

26-1985

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, REGULATING AND PROVIDING FOR THE FOLLOWING SUBJECTS: DEFINING CERTAIN TERMS, PROVIDING FOR THE MATTER OF ADOPTING PERMANENT TRAFFIC AND PARKING REGULATIONS, PROVIDING FOR TEMPORARY AND EMERGENCY REGULATIONS, PROVIDING FOR THE EXPERIMENTAL REGULATIONS, ESTABLISHING THE AUTHORITY OF PEACE OFFICERS TO DIRECT TRAFFIC, PROVIDING TRAFFIC REGULATIONS GOVERNING MOTOR VEHICLES SUCH AS PROHIBITING MOTOR VEHICLES DRIVEN ON SIDEWALKS, PROHIBITING U-TURNS, ESTABLISHING STOP INTERSECTIONS AT CERTAIN STREETS THROUGHOUT THE TOWNSHIP, MAKING IT UNLAWFUL TO OPERATE MOTOR VEHICLES OR TRACTORS ON HIGHWAYS CLOSED FOR CONSTRUCTION OR REPAIR, AUTHORIZING THE ESTABLISHMENT OF PLAY HIGHWAYS, PROVIDING FOR FILLING OUT OF ACCIDENT REPORTS, ESTABLISHING CERTAIN YIELD INTERSECTIONS, PROVIDING PARKING REGULATIONS, PROVIDING FOR VEHICLES TO BE PARKED WITHIN MARKED SPACES, PROHIBITING PARKING AT ALL TIMES AT CERTAIN LOCATIONS AS DEFINED IN THE ORDINANCE, PROHIBITING PARKING ON ALL BRIDGES, ESTABLISHING PENALTIES FOR VIOLATION OF THE AFORESAID REGULATIONS, DECLARING AND ESTABLISHING CERTAIN SNOW AND ICE EMERGENCY ROUTES, PROHIBITING PARKING ON SPECIFIC HIGHWAYS DURING EMERGENCY AND RESTRICTING OF OPERATIONS OF MOTOR VEHICLES AND TRACTORS ON SUCH HIGHWAYS, AUTHORIZING THE PLACING OF SIGNS ALONG HIGHWAYS AFFECTED FOR SNOW AND ICE EMERGENCY ROUTES, ESTABLISHING PENALTIES FOR VIOLATION OF SNOW AND ICE EMERGENCY ROUTE REQUIREMENTS, PROVIDING FOR THE REMOVAL OF ILLEGALLY-PARKED VEHICLES, APPROVING STORAGE GARAGE FOR SUCH VEHICLES, APPROVING BONDING REQUIREMENT FOR SUCH GARAGE, PROVIDING FOR TOWING AND STORAGE CHARGES AND PROCEDURES FOR NOTIFICATION OF REMOVAL AND IMPOUNDING OF VEHICLES, PROVIDING FOR THE EFFECTIVE PAYMENT OF TOWING AND IMPOUNDING CHARGES WITHOUT PROTEST, PROVIDING FOR THE EFFECTIVE PAYMENT OF CHARGES UNDER PROTEST, AND PROVIDING FOR THE ESTABLISHMENT OF RECORDS OF VEHICLES REMOVED AND IMPOUNDED, PROVIDING THAT THE OWNER OR OPERATOR OF VEHICLES REMOVED OR IMPOUNDED REMAIN LIABLE FOR FINE OR PENALTY, RESTRICTING REMOVAL OF IMPOUNDED VEHICLES, PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE, PROVIDING FOR REPEAL OF PRIOR

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INCONSISTENT ORDINANCES, PROVIDING FOR PENALTIES FOR VIOLATIONS OF ORDINANCE, PROVIDING FOR THE AUTHORITY TO ERECT ALL SIGNS, PLAQUES AND HIGHWAY MATERIALS NEEDED TO CARRY OUT THE PROVISIONS AND INTENT OF THE ORDINANCE.

PART I

General Regulations

Section 1. Definitions and Interpretation.

(a) Words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in The Vehicle Code of Pennsylvania, 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.

(c) In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

Section 2. Manner of Adopting Permanent Traffic and Parking Regulations. All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of

and, in default of payment of such fine and costs, to imprisonment for not more than five (5) days.

Section 4. Experimental Regulations. The Board of Supervisors may, from time to time, designate places upon and along the highways in the Township 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. Any person who shall violate any provision of this Section shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this Ordinance 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 Ordinance, to a fine of not more than Ten and 00/100 Dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than five (5) days. Provided: 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 Township relative to traffic and parking.

