

**BOROUGH OF ABBOTTSTOWN
ADAMS COUNTY, PENNSYLVANIA**

ORDINANCE No. 2019-04

**AN ORDINANCE OF THE BOROUGH OF ABBOTTSTOWN, ADAMS COUNTY,
PENNSYLVANIA, RE-ESTABLISHING AUTHORITIES WITHIN THE SCOPE OF
MOTOR VEHICLES, TRAFFIC, STREETS AND SIDEWALKS.**

It is hereby enacted and ordained by the Council of Abbottstown Borough as follows:

Part One: General Regulations

§101. Definitions and Interpretation.

1. The words and phrases used in this article shall, for the purpose of this article, have the meanings respectfully ascribed to them by the Pennsylvania Act of Assembly, known as the Vehicle Code, the Act of June 17, 1976, P.L. 162 No. 81, as amended and supplemented; provided, however, that the word "vehicle" shall be defined and mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, whether it be a device moving upon wheels or runner, including tractors, agricultural machinery, motorcycles, bicycles, horse-drawn vehicles, ridden or driven animals, push carts, or any device moved by human power; and the word "highway" shall be defined and mean any public highway, street or alley.
2. EMERGENCY REPAIR – shall mean any minor repair necessary to reinstate a temporarily disabled vehicle to operable condition.
3. REPAIR – shall mean any labor performed on any vehicle, with or without compensation.
4. In this Chapter, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.

§102. Manner of Adopting Permanent Traffic and Parking Regulations.

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

§103. Provisions to the 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affect any act done or liability incurred, and any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

§104. Temporary and Emergency Regulations.

1. The Mayor and/or Chief of Police (or Officer in Charge) 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; and,
 - B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions, public events or scheduled street repairs, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
2. 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 \$50 together with costs of prosecution and service.

§105. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events.

1. The Mayor and/or Police Chief (or Officer in Charge) shall have authority to close any street or specific 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 under way 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.
2. The Mayor and/or Police Chief (or Officer in Charge) shall have authority to establish restricted traffic areas upon any street where construction or maintenance work is under way and to station flagmen or place barriers 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 present or while displaying a sign directing that a vehicle stop, or is signaling that vehicle, by a flag or other device, manned or unmanned, not to proceed.

3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§106. Authority of Police Officers.

The Police Chief or assigned police officers of the Borough of Abbottstown 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.

§107. Authorization for Use of Speed Timing Devices.

1. 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 Title 75, Pa. C.S.A. §3368.
2. 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 General Assembly of Pennsylvania.

§ 108. Parks.

The Parks and Recreation Committee of the Borough Council is hereby empowered and directed to make suggestions to the Council for the formation of such rules and regulations for the control of parking of motor vehicles and control of traffic in the recreational park within the Borough.

§ 109. Motor/Engine Retarder Devices ("Jake Brakes").

[RESERVED]

§ 110. Vehicle, motorboat or aircraft repairs and testing.

Repairing, rebuilding or testing any motor vehicle, motorcycle, motorboat or craft on a public right-of-way shall be unlawful.

Part Two: Traffic Regulations

§ 201. Maximum Speed Limits Established on Borough Streets.

1. Pursuant to the authority granted under Act 151 of 1998, and §6109 and §3363 of the Vehicle Code, to alter the maximum speed limits, a maximum speed limit of 25 miles per hour is hereby established for Lower Alley, North and South German Street, North and South Queen Street, Borough Road, North and South Cheapside Street, Upper Alley, North and South St. James Street, Sutton Road, North and South Jacobs Alley, Pleasant Street, North and South Clinton Alley, North and South Abbott Street, George Street, Jackson Street, High Street, East and West Water Street, East and West Fleet Street, excluding Fleet From Sutton Road to Jackson Street, Town Circle, Heights Court, Hughes Drive, Eisenhart Drive, Spicer Drive, Abbotts Court, Abbotts Drive; Kinneman Road, and Country Club Road, which maximum speed limits shall be effective at all times. The following exceptions shall be observed:

<u>Street</u>	<u>Location</u>	<u>Max. Speed Limit</u>
W. Fleet Street	From Sutton Road to Jackson St.	15 mph

2. The above roads on which the maximum speed limit is imposed shall be appropriately designated by official traffic control devices giving notice of said speed limit, as approved by the secretary of Transportation of the Commonwealth of Pennsylvania, and as required by the Vehicle Code.
3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 202. One-Way Streets Established.

