various rules and regulations identified herein but which have been consolidated in this comprehensive Ordinance; and

WHEREAS, Borough Council has further noted that regulations of parking and street usage and usage of the public ways are matters that require frequent revision to address changes in parking patterns, street usage, development and other natural

recurring circumstances for which the passage of an Ordinance is unduly cumbersome, and, therefore, it has been determined that the terms hereof shall be subject to amendment by Resolution; and

WHEREAS, this Ordinance is necessary to further protect the public's health, safety and welfare; and

NOW, THEREFORE, in consideration of its authority under the Borough Code, and the law of the Commonwealth including the authority recited herein, be it ORDAINED and ENACTED and it hereby ORDAINED and ENACTED by the Borough of Parkesburg as follows:

Definitions

The following definitions shall apply to the interpretation and enforcement of this Ordinance:

- (1) "Borough": The Borough of Parkesburg, Chester County, Pennsylvania.
- (2) "Compact Cars": Small passenger automobile.
- (3) "Large Vehicles": No large vehicle weighing in excess of 17,000 pounds including the following stock as defined by 75 Pa C.S.A. §102 as amended from time to time: articulated bus, bus, combination, instruction truck, driveaway - till-away operation, farming equipment, foreign vehicle, food trailer, house carriage, house trailer, maxi-cube vehicle, mobile home, motor home, recreation trailer, semitrailer, stinger-steered automobile or boat transporter, tow dolly, truck, truck camper, truck tractor, utility trailer, or the like. Also included and considered large vehicles for purposes of this definition are boats, snow mobiles, all terrain vehicles and similar off-road vehicles, pick up campers, boat trailers, tent trailers and cases or boxes used for transporting recreational equipment (whether used or not).
- (4) "Sidewalks and Walkways": Any marked or improved area for pedestrian foot traffic.
- (5) "Snow": Frozen or semi-frozen particles of water vapor depositing an accumulation of any amount on the streets of the Borough; the term "snow" shall include snow, sleet, hail, ice, or frozen rain.
- (6) "Snow Emergency": The declaration, as more specifically described hereinafter, under and during which highway conditions are hazardous and dangerous to pedestrians and vehicular traffic.

- (7) "Snow Emergency Route": Those streets within the Borough designated by the Borough Council and specifically listed in this Ordinance.
- (8) "Snow Tires": Vehicular tires having treads so designed to enhance and improve vehicular traction in mud or snow conditions.
- (9) "Streets": All streets, roads, roadways and alleys in the Borough.
- (10) "Tire Chains": Devices, including full chains, strap chains or other types of chains so designed and so mounted on the tires of vehicles to permit and enhance vehicular traction in snow.
- (11) "Unattended sports equipment": Any items used in the playing or practice of a sport left unattended in the street, roadway, right-of-way, sidewalk or walkway.
- (12) "Vehicles": Any and all motor vehicles and trailers, including by way of example and not by way of limitation passenger automobiles, trucks, buses, public and private transportation, motorized conveyances, etc., using any Borough streets, alleys or roadways within the municipal limits of the Borough.

Section 1- Legislative Finding:

- (1) The Borough Council finds that parking in the Borough on public streets, alleys, right of way or public parking lots has caused congestion and interfered with the maintenance and cleaning thereof and has a negative effect on the health, safety and welfare of the Borough residents;
- (2) There are certain areas that are within the Borough where the streets are designated no parking areas or limited parking areas or compact car parking areas or handicapped parking areas and there are prohibitions against parking certain types of vehicles in certain areas of the Borough;
- (3) Only compact cars are permitted to park (a) the southwest corner of the intersection of W. First Ave. and West St., (b) the northwest corner of the intersection of W. First Ave. and West St., (c) all four corners of the intersection of W. First Ave. and Culvert street, (d) all four corners of the intersection of W. First Ave. and Chestnut St. and (e) all four corners of the intersection of W. First Ave. and E. Bridge St.
- (4) The Borough has determined that hazardous and unsafe traffic conditions within the Municipal Ordinance of the Borough exist because large vehicles are often parked on the streets of the Borough and because sports equipment is frequently left unattended in right-of-ways, and on the streets,

sidewalks or walkways of the Borough presenting hazardous and unsafe traffic conditions which are detrimental to the public health, safety and welfare of the residents of the Borough of Parkesburg and others and such impediments interfere with emergency vehicles including fire trucks, ambulances, etc. and interfere with snow removal and the peaceful and quiet enjoyment of the residents of Parkesburg in their homes and neighborhood;

