

**ORDINANCE #498**  
**TRAFFIC AND PARKING REGULATIONS**  
**FOREST CITY BOROUGH**

**AN ORDINANCE OF THE BOROUGH OF FOREST CITY, COUNTY OF SUSQUEHANNA, COMMONWEALTH OF PENNSYLVANIA** regulating traffic and parking within the Borough of Forest City, and repealing certain prior ordinances.

**BE IT ORDAINED AND ENACTED** by the Borough Council of Forest City Borough the following:

**ARTICLE 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 (75 Pa. C.S. 101, et seq.), as amended, except that in this ordinance, the word "street" may be used interchangeably with the word "highway", and shall have the same meaning as the word "highway" as defined in the Vehicle Code.
- (b.) The term "legal holiday" as used in this ordinance, shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- (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 ordinances or as amendments to ordinances of the Borough of Forest City, except where the law specifically authorizes less formal action.

**Section 3. Temporary and Emergency Regulations**

- (a.) The Mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency.
  - (1.) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations
  - (2.) In the case of emergency public works or public events of limited scope or duration, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.
- (b.) The temporary and emergency regulations shall be enforced by the Mayor and the police department in the same manner as permanent regulations. Any person who drives or parks a vehicle in violation of any such regulation shall be guilty of a violation and, upon conviction, shall be liable to the penalty set out in the law or elsewhere in this ordinance for a violation of that nature, and, in case of a violation for which no specific penalty is set out in the law or elsewhere in this ordinance, to a fine of \$50 and costs.

**Section 4. Experimental Regulations**

Council may, from time to time, designate places upon and along the streets in the Borough 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 those locations by proper signs and markings. Those regulations, prohibitions and restrictions shall be effective just as if they had been specified in this ordinance. No person shall drive or park a vehicle 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 violates any provision of this section shall, upon conviction, be liable to the penalty set out in the law or elsewhere in this ordinance for a violation of that nature, and in case of a violation for which no specific penalty is set out in the law or elsewhere in this ordinance, to a fine of \$50 and costs. 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 Borough relative to traffic and parking.

#### **Section 5. Traffic on Streets Closed or Restricted for Construction, Maintenance or Special Events**

- (a.) Council 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.
- (b.) Council shall have the authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen 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 displaying a sign directing that vehicle to stop, or is signaling that vehicle, by a flag or other device, not to proceed.
- (c.) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of \$50 and costs.

#### **Section 6. Authority of Police Officers**

The police officers of the Borough are given full authority to direct traffic on the streets in the Borough, at intersections, in public parks and in other places where the Vehicle Code or this ordinance applies

### **ARTICLE II: TRAFFIC REGULATIONS**

#### **Section 1. Maximum Speed Limits Established on Certain Streets**

- (a.) Maximum speed limits are established on portions of specified streets, as follows, and it shall be unlawful for any person to drive a vehicle on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street.

(1.) Main Street

	<u>Between</u>	<u>Maximum Speed Limit</u>
(A.)	North Borough line and Lower North Main Street	35 Miles Per Hour
(B.)	Lower North Main Street and 247 Intersection (south)	25 Miles Per Hour
(C.)	247 Intersection (south) and South Borough Line	35 Miles Per Hour

- (b.) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine in the amount as set forth in the PA Vehicle Code.



## Section 2. One-Way Streets Established

- (a.) The following are established as one-way streets, and, on the days and between the hours applicable to a specific street, it shall be unlawful for any person to drive a vehicle upon a one-way street other than in the direction established for traffic upon that street.
- (1.) Delaware Street in a southbound direction of travel from Dundaff Street to Depot Street, every day at all times.
  - (2.) Susquehanna Street in a southbound direction of travel from Dundaff Street to South Street, every day at all times.
  - (3.) Susquehanna Street in a southbound direction of travel from Maxey Street to the Forest City Regional School District Property Line on school days from 8:00AM to 9:00AM and 3:00PM to 4:00PM.
  - (4.) South Street in an eastbound direction of travel from Hudson Street to Delaware Street every day, at all times from November 15<sup>th</sup> to April 15<sup>th</sup>.
- (b.) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine in the amount as set forth in the PA Vehicle Code.

