

CHAPTER 237: VEHICLES AND TRAFFIC

ARTICLE I. General Regulations

- § 237-1. Definitions and interpretation.
- § 237-2. Manner of adopting permanent traffic and parking regulations.
- § 237-3. Continuation of prior regulations.
- § 237-4. Temporary and emergency regulations.
- § 237-5. Experimental regulations.
- § 237-6. Authority of police officers.

ARTICLE II. Traffic Regulations

- § 237-7. Motor vehicles not to be driven on sidewalks.
- § 237-8. Speed limits established.
- § 237-9. Stop intersections.
- § 237-10. One-way streets.
- § 237-11. Traffic to keep right of certain structures and barriers.
- § 237-12. Turning at certain intersections prohibited or restricted.
- § 237-13. Gross weight limits established.
- § 237-14. Trucks prohibited on certain streets/exceptions.
- § 237-15. Trucks to travel in low gear.
- § 237-16. Unlawful to operate motor vehicles on streets closed for construction or repair.
- § 237-17. Play streets authorized.

ARTICLE III. General Parking Regulations

- § 237-18. Parking without lights authorized.
- § 237-19. Loading and unloading.
- § 237-20. Angle parking required on portions of certain streets.
- § 237-21. Vehicles to be parked within marked spaces; parking prohibited in certain marked areas.
- § 237-22. Parking prohibited at all times in certain locations.
- § 237-23. Parking time limited in certain locations.
- § 237-24. Two-hour parking limit for certain types of vehicles.
- § 237-25. Special purpose parking zones established; parking otherwise prohibited.
- § 237-26. Parking for repairs.
- § 237-27. Trailer parking restricted.
- § 237-28. Parking of boats, truck tractors, trailers and trucks prohibited on streets in residential zones.
- § 237-29. Unlawful to park vehicle on street for more than four days.
- § 237-30. Violations and penalties.

ARTICLE IV. Removal and Impoundment of Illegally Parked Vehicles

- § 237-31. Applicability and scope.
- § 237-32. "Abandoned vehicle" defined.
- § 237-33. Removal of vehicle by or at direction of police.
- § 237-34. Designation of approved storage garages; bonding; towing and storage.
- § 237-35. Effect of payment of towing and storage charges.
- § 237-36. Reclamation costs.

- § 237-37. Records of vehicles removed and impounded.
- § 237-38. Restrictions upon removal of vehicles.
- § 237-39. Violations and penalties.

ARTICLE V. Skateboards and Scooters

- § 237-40. Prohibited acts.
- § 237-41. Violations and penalties.

ARTICLE VI. Cruising

- § 237-42. Definitions.
- § 237-43. Cruising prohibited.
- § 237-44. Exceptions.
- § 237-45. Violations and penalties.

ARTICLE VII. Off-Street Unmetered Parking

- § 237-46. Parking of private passenger vehicles.
- § 237-47. Unlawful to park in unmetered lot.
- § 237-48. Parking of vehicles.
- § 237-49. Reserved parking spaces.
- § 237-50. Violations and penalties.

ARTICLE VIII. Residential Handicapped Parking

- § 237-51. Restricting handicapped residential parking.
- § 237-52. Application form and content and regulations.
- § 237-53. Recertification.
- § 237-54. Temporary handicapped parking.
- § 237-55. Fees.
- § 237-56. Failure to file completed application.
- § 237-57. Current signs.
- § 237-58. Removal of sign.
- § 237-59. Installation.
- § 237-60. Discretionary.
- § 237-61. Violations and penalties.

ARTICLE IX. Snow Emergency

- § 237-62. Title.
- § 237-63. Definitions.
- § 237-64. Declaration of snow emergency.
- § 237-65. Vehicular use of and parking on snow emergency routes.
- § 237-66. Violations of § 237-65.
- § 237-67. Designated snow emergency routes and posting thereof.
- § 237-68. Parking on any Borough streets (including snow emergency routes) after declaration of official snow removal alert.
- § 237-69. Depositing snow onto Borough streets.
- § 237-70. Violations and penalties.

ARTICLE X. Off-Street Parking Spaces

- § 237-71. Authorization.

- § 237-72. General requirements.
- § 237-73. Definitions.
- § 237-74. Specific requirements.
- § 237-75. Permits.
- § 237-76. Current uses.
- § 237-77. Municipal liability.
- § 237-78. Variances.
- § 237-79. Violations and penalties.
- § 237-80. Nuisance.
- § 237-81. Cumulative remedies.

[HISTORY: Adopted by the Borough Council of the Borough of Newport 4-9-1985 by Ord. No. 238 (Ch. 15 of the 1985 Code). Amendments noted where applicable.]

Article I. General Regulations

§ 237-1. Definitions and interpretation.

- A. Words and phrases, when used in this chapter, shall have the meanings ascribed in the Vehicle Code, 75 P.S. § 101 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, unless the context clearly indicates a different meaning.
- B. LEGAL HOLIDAYS
New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.
- C. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§ 237-2. Manner of adopting permanent traffic and parking regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this chapter.

§ 237-3. Continuation of prior regulations.

The provisions of this Chapter 237, 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.

§ 237-4. 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 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.

B. 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 237 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 and restitution.

§ 237-5. 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.

