

ORDINANCE NO. 1

An Ordinance Prescribing Parking Regulations and Providing Penalties for their violation.

WHEREAS, the Borough Council, of the Borough of Mill Village, Erie County, Pennsylvania, recognize and deem it necessary for the safety and well-being of the citizens of said Borough, that the Parking of Motor vehicles in and about the Borough be regulated, and that necessary rules and regulations controlling the same be established.

Be it ordained and enacted by the Borough Council of the Borough of Mill Village, County of Erie and State of Pennsylvania, and it is hereby enacted by the authority of the same;

SECTION I. Definitions

Except as otherwise provided herein, words and phrases when used in this ordinance shall have the meanings ascribed to them in the Pennsylvania Motor Vehicle Code, as now in force or as hereinafter amended, enacted or reenacted, except in those instances where the context clearly indicates a different meaning. The singular shall include the plural, and masculine shall include the feminine. In addition, the following particular definitions are set forth:

- (a) Street – Shall be included in definition of “highway” in the vehicle code.
- (b) Sidewalk – That portion of a street between curb lines and the adjacent property lines.
- (c) Roadway – That portion of a street or highway between the regularly established curb lines and that part improved and intended to be used for vehicular travel.

SECTION II

(a) Motor vehicles in parking shall draw up on the right hand side of the highway and stop parallel thereto and facing in the direction of traffic, leaving the Major portion of the highway free of obstruction.

(b) Parking is hereby prohibited on Route 6, also known as Center Street at any and all times between the hours of 10:00 P.M. and 6:00 A.M., whether such Motor vehicles shall be occupied or not.

(c) No parking is permitted that will obstruct the driveway to any property as to prevent the use of said driveway at any time.

(d) No parking is permitted within thirty (30) feet of any intersection of any of the Streets or highways **or** the Boroughs.

(e) No person shall park a vehicle upon any street or highway in the Borough for the principle purpose of:

- (1) Displaying such vehicle for sale.
- (2) Commercial washing, greasing, painting, or repairing such vehicle, except repairs necessitated by an emergency.
- (3) Displaying advertising thereon.
- (4) Offering goods, wares and merchandise therefrom for sale.
- (5) No person shall park a vehicle upon any highway or street, roadway, or sidewalk in the Borough for the purpose of storage. Storage shall consist of allowing a vehicle, whether licensed or unlicensed, operable or inoperable to remain in one place continuously for over twenty-four (24) hours.

SECTION III Authority to Remove and Impound Illegally Parked vehicles

(a) Any member of the Borough Police, or any law enforcement official is hereby authorized to remove and impound, or to order this removal and impounding of any vehicle parked on any of the streets, highways or public property **or** the Borough in violation of any of the provisions of the Pennsylvania Motor Vehicle Code, or of any ordinance of the said Borough. Provided: No vehicle shall be removed or impounded except in strict adherence to the provisions of this article.

(b) Approved storage garages or pounds for the storage of such impounded vehicles shall be designated by resolution of Borough Council approving a contract with such garage for services required under this ordinance.

(c) Every such approved storage garage or pound shall post a bond in the amount of \$2,500.00 to be filed with the Department of Accounts and Finance for the indemnifying of the owner of such impounded vehicles against the loss thereof, or injury, or damage thereto, while in the custody of said pound keeper.

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(d) The following 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.

(1) Towing from any location in the Borough:

Vehicles up to 3000 lbs. - \$15.00

Vehicles over 3000 lbs. - \$25.00

(2) Storage - \$1.00 per day or any past thereof.

(e) 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 removing and impounding officer to the owner of record of such vehicle. Such notice will 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.

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

(g) 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 offense shall have the same rights as to appeal and waiver of hearing.

(h) The Borough Constable or law enforcement officer 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.

(i) 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 and impounded.

(j) No vehicle shall be removed under authority of this Article if, at the time of 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, and does so immediately.

SECTION IV Penalties

(a) All persons violating the provisions of this ordinance shall be subject to a fine of not more than \$25.00 for each offense, and each daily occurrence of the same offense shall be considered a New offense, and finable as such. In default of payment of the fine the Offender shall be imprisoned in the County Jail for a period not exceeding five (5) days for each such offense.

SECTION V Interpretations

(a) The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be 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.

(b) The provision 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 a new ordinance.

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Ordained and enacted in Council at a meeting thereof held this Seventh day of July, 1967.

Mill Village Borough Council

David D. Carnahan
President

Susan E. Kerr
Secretary