

VEHICLES AND TRAFFIC ORDINANCE

ORDINANCE NO. _____

An Ordinance regulating the operating and parking of motor vehicles within the Borough of Montrose and providing for penalties for violations.

Be it ordained and enacted by the Council of the Borough of Montrose, Susquehanna County, Pennsylvania, as follows:

ARTICLE 1

General Regulations

1.01 Definitions and interpretations.

- A. Words and phrases, when used in this ordinance, shall have the meanings ascribed to them in the Vehicle Code of Pennsylvania, (Title 75 of the Pennsylvania Consolidated Statutes), as now in force, or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.
- B. The term "legal holidays" as used in this ordinance shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas, or days celebrated as such.
- C. In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.
- D. All distances specified shall be relative to curb lines.

1.02 Manner of adopting permanent traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or parts of ordinances or as amendments to ordinances of the Borough of Montrose,

1.03 Temporary and emergency regulations.

- A. The Police Department shall have the following powers to regulate traffic and parking temporarily and in time or emergency:
 - (1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or regulations.
 - (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 traffic and/or parking in limited areas for periods of not more than 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 regulation, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulations, shall, upon conviction thereof, be liable to the penalty set forth in the Vehicle Code or elsewhere in this ordinance for a violation of such nature.

1.04 Experimental regulations:

- A. The Borough Council, by resolution, may, from time to time, designate places upon and along the highways in the borough 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 just as if they had been specified in this ordinance. 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.
- B. 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 relative to traffic and parking.

1.05 Enforcement.

This ordinance shall be enforced by the police officers of the Borough of Montrose, who are hereby given authority to direct traffic on the highways and intersections of the Borough in accordance with the provisions of this ordinance and the laws of the Commonwealth of Pennsylvania.

ARTICLE 2

Traffic Regulations

2.01 Speed limits established.

The maximum speed at which vehicles may proceed on or along these highways or parts of highways described below is hereby established at the rate of speed indicated:

Name of Highway

Speed Limit

All roadways within the
Borough unless otherwise
posted.

25 MPH

2.02 Traffic control signals.

Traffic control signals shall be installed and operated at the intersection of those highways described below.

Intersection

Church Street at South Main Street & Public Avenue

2.03 Turns on red signal.

Pursuant to the provisions of Section 3112(a)(3)(ii) of the Vehicle Code 75 Pa. C.S.A. 3112(a)(3)(ii), no person shall make a right turn (or a left turn from a one-way roadway onto a one-way roadway) on a steady red signal at the locations described below:

<u>Red Signal</u> <u>Facing Traffic On</u>	<u>Direction</u> <u>of Travel</u> (reserved)	<u>At Intersection</u> <u>of</u>
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2.04 One-way highways established.

The highways or parts of highways described below are hereby designated as one-way streets in the direction indicated.

<u>Name of Highway</u>	<u>Direction of Travel</u>	<u>Limits</u>
Monument Street	South	Maple St. north 388 ft. to the first intersection st.
Unnamed alley beginning 110 ft. west of Chestnut St. between Church St. & borough parking lot.	South	Church to Borough parking lot.

2.05 U-turns or left turns

It shall be unlawful for the operator of a motor vehicle or tractor to make a U-turn or left turn on any of the highways or parts thereof described below.

<u>Name of Highway</u>	<u>Location</u>
Public Ave.	Between the southerly curb line of Maple St and the northerly curb line of Church St.

2.06 Turns at intersections.

No person shall make a turn of the kind designated (left, right, all) at any of the intersections described below.

<u>Name of Highway</u>	<u>Direction Of travel</u>	<u>Prohibited Turn</u>	<u>At Intersection Of</u>
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(Reserved)

2.07 Lane reservations.

Lanes for right or left hand turns only, as indicated, are hereby reserved upon the highways or parts of highways described below, and traffic for any other purpose upon such lanes is hereby excluded.

<u>Name of Highway</u>	<u>Direction of travel</u>	<u>Lane Reserved</u>	<u>Permitted Turn</u>	<u>Location</u>
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(Reserved)

2.08 Center structures at intersections.

All vehicular traffic shall keep to the right of the following structures or barriers located in the center of the specified intersections:

<u>Structure On (Name of Highway)</u>	<u>At Intersection of</u>
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(Reserved)

2.09 Through highways.

The highways described below are hereby established as through highways, and the operator of every vehicle or tractor upon approaching any such highway at any intersection thereof (except for such intersections where there are now or shall hereafter be located official traffic signals) shall come to a full stop, within a reasonable distance, before entering any such through highway.