§ 237-6. 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. Editor's Note: Original Section 107, Authorization

for use of speed timing devices, which followed this section, was repealed 1-8-2013 by Ord. No. 348.

Article II. Traffic Regulations

§ 237-7. Motor vehicles not to be driven, pushed or parked on sidewalks.
(Amended 10-6-15 by Ord. No. 363)

No person shall drive, push or park any motor vehicle; to include motorcycles, on any sidewalk area within the Borough of Newport with the exception of a human-powered vehicle. 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.

§ 237-8. Speed limits established.

- A. The speed limits throughout the Borough of Newport are 25 mph except in the following locations:
- (1) High school area streets — 15 mph.
 - (a) Sixth Street from intersection with Oliver Street to merger with Gantt Street.
 - (b) Gantt Street from intersection with Fourth Street to merger with Sixth Street.
 - (c) Caroline Street from intersection at Fourth Street to intersection at Sixth Street.
 - (d) Fifth Street from intersection at Caroline Street to intersection with Fickes Lane.
 - (2) Elementary school area streets — 15 mph.
 - (a) Fickes Lane from intersection with Fifth Street around rear of Elementary School to a road which connects Fickes Lane and North Fifth Street.
 - (b) North Fifth Street from intersection with Fickes Lane to a road which connects North Fifth Street to Fickes Lane.
- B. 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, or, in a school zone, a fine of not more than \$500 if the person exceeds the maximum speed limit by more than 11 miles per hour, and, for exceeding a maximum speed limit by more than five miles per hour, shall pay an additional fine of \$2 for each mile per hour in excess of five miles per hour over the maximum speed limit.[Amended 1-8-2013 by Ord. No. 348]

§ 237-9. Stop intersections.

[Amended 7-2-1985 by Ord. No. 240; 1-6-1987 by Ord. No. 247; 12-1-1987 by Ord. No. 248; 12-6-1988 by Ord. No. 253; 10-3-1989 by Ord. No. 258; 8-7-1990 by Ord. No. 262; 8-20-1991 by Ord. No. 266; 7-6-1993 by Ord. No. 274; 11-2-1993 by Ord. No. 276; 2-9-1999 by Ord. No. 305; 11-12-1999 by Ord. No. 308; 1-2-2001 by Ord. No. 309]

- A. 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:
[Amended 1-8-2013 by Ord. No. 348]

| Stop Street | Through Street <i>Editor's Note: Numbers in parentheses following street names indicate the number of stop signs at such intersection.</i> | Direction of Travel |
|--------------------|--|----------------------------|
| Brick Avenue | Peach Street (1) | East |
| Caroline Street | Fifth Street (1) | East |
| Caroline Street | Fourth Street (2) | East and west |
| Caroline Street | Sixth Street (1) | East |
| Catherine Street | Fifth Street (2) | East and west |
| Catherine Street | Fourth Street (2) | East and west |
| Catherine Street | Locust Street (1) | West |

| | | |
|------------------|-------------------|---------------|
| Catherine Street | Penn Avenue (1) | East |
| Catherine Street | Peach Street (2) | East and west |
| Catherine Street | Pine Street (2) | East and west |
| Catherine Street | Second Street (2) | East and west |
| Catherine Street | Third Street (2) | East and west |
| Dock Street | Fifth Street (2) | East and west |
| Dock Street | Fourth Street (1) | East |
| Dock Street | Shrub Street (1) | West |
| Dock Street | Second Street (2) | East and west |
| Dock Street | Sixth Street (1) | West |
| Dock Street | Spruce Street (2) | East and west |
| Dock Street | Third Street (2) | East and west |
| Fickes Lane | Fifth Street (1) | East |
| Fickes Lane | Fourth Street (2) | East and west |
| Fickes Lane | Front Street (1) | East |

| | | |
|-----------------|------------------------|-----------------|
| Fifth Street | Caroline Street (2) | North and south |
| Fifth Street | Fickes Lane (1) | North and south |
| Fifth Street | Gantt Street (2) | North and south |
| Fifth Street | Market Street (1) | South |
| Fifth Street | Mulberry Street (2) | North and south |
| Fifth Street | Oliver Street (1) | South |
| Fifth Street | Walnut Street (1) | South |
| Fleisher Street | Fifth Street (1) | West |
| Fleisher Street | Pine Street (1) | East |
| Fourth Street | Market Street (2) | North and south |
| Front Street | Market Street (1) | South |
| Front Street | Mulberry Street (2) | North and south |
| Front Street | Oliver Street (2) | North and south |
| Gantt Street | Fifth Street (1) | East |
| Gantt Street | Fourth Street (2) | East and west |
| Gantt Street | North Third Street (1) | West |

| | | |
|-----------------|---------------------|-----------------|
| Locust Street | Caroline Street (1) | North |
| Locust Street | Dock Street (1) | North |
| Locust Street | Market Street (2) | North and south |
| Locust Street | Marsh Street (2) | North and south |
| Locust Street | Oliver Street (1) | North |
| Locust Street | Walnut Street (1) | North |
| Market Street | Fourth Street (2) | East and west |
| Marsh Street | Fifth Street (2) | East and west |
| Marsh Street | Fourth Street (2) | East and west |
| Marsh Street | Front Street (1) | East |
| Marsh Street | Shrub Street (1) | West |
| Marsh Street | Sixth Street (1) | West |
| Marsh Street | Spott Street (1) | Northwest |
| Marsh Street | Spruce Street (2) | East and west |
| Marsh Street | Second Street (2) | East and west |
| Mulberry Street | Fourth Street (2) | East and west |