Section 5. Authority of Peace Officers. The peace officers of the Township are hereby given authority to direct traffic on the highways of the Township and at intersections thereof.

PART II
Traffic Regulations

Section 6. Motor Vehicles not to be Driven on Sidewalks. No person shall operate a motor vehicle or tractor upon any sidewalk in the Township; nor shall any person operate a motor vehicle upon or across any sidewalk except in order to gain access to or egress from a driveway or alley at such locations where the curb, if such sidewalk is curbed, shall have been properly cut down for the purpose. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than Fifty and 00/100 Dollars (\$50.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than ten (10) days.

Section 7. U-Turns Prohibited. It shall be unlawful for the operator of any vehicle or tractor to make a U-turn anywhere upon any highway in the Township. Any person who shall violate any provision of this Section shall, upon conviction

thereof, be sentenced to pay a fine of not more than Ten and 00/100 Dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than five (5) days.

Section 8. Stop Intersections Established. The following intersections are hereby established as stop intersections, and official stop signs shall be erected (or are hereby confirmed if heretofore erected) in such a position as to face traffic approaching the second-named highway upon the first-named highway, in the direction or directions hereby indicated. All vehicles and tractors approaching any such intersection upon the first-named highway, in the direction or directions hereby indicated in each case, shall come to a full stop, within a reasonable distance, before entering any such intersection:

<u>Stop Street</u>	<u>Intersecting or Through Street</u>	<u>Direction Of Travel</u>
Willow Road T691	River Road T558	NE
Willow Road T691	River Road T558	SE
North End Road T687	River Road T558	W
North End Road T687	LR06174	E
North End Road T687	LR06164	E
Callow Hill Drive T558	North End Road T687	N
Possum Road T663	LR06165	S
Possum Road T663	LR06165	N
Possum Road T663	LR06164	S
Leshler Road T716	LR06193	S
Drake Road T734	LR06031	N
Drake Road T734	LR06019	S
Trolley Road T726	LR06031	N
Trolley Road T726	LR06019	S
Blottadal Road T714	LR06193	N
Blottadal Road T714	LR06019	S
Hook Road T712	LR06193	N
Hook Road T712	LR06019	S
Possum Road T663	LR06193	E

Manor Drive	LR06031	W
Manor Drive	LR06031	E
Easter Street T681	LR06031	E
Easter Street T681	LR06163	W
Pear Road T732	LR06031	N
Tiny Road T683	Pear Road T732	W
Tiny Road T683	LR06031	E
Railroad Road T574	LR06031	N
Railroad Road T574	LR06036	S
Cherry Alley	Pear Road	W
Peach Alley	LR06031	N
Peach Alley	Cherry Alley	S
Apple Alley	LR06031	N
Elm Street	Apple Alley	N
Elm Street	Railroad Road T574	S
Shore Drive T741	Railroad Road T574	N
Shore Drive T741	Railroad Road T574	S
Kissinger Avenue T742	Shore Drive T741	W
Kissinger Avenue T742	Railroad Road T574	E
Grimm Avenue T740	Shore Drive T741	W
Grimm Avenue T740	Railroad Road T574	E
Gin Mill Road T730	LR06036	S
Gin Mill Road T730	Grove Road T679	N
Irish Run Road T737	Grove Road T679	S
Grove Road T679	Railroad Road T574	E
Grove Road T679	LR06163	W
Tower Road T679	LR06045	SW
Tower Road T679	LR06163	E
Trailer Road T728	LR06045	S
Trailer Road T728	Tower Road T679	N
Bucks Hill Road T681	Tower Road T679	SW
Bucks Hill Road T681	LR06163	NE
Valley Road T726	Tower Road T679	SE
Valley Road T726	LR06019	NW
Penny Hill Road T566	Hickory T722	E
Penny Hill Road T566	Rake Road T714	W
Rake Road T566	LR06019	N
Bootleg Road T649	Rake Road T566	E
Bagenstose Road T669	Rake Road T714	E
Hickory Road T722	Stone T669	S
Hickory Road T722	LR06045	N
Pine Road T669	LR06045	E
Pine Road T669	Pony Road T566	W
Pony Road T566	LR06045	N
Stone Road T669	Pony Road T566	E
Quarry Road T566	Pony Road T566	NW
Stone Road T669	Rake Road T714	W
Bossler Road T730	LR06036	N
Schuykill Hill Road T574	LR06036	N
Beagle Road T489	Bossler T730	W

Schuylkill Road T489	Schuylkill Hill Road T574	E
Data Road T529	Bossler T489	SE
Data Road T529	LR06036	NW
Centre Road T558	LR06036	NE
Boar Road T529	LR06036	SW
Boar Road T529	LR06036	NE
Belleman Road T566	LR06036	NW
Quarry Road T566	LR06036	SE
Pony Road T724	LR06036	SE
School Road T722	LR06036	SE
Garfield Road T489	LR06037	E
Ernst Drive T667	LR06037	S

Any operator of a vehicle who shall fail to come to a full stop, within a reasonable distance, before entering any stop intersection, as hereinabove required, shall, upon conviction thereof, be sentenced to pay a fine of Twenty-Five and 00/100 Dollars (\$25.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than five (5) days.