Name of Highway

Limits

Grow Ave.
Lake Ave.
Church St.
South Main St. (rt. 29)
Cherry St.
Public Ave.
Wyalusing St.

entire roadways within
the Borough of Montrose

Maple St.

Grow Av. to Chenango St.

2.10 Stop intersections.

The intersections described below are hereby established as stop intersections,* and official stop signs shall be erected in such a position upon the first-named highway as to face traffic approaching the second-named highway in the direction or directions indicated. All vehicles and tractors approaching any such intersection upon the first-named highway, in the direction or directions indicated in each case, shall come to a full stop, within a reasonable distance, before entering any such intersection.

<u>Stop sign on</u>	<u>Direction of travel</u>	<u>At intersection of</u>
Wilson St.	West	Park St.
Lincoln Ave.	South	Wilson St.
Lincoln Ave.	South	Drinker St.
Cliff St.	North and South	Laurel St.
Cliff St.	North	Cedar St.
Cliff St.	South	Union St.
Ridge St.	North and South	Cedar St.
Mill St.	East and West	High St.
High St.	North and South	Locust St.
Berry St.	East	Chestnut St.
Post St.	South	Bank St.
Prospect St.	West	Owego St.
Chenango St.	North and South	Prospect St.
Griffis St.	South	Griffis St. spur to Prospect St.

*Note: These stop intersections are in addition to highways intersecting with the through highways established by Section 2.09

2.11 Yield right-Of-way intersections.

The intersections described below are hereby established as yield right-of-way intersections, and official yield signs shall be erected in such a position upon the first-named highway as to face traffic approaching the second-named highway in the direction or directions indicated. All vehicles and tractors approaching any such intersection upon the first-named highway, in the direction or directions indicated, shall yield the right-of-way to any vehicle in the intersection or approaching on the second-named highway so closely as to constitute an immediate hazard during the time that the operator of such vehicle or tractor is moving across or within such intersections.

<u>Yield sign on</u>	<u>Direction of travel</u>	<u>At Intersection of</u>
Lincoln Ave.	North	Drinker St.
Drinker St.	West	Park St.
Lincoln Ave.	North and South	Jackson St.
Pine St.	East	Chenango St.
Turrell St.	West	High St.
unnamed Ridge/ Jessup diagonal	South	Jessup St.
unnamed Ridge/ Jessup diagonal	North	Ridge St.

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<u>Yield sign on</u>	<u>Direction of travel</u>	<u>At Intersection of</u>
Laurel St.	East	Ridge St.
Dean St.	West	Ridge St.
Hinds St.	North	Ridge St.
Gary Lane	North	Ridge St.
Cruser St.	South	Lake Ave.
Griffis St.	West	Prospect St.
Boro parking lot	East	Chestnut St.
Jessup St.	North	Bank St.
Berry St.	East	Spruce St.
Little St.	East	Hinds St.
Gary Lane	South	Little St.
Jackson St.	East	Cliff St.
Pine St.	West	Maple St.
Spruce St.	West	Maple St.

2.12 No-passing zones.

The zones described below are hereby established as no-passing zones and it shall be unlawful for any person driving a vehicle to pass any other vehicle which is proceeding in the same direction.

<u>Name of Highway</u>	<u>Limits</u>
Church Street	From Maple Street to Wyalusing St.
Grow Ave.	From the Montrose Borough line to Maple St.
Lake Ave.	From the Montrose Borough line to Prospect Street
South Main St.	From the Montrose Borough line to Church St.
Cherry St.	From Mill Street to South Main St.

2.13 Closing of certain highways to certain vehicles.

It shall be unlawful for any person to operate any vehicle or tractor, except a passenger vehicle (but not including any passenger vehicle drawing any trailer or towing any orhter vehicle) upon any of the portions of the highways described below; provided, however, that nothing herein shall prohibit the operation of any commercial vehicle or tractor upon any highway or portion thereof listed below where such operation thereon shall be necessary in order to pick up or deliver any goods, wares, merchandise or material from or to any premises located upon any such highway or portion thereof.