- (5) In circumstances when a snow emergency is declared by the Mayor of the Borough of Parkesburg, it is necessary to clear certain snow emergency routes and protect against dangers to vehicular traffic in the Borough.
- (6) Terms and conditions of this Ordinance subject to modification by Resolution with respect to not only the general regulations but the areas of which the restrictions are imposed.

Section II- No Parking Areas

- (1) No person shall be permitted to park in the following designated areas:
 - 1. E. First Avenue, East Borough Line to intersection of Church Street, East Bound and West Bound Lanes;
 - 2. W. First Avenue from Church Street to Gay street, East and West Bound;
 - 3. W. First Avenue to West Street, West Bound, East Bound 340 feet from S. Gay Street West;
 - 4. W. First Avenue, from W. Bridge Street to Limestone Road, East Bound and West Bound Lanes;
 - 5. S. Limestone Road, South Bound and North Bound Lanes;
 - 6. W. Fourth Avenue, from Chestnut Street to within 160 feet of South Culvert Street, East Bound Lane Only. Fourth Avenue 160 feet from South Culvert Street, West Bound Lane Only;
 - 7. W. Fourth Avenue, from South Culvert Street to South Gay Street, West Bound Lane Only;
 - 8. Beale Drive, from W. Fourth Avenue to Church Street, East Bound and West Bound Lanes;
 - 9. W. Bridge Street, from Spruce Alley to W. First Avenue, North Bound and South Bound Lanes;

10. E. Bridge Street, W. Second Avenue to Third Avenue Alley, North Bound and South Bound Lanes;
11. S. Culvert Street, W. First Avenue to W. Second Avenue, South Bound Lane;
12. West side of State Street, from Main Street to Front Street;
13. S. Gay Street, from W. First Avenue to W. Fourth Avenue, South Bound Lane;
14. S. Church Street, from South Borough Line to intersection of First Avenue, North Bound and South Bound Lanes;
15. Fairmount Avenue, from E. First Avenue to E. Second Avenue, North Bound and South Bound Lanes;
16. Parke Avenue, from First Avenue to E. Second Avenue, South Bound Lane Only;
17. Front Street, from State Street to N. Gay Street, both sides;
18. Maple Street, from West Street to South Culvert Street, West Bound Lane;
19. S. Culvert Street, from W. First Avenue to Railroad Bridge, North Bound Lane;
20. E. Bridge Street, from W. First Avenue to Main Street, North Bound and South Bound Lanes;
21. W. Bridge Street, from W. First Avenue to Main Street, North Bound and South Bound Lanes;
22. Main Street, from Borough Line West to E. Bridge Street, East Bound and West Bound Lanes;
23. Washington Street, from Main Street to Dead End, South Bound Lane;
24. Chapel Avenue, from Church Street to Green Street, East Bound and West Bound;
25. Green Street, from Chapel Avenue to Parkesedge, South Bound Lane, North Bound Lane from North Avenue to Parkesedge;

26. Washington Avenue, Octoraro Avenue and Hamilton Avenue, North Street, NO ON STREET PARKING on any of these Streets on the paved cartway;
27. N. Culvert Street, Strasburg Avenue to Washington Avenue, North Bound Lane;
28. N. Limestone Road, from Main Street to Strasburg Avenue, North Bound Lane Only;
29. Rosemont Avenue, from N. Limestone Road to Young Street, East Bound Lane, and from Rosemont Avenue, Young Street to Wright Street, East Bound Lane;
30. Young Street, Strasburg Avenue to Rosemont Avenue, South Bound Lane;
31. Young Street, from Rockland Alley to Rosemont Avenue, North Bound Lane;
32. Strasburg Avenue, from Main Street to North Culvert Street, East Bound Lane;
33. Strasburg Avenue, from North Culvert Street to Borough Line Road West, West Bound Lane;
34. Sadsbury Road, from N. Church Street to East Borough Line, North Bound and South Bound Lanes;
35. W. Third Avenue, from South Gay Street to Brandt Street, West Bound Lane;
36. Brandt Street, from W. Third Avenue to Grant Street, North Bound Lane;
37. NO PARKING on the Cartway or Paved Portion of any Alley of less than twenty-four (24) feet in width of paved surface; and
38. NO PARKING in any fire lane, on any private property or private lots including, but not limited to those areas designated by the Fire Chief and/or Fire Marshall of the Borough and adopted and designated by Resolution of Borough Council.