| | | |
|-------------------------------------|----------------------|-----------------|
| Mulberry Street | Second Street (2) | East and west |
| Oliver Street | Fifth Street (1) | East |
| Oliver Street | Fourth Street (2) | East and west |
| Oliver Street | Front Street (1) | East |
| Oliver Street | Second Street (2) | East and west |
| Oliver Street | Sixth Street (2) | East and west |
| Municipal parking lot entrance ramp | (1) | East |
| Peach Street | Caroline Street (2) | North and south |
| Peach Street | Catherine Street (2) | North and south |
| Peach Street | Dock Street (1) | North |
| Peach Street | Fickes Lane (1) | North |
| Peach Street | Gantt Street (2) | North and south |
| Peach Street | Market Street (1) | North |
| Peach Street | Mulberry Street (1) | South |
| Peach Street | Walnut Street (1) | North |
| Penn Avenue | Market Street (1) | North |

| | | |
|---------------|----------------------|-----------------|
| Pine Street | Caroline Street (2) | North and south |
| Pine Street | Catherine Street (2) | North and south |
| Pine Street | Dock Street (2) | North and south |
| Pine Street | Fickes Lane (1) | North |
| Pine Street | Gantt Street (2) | North and south |
| Pine Street | Market Street (2) | North and south |
| Pine Street | Mulberry Street (2) | North and south |
| Pine Street | Oliver Street (2) | North and south |
| Pine Street | Spott Street (1) | North |
| Pine Street | Walnut Street (2) | North and south |
| Second Street | Market Street (2) | North and south |
| Second Street | Mulberry Street (2) | North and south |
| Second Street | Oliver Street (1) | North |
| Second Street | Walnut Street (2) | North and south |

| | | |
|---------------|----------------------|-----------------|
| Shrub Street | Catherine Street (2) | North and south |
| Shrub Street | Dock Street (2) | North and south |
| Shrub Street | Market Street (2) | North and south |
| Shrub Street | Marsh Street (2) | North and south |
| Shrub Street | Mulberry Street (2) | North and south |
| Shrub Street | Walnut Street (1) | North |
| Sixth Street | Caroline Street (2) | North and south |
| Sixth Street | Oliver Street (2) | North and south |
| Sixth Street | Ridge Road (1) | South |
| Spott Street | Fourth Street (2) | East and west |
| Spruce Street | Catherine Street (1) | North |
| Spruce Street | Dock Street (2) | North and south |
| Spruce Street | Market Street (1) | South |
| Spruce Street | Marsh Street (2) | North and south |
| Spruce Street | Mulberry Street (2) | North and south |

| | | |
|---------------|---------------------------|-----------------|
| Spruce Street | Oliver Street (1) | North |
| Spruce Street | Walnut Street (2) | North and south |
| Third Street | Firehouse parking lot (1) | North |
| Third Street | Market Street (2) | North and south |
| Third Street | Mulberry Street (1) | South |
| Third Street | Walnut Street (1) | North |
| Third Street | Fickes Lane (1) | North |
| Walnut Street | Fourth Street (2) | East and west |
| Walnut Street | Front Street (1) | East |
| Walnut Street | Second Street (2) | East and west |
| Walnut Street | Sixth Street (1) | West |

B. 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.

§ 237-10. One-way streets.

[Amended 3-4-1995 by Ord. No. 286]

A. The following are hereby established as one-way streets with operation of vehicles thereupon to be in the direction hereby indicated: [Amended 1-8-2013 by Ord. No. 348]

| Street | From | To | Direction of Travel |
|---------------|---------------|-----------------|---------------------|
| Brick Avenue | Fourth Street | Peach Street | East |
| Fickes Lane | Fourth Street | Peach Street | North |
| Fifth Street | Oliver Street | Mulberry Street | South |
| Locust Street | Oliver Street | Caroline Street | North |
| Peach Street | Market Street | Walnut Street | North |
| Shrub Street | Walnut Street | Marsh | North |

B. 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.

§ 237-11. Traffic to keep right of certain structures and barriers.

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

Structure

Intersection

Stop Sign Island

(2) Center Square (Second Street and Market Street

B. 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.

§ 237-12. Turning at certain intersections prohibited or restricted.

[Amended 5-2-1995 by Ord. No. 287]

A. It shall be unlawful for the driver of any vehicle of the type indicated, traveling upon the first-named street at any of the following intersections, in the direction or directions indicated in each case, to make a left turn and/or a right turn into the second-named street, as indicated, at any time when such a turn is prohibited by this section:

| Vehicles Traveling on | Direction of Travel | Not to Make | Into | When | Type of Vehicle Applicable to |
|--|----------------------------|--------------------|---|-------------|--------------------------------------|
| Lane/drive leading from Pennsy Supply property | East | Right-hand turn | Fourth Street | All times | Any vehicle |
| North Sixth Street | South | Right-hand turn | Middle Ridge Road | All times | Any vehicle |
| South Fourth Street | North | Left-hand turn | Entrance to quarry or Pennsy Supply property lane or road | All times | Any vehicle |

B. 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. [Added 1-8-2013 by Ord. No. 348]

§ 237-13. Gross weight limits established.