<u>Name of Highway</u>	<u>Limits</u>
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(Reserved)

2.14 Vehicle weight limits established.

It shall be unlawful for any person to operate any commercial vehicle or other tractor, trailer or tractor-trailer combination, having a net weight in excess that hereinafter prescribed, upon any of the highways or portions thereof described below, except for the purpose of making local deliveries.

<u>Name of Highway</u>	<u>Weight limit</u>	<u>Location</u>
Prospect St.	3 tons	From Lake Ave. to Chenango St.

ARTICLE 3

Parking Regulations

3.01 Vehicles to be parked within marked spaces.

Wherever a space shall be marked off on any highway for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.

3.02 Angle parking

No person shall park a vehicle upon any of the highways or parts thereof described below * except at the angle designated and only within the painted stall lines. On all highways or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

<u>Name of Highway</u>	<u>Side</u>	<u>Location</u>
Lake Avenue	North	From Prospect Street 250 feet toward Maple St.
Spruce Street	West	From Church Street 200 feet toward Maple Street
Maple Street	North	From Grow Avenue 112 feet toward High Street
Mill Street	South	From Grow Avenue 100 feet toward High Street

*These locations being in addition to those provided by Section 4.12

3.03 Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the highways or parts thereof described below.

<u>Name of Highway</u>	<u>Side</u>	<u>Location</u>
Cherry St.	East	From Maple Street to Church Street
Church St.	North	From Spruce Street to Owego Street
Jessup Street	East	From Grow Avenue south for 350 feet

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<u>Name of Highway</u>	<u>Side</u>	<u>Location</u>
Lathrop Street	North	From Grow Avenue to Lake Avenue
Maple Street	South	From High Street to Church Street
South Main Street	West	From 183 feet south of the southern curb line of Church Street for a distance of 157 feet...
Chestnut Street	East	From 82 feet from Church Street toward Cedar Street for a distance of 35 feet.
Cedar Street	South	From Cherry Street 156 feet toward Chestnut Street
Public Avenue	East	From 192 feet south of Maple Street for a distance of 50 feet.

3.04 Parking prohibited during certain hours.

Where indicated by traffic signs, no person shall park a vehicle between the hours of 2:00 A.M. to 6:00A.M. of any day on any of the highways of the Borough, or between the hours specified below of any day, unless otherwise indicated, upon any of the highways or parts of highways described below:

<u>Name of highway</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
(Reserved)			

3.05 Parking time limited

No person shall park a vehicle or allow the same to remain parked upon any of the highways or parts of highways described below * between the hours specified, for longer than the time indicated below:

<u>Name of highway</u>	<u>Side</u>	<u>Hours</u>	<u>Time limit</u>	<u>Location</u>
Maple Street (Adopted 11/6/67)	North	8:00A.M. to 5:00P.M.; except Sundays & holidays	2 hrs.	From Chestnut St. to Grow Ave.

* These being in addition to those provided for in Section 4.12

3.06 Special purpose parking zones.

The following are hereby established as special purpose parking zones, and it shall be unlawful for any person to park any vehicle or tractor or to allow the same to remain parked in any such zone except as specifically provided for such zone.

<u>Highway name</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
Maple Street	South	Sundays only	High Street to Church Street

3.07 Borough Parking Lot

No person shall park or permit a vehicle to remain continuously in any Borough Parking Lot for a period of more than seventy-two (72) hours at any one time.

3.08 Parking of commercial motor vehicles.

- A. No person shall park or stand a commercial motor vehicle exceeding a gross registered weight of seven thousand (7,000) pounds on the highways described below unless the operator thereof is in the driver's seat or unless the vehicle is blocked as defined herein.

Name of Highway

Location

Public Avenue

Church Street to Maple Street

- B. As used in this section, the following terms shall have the meanings indicated:

BLOCKED:

- (1) A vehicle being parked diagonally against a curb in such a manner that, in the event of failure of all mechanical restraints within the vehicle, the curb will prevent movement of the vehicle from the parking position; or
- (2) A vehicle being parked with one (1) or more safety checks, designed especially for the purpose, being positioned against a rear wheel so that in the event of failure of all mechanical restraints within the vehicle the vehicle will not move from the parking position.

ARTICLE 4

Metered Parking

4.01 Definitions

As used in this Ordinance, the following terms shall have the meanings indicated:

PARKING METERS -- A mechanical device intended to assist public authorities in enforcing the provisions of this Article, such device limiting the time during which motor vehicles may be parked on any highway or parking lot within a parking meter zone.

