

Chapter 15

Motor Vehicles and Traffic

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Part 1**General Regulations****§15-101. Definitions and Interpretation.**

1. Words and phrases, when used in this Chapter, shall have the meanings ascribed in the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*, as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania, unless the context clearly indicates a different meaning.

Legal holidays—New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas.

2. In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(*Ord. 328, 12/12/1984, §15-101*)

§15-102. Manner of Adopting Permanent Traffic and Parking Regulations.

All traffic and parking regulations and revisions may be enacted by simple resolutions.

(*Ord. 328, 12/12/1984, §15-102; as amended by Ord. 350, 4/15/1992, §1*)

§15-103. Continuation of Prior Regulations.

The provisions of this Chapter, so far as they are the same as those of ordinances in force immediately prior to the adoption of this Chapter, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this Chapter shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under any such ordinances or regulations as aforesaid.

(*Ord. 328, 12/12/1984, §15-103*)

§15-104. Temporary and Emergency Regulations.

1. The Mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

A. In the case of fire, flood, storm, or other emergency, to establish temporary traffic and/or parking regulations.

B. In the case of emergency or to facilitate public works, or in the conduct of parades, processions, or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.

2. Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure, or deface any sign or marking erected, posted, or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this Chapter 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 Chapter, to a fine of not more than \$25 together with costs of prosecution.

(*Ord. 328, 12/12/1984, §15-104*)

§15-105. Experimental Regulations.

The Borough Council may, from time to time by resolution, designate places upon and along the highways 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 such locations by proper signs and markings. Such regulations, prohibitions, and restrictions shall be effective as if they had been specified in this Chapter. 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 subject to the penalty set forth in the law or elsewhere in this Chapter 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 Chapter, to a fine of not more than \$25 together with costs of prosecution; 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.

(*Ord. 328, 12/12/1984, §15-105*)

§15-106. Authority of Police Officers.

The police officers of the Borough are hereby given authority to direct traffic on the highways of the Borough and at intersections thereof.

(*Ord. 328, 12/12/1984, §15-106*)

§15-107. Authorization for Use of Speed Timing Devices.

1. The Borough Police Department is hereby authorized to use all mechanical or electrical speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, including but not limited to ESP and VASCAR systems.

2. This Section authorizes the use of said devices upon all highways within the Borough, be they Borough, county, or State highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa.C.S.A. §101 *et seq.*, as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.

(*Ord. 328, 12/12/1984, §15-107*)

Part 2

Traffic Regulations

§15-201. Motor Vehicles Not to Be Driven on Sidewalks.

No person shall drive any vehicle except a human powered vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. Any person who shall violate any provision of this Section shall, upon conviction thereof be sentenced to pay a fine of \$25 together with costs of prosecution.

(Ord. 328, 12/12/1984, §15-201)

§15-202. Speed Limits Established.

1. The following speed limits are hereby established:

Street	Between	Speed Limit
All streets [Ord. 408]	Entire length	20 mph

2. Any person who shall operate a vehicle at a speed in excess of that established therefor, upon any highway or portion thereof as specified in this Section, shall, upon conviction thereof, be sentenced to pay a fine of \$35 and, for exceeding a maximum speed limit by more than 5 miles-per-hour, shall pay an additional fine of \$2 for each mile-per-hour in excess of 5 miles-per-hour over the maximum speed limit.

(Ord. 328, 12/12/1984, §15-202; as amended by Ord. 408, 8/11/2011)

§15-203. Traffic Signals at Certain Intersections.

1. At the following intersections, official traffic signals shall be erected (or are hereby ratified if heretofore erected), and traffic at such intersections shall be directed by such signals:

Location	Type of Signal
	[Reserved]

2. Any driver of a vehicle who shall disobey the directions of any traffic signal shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution.

(Ord. 328, 12/12/1984, §15-203)

§15-204. Right Turn on Red Signal Prohibited at Certain Intersection.