1. The following are established 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:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Direction of Travel</u>
W. Fleet Street	Jacob Alley	Jackson Street	Westbound
Jackson Street	W. Fleet Street	W. King Street	Northbound

S. German Street E. King Street S. Queen Street Southbound

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 203. No Passing Zones Established.

1. The following no-passing limitations are hereby established:
 - A. On U.S. Highway No. 30, running east and west through the Borough, no person shall pass or overtake another vehicle, whether eastbound or westbound traffic.
 - B. On State Highway Route No. 194, running north and south through the Borough, no person shall pass or overtake another vehicle whether northbound or southbound traffic.
2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 204. Through Highways Established.

1. State Highway Route No. 194, except where it enters Center Square, and U.S. Highway Route No. 30 are hereby designated as through streets or highways within the Borough. Borough Road, except where it intersects with either of the two aforesaid streets, is hereby designated as a through street. There shall be erected official stop signs in accordance with the specifications of the Vehicle Code at points where secondary or non-through highways or streets intersect with the aforesaid through streets or highways. Every driver of a vehicle approaching these intersections shall stop the vehicle as required by §3323(b) of the Vehicle Code and shall not proceed into or across the intersecting or through street until he has followed all applicable requirements of that section of the law.
2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 205. Stop Intersections Established.

1. The following intersections are established as stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the intersecting or through street) on the first-named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or stop street, in the direction indicated in each case, shall stop the vehicle as required by §3323(b) of the Vehicle Code, and shall not proceed into or across the second-named or intersecting or through street until he has followed all applicable requirements of that section of the law:

<u>Stop Street</u>	<u>Intersection or Through Street</u>	<u>Direction of Travel</u>
Abbotts Court	Abbotts Drive	Westbound
Abbotts Drive	Kinneman Road (both)	Eastbound
Sutton Road	Kinneman Road	Eastbound
Kinneman Road	West King Street	Northbound
Heights Court	Town Circle	Southbound
Town Circle	South Queen Street	Westbound
Eisenhart Drive	Country Club Road	Eastbound
Eisenhart Drive	Spicer Drive	Westbound
Cleary Court	Spicer Drive	Westbound
Spicer Drive	Country Club Road	Eastbound
Country Club Rd.	East King Street	Northbound
Country Club Rd.	East King Street	Southbound
Lower Alley	East Water Street	Northbound
Lower Alley	East King Street	Southbound
Lower Alley	East King Street	Northbound
Lower Alley	East Fleet Street	Southbound
N. German Street	East Water Street	Northbound

N. German Street	East King Street	Southbound
S. German Street	East Fleet Street	Southbound
S. German Street	South Queen Street	Westbound
N. German Street	East Water Street	Southbound
N. German Street	North Queen Street	Westbound
N. Cheapside Street	West Water Street	Northbound
N. Cheapside Street	West King Street	Southbound
S. Cheapside Street	West King Street	Northbound
S. Cheapside Street	West Fleet Street	Southbound
Jackson Street	West King Street	Northbound
George Street	West King Street	Northbound
George Street	West Fleet Street	Southbound
S. Abbott Street	West King Street	Northbound
S. Abbott Street	West Fleet Street	Southbound
S. Clinton Street	West King Street	Northbound
S. Clinton Street	West Fleet Street	Southbound
N. Abbott Street	High Street	Northbound
N. Abbott Street	West King Street	Southbound
N. Clinton Street	High Street	Northbound
N. Clinton Street	West Water Street	Southbound
Pleasant Street	High Street	Northbound
Pleasant Street	High Street	Southbound
West Water Street	Pleasant Street	Northbound

West Water Street	Pleasant Street	Southbound
Pleasant Street	West King Street	Southbound
S. Jacobs Alley	West Fleet Street	Southbound
S. Jacobs Alley	West King Street	Northbound
N. Jacobs Alley	West King Street	Southbound
N. Jacobs Alley	West Water Street	Northbound
S. St. James Street	West Fleet Street	Southbound
S. St. James Street	West King Street	Northbound
N. St. James Street	West King Street	Southbound
N. St. James Street	West Water Street	Northbound
N. St. James Street	West Water Street	Southbound
N. St. James Street	High Street	Northbound
West Water Street	N. St. James Street	Eastbound
West Water Street	N. St. James Street	Westbound
Upper Alley	West King Street	Northbound
Upper Alley	West Fleet Street	Southbound
Upper Alley	West King Street	Southbound
Upper Alley	West Water Street	Northbound
West Fleet Street	South Queen Street	Eastbound
East Fleet Street	South German Street	Eastbound
East Fleet Street	Country Club Road	Eastbound
East Fleet Street	South German Street	Westbound
West Water Street	North Queen Street	Eastbound

Brough Road	North Queen Street	Southbound
East Water Street	North Queen Street	Eastbound
East Water Street	Country Club Road	Eastbound
West Water Street	North Abbott Street	Westbound

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 206. Yield Intersections Established.