## Section 3. U-Turns Prohibited at All Intersections

It shall be unlawful for the driver of any vehicle to make a U-turn at any street intersection in the Borough. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine in the amount as set forth in the PA Vehicle Code.

## Section 4. No Passing Zones Established

- (a.) All streets in the Borough are established as no-passing zones, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any of those no passing zones.
- (b.) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine in the amount as set forth in the PA Vehicle Code.

## Section 5. Stop Intersections Established

- (a.) 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 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 Section 3323(b) of the Vehicle Code and shall not proceed into or across the second-named or through street until he has followed all applicable requirements of that section of the law.

	<u>Stop Street</u>	<u>Through Street</u>	<u>Direction</u>
(1)	Caryl Street	Hudson Street	East
(2)	Center Street	Hudson Street	East and West
(3)	Center Street	Main Street	East and West
(4)	Center Street	Maple Street	West
(5)	Delaware Street	North Street	North and South
(6)	Delaware Street	Depot Street	North and South
(7)	Delaware Street	South Street	North and South
(8)	Delaware Street	Maxey Street	North and South

**Section 5. Stop Intersections Established****(cont'd)**

<b>Stop Street</b>	<b>Through Street</b>	<b>Direction</b>
(9) Delaware Street	Dundaff Street	South
(10) Delaware Street	Center Street	South
(11) Depot Street	Hudson Street	East and West
(12) Depot Street	Main Street	East and West
(13) Depot Street	Maple Street	West
(14) Dundaff Street	Main Street	East
(15) Fell Street	Main Street	East
(16) Forest City Regional Parking Lot	Hudson Street	East
(17) Grand Avenue	Hudson Street	East
(18) Grand Avenue	Main Street	West
(19) Higgins Street	Lower North Main Street	North
(20) Higgins Street	Railroad Street	North and South
(21) Higgins Street	North Street	North and South
(22) Higgins Street	Grand Avenue	North and South
(23) Higgins Street	Center Street	North and South
(24) Higgins Street	Depot Street	North and South
(25) Higgins Street	South Street	North and South
(26) Hudson Street	Maxey Street	North and South
(27) Hudson Street	South Street	North and South
(28) Hudson Street	Dundaff Street	North and South
(29) Hudson Street	North Street	North and South
(30) Kennedy Park Exit	Dundaff Street	South
(31) Lackawanna Street	North Street	North and South
(32) Lackawanna Street	Grand Avenue	North and South
(33) Lackawanna Street	Dundaff Street	North and South
(34) Lackawanna Street	Center Street	North and South
(35) Lackawanna Street	Depot Street	North and South
(36) Lackawanna Street	South Street	North and South
(37) Lower North Main Street	Main Street	East and West
(38) Maple Street	Dundaff Street	North
(39) Maxey Street	Susquehanna Street	East
(40) Maxey Street	Main Street	East
(41) North Street	Main Street	East and West
(42) Railroad Street	Center Street	North and South
(43) Railroad Street	Grand Avenue	North and South
(44) Railroad Street	North Street	North and South
(45) Railroad Street	South Street	North and South (Except Right Turn)
(46) Railroad Street	State Route 247	South
(47) South Street	Railroad Street	East
(48) South Street	Main Street	East and West
(49) State Route 247	Main Street	West
(50) Susquehanna Street	Caryl Street	North and South
(51) Susquehanna Street	North Street	North and South
(52) Susquehanna Street	Grand Avenue	North and South
(53) Susquehanna Street	Maxey Street	North and South
(54) Susquehanna Street	South Street	North and South
(55) Susquehanna Street	Dundaff Street	South
(56) Susquehanna Street	Center Street	South



Section 5. Stop Intersections Established		(cont'd)	
	Stop Street	Through Street	Direction
(57)	Susquehanna Street	Depot Street	South
(58)	Upper North Main Street	Main Street	North
(59)	Upper North Main Street	Main Street	South
(60)	Welsh Road	Main Street	East
(61)	Welsh Road	Maxey Street	South

(b.) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine in the amount as set forth in the PA Vehicle Code.