1. It shall be unlawful for the driver of any vehicle traveling on the first named street at any of the following intersections, in the direction or directions hereby indicated in each case to make a right turn when his or her vehicle is facing a steady red traffic signal:

Street	Intersecting Street	Direction of Travel
		[Reserved]

2. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution. (Ord. 328, 12/12/1984, §15-204)

§15-205. Stop Intersections.

1. The following intersections are hereby established as stop intersections, and official stop signs shall be erected (or are hereby ratified if heretofore erected) in such a position as to face traffic approaching the second-named street upon the first-named street, in the direction or directions hereby indicated. It shall be unlawful for all vehicles approaching any such intersection upon the first-named street, in the direction or directions hereby indicated, to not come to a full stop, within a reasonable distance, before entering any such intersection:

Stop Street	Through Street	Direction of Travel
Brighton Street	Highland Street	Northwest
Brighton Street	Lynnwood Street	Northwest
Brighton Street	Parkway	Northwest
Chalfant Street	Elizabeth Street	Northwest
Chalfant Street	Greenfield Street	Northeast and southwest
Chalfant Street	Greensburg Pike	Southeast
Chalfant Street	Highland Street	Southwest
Chalfant Street	Lynnwood Street	Southwest
Chalfant Street	Wilkins Street	Southeast and southwest
Elizabeth Street	Brighton Street	Southwest
Elizabeth Street	Chalfant Street	Northeast and southwest
Elizabeth Street	Rossmore Street	Southeast and southwest
Elizabeth Street	West Street	North
Fairview Street	Brighton Street	Southeast
Fairview Street	North Avenue	Northeast
Greenfield Street	Brighton Street	Southwest
Greenfield Street	Chalfant Street	Northeast
Greenfield Street	Rossmore Street	Northeast
Greenfield Street	Shadeland Avenue	Northeast
Highland Street	Brighton Street	Southwest
Highland Street	Chalfant Street	Northeast and southwest
Highland Street	Shadeland Avenue	Southwest
Highland Street	West Street	Northeast
Lynnwood Street	Brighton Street	Southeast
Lynnwood Street	Rossmore Street	Northwest
North Avenue	Rossmore Street	Southeast

Stop Street	Through Street	Direction of Travel
North Avenue	West Street	Northeast
Parkway	Brighton Street	Southwest
Parkway	Rossmore Street	Southeast
Rossmore Street	Elizabeth Street	Southeast
Rossmore Street	Highland Street	Southwest
Rossmore Street	Lynnwood Street	Southwest
Rossmore Street	North Avenue	Southwest
Shadeland Avenue	Highland Street	Southeast
West Street	Greensburg Pike	East
West Street	Highland Street	Northwest
Wilkins Street	Chalfant Street	North

[*Ord. 408*]

2. Any driver of a vehicle who shall violate any provision of this Section, shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution.

(*Ord. 328, 12/12/1984, §15-205; as amended by Ord. 408, 8/11/2011*)

§15-206. Yield Intersections.

1. The following intersections are hereby established as yield-right-of-way intersections and official yield signs shall be erected (or are hereby ratified if heretofore erected) in such a position as to face traffic approaching the second-named street upon the first-named street. All vehicles approaching any such intersection upon the first-named street shall yield the right-of-way to any vehicle in the intersection or approaching on the second-named street so closely as to constitute an immediate hazard during the time that the driver of such vehicle is moving across or within such intersection:

Yield Highway	Through Highway	Direction of Travel
Wilkins Street	Rossmore Street	Northwest

2. Any driver of a vehicle who shall violate any provision of this Section, shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution.

(*Ord. 328, 12/12/1984, §15-206*)

§15-207. Through Streets Established.