1. The following intersections are established as yield intersections, and official yield signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second-named street (the through street) on the first-named street (the yield street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection on the first-named or yield street, in the direction indicated in each case, shall slow down or stop the vehicle as required by that subsection of the Vehicle Code:

<u>Yield Street</u>	<u>Through Street</u>	<u>Direction of Travel</u>
W. King Street	Center Square	Eastbound and Westbound
E. King Street	Center Square	Westbound and Eastbound
N. Queen Street	Center Square	Southbound and Westbound
S. Queen Street	Center Square	Northbound and Eastbound

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 207. Operation of Motor Vehicles Restricted on Public Lands.

1. No motor vehicles, including motorcycles, minibikes, ATVs, go-carts, dune buggies or snowmobiles outside of snow emergencies shall be operated on any property

owned by the Borough except designated parking areas within the Borough without the permission of the property owner and a permit from the Borough Secretary.

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 208. Rotary Traffic Islands Established.

1. The following locations are designated as rotary traffic islands, and every vehicle passing around a rotary traffic island shall be driven only to the right of the island:

Location

Center Square

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 209. Traffic Signals at Certain Locations.

1. At the following locations, traffic signals as indicated below shall be erected (or ratified if previously erected), and traffic at those locations shall be directed by those signals:

[RESERVED]

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 210. Intersections Where Turn Prohibited on Red Signal.

1. The following are established as intersections where drivers of vehicles headed in the direction or directions indicated are prohibited from making a right turn (or a left turn from a one-way street into another one-way street) on a steady red signal:

[RESERVED]

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 211. Turning at Certain Intersections Prohibited or Restricted.

1. It shall be unlawful for the driver of any vehicle, of the type indicated, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this section:

[RESERVED]

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

§ 212. Right Turns Prohibited at Certain Intersections.

1. It shall be unlawful for the driver of any vehicle, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make other than a left turn, at any time stated, both right turns and straight-across traffic being prohibited:

[RESERVED]

2. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

Part Three: Restrictions on Size, Weight and Type of Vehicle and Load

§ 301. Restrictions of Vehicles on Certain Streets and Bridges.

1. The operation or parking of all vehicles having more than two axles, except school buses, emergency vehicles and vehicles making local deliveries to residences, are prohibited on any part of Abbots Drive, Abbots Court, North or South Clinton Street, Jacobs Alley, East Fleet Street, George Street, Jackson Street, North or South Abbott Street, High Street, North or South Cheapside Street, Upper Alley, North or South German Street, and East Water Street, Lower Alley, Country Club Road, Town Circle, Heights Court, Hughes Drive, Spicer Drive, Cleary Court or

Eisenhart Drive in Abbottstown Borough. The following sections will be designated for truck routes through the borough:

<u>Street</u>	<u>From</u>	<u>To</u>
W. Water Street	N. St James Street	Pleasant Street
W. Fleet Street	S. Queen Street	Jackson Street
Pleasant Street	W. King Street	End of Road
N. St. James St.	W. King Street	W. Water Street
Jackson Street	W. Fleet Street	W. King Street

The remaining portions of West Water Street, West Fleet Street and North St. James Street which are not included in the above designated truck routes will also prohibit such vehicles.

2. Abbottstown Borough may in its sole discretion issue permits for the movement of vehicles with more than two axles, conditioned upon the execution of a surety bond by the user, in favor of Abbottstown Borough, to cover the costs of repairs necessitated by the movement. The amount of said bond shall be set and the permit issued in the sole discretion of Abbottstown Borough.
3. Those portions of the above streets shall be appropriately posted by official signs as approved by the Secretary of Transportation of the Commonwealth of Pennsylvania. However, failure to post any restriction signs or any advance informational signs shall not constitute a defense to a violation of this section.
4. The operation of all vehicles which, together with any load thereon, in excess of fifteen (15) tons in weight are prohibited on Fleet Street, George Street and Jackson Street per Ordinance 1994-4, with such penalties as prescribed within.
5. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

Part Four: General Parking Regulations

§ 401. Vehicles to be Parked within Marked Spaces.