#### **Section 6. Vehicle Weight Limits Established on Certain Streets and Bridges**

(a.) On the following bridges and streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive any vehicle or combination having a gross weight in excess of the maximum prescribed below for that bridge or street or part of street, as the case may be:

<u>Street or Bridge</u>	<u>Between</u>	<u>Max Gross Weight</u>
(Reserved)		

(b.) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine in the amount as set forth in the PA Vehicle Code and costs.

#### **Section 7. Truck Traffic Restricted on Certain Streets**

(a.) It shall be unlawful for any person to drive a vehicle other than a passenger vehicle on any of the following streets or parts of streets:

<u>Street</u>	<u>Between</u>
(Reserved)	

Provided: Nothing in this section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of a street.

(b.) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine in the amount as set forth in the PA Vehicle Code.

#### **Section 8. Play Highways Authorized:**

- (a.) The Mayor is authorized to designate as play highways, whenever he/she deems that action advisable, and for whatever period of time directed by him/her, any part of any street in the Borough where sledding and coasting shall be permitted. That play highway shall be set apart for the purpose under the direction of the Mayor.
- (b.) No person shall drive any motor vehicle on any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of the Mayor or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside. Any person who violates any

provision of this subsection shall, upon conviction, be sentenced to pay a fine in the amount as set forth in the PA Vehicle Code.

### **Section 9. Regulating the Operation of Unlicensed Motor Vehicles:**

- (a.) No person shall operate, nor shall any owner permit to be operated on the sidewalks of the Borough of Forest City, Susquehanna County, Pa. any unlicensed motorcycle of any kind, trail-bike or similar type or any snow-mobile or all-terrain vehicle, or any other unlicensed motor vehicle.
- (b.) No person shall operate, nor shall any owner permit to be operated on any public or private ground in the Borough of Forest City, Susquehanna County, Pa. any unlicensed motorcycle of any kind, trail-bike or similar type or any snow-mobile or all-terrain vehicle, or any other unlicensed motor vehicle except when the permission of the owner of the land has been expressly obtained by such person.
- (c.) Every owner of a motor vehicle of the type described in (a.) and (b.) who shall knowingly permit any person minor or adult, to operate such motor vehicle in violation of the terms of this section shall be jointly and severally liable with such person for any damages caused by such person in operating such vehicle.
- (d.) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine in the amount as set forth in the PA Vehicle Code.

## **ARTICLE III: PARKING REGULATIONS**

### **Section 1. Vehicles to be Parked Within Marked Spaces**

Whenever 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 article for any person to park a vehicle or remain parked otherwise.

### **Section 2. 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>
1. Delaware Street	a) East b) West	Dundaff Street and Maxey Street North Street and Dundaff Street
2. Dundaff Street	Both	Main Street and Borough Line
3. Higgins Street	East & West	South Street and Lower N. Main Street
4. Hudson Street	a) East b) West	South Street and Maxey Street Caryl Street and South Street
5. Railroad Street	East	North Street and South Street
6. Susquehanna Street	Both	Maxey Street and Forest City Regional School District property line
7. Center Street	North	Main Street and Delaware Street



### Section 3. Parking Prohibited in Specific Locations Certain Days and Hours.

Parking shall be prohibited in the following locations at all times on the days and between the hours indicated in this section, as follows:

<u>Street</u>	<u>Side</u>	<u>Between</u>	<u>Days</u>	<u>Hours</u>
1. Main Street	Both	North Borough line to South Borough	Nov 1 thru Mar 31	2:00 A.M. to 5:00 A.M

### Section 4. Parking Time Limited in Certain Locations Certain Days and Hours.

No person shall park a vehicle, or allow it to remain parked, for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated:

