

**ORDINANCE NO. 544 of 2020**

**EAST WASHINGTON BOROUGH  
WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF EAST WASHINGTON BOROUGH, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGULATION OF STOPPING, STANDING AND PARKING VEHICLES ON THE EVEN SIDE (BETWEEN EAST BEAU STREET AND NORTH WADE AVENUE) OF A ROAD COMMONLY KNOWN AS WILMONT AVENUE EXCEPT FOR LOCAL SERVICES AS LOCATED IN EAST WASHINGTON BOROUGH, TO PROVIDE PENALTIES THEREOF AND TO BE KNOWN AS THE "EAST WASHINGTON BOROUGH PARKING ORDINANCE OF 2020".**

**WHEREAS**, Section 1202 of the Borough Code, Act of February 1, (1966) 1965, P.L. 1656, No. 581 as amended on May 17, 2012, P.L. 262, No. 43 which provides the Council to regulate parking, post signs regulating parking and to impose penalties for violations thereof; and

**WHEREAS**, it is necessary for the general health, welfare and safety of the public and the citizens of East Washington Borough that parking be regulated within the Borough; and

**WHEREAS**, it is necessary to adopt this Ordinance to ensure the public use of State and Borough streets, roadways, alleys, etc. are utilized in order to promote the efficient use thereof and should not be considered a detriment to the public thereof; and

**WHEREAS**, it is the desire of the Council of East Washington Borough to establish parking regulations and a schedule of fines for violations of those regulations; and

**WHEREAS**, the Borough Code vests in the Council of East Washington Borough the authority to impose fines and penalties.

**NOW THEREFORE**, pursuant to the authority conferred upon it by the Borough Code as amended, the Council of East Washington Borough, Washington County, Pennsylvania, does hereby **ENACT** and **ORDAIN** the following:

## **SECTION 1: TITLE.**

This Ordinance shall be known as the “East Washington Borough Parking Ordinance of 2020”.

## **SECTION 2: PURPOSE.**

The purpose of this Ordinance is for the regulation of stopping, standing and parking vehicles on the even side (between East Beau Street and North Wade Avenue) of a Road commonly known as Wilmont Avenue, except for local services as located in East Washington Borough.

## **SECTION 3: DEFINITIONS.**

The following words and phrases, unless the context clearly indicates otherwise, shall have the meanings given in this Ordinance:

**ALLEY** – a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

**BOROUGH** – East Washington Borough, Washington County, Pennsylvania.

**HIGHWAY** – the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park.

**PARK OR PARKING** – the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers or in order to obey traffic flow signals or regulations.

**ROADWAY** – that portion of a highway improved, designed or ordinarily used for vehicular traffic travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by pedal cycles. In the event a highway includes two (2) or more separate

roadways, the term “roadway” refers to each roadway separately but not to all such roadways collectively.

**STAND OR STANDING** – the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

**VEHICLE** – every device in, upon or by which any person or property is or may be transported.

#### **SECTION 4: PROHIBITIONS IN SPECIFIED PLACES.**

Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle, or in compliance with law or the direction of a police officer or official traffic control device, the following prohibitions shall be in effect:

A. As located in East Washington Borough and under the following circumstances:

1. Stopping, standing or parking a vehicle is expressly prohibited on Wilmont Avenue (on the even side between East Beau Street and North Wade Avenue, as posted, except for local services).
2. On any sidewalk.
3. Within any intersection.
4. On any crosswalk.
5. Alongside or opposite any street excavation or obstruction which would obstruct traffic.
6. On public or private property which is expressly reserved for handicapped persons or disabled veterans where said property has been posted in accordance with the regulations of the Pennsylvania Department of Transportation.
7. At any place where official signs prohibit the same.

B. Standing and parking vehicles is expressly prohibited under the following circumstances:

1. In front of a public or private driveway.
2. Within fifteen (15) feet of a fire hydrant.
3. Within twenty (20) feet of a crosswalk at an intersection.
4. Within thirty (30) feet of any flashing signal, stop sign, yield sign or traffic control signal located at the site of a roadway.
5. Within twenty (20) feet of the driveway entrance to any fire station or when property.

**SECTION: ADDITIONAL PARKING REGULATIONS.**

- A. Every vehicle which is standing or parked on a two-way highway shall be positioned parallel to either the curb or the edge of the highway and in cases in the direction of authorized traffic movement. The vehicle shall be parked such that the right-hand wheels are within twelve (12) inches of the right-hand curb.
- B. Every vehicle which is standing or parked on a one-way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement. Said vehicle shall be parked so that its wheels are within twelve (12) inches from the curb, or in the absence of a curb, as close as practicable to the shoulder of the road.