1. 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 Part for any person to park a vehicle or allow it to remain parked otherwise.

2. When parking along the street with no markings or "parallel parking", vehicles shall be drawn up to the right hand curb and stopped not more than six inches from the curb and parallel thereto, unless lines, arrows, signs or other regulations are applicable to the particular place; to conserve parking space each vehicle shall be drawn to within four feet of any other vehicle parked in the immediate vicinity or shall be parked at the limit of the position wherein parking is permitted.
3. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$50 for each incident (every day in violation), together with costs which may be assessed by law.

§ 402. Parking Prohibited at all Times in Certain Locations.

1. The following acts shall be unlawful within the Borough as follows:
 - A. No vehicle shall be parked on any curb or place along the Eastward travel direction lane of East & West Water Streets or along the Westward travel direction lane along East & West Fleet Streets at any time.
 - B. No vehicle shall be parked opposite a curb painted yellow at direction of the Borough Council or where signs are placed and maintained by the Borough indicating that parking is prohibited.
 - C. No vehicle shall be parked in front of a private driveway or alongside any street or highway excavation or obstruction nor opposite the same unless a clear and unobstructed width of not less than 20 feet upon the main traveled portion of said street or highway shall be left free for passage of other vehicles thereon.
 - D. No vehicle shall be parked in any highway, commonly known as an alley, unless a clear and unobstructed width of not less than 12 feet upon the main traveled portion of said alley shall be left free for the passage of other vehicles.
 - E. No person shall operate any motor vehicle of any kind, upon any sidewalk or footpath, except in order to gain access to or egress from a driveway or alley.
 - F. Parking in mutual driveways of businesses is prohibited unless the driver is actively soliciting said business.
 - G. No person shall park any vehicle upon the premises of another when forbidden to do so by the property owner or his agent or in violation of any clear and legible sign posted upon such premises which prohibits parking thereon.

- H. No person shall cause or permit any vehicle to remain standing upon any highway in the borough for the purpose of loading or unloading merchandise or for any other purpose in such a manner as to obstruct or block traffic.
 - I. Parking in the opposite direction of traffic is prohibited. This includes facing against oncoming traffic on the side of the street on which the vehicle is parked.
 - J. Crosswalks: no parking within ten (10) feet of a marked crosswalk.
 - K. Intersections: no parking within fifteen (15) feet of an intersection.
 - L. Stop signs: no parking within twenty-five (25) feet of a stop sign.
 - M. Fire hydrants: no parking within ten (10) feet of a fire hydrant.
 - N. Bus stops: no parking within a marked bus stop.
 - O. Double parking is unlawful upon a traveled portion of the road adjacent to parked cars.
 - P. Fire lanes: no parking within a fire lane.
 - Q. Parking by trespassing on private property is prohibited.
2. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$50 for each incident (every day in violation), together with costs which may be assessed by law.

§ 403. Commercial or Storage Parking Prohibited.

1. It shall be unlawful for any person, firm or company to park or allow to remain parked, any vehicle other than a passenger vehicle (which shall not include any bus, motor home, boat or passenger car attached to a trailer of any kind), or a vehicle for commercial purposes, in any street or highway, or for the sale or exhibition of any article or for the storing of a vehicle itself or property therein, or for any commercial purpose wherein the parking of the vehicles becomes a means whereby the commercial transaction is affected. This prohibition does not include the delivering of merchandise, loading or unloading or the reasonable use of the street or highway for these purposes.
2. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$50 for each incident (every day in violation), together with costs which may be assessed by law.

§ 404. Unlawful Purposes.

1. No vehicle shall be used or parked in a highway for the purpose or intent of committing or inducing any unlawful act therein or thereby, or of storing or transporting any article or property unlawfully.
2. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$50 for each incident (every day in violation), together with costs which may be assessed by law.

§ 405. Paint and Signs Prohibited.

1. No person shall place any sign or paint any curb to regulate traffic in highways except under proper municipal authority from Abbottstown Borough.
2. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$100 for each incident, together with costs which may be assessed by law.

§ 406. Traffic Signs.

It shall be lawful for the Borough to place any pedestals, posts, signs, lights, wires or other fixtures, or apparatus on, under or over the highways of the Borough by direction of the Borough Council or approved by it which are approved for use by the Department of Transportation of the Commonwealth of Pennsylvania.