<u>Street</u>	<u>Side</u>	<u>Location</u>	<u>Days</u>	<u>Hours</u>	<u>Parking Time limit</u>
1. Main Street	East	In Front of Post Office Between designated Parking lines	Every day	At all times	Five (5) Minutes

### Section 5. Special Purpose Parking Zones Established; Parking otherwise Prohibited.

The following are established as special purpose parking zones, and it shall be unlawful for any person to park a vehicle or to allow it to remain parked, in any such zone, except as specifically permitted for that zone:

<u>Street</u>	<u>Side</u>	<u>Location</u>	<u>Authorized purpose or Vehicle</u>
1. Center Street	South	Next to borough Building	Police Vehicle
2. Main Street	West	1) In front of Borough Building 2) In special zone designated by signs and parking lines.	Delivery Vehicles

### Section 6. Establishing Unmetered Parking Spaces for Handicapped Licensed and Designated Vehicles.

Handicap-licensed/designated vehicles are defined as vehicles displaying a state-issued license plate with a handicap symbol or prominently displaying a placard from the front windshield rear view mirror issued by the Pennsylvania Department of Transportation or like out-of-state agency containing the international symbol for a handicapped person.

Parking shall be limited to vehicles displaying a handicapped license plate or Pennsylvania Department of Transportation driver or passenger permit in the following locations:

<u>Street</u>	<u>Side</u>	<u>Location</u>
1. Center Street	South	One standard parking space next to Borough Bldg.

### **Section 7. Penalty for Violation.**

Any person who violates any provision of this article shall, upon conviction, be sentenced to pay a fine of not more than \$5 and costs. Provided: it shall be the duty of the police officers and parking enforcement officers of the Borough to report to the Mayor all violations of any provision of this article, indicating, in each case: the section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The Police Officer or other person making the report shall also attach to or place upon every such vehicle a notice to the owner or driver of the vehicle that if he will report to the office of the Chief of Police within ten (10) days after the time of the notice, and pay the sum of twenty dollars (\$20.00), that will be in full satisfaction of that violation, and will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this section.

## **ARTICLE IV: ON STREET METERED PARKING**

### **Section 1. Parking Meter Zone Established.**

Parking meter zones are established upon and along certain streets in the Borough, as follows:

<u>Street</u>	<u>Side</u>	<u>Between</u>
1. Main Street	Both	Middle of 300 block and middle of 700 block

### **Section 2. Designation of Metered Handicapped Parking**

Handicapped only parking spaces will be provided at the following locations where parking shall be limited to vehicles displaying a handicapped license plate or a Pennsylvania Department of Transportation driver or passenger permit.

<u>Street</u>	<u>Side</u>	<u>Location</u>
1. Main Street	East	630 Main Street
2. Main Street	East	354 Main Street

Nothing contained in this ordinance shall excuse an operator of a handicapped-designated vehicle from inserting the appropriate coinage in the appropriate parking meter as provided for by Ordinance. However, before any citation/ticket is issued for an expired meter/overtime parking, the offender shall be extended and additional one (1) hour of grace time.

It shall be unlawful for any person to park a vehicle within a metered or unmetered parking space designated by the Borough for Handicapped parking unless said vehicle has a handicap designation.

### **Section 3. Days and Hours Parking Meters in Operation and Parking Time Limits Apply.**

Parking meters shall be operated, by the deposit of a coin in meter; as prescribed by Section 5 of this article, and the parking rates for specific periods of time, as well as the maximum parking time limits, also as prescribed by Section 5, shall apply at all times between the hours of 8:30 a.m. and 5:30 p.m.



Monday through Friday. Provided: the requirements of this article as to parking time limit and as to deposit of coins and meters do not apply on legal holidays.

#### **Section 4. Placement and Characteristics of Parking Meters.**

Parking meters installed in the parking meter zones established by Section 1 of this article shall be placed upon the curb or sidewalk, and immediately adjacent to the individual parking spaces described in Section 4 of this article. Each parking meter shall be placed or set so as to show that the parking space adjacent to that meter is or is not legally occupied. Each parking meter installed shall indicate by a proper legend the legal parking time established by the Borough and when the adjacent space is occupied by a vehicle, the parking meter shall indicate on and by its screen the duration of the period of legal parking, and, in the expiration of that period, shall indicate illegal parking or over parking.