1. The following streets are hereby established as through streets, and the driver of a vehicle upon approaching any such street at any intersection thereof (except for intersections where there are now or shall hereafter be located official traffic control signals) shall come to a full stop, within a reasonable distance, before entering any such through street:

Street Between

[Reserved]

2. Any driver of a vehicle who shall violate any provision of this Section, shall upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution.

(Ord. 328, 12/12/1984, §15-207)

§15-208. One-Way Streets.

1. The following are hereby established as one-way streets with operation of vehicles thereupon to be in the direction hereby indicated:

Street	From	To	Direction of Travel
Fairview Street	Rossmore Street	North Avenue	West
Lynnwood Street	Rossmore Street	Brighton Street	South
North Avenue	Fairview Street	Rossmore Street	South

2. Any person who shall violate a provision of this Section, shall, upon conviction thereof, be sentenced to pay a fine of \$25 and costs of prosecution.

(Ord. 328, 12/12/1984, §15-208)

§15-209. Traffic to Keep Right of Certain Structures and Barriers.

1. All vehicular traffic shall keep to the right of the following structures or barriers located in the center of the specified intersections:

Structure Intersection

[Reserved]

2. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution.

(Ord. 328, 12/12/1984, §15-209)

§15-210. U-turns Prohibited on Certain Streets or Portions Thereof.

1. It shall be unlawful for the driver of a motor vehicle to make a u-turn upon any of the following streets or portions of streets:

Street Portion Direction of Travel

[Reserved]

2. Any person who shall violate any provision of this Section, shall upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution.

(Ord. 328, 12/12/1984, §15-210)

§15-211. Gross Weight Limits Established.

1. The following weight limits are hereby established, and shall be unlawful for any person to drive any motor vehicle or other vehicle, trailer or tractor-trailer

combination having a gross weight in excess that herein prescribed, upon any of the following streets or portion thereof where such streets or portions thereof have been posted of such maximum weight:

Street	Between	Maximum Weight Limit
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[Reserved]

Provided: the aforesaid weight limit shall not apply to any motor vehicle or other vehicle, trailer, or tractor-trailer combination making deliveries or picking up goods, wares, material, or merchandise at or on premises located in any such street or portion thereof, listed above. Further: the provisions of this Section shall not apply to vehicles hauling food or household goods, public utility vehicles, firefighting equipment, garbage, and rubbish vehicles, or school transportation buses. [Ord. 347]

2. The Chief of Police shall have the authority to issue a temporary permit to allow vehicles up to 6 tons to travel Borough streets for a period not to exceed 48 hours, but in any event not longer than the next Council meeting. Borough Council shall have the exclusive discretion to issue a permit to allow vehicles up to 6 tons to travel Borough streets of an indefinite period. In either event, however, no permit shall issue unless the applicant shall demonstrate that he, she or it will suffer economic or physical hardship without such permit. [Ord. 347].

3. No holder of a permit shall acquire any right to such permit, and any such permit may be rescinded at the sole discretion of Council if there is no economic or physical hardship. [Ord. 347]

4. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of \$75 plus \$75 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight limit, together with costs of prosecution.

(Ord. 328, 12/12/1984, §15-211; as amended by Ord. 347, 7/19/1990)

§15-212. Trucks Prohibited on Certain Streets/Exceptions.

1. It shall be unlawful for any person to operate any truck, which such vehicle designed, used or maintained primarily for the transportation of property, freight, or merchandise, upon any of the following streets, or portions thereof, as herein designated:

Street	Between
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[Reserved]

2. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution; provided, nothing in this Section shall make it unlawful to operate a truck upon any street or portion thereof, listed above for delivery and pickup of goods, wares, material, or merchandise, at or on premises located at any such street or portion thereof.

(Ord. 328, 12/12/1984, §15-212)

§15-213. Trucks to Travel in Low Gear.

1. All trucks are to use low gear when traveling on the following streets or

portions thereof:

Street	Between
	[Reserved]

2. Any person who shall violate any provision of this Section, shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution. (Ord. 328, 12/12/1984, §15-213)

§15-214. Local Traffic Only on Certain Streets.

