

PITTSTON TOWNSHIP ORDINANCE 10-01 OF 2012

AN ORDINANCE OF THE TOWNSHIP OF PITTSTON, LUZERNE COUNTY,
PENNSYLVANIA, PROVIDING FOR MOTOR VEHICLE PARKING
REGULATIONS AND PROHIBITIONS, AND PROVIDING PENALTIES
FOR VIOLATIONS.

WHEREAS, the Commonwealth of Pennsylvania has enacted legislation (75 Pa.C.S.A. §3353 and 75 Pa.C.S.A. §3354) providing prohibitions and regulations regarding motor vehicle parking, and proscribing fines for violations thereof; and

WHEREAS, it is the purpose of this legislation to formally adopt and approve the motor vehicle parking provisions and restrictions enacted by the Commonwealth of Pennsylvania at 75 Pa.C.S.A. §3353 and 75 Pa.C.S.A. §3354, and to proscribe fines for violations thereof ; and

WHEREAS, the Board of Supervisors of Pittston Township desires to formally adopt the provisions of 75 Pa.C.S.A. §3353 and 75 Pa.C.S.A. §3354, and to proscribe fines for violations thereof.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Pittston Township, Luzerne County, Pennsylvania, pursuant to the general powers permitted by the Second Class Township Code (53 P.S. §65101) as follows:

SECTION I

(a) General rule.--Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law of the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

- (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street except that:
 - (A) A pedalcycle may be parked as provided in 75 Pa. C.S.A. §3509(b)(2) (relating to parking).
 - (B) Standing or parking for the purpose of loading or unloading persons or property is permissible, but only for a maximum time limit of five (5) minutes.
- (ii) On a sidewalk except that a pedalcycle may be parked as provided in 75 Pa. C.S.A. §3509(b)(2).
- (iii) Within an intersection.
- (iv) On a crosswalk.

- (v) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic-control devices.
- (vi) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (viii) On any railroad tracks.
- (ix) In the area between roadways of a divided highway, including crossovers.
- (x) At any place where official signs prohibit stopping.

(2) Stand or park a vehicle:

- (i) In front of a public or private driveway.
- (ii) Within 15 feet of a fire hydrant.
- (iii) Within 20 feet of a crosswalk at an intersection
- (iv) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the site of a roadway.
- (v) Within 20 feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within 75 feet of the entrance.
- (vi) Where the vehicle would prevent the free movement of a streetcar.
- (vii) On a limited access highway unless authorized by official traffic-control devices.
- (viii) At any place where official signs prohibit standing.

(3) Park a vehicle:

- (i) Within 50 feet of the nearest rail of a railroad crossing.
- (ii) At any place where official signs prohibit parking.

(b) Unattended vehicle on private property.

(1) No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property except in the case of emergency or disablement of the vehicle, in which case the operator shall arrange for the removal of the vehicle as soon as possible.

(2) The provisions of this subsection shall not apply to private parking lots unless such lots are posted to notify the public of any parking restrictions and the operator of the vehicle violates such posted restrictions. For the purposes of this section "private parking lot" means a parking lot open to the public or used for parking without charge; or a parking lot used for parking with charge.

(c) Property owner may remove vehicle.--The owner or other person in charge or possession of any property on which a vehicle is parked or left unattended in violation of the provisions of subsection (b) may remove or have removed the vehicle at the reasonable expense

of the owner of the vehicle. Such person who removes or has removed a vehicle left parked or unattended in violation of the provisions of subsection (b) shall have a lien against the owner of the vehicle, in the amount of the reasonable value of the costs of removing the vehicle plus the costs of storage. Storage costs shall not exceed \$25.00 per day.

(d) Restrictions.-- On any Township roadway and/or street within its boundaries, Pittston Township may by erection of official traffic-control devices prohibit, limit or restrict stopping, standing or parking of vehicles on any highway where engineering and traffic studies indicate that stopping, standing or parking would constitute a safety hazard or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic.

(e) Penalty.--Any person violating any provision of this Section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

SECTION II

(a) Two-way highways.--Except as otherwise provided in this Section, every vehicle standing or parked upon a two-way highway shall be positioned parallel to and with the right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder.

