

ORDINANCE FOR THE BOROUGH OF LILLY

ORDINANCE NUMBER 1-1961

An Ordinance prescribing traffic and parking regulations and providing penalties for their violation.

The Borough of Lilly hereby ordains as follows:

ARTICLE I

GENERAL REGULATIONS

Section 1. Definitions and Interpretation. Words and phrases, when used in this ordinance, shall have the meanings ascribed to them in The Vehicle Code of Pennsylvania, as now in force, or as hereafter amended, enacted or re-enacted, except in those instances where the context clearly indicates a different meaning. The singular shall include the plural and the masculine shall include the feminine.

Section 2. Manner of Adopting Permanent Traffic and Parking Regulations.
~~Any ordinance or part of an ordinance or amendment of an ordinance of the Borough of Lilly which shall be enacted as a permanent measure shall be enacted as an ordinance or as parts of ordinances or as amendments of ordinances of the Borough of Lilly.~~

Section 3. Special Powers of the Burgess. The Burgess shall have the following powers to regulate traffic and parking temporarily and in times of emergency:

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

B. In the case of emergency or to facilitate public works or in the case of the conduct of processions and public events, to restrict or prohibit parking or traffic in limited areas for periods of not more than twenty-four (24) hours.

Such temporary and emergency regulations shall be enforced by the Burgess and the Police of the Borough of Lilly in the same manner as permanent regulations. Any person who shall operate a vehicle in violation of any such regulation shall be liable to the penalty set forth in the law for such

violation, and, in case of any violation for which no special penalty is set forth in the law, to a fine of not more than twenty-five dollars (\$25.00), and, in default of payment of such fine and costs of prosecution, to imprisonment in the county jail for not more than five (5) days.

The Burgess shall further have the power and authority to establish, change and abolish, and to designate by appropriate markings or signs, crosswalks, traffic lanes and parking spaces.

Section 4. 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.

Section 5. Motor Vehicles not to be Driven on Sidewalks. No person shall operate longitudinally upon any sidewalk in the Borough; nor shall any person operate any vehicle upon or across any sidewalk except in order to gain access to or egress from a driveway or alley at such locations which the curb, if such sidewalk is curbed, shall have been properly cut down for the purpose. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than twenty-five dollars (\$25.00), and, in default of payment of such fine and costs of prosecution, to imprisonment in the county jail for not more than five (5) days.

Section 6. Reports of Accidents Required. The operator of any motor vehicle involved in an accident in the Borough of Lilly, and required by law to report such accident to any Department or agency of the Commonwealth of Pennsylvania, or any other person required to make such report, shall, at the time of making such report to the Commonwealth, make a written report to the Chief of Police of the Borough, containing the same information. Any person failing to make such report as hereby required shall, upon conviction thereof, be sentenced to pay a fine of ten dollars (\$10.00) and cost of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for not more than five (5) days.

Section 7. U Turns Prohibited on Certain Streets. No Operator of any vehicle shall make a U-turn upon any of the streets of the Borough of Lilly.

Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for not more than five (5) days.

Section 8. Left Turns Prohibited at Certain Intersections. No vehicle entering any of the following intersections from the first-named street shall there make a left turn:

1. South End of Willow
Walnut Alley
2. _____
3. _____

Section 9. Play Highway Established and Authorized. (a) Main
Avenue (or Street), a public highway in the Borough of Lily, extending from Cleveland Street to Wash Street, is hereby created and declared to be a "play highway," and is to be closed to the general traffic during all days that school is in session from the hour of 4⁰⁰ am to 12⁰⁰ Noon and the hour of 3⁰⁰ pm to 3³⁰ pm on each of such days.

(b) The Burgess is hereby authorized to designate as "play highways," whenever he deems such action advisable, and for whatever period of time directed by him, any portion of any street or alley in the Borough, wherein sledding and coasting shall be permitted. Such highways shall be set apart and marked off for the purpose on orders of the Burgess.

(c) No person shall operate a motor vehicle or horse-drawn vehicle upon any play highway at any time when such highway shall be so designated, except, in cases of emergency, with special permission of the Burgess or of the Police Officer in charge, who shall first clear such play highway of all persons using such highway for the purpose of which it was set apart. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for not more than five (5) days.

Section 10. One-Way Streets Established. The following are established as one-way streets:

Walnut Alley from Cleveland St. to
Willow
Washington St.

1. _____

2. _____

3. _____

Any person who shall operate a vehicle on any street or portion thereof hereby established as a one-way street other than in the direction established hereby for vehicular traffic thereon shall, upon conviction thereof, be sentenced to pay a fine of not more than ten dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for not more than five (5) days.

Section 11. Speed Limits Established on Certain Streets. The following speed limits are hereby established:

1. 15 M.P.H. When students are entering or
2. leaving school
3. All others 35 M.P.H. except as posted

Section 12. Load Limits Established on Certain Streets and Bridges.

The maximum weight of vehicles and loads is hereby limited to ten (10) tons gross weight on the following streets and bridges:

1. _____

2. _____

3. _____

Section 13. Through Highways Established. The following streets and Avenues are hereby established as through highways, and the operator of every vehicle, upon approaching any such highway at any intersection thereof, shall come to a full stop, within a reasonable distance, before entering such intersection. Rt. 53 (Main to Cleveland to Portage Sts.)

