

ORDINANCE NO. 589 of 2018

BENTLEYVILLE BOROUGH
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING ORDINANCE 567 OF 2014 OF BENTLEYVILLE BOROUGH, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGULATION OF STOPPING, STANDING AND PARKING VEHICLES ON HIGHWAYS, ROADS AND STREETS IN BENTLEYVILLE BOROUGH, TO BE KNOWN AS THE "2018 PARKING ORDINANCE OF BENTLEYVILLE BOROUGH BY ADDING PARK AVENUE TO SECTION 9 PARKING PROHIBITED IN CERTAIN LOCATIONS AND CERTAIN DAYS".

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

WHEREAS, it is necessary to adopt this Ordinance to ensure that the public use of 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 Bentleyville Borough to establish parking regulations and a schedule of fines for violations of those regulations; and

WHEREAS, the Borough desires to add Park Avenue to Section Nine as to Parking Prohibited in Certain Locations and Certain Days".

WHEREAS, the Borough Code vests in the Council the authority to impose fines and penalties.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Council of Bentleyville Borough, Washington County, Pennsylvania, as follows:

Section One: Title

This Ordinance shall be known as the "2018 Parking Ordinance of Bentleyville Borough".

Section Two: Purpose

The purpose of this Ordinance is for the regulation of stopping, standing and parking vehicles in the Borough on various streets of Bentleyville Borough.

Section Three: 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.

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

Special Needs – parking permit may be granted by the Borough when a resident must park permanently in the roadway or alley because of physical handicap, or because there is no adequate available off-street parking.

Special Occasion – parking permit may be granted by the Borough when a resident does not have adequate available off-street parking because of a temporary visitation of by nonresident family or invitees.

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.

Borough – Bentleyville Borough, Washington County, Pennsylvania

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

Section Four: 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. Stopping, standing, or parking a vehicle is expressly prohibited under the following circumstances:
 - 1. On the roadway side of any vehicle stopped, or parked at the edge, or curb of the street.
 - 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 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 Five: 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 Six: Removal of Vehicle by or at Direction of Police

- A. In addition to the penalties herein provided, whenever any police officer finds an attended vehicle in violation of any provisions of this ordinance, the 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 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 Seven: Snow Emergency

A snow emergency will be declared when snow has accumulated to a depth of three or more inches and requires snow removal or treatment. Emergencies will be declared by the Mayor and will be announced on all local radio, TV stations and the Borough website. Vehicles must be removed from Borough roads so that the roads can be plowed. Violators will be subject to having their car towed and/or paying a fine.

Section Eight: Parking Prohibited at all Times in Certain Locations

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

Street	Side	Between
Saulius Avenue	Both	From intersection with Smith St.
Oliver Avenue	Both	Intersection with Lincoln Ave. & Railroad St.

Section Nine: Parking Prohibited in Certain Locations and Certain Days.

Parking shall be prohibited in the following locations at all times on the days between December 1 through March 1 of the following year:

Street	Side	Between
Johnson Ave.	Both Sides	From Intersection with Main Street and intersection of Monongahela Street
Park Ave.	West Side	From Intersection with Roosevelt Avenue to Intersection with Smith Street
Spring Street	South Alley	From Intersection of Second Avenue to Intersection of Third Avenue
Washington Street	Northern Side	From Intersection with Main Street to Intersection of Lackanon Avenue

Section Ten: Permits

3. Upon default, any person, upon conviction before the district justice, shall be punished by paying a fine of not more than \$250.00 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 Fourteen: Severability

If a section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Fifteen: Repealer

Any Ordinance containing any provision inconsistent herewith to the extent that such provision is inconsistent, that provision is also hereby repealed.

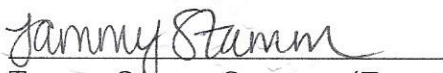
Section Sixteen: Effective Date

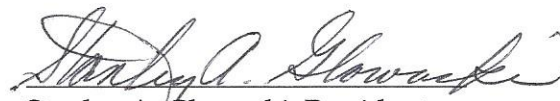
This Ordinance shall become effective immediately upon final enactment.

ORDAINED AND ENACTED INTO LAW by the Council of Bentleyville Borough, Washington County, Pennsylvania, this 6 day of February, 2018.

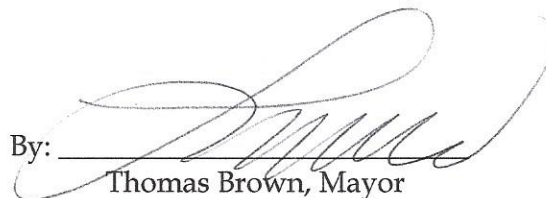
BENTLEYVILLE BOROUGH

ATTEST:


Tammy Stamm, Secretary/Treasurer

By: 
Stanley A. Glowaski, President

EXAMINED AND APPROVED by me this 6 day of February, 2018.

By: 
Thomas Brown, Mayor