#### **Section 5. Parked Vehicles to be Wholly within Marked Spaces.**

Lines and/or markings shall be painted or placed upon the curb, sidewalk or roadway adjacent to each meter for the purpose of delineating the parking space for which that meter shall be used. Every vehicle parked at any parking meter shall be parked wholly within the lines or markings so placed and applicable to that meter. It shall be unlawful and a violation of this article for any person to park a vehicle across any such line or marketing, or to park a vehicle in such a position that a vehicle is not wholly within the area designated by those lines or markings.

#### **Section 6. Coin Deposit in Meter or Valid Parking Placard Displayed; Overtime Parking Unlawful.**

Whenever a vehicle is to be parked in any space adjacent to a parking meter, at any time in the period of limited parking as prescribed by Section 2 of this article, the driver of the vehicle, upon entering the parking space, shall either:

- (a.) Immediately deposit, or cause to be deposited, in that parking meter, one or more proper twenty-five cent (25¢) coins, ten cent coins (10¢) or five cent coins (5¢) of the United States to allow parking for a period of 30 minutes, 12 minutes or 6 minutes respectively per coin up to a total of two (2) hours. Upon the deposit of the coin or coins, and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the time indicated on the meter.

OR

- (b.) Immediately and clearly display a valid parking placard in the windshield of the vehicle. Parking placards can be obtained from the Borough Office in advance for vehicles owned by contractors working on Main Street wishing to park in any space with a meter for multiple days. Valid placards will be numbered and show vehicle make and model, license number, and the period for which the placard is valid. Placards can be purchased at a cost of \$4.50 per day for a minimum of two (2) consecutive and a maximum of twenty (20) consecutive days in which parking meters are required for lawful parking. Once a parking placard is purchased, refunds or credits will not be offered, regardless of time actually parked.

If any vehicle shall remain in any such parking space for such length of time that the meter shall indicate by proper signal that the lawful parking time has expired, or the parking placard indicates that the valid days to park have expired then the parking of a vehicle shall be considered as having been parked overtime, and the parking of vehicle overtime shall be a violation of this article.

**Section 7. Unlawful to Deposit Substitute for Coin in Meter or Display Counterfeit/Altered Parking Placard**

It shall be unlawful and a violation of this article for any person to deposit in any parking meter installed under the provisions of this article any slug or other substitute for a coin of the United States of America. It shall also be unlawful and a violation of this article for any person to display a counterfeit or altered parking placard.

**Section 8. Unlawful to Remain Parked at Meter Showing Violation.**

It shall be unlawful, and a violation of this article, for any person to permit a vehicle to remain in a parking space adjacent to a parking meter installed under this article, when that meter displays a signal indicating that the vehicle has already been parked there beyond the period of time prescribed for that parking space, or the time for which a coin or coins was deposited in that meter for the parking of that vehicle unless a proper parking placard obtained from the Borough Office is displayed as defined in Section 5.

**Section 9. Unlawful to Tamper with Meter.**

It shall be unlawful, and a violation of this article, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article. Provided: nothing in this section shall apply to the servicing or opening of parking meters by officers, employees or police officers of the Borough under the direction of the Mayor or Council.

**Section 10. Ticketing of Vehicles Parked Unlawfully; Effect of Payment of \$10.00 within 48 Hours; or \$20.00 before Issuance of Summons.**

- (a) It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the directions of the Chief of Police, to report:
  1. The number of each parking meter that indicates that a vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of this article;
  2. The date and hour of the violation;
  3. The license number of the vehicle;
  4. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
- (b) The police officer or other person making the report shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this article, and instructing the owner or operator that if he will report to the office of the Chief of Police and pay, for the use of the Borough, the sum of \$10.00 within 48 hours or \$20.00 thereafter but before a summons is issued, the act will save the violator from prosecution and from payment of the fine prescribed in Section 10 (a) of this article.