PARKING METER SPACE-- Any space within a parking meter zone adjacent to a parking meter which is duly designated for the parking of a single motor vehicle by lines painted or otherwise durably marked upon the curb or the surface of the highway or parking lot adjacent to or adjoining a parking meter.

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PARKING METER ZONE-- Highways or portions thereof, or borough parking lots, as designated in this Article, on or in which parking meters are installed, operated and used.

COMMERCIAL MOTOR VEHICLE-- Any motor vehicle designed for carrying freight or merchandise; provided, however, that a motor vehicle, originally designed for passenger transportation, to which has been added a removable box body without materially altering said motor vehicle, when owned and used by a farmer, shall not be deemed a "commercial motor vehicle" for the purpose of this section; and further provided that any motor vehicle of the bus type, operated under contract with or owned by any school district, private school or parochial school of this commonwealth for the transportation of school children or children between their homes and Sunday School shall be deemed a "commercial motor vehicle"; and further provided that a "suburban motor vehicle," as defined in this section, shall not be deemed to be a "commercial motor vehicle" for the purpose of this section regardless of the purpose for which the vehicle shall be used.

SUBURBAN MOTOR VEHICLE-- Every passenger motor vehicle with a convertible or interchangeable body usable for both passenger and commercial purposes, including motor vehicles commonly known as suburban, station or depot wagons.

4.02 Designation of parking spaces.

The Borough Council is hereby authorized to provide for the marking off of individual parking spaces in the parking meter zones and areas designated and described in Section 4.12, said parking spaces to be designated by lines painted or marked on the curbing or surface of the highway or area. At each space so marked off, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

4.03 Installation of meters; operation

A. In said parking meter zones, parking meters shall be installed upon the curb, sidewalk or pavement immediately adjacent to the parking spaces provided for in Section 4.02. The Borough of Montrose shall be responsible for the regulation, control, operation, maintenance and use of such parking meters.

B. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin, for the period of time hereinafter prescribed. Each device shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper, visible signal that the lawful parking period has expired, and in

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such case the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties hereinafter provided.

4.04 Manner of parking

A. When a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be nearest to the parking meter; provided, however, that where double parking meters are installed upon one (1) standard so as to serve two (2) parking spaces, any vehicle parked in the space just beyond the parking meters shall be parked so that the rear bumper of such vehicle shall be nearest to the parking meters. When a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle nearest to such meter.

B. Where lines or markings are painted or placed upon the curb, sidewalk, highway and/or paved surface adjacent to each parking meter providing for parking at an angle and not parallel or perpendicular to the curb, it shall be unlawful for the operator of any motor vehicle to cross the center line of the highway to enter or leave said parking area.

4.05 Deposit of coins.

When any vehicle shall be parked in any space adjacent to which a parking meter is located in accordance with the provisions of this Article, the operator shall, upon entering the said parking space, immediately deposit or cause to be deposited such coin or coins of the United States as is required for such parking meter and as is designated by proper instructions on the parking meter, and failure to deposit such coin or coins shall constitute a breach of this Article and shall subject each person to the penalty prescribed hereafter. Upon the deposit of such coin, or coins and placing said meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the zone in such said parking space is located, and for which a coin or coins is or are deposited, as indicated on the parking meter. If said vehicle shall remain parked in any such parking space beyond the parking time limit so fixed for such parking space, the parking meter shall, by its violation signal, dial or pointer, indicate such illegal parking, and in that event, such vehicle shall be considered as parked overtime and beyond the period of legal parking time.

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The parking of a vehicle overtime or beyond the period of legal parking time in any such space where any such parking meter is located shall be a violation of this Article and punishable as herinafter set forth.

4.06 Violations

It shall be unlawful and a violation of the provisions of this Article for any person:

A. to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.

B. To permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.

C. To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.

D. To deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Article.

E. To deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins.

F. To park or permit the parking of any vehicle in any parking meter space where the meter does not register lawful parking.

G. Each hour of overtime violation shall constitute a separate violation.

4.07 Report of violations; citations.

It shall be the duty of the police officers of the Borough of Montrose and such other persons as may be designated and authorized by the Borough of Montrose, acting in accordance with instructions issued by the Mayor, to report:

A. The number of the parking meter which indicates that the vehicle occupying the parking space and adjacent to such parking meter is or has been parked in violation of any of the provisions of this Article.

B. The date and hour of such violation.

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C. The state license number of such vehicle.