A. The following weight limits are hereby established, and it 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 of that herein prescribed, upon any of the following streets or portions thereof where such streets or portions thereof have been posted with notice of such maximum weight:

| Street | Between | Maximum Gross Weight |
|---------------------|--|----------------------|
| South Second Street | Market Street and the Borough line at Little Buffalo Creek | Six tons |

- B. 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, or any motor vehicle or other vehicle, or trailer or tractor-trailer combination for which a special permit to operate on any such street or portion thereof shall have been issued by the police.[Amended 1-8-2013 by Ord. No. 348]
- C. Provided further: the provisions of this section shall not apply to the driving of vehicles hauling food or household goods, public utility vehicles, fire-fighting equipment, garbage and rubbish vehicles, or school and public transportation buses.
- D. Any person who shall violate any provision of this section is guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine of \$75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight limit, together with costs of prosecution.[Amended 1-8-2013 by Ord. No. 348]

§ 237-14. Trucks prohibited on certain streets/exceptions.

- A. It shall be unlawful for any person to operate any truck, which shall mean a motor 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: [Amended 1-8-2013 by Ord. No. 348]

| Street | Between |
|---------------|--------------------------------|
| Second Street | Market Street and Borough line |
| Walnut Street | Fourth Street and Borough line |

B. 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.

§ 237-15. Trucks to travel in low gear.

A. All trucks are to use low gear when traveling on the following streets or portions thereof:

| Street | Between |
|---------------|--------------------------------|
| Market Street | Fourth Street and Sixth Street |
| Walnut Street | Fourth Street and Sixth Street |

B. 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.

§ 237-16. 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.

§ 237-17. Play streets authorized.

A. 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.

B. 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.

C. 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.

Article III. General Parking Regulations

§ 237-18. Parking without lights authorized.

The boundary limits of the Borough 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.

§ 237-19. 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.

§ 237-20. Angle parking required on portions of certain streets.

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

| Street | Between |
|---------------|--|
| Center Square | East and west side along Second Street |
| Penn Avenue | East side along Penn Avenue |

B. 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.

§ 237-21. Vehicles to be parked within marked spaces; parking prohibited in certain marked areas. (Amended 4-2-13 by Ord. No. 350)

A. 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.

- B. 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.
- C. Borough Council may from time to time designate temporary or emergency parking regulations and temporary no parking areas within the Borough to accommodate public or other events, to facilitate public works, or, in the case of emergencies including but not limited to fire, flood, storm, accident, public health, safety, welfare or other emergency. Except in the event of an emergency, temporary “no parking” signs shall be installed and placed in designated temporary no parking areas a minimum of twenty-four (24) hours in advance of the event and designated period of prohibited parking. Any person who shall operate or park a vehicle 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 penalties set forth by law, this chapter and the Code of Ordinances. Temporary and emergency regulations shall be enforced in the same manner as permanent regulations.

§ 237-22. Parking prohibited at all times in certain locations.

[Amended 7-1-1986 by Ord. No. 244; 11-2-1993 by Ord. No. 276] Parking shall be prohibited at all times in the following locations:

Caroline Street

- A. From intersection of Caroline Street and Fifth Street to intersection of Caroline Street and Locust Street on east side of street.
- B. From intersection of Caroline Street and Fifth Street to intersection of Caroline Street and Sixth Street on west side of street.[Amended 1-8-2013 by Ord. No. 348]

Fickes Lane

- A. From intersection of Fickes Lane and Pine Street to intersection of Fickes Lane and Fifth Street.
- B. From entrance to Crest View Plaza to railroad tracks.

Fifth Street

- A. From intersection of Fifth Street and Oliver Street to intersection of Fifth Street and Mulberry Street on north side of street.
- B. From corner at intersection of Fifth Street and Mulberry Street to Eileen Hope Factory on north side. No parking on south side, 7:00 a.m. to 5:00 p.m. Parking allowed on weekends.
- C. From intersection of Fifth Street and Gantt Street to intersection of Fifth Street and Caroline Street on the west side of Fifth Street. [Added 12-5-2006 by Ord. No. 326]

Fourth Street

- A. From Borough line by Pennsy Supply to opposite end of Borough at Fickes Lane on south side of street only.
- B. Exceptions: From intersection of Fourth Street and Market Street to intersection of Fourth Street and Walnut Street, parking is available from 8:00 a.m. to 12:00 p.m. Sundays.
- C. Exceptions: Upper (west) side of Fourth Street between Caroline Street and Oliver Street from 6:30 p.m. to 8:30 p.m.
- D. From Walnut Street in front of old Henry's Electronics Store 40 feet to include unloading ramp on the east side. [Added 1-8-2013 by Ord. No. 348]

Front Street

- A. On grass below tennis and basketball courts of playground from intersection of Front Street and Oliver Street to 239 Front Street.
- B. Between signs located across from Front Street and Walnut Street intersection.
- C. Five feet from the north of the subway and five feet from the south of the subway on the east side.

