

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 375

(Duly Adopted October 27, 1999)

AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF NORTH MAIN STREET AND SOUTH MAIN STREET FROM 9 A.M. TO 11 A.M. ON TUESDAYS AND ON THE WEST SIDE OF NORTH MAIN STREET AND SOUTH MAIN STREET FROM 9 A.M. TO 11 A.M. ON THURSDAYS; AND PROVIDING PENALTIES FOR VIOLATIONS RANGING FROM FIFTY DOLLARS TO THREE HUNDRED DOLLARS.

WHEREAS, Sections 3353(d), and 6109(a)(1), (b), (d), and (e) of the Vehicle Code, 75 PA. CONS. STAT. §§ 3353(d), 6109(a)(1),(b),(d),(e), and chapters 201 (in particular § 201.21) and 211 (in particular § 211.6) of the Transportation Department regulations, title 67 of the Pennsylvania Code, permit municipalities to prohibit, regulate, limit, or restrict stopping, standing, or parking of vehicles on any highway within their physical boundaries, if the designation is made by ordinance, and, with regard to certain regulations, in accordance with an engineering and traffic investigation which complies with state regulations; and

WHEREAS, parking may be restricted by the Borough without an engineering and traffic investigation to facilitate maintenance operations or to eliminate long-term parking (67 PA. CODE § 201.21(e)); and

WHEREAS, the Borough may establish new stopping, standing, or parking restrictions on State-designated highways within their physical boundaries without approval from the Pennsylvania Department of Transportation (67 PA. CODE § 201.21(g)); and

WHEREAS, Sections 3352(c)(4) and 3353(a)(3)(ii) of the Vehicle Code, 75 PA. CONS. STAT. §§ 3352(c)(4), 3353(a)(3)(ii), permit police officers to remove a vehicle parked on a street where official signs prohibit parking; and

WHEREAS, Borough Council has determined that the parking restrictions set forth in this Ordinance for Main Street should be established;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. The introductory paragraph of Section 129-25 of the Code of the Borough of Alburdis (relating to Stopping, Standing, and Parking Restrictions), as amended by Ordinance 298 (adopted April 28, 1993), Ordinance 301 (adopted July 14, 1993), and Ordinance 317 (adopted July 12, 1995), shall be amended as follows (with insertions indicated by double underlining, and deletions by ~~strike-outs~~):

§ 129-25. Stopping, Standing, and Parking Restrictions.

The following stopping, standing, and parking restrictions are hereby established. Except as provided in subsection (D), violations ~~Violations~~ of these restrictions shall be treated, for purposes of §§ 129-3 and 129-16, in the same manner as violations of § 129-2A (relating to prohibited parking). When used in the Section, the term “curbline” means the actual curbline where a curb is present, and the edge of paving where a curb is not present. At the intersections of two streets where one or more of the corners are rounded by a radius, the “curblines” shall not follow the actual curbing or edge of cartway, but shall continue into the intersection in a straight line at the same bearing established behind the radius. Accordingly, the starting point for measurements from a curbline of an intersecting street shall be at the projected intersection of the “curblines” (which will be within the cartway when a radius is present, rather than along a curb or the edge of paving):

* * *

SECTION 2. Section 129-25 of the Code of the Borough of Alburtis (relating to Stopping, Standing, and Parking Restrictions), as added by Ordinance 290 (adopted April 8, 1992) and amended by Ordinances 298 (adopted April 28, 1993), 301 (adopted July 14, 1993), 317 (adopted July 12, 1995), 347 (adopted December 30, 1996), and 350 (adopted February 26, 1997), shall be amended by adding the following new subsection (D) (previously reserved by Ordinance 301) to read as follows:

D. No Parking (For Short Periods for Street Cleaning and the Elimination of Long-Term Parking)

No part of a vehicle shall be parked at any point within the following locations at the following times:

1. Between 9:00 A.M. and 11:00 A.M. on any Tuesday:
 - a. North Main Street (SR 3001), easterly side, entire length of street.
 - b. South Main Street (SR 3001 in part, Borough street in part), easterly side, entire length of street.
2. Between 9:00 A.M. and 11:00 A.M. on any Thursday:
 - a. North Main Street (SR 3001), westerly side, entire length of street.
 - b. South Main Street (SR 3001 in part, Borough street in part), westerly side, entire length of street.

Notwithstanding §§ 129-3 and 129-16, any person who shall violate this § 129-25(D) shall be guilty of a summary offense and, upon conviction thereof, shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00), plus costs. In lieu of an immediate citation, a police officer *may* place on a vehicle found to be in violation of this § 129-25(D) a notice to the owner or operator of such vehicle of the date, time, and place of such violation, and a statement that the owner or operator may, within ten (10) calendar days after the violation, pay the sum of fifty dollars (\$50.00) in full satisfaction. In that event, no citation shall issue unless the owner or operator shall fail to make full payment of the penalty within ten (10) calendar days after the violation.

It is the policy of the Borough that vehicles violating this § 129-25(D) shall be removed from the street immediately in accordance with 75 PA. CONS. STAT. § 3352(c)(4). The Maintenance Department shall supplement each traffic control device erected in conjunction with this § 129-25(D) with the optional R7-20 "Tow-Away Zone Sign" provided under 67 PA. CODE § 211.243. However, vehicles may still be removed from the street even in the absence of the "Tow-Away Zone Sign."

SECTION 3. The Borough shall erect and/or maintain official traffic control devices at all locations ordained under § 129-25 of the Code of the Borough of Alburdis, as amended by Section 2 of this Ordinance, in accordance with regulations of the Pennsylvania Department of Transportation.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburdis, this 27th day of October, 1999, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURDIS

Steven R. Hill, President

Attest:

Louise Stahley, Secretary

AND NOW, this 27th day of October, 1999, the above Ordinance is hereby APPROVED.

Ronald J. DeIaco, Mayor