D. The length of time during which such vehicle is parked in violation of any of the provisions of this Article at the time of his inspection.

E. Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

4.08 Collection of coins from meters.

It shall be the duty of the Borough Of Montrose to designate some proper person or persons to make regular collections of the moneys deposited in said meters. Such moneys shall be accounted for under the direction of the Chief of Police and shall be deposited in the general fund of the borough.

4.09 General provisions.

A. Temporary suspension of provisions. The provisions of this Article may temporarily be suspended by the Mayor and he may prescribe temporarily such other rules and regulations as traffic conditions may require.

B. Suspension of provisions on designated days. The use of parking meters throughout the Borough of Montrose be and the same is hereby dispensed with on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

C.. Erection of signs. The Chief of Police is authorized to erect or cause to be erected appropriate signs notifying the operators or motor vehicles of the provisions of this Article.

4.10 Hours of operation; time limits.

In the parking meter zones designated in Section 4.12, parking is hereby limited to a period of time not in excess of that indicated in Section 4.12 and upon the dial of the parking meters between 9:00 A.M. and 5:00P.M. on Mondays, Tuesday, Wednesday, Thursday and Saturday, and between 9:00A.M. and 8:00 P.M. on Friday of each week, except as provided in Section 4.09B.

4.11 Parking meter rates; permits.

The charges for use of the parking meter zones designated in Section 4.12 shall be as follows:

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a. For zones with a maximum parking time of two (2) hours; the rate shall be five cents (\$.05) for each unit of thirty (30) minutes. One (1) dime (\$.10) may be deposited for sixty (60) minutes. One (1) quarter (\$.25) may be deposited for a maximum of two (2) hours. In no case shall coins deposited provide more than two (2) hours of parking time.

B. For zones with a maximum parking time of ten (10) hours; the rate shall be five cents (\$.05) for each unit of thirty (30) minutes. One dime (\$.10) may be deposited for one (1) hour. One quarter (\$.25) may be deposited for two and one-half ($2\frac{1}{2}$) hours. One half dollar (\$.50) may be deposited for five (5) hours. In no case shall coins deposited provide more than 10 hours of parking time.

4.12 Designation of parking meter zones.

Parking meter zones are hereby established upon the highways or parts of highways described below with maximum parking time limits as specified:

<u>Name of Highway</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Chestnut Street	East	10 hours	From Maple Street to Church Street
Church Street	Both	2 hours	From Chestnut Street to Spruce Street
Lake Avenue	East	2 hours	From Maple Street 388 feet to the first intersecting roadway.
Maple Street	Both	2 hours	From Chestnut Street to Pine Street
Public Avenue	Both	2 hours	From Church Street to Maple Street
South Main Street	Both	2 hours	From Church Street to Cemetery Street

ARTICLE 5

Snow and Ice Emergencies

5.01 Declaration of emergency

In order to facilitate the movement of traffic and to combat the hazards of excessive snow and ice on the highways or portions of highways named in Section 5.02 below, the Mayor, in his discretion, may declare an emergency due to such hazards.

5.02 Parking prohibited on certain streets

A. After any such emergency shall have been declared, it shall be unlawful, during the period of such emergency, for any person to park a motor vehicle or tractor or to allow the same to remain parked, on any highway or portion thereof named in Subsection B below, or to operate any motor vehicle or tractor on any such highway or portion thereof, unless such vehicle or tractor shall be equipped with adequate equipment to provide sufficient traction to keep such vehicle or tractor in motion so that other traffic on such highways will not be blocked or seriously impeded.

B. The highways or portions thereof to which the provisions of this Article shall be applicable during all periods of emergency declared as provided in Section 5.01 shall be as described below:

Name of Highway

Limits

(Reserved)

5.03 Placement of signs

A. In order to assist the operators of motor vehicles and tractors in determining the highways affected by this Article, the Chief of Police shall place around the utility poles on the highways or portions thereof designated in Section 5.02B, signs reading as follows:

SNOW

EMERGENCY

NO PARKING

VEHICLES

TOWED AWAY

B. The Chief of Police may also, through radio, newspaper or other available media, disseminate information as to the existence of such emergency.

5.04 Violations.

A. Any person who shall park a motor vehicle or tractor upon or along any of the highways or portions thereof listed in Section 5.02B, at any time during a period of emergency declared as provided in Section 5.01 shall be guilty of a violation of this Article.