Gantt Street

- A. From intersection of Gantt Street and Fourth Street to merger with Sixth Street on east side of street.
- B. From intersection of Gantt Street and Locust Street to ticket booth in front of athletic field.

Market Street

- A. From River Bridge to intersection of Market Street and Fourth Street on west side of street.
Mulberry Street
- A. From 310 Mulberry Street to intersection of Mulberry Street and Third Street (for fire station use), both sides of street.

Oliver Street

- A. From intersection of Oliver Street and Sixth Street to intersection of Oliver Street and Fifth Street on west side of street.

Penn Avenue

- A. Entire length of road between steps going up to railroad and warehouse at other end of Mulberry Street.
- B. In front of ambulance shed.
- C. West side of street from curb cut to Owls Club.

Second Street

- A. From 118 South Second Street to Borough line (center of bridge).
Sixth Street
- A. From merger with Market Street to Ridge Road, no parking on south side of street.
- B. From Ridge Road to Heller's Carwash, no parking on east side of street.[Amended 1-8-2013 by Ord. No. 348]
- C. From intersection with Caroline Street to merger with Gantt Street on north side of street.
- D. From Market Street north for 34 feet on east side of street. [Added 1-8-2013 by Ord. No. 348]

Third Street

- A. Entire length of road in front of fire station.

Walnut Street

- A. From Sixth Street to Oliver Street on west side of street. [Amended 1-8-2013 by Ord. No. 348]

§ 237-23. Parking time limited in certain locations.

[Amended 7-1-1986 by Ord. No. 244; 12-1-1987 by Ord. No. 248; 7-5-1994 by Ord. No. 281;

1-8-2013 by Ord. No. 348] 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 between the hours of 8:00 a.m. and 8:00 p.m., Monday through Saturday:

| Street | Between | Side | Time Limit |
|-----------------|---|-------------|---|
| Center Square | All parking spaces | | 2 hours |
| Market Street | Penn Avenue and Peach Street | East | 2 hours |
| Mulberry Street | Shrub Street and 32 feet east of the intersection of Mulberry Street and Shrub Street | South | 2 hours |
| Penn Avenue | | East | Two-hour parking between 8:00 a.m. to 6:00 p.m. |
| Penn Avenue | | West | Two-hour parking between 8:00 a.m. to 6:00 p.m. |
| Second Street | Catherine Street and Dock Street | Both | 2 hours |
| Second Street | Mulberry Street and Walnut Street | North | 2 hours |
| Second Street | One space | East | 30 minutes |
| Walnut Street | Spaces in front of Post Office | | 10 minutes |

§ 237-24. Two-hour parking limit for certain types of vehicles.

No person shall park any truck of the weight classification of the Commonwealth of Pennsylvania of V-plate capacity or heavier, or any tractor or trailer, or tractor-trailer combination, or allow the same to remain parked, on any street or alley in the Borough, for a period longer than two hours.

§ 237-25. Special purpose parking zones established; parking otherwise prohibited.

[Amended 8-7-1990 by Ord. No. 262; 7-5-1994 by Ord. No. 281; 1-8-2013 by Ord. No. 348] (Amended 8-05-14 by Ord. No. 353) The following are hereby established as special purpose parking zones, and it shall be unlawful for any person to park any vehicle or tractor or to allow the same to remain parked, in any such zone, except as specifically provided for such zone:

| Street | Between | Side | Purpose |
|---------------|----------------|------------------------|--------------------------|
| Center Square | One space at | Northeast corner | Handicapped parking only |
| Center Square | One space at | Southwest corner | Handicapped parking only |
| Fourth Street | One space at | Newport Public Library | Handicapped parking only |

Amended to establish a restricted parking zone for handicapped parking only at the Newport Public Library located on Fourth street.

§ 237-26. 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.

§ 237-27. 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.

§ 237-28. Parking of boats, truck tractors, trailers and trucks prohibited on streets in residential zones.

The parking of boats, motor homes, truck tractors, trailers, and trucks except those not exceeding 3/4 ton 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 making deliveries to or picking up goods, wares, merchandise or materials from premises situated upon any such street or alley.

§ 237-29. Unlawful to park vehicle on street for more than four days.
(Amended 7-7-15 by Ord. No. 359)

It shall be unlawful for the owner, lessee, bailee or custodian of any motor vehicle, trailer, wagon, boat or any material or object that may block the parking area provided for the streets and/or alleys of the Borough, to park the same on the streets or alleys of the Borough for a period of more than four days without moving same or obtaining permission from the Code enforcement Officer and/or the Police to extend the period for valid cause. The word "moving" is defined to mean a bona fide removal from the street or alley and not a relocation of the same vehicle on another street or alley or the same street or alley, the purpose of this Article III being to promote available parking space and orderly movement of traffic throughout the Borough.

§ 237-30. Violations and penalties.

[Amended 10-7-2003 by Ord. No. 10-7-2003]

- A. Any persons who shall violate any provision in this article, excepting violations of § 237-25 (special parking zone) shall, upon conviction thereof, be sentenced to pay a fine of \$15 together with the costs of prosecution.
- B. Any person who shall violate § 237-25 shall, upon conviction thereof, be sentenced to pay a fine of \$25 together with costs of prosecution; however, a person violating the handicapped parking restrictions 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 in the absence of a sign stating the penalty amount, the fine imposed may not exceed \$50.[Amended 1-8-2013 by Ord. No. 348]

Article IV. Removal and Impoundment of Illegally Parked Vehicles

§ 237-31. Applicability and scope.