1. The following streets or portions of streets are hereby designated as being for local traffic only:

Street	Between
	[Reserved]

2. Any person who shall use as a through street, the streets, or portions thereof hereby designated as being for local traffic only shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution; provided, local traffic, as used herein, shall mean access to and egress from properties and businesses or parking facilities located along said streets. (Ord. 328, 12/12/1984, §15-214)

§15-215. Unlawful to Operate Motor Vehicles on Streets Closed for Construction or Repair.

It shall be unlawful for any person to operate any vehicle upon any street 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 \$25 together with costs of prosecution. (Ord. 328, 12/12/1984, §15-215)

§15-216. Play Streets Authorized.

1. The Mayor is hereby authorized to designate as play streets, whenever and for whatever period of time he shall deem advisable, any portion of any street whereon sledding and coasting shall be permitted. Such street shall be set apart for this purpose under the direction of the Mayor. No person shall operate any motor vehicle upon any play street at any time when such street shall be so designated, except in case of emergency, with special permission of the Police Officer in charge, who shall first clear such play street of all persons using such street for the purpose for which it was set aside.

2. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution. (Ord. 328, 12/12/1984, §15-216)

Part 3

General Parking Regulations

§15-301. Parking Without Lights Authorized.

The boundary limits of the Borough of Chalfant 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.

(Ord. 328, 12/12/1984, §15-301)

§15-302. Loading and Unloading.

The loading and unloading of goods, wares, and merchandise is hereby restricted to such length of time as is absolutely necessary for the purpose of loading or unloading of such goods, wares, and merchandise. For the purpose of enforcement of this Section, such loading or unloading of any vehicle shall not be considered as parking; provided, without having first obtained permission from the Chief of Police to do so, no person shall load or unload a vehicle from any place upon any street or alley in the Borough where parking is prohibited; or shall allow a vehicle to remain, for loading or unloading, in any place upon any street or alley where parking is limited as to time, for longer than the time for which parking is permitted; or shall load or unload upon any street or alley in such a way that one lane for vehicular traffic shall not be kept open at all times. Where such permission is granted by the Chief of Police, he may, at his discretion, block off the portion of the street or alley affected by such loading or unloading.

(Ord. 328, 12/12/1984, §15-302)

§15-303. Angle Parking Required on Portions of Certain Streets.

1. Only angle parking shall be permitted on the following portions of the streets:

Street	Between
	[Reserved]

2. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

(Ord. 328, 12/12/1984, §15-303)

§15-304. Vehicles to Be Parked Within Marked Spaces; Parking Prohibited in Certain Marked Areas.

1. Wherever a particular parking space shall be lined or marked off on any street or alley or upon the adjacent curb, every vehicle parked shall be parked within the lines marking such parking space. All vehicles parked on streets or alleys whether parking spaces are marked or not shall be parked only in the direction of the permitted traffic flow.

2. Parking shall be prohibited at all times by any vehicle which in any way will

block the intersection of any street or alley or the entrance or exit of any street or alley. Parking shall at all times be prohibited within the painted line area adjacent to any fire hydrant; within the painted line area marking the permissible distance to park from any intersection; in any area where erected signs or painted lines indicate a “No Parking” area; in any manner so as to block any private or public driveway or access way to a parking lot or parking facility or other facility of the Borough.

(Ord. 328, 12/12/1984, §15-304)

§15-305. Parking Prohibited at All Times in Certain Locations.