§ 407. Damage to Borough Property.

Any person, firm or company causing damage to be done to any sign, standard or other construction or property of the Borough shall pay the damages caused and in addition shall be deemed to have violated the provisions of this article.

§ 408. Parking on Center Square.

1. Where no designated spaces have been painted for parking on Center Square, only angle parking will be permitted.
2. Every vehicle parked within the quadrants of the Center Square shall be parked with its front nearest the curb (head-in parking).
3. No person shall park any vehicle within the two designated parking spaces in front of the group mailboxes situated in the Northwest quadrant of the Square, except for those residents assigned to said mailboxes, and then only temporarily to drop-off or retrieve mail from the boxes. Vehicle is considered to be parked if not running and the driver is not in immediate attendance of the vehicle.

4. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$50 for each incident (every day in violation), together with costs which may be assessed by law.

§ 409. Repairing Vehicles in Street Prohibited.

1. No person shall park, or allow to remain parked, a vehicle for repair, or cause or permit to be repaired, except in an emergency, any vehicle within the Borough on any road, street, public pass-way, highway or upon any area used for vehicular travel.
2. Any vehicle that is disabled and in need of repair must be removed from being parked within the Borough on any road, street, public pass-way, highway or upon any area used for vehicular travel, within 24 hours of becoming disabled, and is subject to the penalty of this subsection and may be removed by the Borough under the provisions of Part 8 of this ordinance.
3. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$50 for each incident (every day in violation), together with costs which may be assessed by law.

§410. Parking Prohibited on Portions of Certain Highways During Street Sweeping.

1. It shall be unlawful for any person to park a vehicle or to allow the same to remain parked, at any time posted by order of the Borough Council on any portions of the highways in the Borough on the days posted as designated for street sweeping.
2. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$50 for each incident (every day in violation), together with costs which may be assessed by law.

§ 411. Vehicles that are a Menace; Removal.

Any police officer within the Abbottstown Borough Police Department, upon discovery of any motor vehicle, whether situated within or without any highway of the Borough, which due to its location is a menace to traffic or public health or safety, shall take such motor vehicle into his custody and cause the same to be taken to, and stored in, a suitable place.

§ 412. Abandoned and apparently Abandoned Vehicles.

Any police officer within the Abbottstown Borough Police Department, upon discovery of any motor vehicle apparently abandoned or a motor vehicle without proper registration or

inspection, whether situated within or without any highway of the Borough, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. Such notification sticker shall contain the following information:

1. The date and time the notification sticker was affixed to the motor vehicle;
2. A statement that, pursuant to this section, if the motor vehicle is not removed within twenty-four (24) hours of the time the sticker was affixed, it may be taken into custody and stored at the owner's expense;
3. The location and telephone number where additional information may be obtained;
4. The identity of the affixing officer.

If the motor vehicle is not removed within such twenty-four (24) hour period, the police department may take such motor vehicle into its custody or cause the same to be under the authority and provisions provided within Part 8 of this ordinance.

Part Five: Snow and Ice Emergency

§ 501. Definitions.

As used in this part, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

BOROUGH – Borough of Abbottstown.

POLICE – Chief of Police of the Borough of Abbottstown or any law enforcement officer of the borough.

MOTOR VEHICLE – a vehicle, which is self-propelled, except one which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

VEHICLE – every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

§ 502. Declaration of Snow and Ice Emergency.

1. In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the streets of Abbottstown Borough, the Mayor may declare a snow and ice emergency (designated in this part as a “snow emergency”). Information on the existence of a snow emergency shall be given by the borough through radio on either WGET (Gettysburg) or WHVR (Hanover), or on the borough website, or on social media.

§ 503. Prohibition.

1. After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the snow emergency, for any person:
 - A. To park a vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated in §504 of this part or on any no-parking zone designated in §505 of this part.
 - B. To drive any motor vehicle on any such snow emergency route, unless that motor vehicle is equipped with snow tires, chains or tires approved by the Pennsylvania Turnpike Commission.

§ 504. Snow Emergency Routes Designated.

The following are designated as snow emergency routes:

1. The full length of East and West Fleet Streets
2. The full length of East and West Water Streets.
3. North and South Country Club Rd, between E. Water Street and E. Fleet Street.
4. North Abbott Street, from W. Water Street to W. King Street.
5. Jackson Street, from W. Fleet Street to W. King Street.