39. NO PARKING in loading zones as designation by the Borough Council upon a recommendation of the Chief of Police after adopted by Resolution in accordance with PennDOT regulations.
40. NO PARKING a vehicle of any kind in, on or across a sidewalk where pedestrian movement is restricted or blocked.
41. TEMPORARY NO PARKING areas may be created upon order of the Mayor. The Chief of Police may order temporary no parking signs posted upon direction of the Mayor. The no parking area will remain in effect until ordered removed by the Mayor or Chief of Police.

Section III- Limited Parking Areas:

- (1) Limited parking areas are those parking areas hereinafter identified or as established by Resolution of Borough Council setting or regulating a time period when parking is or is not permitted.

Section IV- Compact Cars:

See Section I - (3) of this Ordinance

Section V- Handicapped Parking:

- (1) Handicapped parking areas shall be those parking areas designated by Borough Council by Resolution. Applications for handicapped parking areas shall be made to the Borough Manager and shall be reviewed by the Chief of Police and approved by Resolution of Borough Council.
- (2) Applications must specify that a handicapped application must be reviewed on an annual basis and will be granted for only periods of one year at a time.

Section VI- Trash Receptacles and Storage Containers:

This regulation is designated to regulate the stopping, standing and parking of receptacles used for the removal of unwanted refuse and containers used for storage of items and materials upon Borough streets and sidewalks.

- (1) No person shall stop, park or let stand any vehicle, container or receptacle used for removal and placement of unwanted refuse and trash or storage of items or materials upon any paved or improved portion of any street, alley, roadway or sidewalk within the Borough.

- (2) No person shall cause or permit by direction or design, any company, firm, corporation or person to park or let stand any vehicle or receptacle as described in paragraph (1) above, upon any street, sidewalk or any paved or improved portion within the Borough.
- (3) In certain cases, the Borough may issue permits to applicants requesting relief from this regulation. The person requesting relief shall apply to the Borough Police Department for said permit and must comply with certain restrictions.

Restrictions:

- (a) The container or receptacle used must comply with State and local construction standards.
- (b) Size of the container or receptacle used must not exceed a width of eight (8) feet and a length of twenty-four (24) feet. This includes any vehicle used in combination or as a transport vehicle.
- (c) The standing, stopping or parking of any receptacle or vehicle in combination, must comply with the Pennsylvania Vehicle Code (Title 75) and this Parking Ordinance.
- (d) No load or part or portion of the load shall extend beyond the interior side walls of the container or receptacle where trash and refuse is placed.

Section VII- Prohibited Parking of Certain Large Vehicles:

- (1) No person shall cause to be parked or permit to be parked any large vehicle on any street or municipal lot, road, lane, court, cul-de-sac, alley, public way or public square within the municipal limits of the Borough of Parkesburg.
- (2) In addition, portable basketball nets, portable soccer nets, portable street hockey nets, skate board ramps, roller blade ramps and similar sports equipment are prohibited on any street or any and all locations in which large vehicles are also prohibited.

Section VIII - Storm Emergency Routes:

- A. Violation of Section VIII regarding storm emergency routes is as follows:
 - (1) Any person who, during the existence of a declared Snow Emergency:

- (a) operates a vehicle without chains or snow tires on any Snow Emergency Route; and/or
 - (b) parks a vehicle on a Snow Emergency Route; and/or
 - (c) operates a vehicle on a designated Snow Emergency Route, and leaves such vehicle unattended if the vehicle becomes stalled, and/or incapable of moving under its own power shall be in Violation of the provisions of this Ordinance and be subject to the penalties prescribed in this Ordinance.
- (2) Allows or causes a vehicle to have been parked, becomes stalled and/or incapable of moving under its own power, or left unattended on any Snow Emergency Route is in violation of this Section VIII and may be removed or towed by the Parkesburg Borough Police Department, or by persons authorized by the Parkesburg Borough Police Department to so do. The cost of removal and towing of any such vehicle shall be assessed by the Borough against the registered owner of the vehicle, and the recovery of the costs of such removal and towing shall be recovered as part of the fine for violating the provisions of this Ordinance.