**SECTION 6: REMOVAL OF VEHICLE BY OR AT DIRECTION OF POLICE AND/OR CODE ENFORCEMENT OFFICER.**

- A. In addition to the penalties herein provided, whenever any Police Officer and/or Code Enforcement Officer finds an attended vehicle in violation of any provisions of this ordinance, the respective Officer and/or Code Enforcement Officer may move the

vehicle or cause the vehicle to be moved, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway where the vehicle will not interfere unduly with the normal movement of traffic or constitute a safety hazard.

- B. In addition to the penalties herein provided, whenever any Police Officer and/or Code Enforcement Officer finds an unattended vehicle in violation of any provisions of this Ordinance, the Officer may remove or cause to be removed to the place of business of the operator of a wrecker or to a nearby garage or other place of safety selected by the Borough; that said owner of said vehicle, if known, together with the address, shall be notified in writing of the fact of said removal, and the place of deposit of said vehicle; that said vehicle may be reclaimed and surrendered upon payment of towing and storing charges.

#### **SECTION 7: PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS.**

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

<b>Street</b>	<b>Side</b>	<b>Between</b>
Wilmont Ave.	Even Side	East Beau Street and North Wade Avenue

#### **SECTION 8: ENFORCEMENT AUTHORITY.**

The Council may by motion delegate to the Borough Police and/or Borough Code Enforcement Officer the authority to determine whether a violation exists and to serve such notice of violation upon the owner/operator as the Council shall by motion to determine.

#### **SECTION 9: DUTIES OF ENFORCEMENT PERSONNEL.**

It shall be the duty of enforcement personnel to report violations of this Ordinance by recording the following information:

- A. The location where the vehicle is parked.

- B. The state license number of the vehicle.
- C. The date and time of day that such violation is recorded.
- D. Any other facts which would be necessary to a thorough understanding of the circumstances attending the violation.

The enforcement officer reporting the violation shall attach to the vehicle a notice to the owner or driver that the vehicle is parked in violation of this Ordinance and instructing the owner or driver to pay the penalty indicated to the Borough within seven (7) calendar days.

#### **SECTION 10: PENALTIES.**

1. For the first recorded violation of this Ordinance in a single day, the penalty shall be Twenty Five (\$25.00) Dollars. For the second record Fifty (\$50.00) Dollars. Provided, however, that violations of the same provision of this Ordinance may not be recorded or reported more frequently than once every three (3) hours. For the third and each subsequent violation of this Ordinance at the same location in a single day the penalty shall be One Hundred (\$100.00) Dollars.
2. Whoever fails to pay such penalties to the Borough within seven (7) calendar days shall be subject to the enforcement and penalty provisions of this Ordinance.
3. Upon default, any person, upon conviction before the district justice, shall be punished by paying a fine of not more than Six Hundred Fifty (\$600.00) Dollars plus costs and/or being imprisoned in the County jail up to thirty (30) days.
4. Presumption as to Guilt. The owner of any vehicle parked in violation of this Ordinance shall be prima-facie guilty of such violation.

**SECTION 11: SEVERABILITY.**

In the event that any provision, section, sentence or portion of this Ordinance shall be held invalid, such invalidity shall not effect or impair any of the remaining provisions of this Ordinance, as the provision are severable and would have been enacted had not such invalid provision been included herein.

**SECTION 12: REPEALER.**

All Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed.

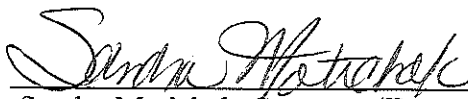
**SECTION 13: EFFECTIVE DATE.**

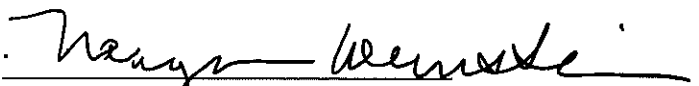
This Ordinance shall take effect immediately.

**ORDAINED AND ENACTED** into law by the Council of East Washington Borough in lawful session assembled this 2nd day of Nov, 2020.

**ATTEST:**

**EAST WASHINGTON BOROUGH**

  
Sandra Motichak, Secretary/Treasurer

By:   
Maryann Weinstein, President

**EXAMINED AND APPROVED** by me this 2ND day of November, 2020.

By: Mike Gomber  
Michael Gomber, Mayor