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

Street	Side	Between
Brighton Street	Northwest	John St. and Parkway
Chalfant Street	Northwest	Highland St. to Greensburg Pike
Fairview Street	Northeast Southwest	Rossmore St. to North Ave. Brighton St. to Rossmore St.
Greenfield Street	Northeast Southwest	Brighton St. to Shadeland Ave. Chalfant St. to Shadeland Ave.
Highland Street	Northeast Southwest	Chalfant St. to Shadeland Ave. Brighton St. to Chalfant St.
Lynnwood Street	Southwest	Chalfant St. to Brighton St.
North Avenue	Southwest	Rossmore St. to Electric St.
Shadeland Avenue	Northeast	North Ave. to Highland St.
West Street	Northeast	North Ave. to Greensburg Pike
Wilkins Street	Northeast	Chalfant St. to Brighton St.

(Ord. 328, 12/12/1984, §15-305)

§15-306. Parking Time Limited in Certain Locations.

It shall be unlawful to park any vehicle or allow the same to remain parked, for more than the indicated length of time in any of the following locations:

Street	Between	Side	Time Limit	Hours
North Avenue	Fairview St. and Rossmore St.	Northeast	1 hour	7 a.m. to 5 p.m.
	Fairview St. and Shadeland Ave.	Northeast	1 hour	7 a.m. to 5 p.m.
	West St. and Rossmore St.	Southwest	1 hour	7 a.m. to 5 p.m.

(Ord. 328, 12/12/1984, §15-307)

§15-307. Special Purpose Parking Zones.

1. A special purpose parking space is hereby designated for the elected Tax Collector which shall be the first parking space on the northeast side of North Avenue opposite the Tax Collector's office at 239 North Avenue, Chalfant Borough, Pennsylvania.

2. The curb of the adjacent sidewalk of all such special purpose parking spaces shall be painted red and posted prominently with a sign delineating the reserved parking space and advising motorists that the parking space is reserved, and that vehicles occupying any part of the reserved space may be towed without notice.

(*Ord. 328, 12/12/1984, §15-309; as amended by Ord. 389, 5/13/2003, §I*)

§15-308. Parking for Repairs.

The parking of any motor vehicle, tractor or trailer, or combination thereof, upon streets and highways of the Borough for repairs, whether upon the traveled or untraveled portion thereof, shall be temporary only and limited to times for emergency repairs. This Section shall not be construed to permit parking for repairs at locations where parking is otherwise prohibited.

(*Ord. 328, 12/12/1984, §15-310*)

§15-309. Trailer Parking Restricted.

It shall be unlawful for any person to park a trailer (which shall mean a vehicle without motive power, designed to carry property of passengers or designed and used exclusively for living quarters wholly on its own structure, and to be drawn by a motor vehicle or tractor and including, but not limited to, house trailers, boat trailers, and rental handling trailers), upon any street or highway in the Borough, without having attached to such trailer a means of mechanical traction constructed or designed for the purpose of drawing such trailer.

(*Ord. 328, 12/12/1984, §15-311*)

§15-310. Parking of Boats, Truck Tractors, Trailers, and Trucks Prohibited on Streets in Residential Zones.

The parking of boats, trucks, tractors, trailers and trucks, except those not exceeding 3 tons capacity, shall be prohibited on all streets in the Borough; provided, trucks, truck tractors, and trailers shall be permitted upon any street for the purpose of delivery to or picking up goods, wares, merchandise or materials from the premises situated upon any such street or alley.

(*Ord. 328, 12/12/1984, §15-312; as amended by Res. 532, 11/12/2014*)

§15-311. Handicapped Parking.

1. There is hereby created in Chalfant Borough specific parking spaces to be determined and located which will be available only for parking motor vehicles bearing a "handicapped" or "severely disabled veteran" vehicle registration plate or which displays a "handicapped" or "severely disabled veteran" parking placard as such are prescribed by the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.* Such vehicles must be then used for transportation of a handicapped person or a severely disabled veteran. In such instances parking shall not be limited to 60 minutes. Such license plate must be affixed

to the vehicle or such placard must be readily visible from without the vehicle.