Section 14. Stop Intersections Established. The following intersections located in the Borough are hereby declared to be stop intersections, and official stop signs shall be erected (or are hereby confirmed if heretofore erected), in such a position as to face traffic approaching the second-named street in the direction or directions hereby indicated. All vehicles approaching the intersection upon the first-named street in the direction or directions hereby indicated in each case shall come to a full stop, within a reasonable distance, before entering said intersection:

1. _____
2. _____
3. _____
4. _____
5. _____

ARTICLE II

PARKING

Section 1. Parking without lights authorized. The boundary limits of the Borough of Lilly are hereby established as a zone in which vehicles may remain standing without lights, and all streets and alleys within such boundary limits are hereby designated as streets where motor vehicles may remain standing without lights.

Section 2. Winter Parking. The Burgess is hereby authorized to prohibit parking on all or any designated streets in the Borough of Lilly between the hours of 2:00 a.m. and 6:00 a.m. in order to facilitate snow removal. Proper notices of the institution of or removal of the Winter Parking bond shall be given either by newspaper notices or by posting of the notices to be effected thereby.

Section 3. Parking on Bridges. Parking shall be prohibited on all bridges located in the Borough.

Section 4. Vehicles to Park within marked spaces. Where ever a space shall be marked off on any street or alley for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.

Section 5. Parking Prohibited at Certain Locations. (a) On the following alleys in the Borough

1. Willow Alley
2. _____
3. _____

(b) In front of the entrance or exit of every theatre located in the Borough.

Liberty Theatre.

(c) On the following streets or portions thereof:

1. _____
2. _____
3. _____
4. _____

(d) In front of the entrance of the following buildings:

1. Fire Hall
2. _____
3. _____
4. _____
5. _____

Section 6. Restricted Parking Areas. Parking shall be limited at the following locations to the times designated:

1. Branch track to M. M. Lehigh St
2. Clermont St. from Passage St to R.R. St.
3. 1 hr from 8 AM to 5⁰⁰ PM.
4. _____
5. _____

Section 7. Bus Stops Established; Parking Prohibited There. The following areas are hereby established as "bus stops," and no vehicle, other than a bus engaged in loading, unloading or waiting passengers, shall be parked there at any time:

1. Clermont St. between Chestnut Alley & Main St.
2. _____
3. _____

Section 8. Loading and Unloading Zones Established; Parking Prohibited There between Certain Hours. The following areas are hereby established as loading and unloading zones, and, between the hours of _____ and _____ Monday through Saturday, inclusive, no vehicle shall be parked therein, the purpose of this section being to reserve such zones for the vehicles being loaded and/or unloaded:

1. _____
2. _____
3. _____

Section 2. Penalty for Violations. Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not less than two dollars (\$2.00) or more than ten dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for not more than five (5) days.

ARTICLE III

Reserved for possible established order regarding parking meters.

ARTICLE IV

REMOVAL AND IMPOUNDING OF ILLEGALLY PARKED VEHICLES

Section 1. Authority to Remove and Impound Illegally Parked Vehicles.

The Chief of Police is hereby authorized to remove and impound, or to order the removal and impounding, of any vehicle parked on any of the streets, highways or public property of the Borough in violation of any of the provisions of the law or of any ordinance of the Borough. Provided: No vehicle shall be removed or impounded except in strict adherence to the provisions of this article.

Section 2. Approved Storage Garage. The following is hereby designated as an approved storage garage, as a pound for the storage of such impounded vehicles: _____

Section 3. Garage to Post Bond. Every such approved storage garage shall post a bond, in the amount of two thousand dollars (\$2,000.00), to be filed with the Borough Secretary, for the indemnifying of the owner of any such impounded vehicle against the loss thereof, or injury or damage thereto, while in the custody of said poundkeeper.

Section 4. Towing and Storage Charges Fixed. The following are hereby fixed and established as the charges that shall be made for the towing and storage of any vehicle removed and impounded under the authority of this article.

Section 5. Chief of Police to Notify Owners of Impounded Vehicles.

Within twelve (12) hours from the time of removal of any vehicle under authority granted by this article, notice of the fact that such vehicle has been impounded shall be sent by the Chief of Police of the Borough to the owner of record of such vehicle was removed, the reason for its removal and

impoundment, and the place in which it shall have been impounded.

Section 6. Effect of Payment of Towing and Impounding Charges without Protest. The payment of any towing and impounding charges, authorized by this article, shall, unless such payment shall have been made "under protest," be final and conclusive, and shall constitute a waiver of any right to recover the money so paid.

Section 7. Effect of Payment of Charges under Protest. In the event that any towing and impounding charges, as imposed, shall be paid "under protest," the offender shall be entitled to a hearing before a magistrate or court of record having jurisdiction, in which case such defendant shall be proceeded against and shall receive such notice as is provided by the Vehicle Code in other cases of summary offenses, and shall have the same rights as to appeal and waiver of hearing.

Section 8. Records of Vehicles Removed and Impounded. The Chief of Police shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owners or agents of the owners thereof with information as to the place of storage of such vehicles.

Section 9. Owner or Operator of Vehicle Remaining Liable for Fine or Penalty. The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance on account of which the said vehicle was removed and impounded.

Section 10. Restrictions upon Removal of Vehicles. No vehicle shall be removed under the authority of this article if, at the time of the intended removal thereof, the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

ARTICLE V

INTERPRETATION

Section 1. Severability. The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not effect 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