ARTICLE 6

Removal and Impounding of Illegally Parked Vehicles

6.01 Authorization for removal and impoundment.

The Police Department is hereby authorized to remove and impound or to order the removal and impounding of any vehicle parked on any of the streets, highways or public property in the borough in violation of any provision of the law or of any ordinance of the borough; provided, however, that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Article.

6.02 Approved storage garages designated

The following garages located in the borough are hereby designated as approved storage garages, as pounds for the storage of such impounded vehicles:

Name of Garage

Vitale Ford

Al Tilley Chevrolet

C & F Motors

6.03 Bonding of garages

Every such approved storage garage or pound shall be bonded in the amount of ten thousand dollars \$10,000 for the indemnifying of the owner of every such impounded vehicle against the loss thereof, or injury of damage thereto, while in the custody of such poundkeeper.

6.04 Towing and storage charges.

The towing charge to be collected by every such poundkeeper shall be limited to twenty-five \$25.00 dollars and the storage charges shall be limited to three dollars \$3.00 for the first day and three dollars \$3.00 for each additional day.

6.05 Notification of removal and impounding

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 Chief of Police of the Borough to the owner of record of such vehicle. Such notice shall designate the place from which such vehicle was removed, the reason for its removal and impounding, and the pound in which it shall have been impounded.

6.06 Payment of charges; protests

A. The payment of any towing and impounding charges, authorized by this Article, shall, unless such payment shall have been made "under protest" be final and conclusive, and shall constitute a waiver of any right to recover the money so paid.

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

6.07 Records of vehicles removed and impounded.

The Chief of Police shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owners or the agents of the owners thereof with information as to the place of storage of such vehicles.

6.08 Liability of owner or operator for fine or penalty.

The payment of towing and storage charges authorized by this Article shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for violation of any law or ordinance on account of which such vehicle was removed and impounded.

6.09 Restrictions upon removal of vehicles.

No vehicle shall be removed under the authority of this Article if, at the time of the intended removal thereof, the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

ARTICLE 7

Interpretation and Repeal; Penalties

7.01 Severability

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional illegal or otherwise invalid, 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, illegal or otherwise invalid provision not been included herein.

7.02 Repeal of previous ordinances; effect.

A. All previous ordinances of the Borough of Montrose pertaining to the regulation of traffic and parking are hereby repealed.

B. The repeal of ordinances provided for in Subsection A above shall not affect or prevent the prosecution or punishment of any person for any act done or liability incurred in violation of any ordinance or regulation in force immediately prior to the taking effect of this ordinance.

C. The provisions of this ordinance, insofar 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 new enactments.

7.03 Violations and penalties

A. Violations generally. Unless another penalty is expressly provided by the Pennsylvania Vehicle Code or except as hereinafter specified, every person convicted of a violation of a provision of this ordinance, or any supplement thereto, shall be liable to a penalty of not more than twenty-five dollars (\$25.00) and costs of prosecution.

B. Overtime parking violations. Any persons violating the provisions of this ordinance by allowing a vehicle to remain parked beyond the time limit set for legal parking in Sections 3.05, 3.07 and 4.12 of this ordinance shall, upon conviction, be guilty of a summary offense and be sentenced to pay a fine of not less than three dollars \$3.00 nor more than fifty dollars (\$50.00) and costs of prosecution; provided, however, that if the notice of violation is returned to the Chief of Police or deposited in an authorized find collection box within seventy-two (72) hours from the time when the notice was given and the sum of one dollar (\$1.00) is paid, such payment shall be deemed full satisfaction of such violation.

7.04 INCONSISTENT ORDINANCES:

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SAVING CLAUSE: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights adjudicated or existing, under any act or ordinance hereby repealed, or cited in this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

7.04 con't

VALIDITY: The invalidity of any section or provision of this ordinance adopted shall not invalidate other sections or provisions thereof.

DATE OF EFFECT: The Borough Council President and the Mayor shall certify to the adoption of this ordinance and cause the same to be published as required by law. This ordinance shall take effect immediately upon such certification.

CONFLICT: Whenever there is a conflict between any local ordinances and state laws, the most stringent must prevail.

Enacted this _____ day of _____ 1978.

Certified this _____ day of _____ 1978

By _____
President of Council
Borough of Montrose

ATTEST:

Secretary

Read and approved by me on this the _____
day of _____ 1978.

By _____
Mayor
Borough of Montrose