2. Borough Council may from time to time designate handicapped parking spaces as near as practicable to the residence of a handicapped person or a severely disabled veteran upon the written request of any such person. Thereafter, following the erection of appropriate signage in accordance with the Motor Vehicle Code that space may only be used by persons who are in fact disabled persons or severely handicapped veterans in compliance with subsection .1. The Borough shall be under no obligation to create such spaces, but may do so in its sole discretion considering all the circumstances.

3. Such handicapped parking spaces described in subsection .1 or in any other area within the Borough either on private or public property may be made, approved or disapproved by simple resolution. They shall become effective upon erection of appropriate signage in accordance with the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

4. Owners of private commercial property using that property for the invitation to the public in general may likewise establish handicapped parking spaces in accordance with this Chapter, on the approval of the Chief of Police. Such spaces shall have erected thereon signs indicating the restricted type parking spaces in accordance with the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.* Thereafter, violations as provided for herein for the unauthorized use may be enforced as a violation of this Chapter. The owner must erect signs in accordance with the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*; the erection of such signs shall be deemed to be a dedication by the owner during the time when the sign is present that space is devoted to handicapped parking as defined and circumscribed herein.

5. Handicapped persons and severely disabled veterans shall have the right to issue statements to violators and violating vehicles for the violation of this Chapter. The form of such statement shall be prescribed and prepared by the Chief of Police of Chalfant Borough.

6. *Penalties.* Penalties prescribed shall be those penalties as set forth in the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*, as amended from time to time.

(*Ord. 328, 12/12/1984; as added by Ord. 355, 8/11/1993*)

§15-312. Penalties.

1. All penalties for parking under this Part are civil in nature and are increased to a minimum of \$25 per violation; for a violation of §15-309, the fine is set at \$50 per violation.

2. The enforcement of special parking provisions and compliance with such prohibitions are deemed and found to be essential to public safety, the Borough's economic, condition, and welfare. Accordingly, vehicles found to be parked illegally in such spaces may be towed forthwith.

(*Ord. 328, 12/12/1984, §15-313; as amended by Ord. 389, 5/13/2003, §I*)

Part 4**Removal and Impoundment of Illegally Parked Vehicles****§15-401. Applicability and Scope.**

This Part is enacted under authority of §6109(a-22) of the Vehicle Code, 75 Pa.C.S.A. §6109(a-22), and gives authority to the Borough of Chalfant to remove and impound those vehicles which have been abandoned or are not legally entitled to operate or park on the streets and highways of the Commonwealth under authority of the Vehicle Code.

(Ord. 328, 12/12/1984, §15-401)

§15-402. “Abandoned Vehicle” Defined.

1. A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

A. The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.

B. The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.

C. The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:

(1) A valid registration plate.

(2) A certificate of inspection.

(3) An ascertainable vehicle identification number.

D. The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

2. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

(Ord. 328, 12/12/1984, §15-402)

§15-403. Removal of Vehicle by or at Direction of Police.

1. *Outside Business and Residence Districts.* Whenever any police officer finds a vehicle in violation of any of the provisions of §3351 of the Vehicle Code, 75 Pa.C.S.A. §3351, (relating to stopping, standing, and parking outside business and residence districts), 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.

2. *Unattended Vehicle Obstructing Traffic.* Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon

any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard.

3. *Removal to Garage or Place of Safety.* Any police 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 any vehicle found upon a highway under any of the following circumstances:

A. Report has been made that the vehicle has been stolen or taken without the consent of its owner.

B. The person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.

C. The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before an issuing authority without unnecessary delay.

D. The vehicle is in violation of §3353 of the Vehicle Code (relating to prohibitions in specified places), 75 Pa.C.S.A. §3353, except for overtime parking.