Section 9. Unlawful to Operate Motor Vehicles or Tractors on Highways Closed for Construction or Repair. It shall be unlawful for any person to operate any vehicle or tractor upon any highway in the Township that is under construction, resurfacing or repair, in disregard of any official sign, barricade or notice that the same is closed to vehicular traffic. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than Twenty-Five and 00/100 Dollars (\$25.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than ten (10) days.

Section 10. Play Highways Authorized. The Board of Supervisors is hereby authorized to designate as play highways, whenever it shall deem such action advisable and for whatever period of time deemed appropriate, any portion of any highway in the Township whereon sledding and coasting shall be permitted. Such highway shall be set apart for this purpose under the direction of the Board of Supervisors. No person shall operate any motor vehicle or tractor upon any play highway at any time when such highway shall be so designated, except in case of emergency, with special permission of the Board of Supervisors or of the police officer in charge, who shall first clear such play highway of all persons using such highway for the purpose for which it was set aside. Any person who shall violate any provision of this Section, shall, upon conviction thereof, be sentenced to pay a fine of not more than Ten and 00/100 Dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than five (5) days.

Section 11. Accident Reports Required. The operator of any motor vehicle involved in an accident in the Township and required by law to report such accident to any department or agency of the Commonwealth of Pennsylvania, or any other person required to make such report shall, at the time of making such report to the Commonwealth, make a written report to the Chief of Police of the Township containing the same information. Any

person failing to make the report to the Chief of Police hereby required shall, upon conviction thereof, be sentenced to pay a fine of Ten and 00/100 Dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than five (5) days.

Section 12. Yield Intersection Established. The following yield intersections are hereby established:

<u>Yield Sign</u>	<u>Intersecting with</u>	<u>Direction of Travel</u>
School Road T-722	Pony Road T-724	N

Any operator of a vehicle who shall fail to yield right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time the driver is moving across or within the intersection of roadways, shall, upon conviction thereof, be sentenced to pay a fine of Twenty-Five and 00/100 Dollars (\$25.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than five (5) days.

PART III

Parking Regulations

Section 13. Parking Without Lights Authorized. The boundary limits of the Township of Centre are hereby established

as a zone in which motor vehicles may remain standing without lights, and all highways within such boundary limits are hereby designated as highways where motor vehicles may remain standing without lights.

Section 14. 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.

Section 15. Parking Prohibited at All Times in Certain Locations. Parking shall be prohibited at all times in the following locations:

<u>Street</u>	<u>Side</u>	<u>Between</u>
Cherry Alley	East	Cherry Alley - Elm Street
Peach Alley	(a) South	Cherry Alley - 06031
	(b) North	Cherry Alley - 06031
Apple Alley	(a) East	Elm Street - 06031
	(b) West	Elm Street - 06031
Elm Street	(a) South	Railroad Road - Apple Alley
	(b) North	Railroad Road - Apple Alley

Section 16. Parking Prohibited on All Bridges. Parking is hereby prohibited on all bridges located in the Township at any and all times.

Section 17. Penalty for Violation. Any person who shall violate any provision of Part III hereof entitled "Parking Regulations" shall, upon conviction thereof, be sentenced to pay a fine of not more than Fifteen and 00/100 Dollars (\$15.00) and

costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than five (5) days.

Section 18. Handicapped Parking. It shall be a violation of this Ordinance for any vehicle which does not have an official Pennsylvania handicapped license plate to park in a parking space designated as a handicapped parking space. There is designated in front of the Township Building a handicapped parking space.

PART IV

Snow and Ice Emergency

Section 19. Declaration of Snow and Ice 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 IV of this Article, the Chairman of the Board of Supervisors, in his discretion, may declare an emergency due to such hazards.

Section 20. Parking Prohibited on Specific Highways During Emergency: Restrictions on Operation of Motor Vehicles and Tractors on Such Streets. 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 Section IV of this Article, 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.