§ 505. Snow Emergency No-Parking Zones Designated.

Parking shall be prohibited along all Borough Streets and alleys during all snow emergencies. A Snow Emergency shall exist whenever two (2) inches of snow or ice has accumulated or when declared by the Mayor of Abbottstown. The Snow Emergency shall be in effect until the streets and alleys are cleared of snow or salted and cindered.

§ 506. Penalty.

1. If, at any time during a period of snow emergency declared under §502 of this part, any person shall park a vehicle or allow a vehicle to remain parked anywhere upon a snow emergency route or in a snow emergency no-parking zone, that person shall, upon conviction, be sentenced to pay the fine of \$50 for each incident (every day in violation), together with costs which may be assessed by law.
2. If, at any time during a period of snow emergency declared under §502 of this part, any person shall drive a motor vehicle upon a snow emergency route, without having the motor vehicle equipped with snow tires or chains, that person shall, upon conviction, be sentenced to pay the fine of \$50 for each incident (every day in violation), together with costs which may be assessed by law.

§ 507. Owner to Remove Vehicle.

Any vehicle which has been ticketed for violation of this part shall be immediately removed by its owner either from the snow emergency route or snow emergency parking zone. If the motor vehicle is not removed from the snow emergency routes or the snow emergency no-parking zone within one (1) hour of being ticketed, the Borough shall have the authority to remove and impound or to order the removal and impoundment of any vehicle which remains parked in violation of this part, pursuant to the provisions and procedures contained in Part 8 of this ordinance authorizing the removal and impoundment of illegally parked vehicles by the Borough Council under authority of §6109(a)(22) of the Pennsylvania Vehicle Code. All costs incurred in the removal and impoundment of any vehicle shall be paid by the owner of the vehicle.

§ 508. On-Street Parking Spaces.

Motorists are required to clear snow and ice from their own on-street parking spaces.

§ 509. Enforcement.

Enforcement of this part shall be implemented by the Chief of Police or any law enforcement officer of the Borough.

**Part 6: Regulations on Motorcycles, Motorized Scooters,
Pedalcycles, Snowmobiles and Nonmotorized Vehicles**

§ 601. Definitions.

As used in this part, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

1. ALL-TERRAIN VEHICLE (ATV) – shall mean any vehicle so designed, built, modified or designed that it is capable of transporting persons or property over several types of surface or in areas where there is no paved roadway.
2. MOPED – shall mean a two-wheeled, pedal-assisted, motor-driven vehicle capable of carrying one or more persons at low rates of speed and shall include scooters, Vespas and other similar or related vehicles.
3. MOTORCYCLE – shall mean all two- or three-wheeled motor operated devices capable of transporting or carrying one or more persons and shall include all forms of modified vehicles such as "dirt-bikes," "trailbikes," "moto-cross," "endurance," "flat-track" or similar.
4. PROPERTY – shall include, but not be limited to, all parks, golf courses, parking or municipal areas within the Borough.

§ 602. Operation restricted.

1. Municipal Property: No person shall operate or cause to be operated any motorcycle, moped, snowmobile or all-terrain vehicle upon the property of the Borough except on established roadways, paths, paved areas or streets where the operation of all motor vehicles is allowed either by state law, ordinance, rule or special permit.
2. Sidewalks: No person shall park, operate or cause to be operated any motorcycle, moped, snowmobile or all-terrain vehicle on any sidewalk or pedestrian walkway within the Borough except to cross the same.
3. Licensing Required: All motorcycles, mopeds, snowmobiles or all-terrain vehicles operated within the city must bear appropriate license plates or markers as required by state law.
4. Private Property: No person shall operate or cause to be operated any motorcycle, moped, snowmobile or all-terrain vehicle upon any private property within the Borough except with express permission of the owner thereof.
5. Noise: No person shall operate or cause to be operated any motorcycle, moped snowmobile or all-terrain vehicle, which is so designed, modified, altered or broken as to emit unreasonably loud or offensive levels of noise.
6. Any person using a pedalcycle or nonmotorized vehicle on any sidewalk, street or alley within the Borough must yield Right-of-Way to any pedestrians using the same facilities.
7. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$50, together with costs which may be assessed by law.
8. Additionally, any person found guilty of violation of this subsection where such violation caused damage to pedestrians, or to private or municipal property, the individuals responsible shall be liable to pay damages for the repair of same.