E. The vehicle has been abandoned as defined herein. The officer shall comply with the provisions of subsection .4 and Chapter 73 (relating to abandoned vehicles and cargos) of the Vehicle Code 75 Pa.C.S.A. §7301 *et seq.*

4. *Notice to Owner Prior to Removal.*

A. Prior to removal of an abandoned vehicle bearing a registration plate, certificate of inspection or vehicle identification number plate by which the last registered owner of the vehicle can be determined, the police department shall send a notice by certified mail to the last registered owner of the vehicle informing the owner that unless the vehicle is moved to a suitable location within 7 days of the date notice is mailed, the vehicle will be removed under this Section and held at a suitable facility where it may be reclaimed by the owner in accordance with the provisions of §7306 (relating to payment of costs upon reclaiming vehicle), 75 Pa.C.S.A. §7306. If the abandoned motor vehicle does not bear an identifiable registration plate, certificate of inspection or vehicle identification number plate, the notice may be secured to the vehicle.

B. If, within the 7-day period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or department why the owner believes the vehicle should not be removed. If the police officer or department determines that the vehicle shall, nonetheless, be removed, the owner shall be given an additional 48 hours to remove the vehicle, have it removed or demand a hearing, which shall conform to the requirements of 2 Pa. C.S. Ch. 5, Subch. B (relating to practice and procedure of local agencies). The police officer or department shall inform the owner of the right to a hearing by delivering to the owner a notice warning the owner that, unless the vehicle is removed or a hearing is demanded, the owner shall be subject to the provisions of 75 Pa.C.S.A. §7306. If, as a result of the hearing, it is determined that the vehicle will be removed, the owner shall be given an additional 48 hours to remove the vehicle or have it removed. The hearing shall be before a civilian officer or employee of the municipality in which the vehicle is located.

C. The provision for notice set forth in this subsection is applicable only if the vehicle is abandoned upon a highway and is not in violation of subsection (B) or §§3351(a) or 3353(a and b) of the Vehicle Code, 75 Pa.C.S.A. §§3351(a), 3353(a and b). Notice under this subsection is in addition to any other notice requirements provided in the Vehicle Code.

(*Ord. 328, 12/12/1984, §15-403*)

§15-404. Designation of Approved Storage Garages; Bonding; Towing and Storage.

Any police officer may remove, or removal and impounding of vehicles under this Chapter shall be done only by “approved storage garages” that shall be designated from time to time by Borough Council. Every such garage shall submit evidence to Borough Council that it is bonded or has acquired liability insurance in an amount satisfactory to Borough 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 Borough Council its schedule of charges for towing and storage of vehicles under this Chapter, and, when the schedule is approved by Borough Council, those charges shall be adhered to by the approved storage garage; no different schedule of charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this Chapter by any approved storage garage. Borough 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 Chapter.

(*Ord. 328, 12/12/1984, §15-404*)

§15-405. Effect of Payment of Towing and Storage Charges.

The payment of any towing and storage charges authorized by this Chapter 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 Chapter for which the vehicle was removed or impounded.

(*Ord. 328, 12/12/1984, §15-405*)

§15-406. Reclamation Costs.

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a \$50 fee of which \$25 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

(*Ord. 328, 12/12/1984, §15-406; as amended by Ord. 408, 8/11/2011*)

§15-407. Records of Vehicles Removed and Impounded.

The Borough of Chalfant shall cause a record to be kept of all vehicles impounded under this Part and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

(*Ord. 328, 12/12/1984, §15-407*)

§15-408. Restrictions upon Removal of Vehicles.

No vehicle shall be removed under the authority of this Part or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

(*Ord. 328, 12/12/1984, §15-408*)

§15-409. Penalty.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of \$50 together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 Pa.C.S.A. §7301 *et seq.*, as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.

(*Ord. 328, 12/12/1984, §15-409*)

Part 5**Motor-Bicycles, Go-Carts, and Mini-Bicycles****§15-501. Definitions and Interpretation.**

The word “motorized bicycle” as used in this Part shall mean every device propelled by motorized power upon which any person may ride and shall include the terms “go-kart” and “mini-bicycle.” The term “motorized bicycle” as hereinafter used, shall include all of the aforementioned type vehicles.