This article is enacted under authority of Section 6109(a-22) of the Vehicle Code Editor's Note: 75 Pa C.S.A. §§ 101 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. , and gives authority to the Borough of Newport 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.

§ 237-32. \"Abandoned vehicle\" defined.

- A. 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:
- (1) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours;
 - (2) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours;
 - (3) 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:
 - (a) A valid registration plate.
 - (b) A certificate of inspection.
 - (c) An ascertainable vehicle identification number.
 - (4) 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.
- B. 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.

§ 237-33. Removal of vehicle by or at the direction of Code Enforcement Officer and/or the Police. (Amended 7-7-15 by Ord. No. 359)

- A. Outside business and residence districts. Whenever any police officer finds a vehicle in violation of any of the provisions of Section 3351 of the Vehicle Code (relating to stopping, standing and parking outside business and residence districts), Editor's Note: See 75

Pa.C.S.A. § 3351. the Code Enforcement Officer and/or the Police 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.

B. Unattended vehicle obstructing traffic. The Code Enforcement Officer and/or the Police 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.

C. Removal to garage or place of safety. The Code Enforcement Officer and/or the Police 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:

- (1) Report has been made that the vehicle has been stolen or taken without the consent of its owner.
- (2) The person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.
- (3) 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.
- (4) The vehicle is in violation of Section 3353 of the Vehicle Code (relating to prohibitions in specified places) Editor's Note: See 75 Pa.C.S.A. § 3353. except for overtime parking.
- (5) The vehicle has been abandoned as defined herein. The officer shall comply with the provisions of Subsection D and Chapter 73 (relating to abandoned vehicles and cargos) of the Vehicle Code.

D. Notice to owner prior to removal.

- (1) 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 Code enforcement Officer and/or the Police 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 seven 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 Section 7306 (relating to payment of costs upon reclaiming vehicle). Editor's Note: See 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.

- (2) If, within the seven-day period, the owner so requests, the owner shall be given an opportunity to explain to the Code enforcement Officer and/or the Police why the owner believes the vehicle should not be removed. If the Code enforcement Officer and/or the Police 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 Code enforcement Officer and/or the Police 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 Section 7306. Editor's Note: See 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.
- (3) 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 Section 3351(a) or Sections 3353(a) and (b) of the Vehicle Code. Editor's Note: See 75 Pa.C.S.A. § 3351(a) or 3353(a) and (b). Notice under this subsection is in addition to any other notice requirements provided in the Vehicle Code.

§ 237-34. Designation of approved storage garages; bonding; towing and storage.

[Amended 1-8-2013 by Ord. No. 348] (Amended 7-7-15 by Ord. No. 359)

The Code Enforcement Officer and/or the Police may remove or cause the removal and impounding of vehicles under this chapter. Such removal and impounding 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.

§ 237-35. 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 Magisterial District Judge. 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.

§ 237-36. Reclamation costs.

[Amended 1-8-2013 by Ord. No. 348] In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a fee as set forth in the Vehicles Code, 75 Pa.C.S.A. § 7306.

§ 237-37. Records of vehicles removed and impounded.

The Borough of Newport shall cause a record to be kept of all vehicles impounded under this article 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.

§ 237-38. Restrictions upon removal of vehicles.

No vehicle shall be removed under the authority of this article 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.

§ 237-39. Violations and penalties.

Any person who shall violate any provision of this article 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. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

Article V. Skateboards and Scooters

[Added 4-5-1988 by Ord. No. 251]

§ 237-40. Prohibited acts.

[Amended 1-8-2013 by Ord. No. 348] It shall be unlawful for any person to use, ride, propel, or otherwise operate a skateboard and self-propelled scooter or to engage in skateboarding or the riding or use of a self-propelled scooter upon: those public streets, alleys, rights-of-way and public sidewalks of and along all streets, alleys, and public ways within the Borough of Newport in between Catherine Street to Dock Street, inclusive, and Shrub Street to Spruce Street, inclusive; any state highway within the Borough of Newport except to cross the roadway.

§ 237-41. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person violating this article shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25 nor more than \$600, and/or 30 days' imprisonment, plus costs of prosecution.

Article VI. Cruising

[Added 7-5-1988 by Ord. No. 252]

§ 237-42. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CRUISING

Driving a motor vehicle on a street past a traffic control point, designated by a police officer in the Borough of Newport five or more times within any two-hour period. Passing the control point a fifth time under the same conditions stated herein shall constitute "cruising" and, therefore a violation of this article.

TRAFFIC CONTROL POINT

A reference point on a street in a designated area selected by a police officer for the purpose of enforcing this article.

§ 237-43. Cruising prohibited.

No person shall cruise. For the purposes of this article, the person having care, custody or control of a motor vehicle shall be considered the person cruising, regardless of whether that

person was actually driving the motor vehicle. For the purposes of this article, the “person having care, custody or control of a motor vehicle” shall mean either the owner of said vehicle, if present in the vehicle at the time of the violation or, if the owner is not so present, the person or persons having the owner’s authority to use the vehicle.

§ 237-44. Exceptions.