§ 603. Skates, Skateboards, Coasters, Sleds and Other Toy Vehicles.

1. It shall be unlawful for any person to ride on a sled upon any sidewalk in the Borough, or upon any roadway, provided: nothing in this subsection shall prevent a pedestrian from pulling a sled, with or without a rider, upon a sidewalk.
2. It shall be unlawful for any person engaging in roller-skating, rollerblading, skateboarding, or riding upon or propelling any coaster, scooter or other toy vehicle on any sidewalk, street or alley within the Borough must yield Right-of-Way to any pedestrians using the same facilities.

3. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$50, together with costs which may be assessed by law.

§ 604. Motor Vehicle and Motorcycles on Public Rights-of-Way.

1. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle, or any equipment attached to such a vehicle, on a public right-of-way at any time in such a manner that the noise or sound level emitted by the motor vehicle or motorcycle, or any equipment attached to such a vehicle, violates or exceeds the levels set forth in Pennsylvania Department of Transportation Regulations Title 67, Chapter 157, Subchapter B, 67 Pa. Code § 157.11.
2. With respect to motorcycles, all motorcycles shall be equipped with a muffler or other noise suppressing system, in good working order at all times. No motorcycle with an exhaust system that has been altered or modified in any way to enable the exhaust system to amplify or increase the sound level in excess of the established sound levels set forth in the Pennsylvania Department of Transportation Regulations Title 67 Pa. Code §157.11(a), shall be operated on any public rights-of-way.
3. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law.

Part 7: Pedestrian Regulations

§ 701. Pedestrians to Obey Traffic-Control Signs and other Regulations.

1. At all locations in the Borough where official traffic-control signals are installed, pedestrians shall obey the directions of those traffic-control signals and yield to on-coming vehicular traffic.
2. Pedestrians should use crosswalks where available when crossing a street within the Borough.
3. Pedestrians are required to yield the right-of-way to vehicles when crossing in the middle of the road.
4. Pedestrians crossing an intersection diagonally is prohibited.
5. Where a sidewalk is available for walking, the pedestrian must use it rather than traveling in the roadway.

6. Pedestrians using a sidewalk that is also shared by vehicles (such as a parking lot entrance or alley) have Right-of-Way.
7. Any person, firm or company who violates any provision of this section shall, upon conviction, be sentenced to pay the fine of \$25, together with costs which may be assessed by law.

Part 8: Removal and Impoundment of Illegally Parked Vehicles

§ 801. Definitions.

1. Words and phrases, when used in this part, except for sections to which different or additional definitions apply, shall have the meanings ascribed to them in the Pennsylvania Vehicle Code, 75 Pa. C.S.A. §101 et seq., as amended, except that in this part the word “street” may be used interchangeably with the word “highway”, and shall have the same meaning as the word “highway” defined in the Pennsylvania Vehicle Code.
2. As used in this part, the following terms shall have the following meanings unless the context clearly indicates a different meaning is intended:

BOROUGH – Borough of Abbottstown.

BOROUGH COUNCIL – Borough Council of the Borough of Abbottstown.

§ 802. Applicability and Scope.

This part is enacted under authority of §6109(a)(22) of the Pennsylvania Vehicle Code and gives authority to the Borough to remove and impound those vehicles which are parked in a towaway zone and in violation of parking regulations of this part or any other ordinances now in effect or hereinafter enacted by the Borough Council. Vehicles which have been abandoned, as defined by the Pennsylvania 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 Pennsylvania Vehicle Code.

§ 803. 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 parked illegally, provided that the circumstances of its parking were within the conditions stated in strict adherence to the provisions of this part or the provisions of the Pennsylvania Vehicle Code.

§ 804. Tow-Away Zones Designated.

For the purposes of this section, a “tow-away zone” shall mean any area designated as “no-parking” by the Borough, either by temporary order of the Chief of Police or Mayor or listed within the provisions of Parts 4 and 5 of this ordinance.

§ 805. Designation of Approved Storage Garages; Bonding; Towing and Storage.

Removal and impounding of vehicles under this or any other part shall be done only by approved storage garages that shall be designated from time to time by the Borough Council. Every such garage shall submit evidence to the Borough that it is bonded or has acquired liability insurance in an amount satisfactory to the 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.

§ 806. Payment of Towing and Storage Charges.

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

§ 807. Reclamation Costs.

In order to reclaim a vehicle, the owner shall pay towing and storage costs, plus a fee, in an amount as established from time to time by resolution of Borough Council.