Section 21. Placement of Signs Along Highways Affected; Information of Existence of Emergency. In order to assist the operators of motor vehicles and tractors in determining the highways affected by this Article, such persons as the Board of Supervisors may designate or the Chief of Police shall place around the utility poles on the highways or portions thereof designated in Section IV of this Article signs reading:

SNOW
EMERGENCY
ROUTE

SNOW TIRES OR
CHAINS REQUIRED

NO PARKING
DURING EMERGENCY

VEHICLES
TOWED AWAY

The Board of Supervisors or the Chief of Police shall also, through radio, newspaper or other available media, disseminate information as to the existence of such an emergency.

Section 22. Highways Affected. The highways or portions thereof to which the provisions of this Article shall be applicable during all periods of emergency declared as provided in the first section of this Article are:

Grim Avenue from Shore Drive to Railroad Road
Shore Drive from Railroad Road to Railroad Road
Kissinger Avenue from Shore Road to Railroad Road
Manor Drive abutting Shartlesville Road East and West

Section 23. Penalty for Violation.

(a) At any time during a period of emergency declared as provided in the first Section of this Article, any person who shall park a motor vehicle or tractor anywhere upon or along any of the highways or portions thereof listed in Section IV of this Article, shall be guilty of a violation of this Article, and, upon conviction thereof, shall be sentenced to pay a fine of not less than Two and 00/100 Dollars (\$2.00) or more than Ten and 00/100 Dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than five (5) days.

(b) Any person who shall operate a vehicle or tractor upon any highway or portion thereof listed in Section IV of this Article, if such vehicle or tractor shall become stalled upon any of such streets during a period of emergency declared as provided in the first section of this Article, if such stalling shall have been by reason of the failure to have such vehicle or tractor equipped with the equipment herein-

above prescribed, shall be guilty of a violation of this Article, and, upon conviction thereof, such person shall be sentenced to pay a fine of not more than Twenty-Five and 00/100 Dollars (\$25.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than ten (10) days.

PART V

Removal and Impounding of Illegally Parked Vehicles

Section 24. Authority to Remove and Impound Illegally Parked Vehicles. The Chief of Police of the Township 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 Township in violation of any provision of the law or of any ordinance of the Township. Provided: no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Article.

Section 25. Approved Storage Garages. The following garages are hereby designated as approved storage garages and as pounds for the storage of such impounded vehicles:

Noecker's Garage

Centerport, PA 19516

Section 26. Garages to be Bonded. Every such approved storage garage or pound shall be bonded in the amount of Ten

Thousand and 00/100 Dollars (\$10,000.00) 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 pound-keeper.

Section 27. Towing and Storage Charges. The following are hereby fixed and established as the charges that shall be made for the towing and storage of any motor vehicle removed and impounded under the authority of this Article:

(a) Thirty-five and 00/100 Dollars (\$35.00) to remove and impound each motor vehicle other than a tractor and/or a trailer.

(b) Five and 00/100 Dollars (\$5.00) per day, or fraction thereof, for storage of each motor vehicle other than a tractor and/or a trailer.

Charges for the removal, impounding and storage of a tractor and/or a trailer shall be in such amounts as periodically established by the Board of Supervisors of the Township of Centre.

Section 28. 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 Township 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.

Section 29. Effect of Payment of Towing and Impounding Charges Without Protest. 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.

Section 30. Effect of Payment of Charges Under Protest. 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 if provided in The Vehicle Code in other cases of summary offenses, and shall have the same rights as to appeal and waiver of hearing.

Section 31. 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 vehicle.

Section 32. Owner or Operator of Vehicle Remains Liable 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.

Section 33. 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.

PART VI

Interpretation and Authority

Section 34. Authority to Act. The proper officials are authorized to procure and erect all signs, monuments, plaques and highway material needed to carry out the provisions and intent of this Ordinance.

Section 35. 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.

Section 36. Provisions to be a Continuance of Existing Regulations. The provisions of this Ordinance, so far as they are the same as those of ordinances and regulations in force

immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit of prosecution pending or to be instituted to enforce any of these repealed ordinances or regulations.

Section 37. Repeal of Certain Prior Ordinances. All prior ordinances of the Township of Centre in so far as they deal with the regulation of traffic and/or parking are repealed and declared unenforceable in so far as they are inconsistent with or identical to any provision of this Ordinance.

Section 38. Effective Date. This Ordinance shall take effect ten (10) days after enactment.

ENACTED AND ORDAINED as an Ordinance this 7th day of JANUARY, 1985.

TOWNSHIP OF CENTRE

Albert W. Burkroge, Jr.
Chairman

Wilmer H. Phillips
Supervisor

Howard W. Miller
Supervisor

George C. Siefert
Attest: Secretary of the Township
of Centre