**Section 11. Penalty for Violation.**

- (a) Any person who violates any provision of this article, with the exception of the Section 8.
- (b) Shall, upon conviction, be sentenced to pay a fine of not more than \$30 and costs.



### **Section 11. Penalty for Violation – (cont'd)**

- (c) Any person who violates any provision of Section 8 of this article shall, upon conviction, be sentenced to pay a fine of not more than \$500 and costs, and, in default of payment of fines and costs, to imprisonment for not more than ten (10) days.

### **Section 12. Exceptions.**

- (a) By resolution, Council may temporarily suspend the provisions of this article requiring coin deposit in meters, display of parking placards and establishing a maximum parking time at meters.
- (b) The Borough shall have the authority to establish no-parking or special-purpose parking zones within any parking meter zone, and to remove parking meters from those areas if previously installed there, and the provisions of this article shall not apply in those areas where no-parking or special-purpose parking is in effect.

## **ARTICLE V: REMOVAL AND IMPOUNDING OF CERTAIN VEHICLES**

### **Section 1. Applicability and Scope.**

This article is enacted under authority of Section 6109 (a-22) of the Vehicle Code, and gives authority to remove and impound: (a) vehicles that are parked overtime on any street in the Borough, in violation of any provisions of Article III or Article IV of this ordinance; and (b) vehicles parked in any metered or unmetered parking lots, if and when the Borough operates such lots, in violation of any ordinance provision governing those lots.

### **Section 2. Authority to Remove and Impound.**

The Borough shall have the authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in Section 1 of this article. Provided: no such vehicle shall be removed or impounded except in strict adherence to the provisions of this article.

### **Section 3. Designation of Approved Storage Garages; Bonding, Towing and Storage.**

Removal and impounding of vehicles under this article shall be done only by "approved storage garages" that shall be designated from time to time by Council. Every such garage shall submit evidence to Council that it is bonded or has acquired liability insurance in an amount satisfactory to 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. The approved storage garage shall submit to Council its schedule of charges for towing and storage of vehicles under this article, and, when the schedule is approved by Council, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be adopted without approval of Council, and no different charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this article by any approved storage garage. Council shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this article.

#### Section 4. Notification of Removal and Impounding.

Within 12 hours from the time of removal of any vehicle under authority granted by this article, notice of the fact that the vehicle was removed shall be sent by the Borough to the owner of record of the vehicle. The notice shall designate the place from which the vehicle was removed, the reason for the removal and impounding, and the garage in which it was impounded.

#### Section 5. Effect of Payment of Towing and Storage Charges.

The payment of any towing and storage charges authorized by this article shall, unless payment is made "under protest," be final and conclusive, and shall constitute a waiver of any right to recover the money so paid. If payment of any towing or storage charges is made "under protest", the offender shall be entitled to a hearing before a district justice. 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 provision of this ordinance for which the vehicle was removed or impounded.

#### SEVERABILITY

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 workable minus the invalid portion.

#### REPEALER

Any ordinance or any portion of any ordinance, inconsistent with this ordinance is hereby repealed (specifically Ordinance 367 of December 6<sup>th</sup>, 1982 and subsequent Ordinances revising 367 including but not limited to Ordinance 369 of February 7<sup>th</sup>, 1983, Ordinance 391 of September 3<sup>rd</sup>, 1985, Ordinance 448 of September 8<sup>th</sup>, 1999, Ordinance 466 of October 1<sup>st</sup>, 2007 and Ordinance #1 of 2009 of January 5<sup>th</sup>, 2009).

ORDAINED and ENACTED by the Council of the Borough of Forest City, this 5<sup>th</sup> day of May, 2014.

BOROUGH OF FOREST CITY

By:

Barbara L. Michele  
President of Council

ATTEST:

Sharon A. Vassar  
Secretary

EXAMINED AND APPROVED this 5<sup>th</sup> day of May, 2014.

Pauline M. Wilcox  
Mayor