B. Declaration of Snow Emergencies:

- (1) In order to protect the public health, safety and welfare, and in order to facilitate the safe movement of vehicular traffic and combat the hazards of snow and ice on the streets in the Borough, the Mayor of the Borough of Parkesburg may, in his or her discretion, declare a Snow Emergency if, in his or her opinion, the actual or expected precipitation of snow will create hazardous or dangerous conditions on Borough streets.
- (2) When the decision to declare a Snow Emergency has been made by the Mayor, he shall forthwith undertake all actions necessary to inform the public of the existence of the Snow Emergency by contacting the appropriate form of news media, including but not limited to radio stations, newspapers, television, and/or other available media.
- (3) All Snow Emergencies declared by the Mayor shall continue until such time as he or she shall declare the Snow Emergency terminated, and the termination of the Snow Emergency by the Mayor shall be given to the public through the use of the media forms identified above.
- (4) In the absence of the Mayor, a Snow Emergency may be declared by the following individuals in the following order:

The President of Borough Council; but in his or her absence, then by The Chairman of the Streets Committee; but in his or her absence, then by The Director of Public Services; but in his or her absence, then by The Chief of Police.

C. Parking on Snow Emergency Routes

- (1) After the declaration of a Snow Emergency, no person shall operate any vehicle of any nature without chains or snow tires on any Snow Emergency Route.
- (2) Within two (2) hours after the declaration of a Snow Emergency, no person shall park or permit to remain parked any vehicle on a Snow Emergency Route.

A. Designated Snow Emergency Routes And Posting Thereof

- (1) The following Borough streets are hereby designated as Snow Emergency Routes:
 - a. First Avenue
 - b. Main Street
 - c. W. Bridge Street
 - d. W. Fifth Avenue
 - e. S. Gay Street
 - f. Strasburg Avenue
 - g. N. Culvert Street
 - h. Washington Avenue
 - i. Green Street
 - j. Chapel Avenue

Section IX - Penalties For Violations:

- (1) Unless another penalty is expressly provided by the Pennsylvania Vehicle Code, any person or registered owner of any vehicle who or which violates any provision of this Ordinance shall, upon conviction thereof, be sentenced

to pay a fine of not less than Three Hundred (\$300.00) Dollars, plus costs of prosecution and costs for the towing and storage of vehicles. Additionally, despite the foregoing, any violations of vehicle parking regarding time limitations or location (except for regulations of Trash Receptacles and Storage Containers, and regulations regarding Storm Emergency Routes as set forth in Sections VI and VIII hereof) shall be subject to a minimum \$25.00 fine per incident.

Section X - Restrictions on snow placement:

No person shall throw, shovel, cast or otherwise place, pile, deposit or dump snow or ice removed from sidewalks, walkways, driveways or any other location on to any Street in the Borough.

Section XI - Savings Clause:

If any section or provision in this Ordinance is declared by any court of competent jurisdiction to be unconstitutional, illegal and invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, or the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one declared to be unconstitutional, illegal or invalid.

Section XII - Repealing Provision:

Ordinances No. 378, 421, 437 and 452 are hereby repealed. And all ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

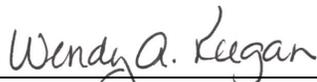
ORDAINED and ENACTED by the Parkesburg Borough Council this 15th day of July, 2013.

PARKESBURG BOROUGH COUNCIL



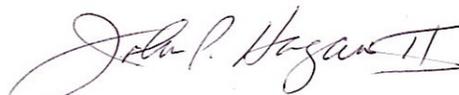
KATHLEEN M. RICK, President

ATTEST:



WENDY A. KEEGAN, Secretary

Approved this 15th day of July, 2013.



JOHN P. HAGAN, II, Mayor