(b) One-way highways.--Except as otherwise provided in this Section, every vehicle standing or parked upon a one-way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or, in the absence of a curb, as close as practicable to the left edge of the left-hand shoulder.

(c) Angle parking.--The above provisions of this Section shall not apply where Township and/or Commonwealth of Pennsylvania Department of Transportation officials have authorized angle parking on any highway, roadway and/or street.

(d) Person with a disability and disabled veterans.—

(1) When a motor vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard as prescribed in this title is being operated by or for the transportation of the person with a disability or severely disabled veteran, the driver shall be relieved of any liability for parking for a period of 60 minutes in excess of the legal parking period permitted by the Township.

(2) At the request of a person with a disability or severely disabled veteran, the Township may erect on any highway, roadway and/or street as close as possible to the person's or veteran's place of residence a sign or signs indicating that that place is reserved for a person with a disability or severely disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine and may be towed. The absence of a sign stating the penalty amount indicated in subsection (f) at parking spaces designated with an international symbol for access for persons with disabilities on a sign shall not preclude the

enforcement of this subsection. A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

(3) (i) Except for persons parking vehicles lawfully bearing a person with a disability or severely disabled veteran registration plate or displaying a person with a disability or severely disabled veteran parking placard when such vehicles are being operated by or for the transportation of a person with a disability or a severely disabled veteran, no person shall park a vehicle on public or private property reserved for a person with a disability or severely disabled veteran which property has been so posted in accordance with Pennsylvania Department of Transportation regulations. Regulations shall require that parking spaces designated with an international symbol for access for persons with disabilities on a sign are posted with a sign stating the penalty amount indicated in subsection (f) and that vehicles in violation of the subsection may be towed and require that signs be replaced when they become either obsolete or missing with all costs to replace the necessary signs to be borne by the persons responsible for signing the particular location. The absence of a sign stating the penalty amount at parking spaces designated with an international symbol for access for persons with disabilities shall not preclude the enforcement of this subsection. A vehicle which is unlawfully parked in a designated person with a disability parking area may be removed from that area by towing and may be reclaimed by the vehicle owner upon payment of the towing costs and storage costs. A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

(ii) The Township authorizes a person with a disability and severely disabled veterans to issue statements to violators or violating vehicles for violation of subparagraph (i). The form of the statement shall be as prescribed by the Township.

(iii) No occupancy or driveway permit may be issued to a person whose property is reserved for a person with a disability or a severely disabled veteran if the property is not posted with a sign stating the penalty amount indicated in subsection (f).

(e) Unauthorized use.--An operator of a vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard shall not make use of the parking privileges accorded to a person with a disability and severely disabled veterans under subsection (d)(3) unless the operator is a person with a disability or a severely disabled veteran or unless the vehicle is being operated for the transportation of a person with a disability or severely disabled veteran.

(e.1) Motorcycle parking.—It shall not be a violation of any provision of this Section where the parallel or angle occupancy by one or more motorcycles in any parking space on any highway that is otherwise available for parking for other individual vehicles, provided that the space occupied by one or more motorcycles does not exceed the space within which a single vehicle must park. In the instance of a violation applicable to any single vehicle, each motorcycle so parked shall be individually liable for any violation as if the motorcycle were the sole occupant of the parking space.

(f) Penalty.--A person violating subsection (a), (b) or (d)(1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$15. A person violating subsection (d)(2) or (3) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$200. If a person is convicted under

subsection (d)(2) or (3) in the absence of a sign stating the penalty amount, the fine imposed shall be \$50.

SECTION III - CONSTRUCTION

This Ordinance shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

SECTION IV - SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or 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 invalid provision been included herein.

SECTION V - EFFECTIVE DATE

This Ordinance shall take effect five (5) days after the adoption thereof

SECTION VI - REPEALER

Any ordinances, or parts of ordinances, in conflict herewith be and the same are hereby repealed.

ORDAINED AND ENACTED THIS 15TH DAY OF OCTOBER, 2012.

TOWNSHIP BOARD OF SUPERVISORS

ATTEST:



John Bonita



Ron Marcellini



Steve Rinaldi



Joseph Adams