This article shall not apply to official emergency or police vehicles, licensed taxi cabs for hire, other commercial or passenger vehicles being driven for business purposes and for residents of the Borough of Newport traveling to a specific destination.

§ 237-45. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person violating the provisions of this article shall, upon conviction, be fined no less than \$25 nor more than \$600, and/or 30 days’ imprisonment.

Article VII. Off-Street Unmetered Parking

[Added 2-7-1989 by Ord. No. 256]

§ 237-46. Parking of private passenger vehicles.

The Borough-owned parking lot with entrance on Front Street is hereby declared to be for use of private passenger vehicles only, and it shall be unlawful for any person to park in such lot any bus, any truck, tractor, trailer, tractor trailer, or commercial vehicle of any kind or nature or class of vehicle; provided, however, that passenger cars shall also be deemed to include a passenger van and pickup truck.

§ 237-47. Unlawful to park in unmetered lot.

- A. It shall be unlawful for any person to park a vehicle or to allow a vehicle to remain parked in any unmetered parking lot for longer than a ninety-six-hour period (four days). The word “moving” is defined to mean a bona fide removal from the lot and not a relocation of the same vehicle elsewhere on the lot, the purpose of this section being to promote availability of parking space.
- B. It shall be unlawful for any person to park a vehicle, or to allow a vehicle to remain parked in any unmetered parking lot, for longer than the maximum parking time hereinbefore set forth, or at any time when the lot is not in operation and is closed for public use.

§ 237-48. Parking of vehicles.

All vehicles permitted to be parked on said lot must be parked in a position which is perpendicular to Front Street, and in addition, in the event lines and or markings are noted on the lot, vehicles must be parked wholly within said marked spaces, and it shall be unlawful and a violation of this article for any person: to park a vehicle across any such line or marking; or to park a vehicle in such a position that the vehicle should not be within the area so delineated by the lines or markings.

§ 237-49. Reserved parking spaces.

In the event an individual reserved parking space or spaces are designated for handicapped and the spaces appropriately designated by sign, it shall be unlawful and a violation of this article for any person to park in any such reserved parking space, unless the vehicle bears or displays either a handicapped registration plate, handicapped parking placard, disabled veteran registration plate, or a disabled veteran placard; provided, however, that all provisions, requirements, and restrictions contained in all other sections of this article shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.

§ 237-50. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person who violates any provision of this article shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 per violation plus costs, and/or 30 days' imprisonment, with each twenty-four-period additional violation being deemed a separate offense.

Article VIII. Residential Handicapped Parking

[Added 7-18-1995 by Ord. No. 288]

§ 237-51. Restricting handicapped residential parking.

Any Borough resident who is a taxpayer, who has been issued by the Commonwealth of Pennsylvania a handicapped license plate, or on whose behalf said license plate has been issued, pursuant to § 1338 of the Motor Vehicle Code, Editor's Note: See 75 Pa.C.S.A. § 1338. may be eligible for the installation, in an area deemed appropriate and designated by the Borough, of a sign indicating that parking in such space is restricted to those vehicles bearing handicapped license plates, which eligibility shall expire six months from the date such sign is installed. Application for such restricted parking sign shall be made to the Mayor, as hereinafter specified.

§ 237-52. Application form and content and regulations.

- A. Application for a restricted handicapped parking space shall be made on a form provided by the Borough. The application information shall include the identity of the handicapped person,

place of residence, age, Social Security number and other data requested by the Borough. It shall be accompanied by documentation evidencing issuance of a handicapped plate by the Commonwealth of Pennsylvania.

B. The Borough shall observe the following criteria, terms and conditions:

- (1) No more than one handicapped parking space shall be issued to any one household within the corporate limits of the Borough of Newport.
- (2) No more than one handicapped space shall be provided per dwelling unit within the corporate limits of the Borough of Newport.
- (3) No handicapped parking space shall be provided if there exists a reasonably accessible and practicable off-street parking space to serve such location, or such an off-street space would be possible on the applicant's property by a reasonable modification or alteration thereof.
- (4) The individual requesting the handicapped parking space, to qualify therefor, shall first demonstrate that the individual has a physical impairment such as a loss of use of a lower extremity or a condition which substantially restricts movement or otherwise requires the use of a wheelchair, crutches, walker or similar device for purposes of locomotion. The applicant must submit an affidavit providing full details, background and justification for the special parking status.
- (5) No handicapped parking space shall be created unless the applicant demonstrates that the physical condition giving rise to the request is reasonably expected to persist for a period of no less than six consecutive months.
- (6) In considering an application for handicapped parking space, a report or letter, with accompanying affidavit from the applicant's treating physician, shall be required, but any such report shall not, by itself, be considered conclusive.
- (7) In the event there is a material improvement in the physical condition of the applicant to the extent that the applicant would no longer qualify under the criteria set forth herein, the special parking privilege shall terminate and be withdrawn and the handicapped parking space shall be removed. Likewise, the handicapped parking space shall be removed if there is a change in the circumstances such that the handicapped parking space shall no longer be appropriate under the criteria referred to herein. Further, any misstatement, error, incomplete or misleading representation or application or part thereof

shall nullify any grant, and the special parking forfeited and parking space removed.