§ 808. Records of Vehicles Removed and Impounded.

The Borough shall cause a record to be kept of all vehicles impounded under this part and shall be able at all reasonable times to furnish the owner or the agent of the owner of those vehicles with information as to the place of storage of the vehicle.

§ 809. Police department to give notice.

Within forty-eight (48) hours of the time that a motor vehicle is taken into custody, the police department shall:

1. Conduct an NCIC check to determine if the motor vehicle is stolen.
2. Give notice by certified mail to the person who was the owner of the motor vehicle at the time the vehicle was taken into custody and to any lien holder, which notice shall state:
 - A. That the motor vehicle has been taken into custody and stored;

B. The location of storage of the motor vehicle.

§ 810. Restrictions Upon Removal of Vehicles.

1. No vehicle shall be removed under the authority of this part, or the Pennsylvania 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 remove the vehicle immediately.
2. In the event that a towing company has already been contacted for removal of a vehicle which has been cited for a violation, prior to the arrival of the owner or driver to the vehicle, the owner shall be responsible for any charges incurred from the towing company for deployment.

§ 811. Penalty for Violation.

Any person who shall violate any provision of this part shall, upon conviction thereof, be sentenced to pay a fine of \$100 together with all costs of disposing of the vehicle under the provisions of the Pennsylvania Vehicle Code, 75 Pa. C.S.A. §7301 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

§ 812. Reports and Disposition of Unclaimed Vehicles.

If, after a period of 15 consecutive calendar days the vehicle in storage remains unclaimed, a report shall be filed with the Pennsylvania Department of Transportation in accordance with §7311 of the Pennsylvania Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after 30 calendar 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 Pennsylvania Vehicle Code, 75 Pa. C.S.A. §101 et seq., as amended.

§ 813. Enforcement.

Enforcement of this part shall be implemented by the Chief of Police of the Borough of Abbottstown or any law enforcement officer of the Borough, or any law enforcement officer employed by the Pennsylvania State Police while active within the Borough.

Part 9: Enforceability and Repealer

§ 901. Previous Versions Hereby Repealed and Rescinded.

This ordinance shall supersede any previous ordinances or resolutions pertaining to the subject matter herein, and all ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

§ 902. Penalty.

Unless otherwise herein set forth, any person who violates any provision of this Chapter shall, upon conviction, be sentenced to:

1. Pay the fine as shall be established from time to time for the same or similar offense by the Vehicle Code, 75 Pa. C.S.A. §101 et seq., together with costs which may be assessed by law, where applicable, or
2. Be fined \$50.00 for the first offense, \$100.00 for the second offense, and \$200.00 for the third and subsequent offense in any 180-day period, for offenses not otherwise herein set forth or not established by the Vehicle Code, 75 Pa. C.S.A. §101 et seq.
 - A. Upon failure to pay such fine, defendant shall be sentenced to the extent allowed by law for the punishment of a summary offense.
 - B. A penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other summary criminal offense arising from the same conduct.
 - C. Each act of violation and every day upon which such violation occurs shall constitute a separate offense.
 - D. In addition to the fines set forth hereinabove, any person found guilty of violating any provision of this chapter shall pay the court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings.

§ 903. Experimental Regulations.

The Borough Council may, from time to time by resolution, designate places upon and along the highways in the Borough of Abbottstown where, for a period of not more than 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, 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 for the in the law or elsewhere in the Chapter, to a fine of not more than \$50 together with the costs of

prosecution and service; provided, the purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of a permanent changes in the ordinances of the Borough of Abbottstown relative to traffic and parking.

§ 904. Validation and Amendment.

If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance so long as it remains legally enforceable minus the invalid portion. The Borough reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes & intent of this ordinance, & the effective administration thereof. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed.

§ 905. Effective Date.

This Ordinance shall take effect and be in force after its enactment by the Council of the Borough of Abbottstown at the earliest date permitted by law.

§ 906. Enactment.

This Ordinance is enacted by the Council of the Borough of Abbottstown under the Borough Code and any other applicable law arising under the Laws of the Commonwealth of Pennsylvania.

ORDAINED AND ENACTED this 19th Day of December 2019.

ATTEST:

THE BOROUGH OF ABBOTTSTOWN

David W. Bolton, Secretary

Dennis R. Posey, President of Council

Approved by me this 19th Day of December 2019.

Honorable Duane Watson, Mayor