(*Ord. 265, 5/-/1971, §1*)

§15-502. License Required for Motorized Bicycles.

No person, who resides in the Borough of Chalfant, shall ride or propel a “motorized bicycle” on any street or public alley or sidewalk or upon any public path set aside for the exclusive use of “motorized bicycles” unless such “motorized bicycle” shall have been licensed and a license plate shall have been attached thereto as provided herein.

(*Ord. 265, 5/-/1971, §2*)

§15-503. License Requirements for Nonresidents.

No person, not a resident of the Borough of Chalfant, shall ride or propel a “motorized bicycle” ordinarily kept within or rented from any place within the limits of said Borough or on any street or public alley or sidewalk or on any public path set aside for the exclusive use of “motorized bicycles” unless such “motorized bicycle” shall have been licensed and a license plate shall have been attached thereto as provided herein.

(*Ord 265, 5/-/1971, §3*)

§15-504. Registration of Motorized Bicycles; Fee.

Every owner of a “motorized bicycle” of the parent or guardian of a minor thereof, shall, on or before the first day of June, in each and every year, make application to the Mayor for registration of said “motorized bicycle.” An annual registration charge in an amount as established from time to time by resolution of Borough Council shall be paid to the Mayor before such registration or renewal thereof shall be granted.

(*Ord. 265, 5/-/1971, §4; as amended by Ord. 408, 8/11/2011*)

§15-505. Inspection of Motorized Bicycles.

The police of the Borough of Chalfant shall inspect each “motorized bicycle” before permitting the registration of same and shall refuse a registration certificate for any “motorized bicycle” which they deem to be in an unsafe condition.

(*Ord. 265, 5/-/1971, §5*)

§15-506. Renewal of Registration.

Upon the expiration of any motorized bicycle registration certificate, the same shall be renewed upon application, inspection by the police, and payment of the same fee as upon the original application.

(Ord. 265, 5/-/1971, §6)

§15-507. Registration Required.

It shall be the duty of any person who purchases or otherwise acquires a “motorized bicycle” to immediately apply for a registration card and license tag, which shall be valid until the first day of June following the issuance thereof.

(Ord. 265, 5/-/1971, §7)

§15-508. Alteration of Registration Card Prohibited.

It shall be unlawful for any person to remove, destroy, mutilate, or alter any registration card during the term when such registration card is valid.

(Ord. 265, 5/-/1971, §8)

§15-509. Duplication of Registration Card.

In case of loss or destruction of any registration card, a duplicate card shall be issued to the registered owner of such “motorized bicycle.”

(Ord. 265, 5/-/1971, §9)

§15-510. Failure to Have Proper Registration Card.

If the owner or operator of any “motorized bicycle” shall be found on any street or alley in the Borough without a proper registration card as set forth above, it shall be prima facie evidence that such “motorized bicycle” is being operated without proper registration.

(Ord. 265, 5/-/1971, §10)

§15-511. Motor Vehicle Regulations to Apply.

It shall be unlawful for any person to operate a “motorized bicycle” on any street or public alley in the Borough of Chalfant in violation of any traffic ordinances of the Borough which are applicable to motor vehicles.

(Ord. 265, 5/-/1971, §11)

§15-512. Audible Signal Devices.

No person shall operate a “motorized bicycle” upon any street or public alley or upon any private path set aside for the exclusive use of “motorized bicycles” unless such bicycle is equipped with a bell or device capable of giving a signal audible for a least 100 feet, except that no motorized bicycle shall be equipped with, nor shall any person use upon a motorized bicycle, any siren or whistle.

(Ord. 265, 5/-/1971, §13)

§15-513. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate

offense.

(*Ord. 265*, 5/-/1971, §18; as amended by *Ord. 328*, 12/12/1984, §3-113; and by *Ord. 340*, 9/14/1988, §2; and by *Ord. 408*, 8/11/2011)