- (8) A handicapped parking space may be denied for any location not in a residential neighborhood or area, or for any other reason deemed appropriate by the Borough.

§ 237-53. Recertification. (Amended 2-16-16 by Ord. No. 366)

- A. Each renewal period shall be 12 months.
- B. Application for renewal must be filed with the Mayor no later than 30 days before the date the prior eligibility is due to expire.
- C. No application for renewal shall be considered unless it is also accompanied by a sworn document containing the following averments:
 - (1) The applicant continues to be disabled.
 - (2) The applicant continues to drive an automobile or is being driven by another identified individual because of the applicant's disability.
 - (3) The applicant resides at the same address.
 - (4) Any other verification required by the Borough.

§ 237-54. Temporary handicapped parking.

- A. Notwithstanding anything to the contrary in this article, any Borough resident, who is a taxpayer, who is temporarily disabled because of surgery, treatment or injury, may be eligible for the installation of a sign for a temporary or limited special parking status and a temporary handicapped parking space in an area deemed appropriate and designated by the Borough, provided the applicant submits all affidavits, the application, a doctor's report and affidavit justifying the same and includes a statement as to the expected duration of temporary disability. The temporary parking status shall never be longer than six months, but the duration shall be that as deemed appropriate by the issuing authority. This temporary status may be terminated immediately upon determination that disability has ceased.
- B. All other provisions of this article shall be applicable to this section unless inconsistent with the foregoing subsection.

§ 237-55. Fees.

[Amended 1-8-2013 by Ord. No. 348] (Amended 2-16-16 by Ord. No. 366) There shall be a

nonrefundable fee for the initial special parking status and installation, annual nonrefundable renewal fee, and a nonrefundable fee for a temporary handicapped parking for each occasion the same is required, each in such amounts as shall be set from time to time by resolution of the Borough Council. No refund shall be granted if an application is denied or the special status withdrawn.

§ 237-56. Failure to file completed application.

Failure to file a completed initial application or a timely application for renewal shall result in such application being denied and the eligibility for the special status space forfeited. In the event an individual fails to file a completed application for recertification within the time allowed, prior to expiration of the individual's time eligibility, the right to such a sign and space shall be forfeited, and the sign shall be removed by the Borough.

§ 237-57. Current signs.

All residents currently having restricted handicapped parking signs in front of the premises shall apply to the Borough within 30 days of the effective date of this article for renewal of their handicapped status. Failure to do so will result in the removal of the sign and forfeiture of the special status.

§ 237-58. Removal of sign.

In addition to removal of the sign for failure to properly apply for renewal, a handicapped parking restriction sign may be removed after notice to the applicant if, upon investigation, the Borough determines either that the applicant is not, in fact, handicapped, that the applicant has moved or that the privilege is being abused in a manner inconsistent with its intent. The notice to the individual shall state the reason or reason(s) for the anticipated removal of the sign and shall give the handicapped individual 20 days in which to request a hearing before the Mayor or Mayor's designee.

§ 237-59. Installation.

Upon approval of the application, the Mayor shall refer to the appropriate Borough employee for installation of a restricted handicapped parking sign all applications for handicapped restricted parking which meet the requirements of this article.

§ 237-60. Discretionary.

The decision to grant or withdraw and terminate a handicapped location is absolutely discretionary with the Borough. No past practice, custom or determination shall in any way be controlling or have any significance as precedence, or otherwise.

§ 237-61. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] (Amended 7-7-15 by Ord. No. 359)

- A. Any individual who submits a false application or violates any provision of this article shall, upon conviction thereof, be fined not to exceed \$600 and costs, or imprisonment of not more than 30 days or both. Each false application submitted shall constitute a separate offense.
- B. Any individual who parks in a permitted residential handicapped parking space shall have a current permit. Any individual parking in a permitted residential handicapped parking space without a permit shall be subject to the handicapped parking fine of \$25.00 and/or towing with fees if deemed necessary by the Code Enforcement Officer and/or the Police.

Article IX. Snow Emergency

[Added 5-6-1997 by Ord. No. 294]

§ 237-62. Title.

This article shall be known and may be cited as the “Newport Borough Snow Emergency Ordinance.”

§ 237-63. Definitions.

The following definitions shall apply to the interpretation and enforcement of this article:

BOROUGH

The Borough of Newport, Perry County, Pennsylvania.

PRECIPITATION

Any snow, ice, sleet, hail or rain.

SNOW

Frozen or semi-frozen particles of water vapor depositing an accumulation of any amount on the streets of the Borough; the term “snow” shall include snow, sleet, hail, ice or frozen rain.

SNOW EMERGENCY

The declaration, as more specifically described hereinafter, under and during which highway conditions are hazardous and dangerous to pedestrians and vehicular traffic.

SNOW EMERGENCY ROUTE

Those streets within the Borough designated by the Borough Council and specifically listed in § 237-67.

SNOW TIRE

Vehicular tires having treads so designed to enhance and improve vehicular traction in mud or snow conditions.

STREETS

All streets, roads and roadways in the Borough.

TIRE CHAINS

Devices, including full chains, strap chains or other types of chains so designed and so mounted on the tires of vehicles to permit and enhance vehicular traction in snow.

VEHICLES

Any and all motor vehicles and trailers, including by way of example and not by way of limitation, passenger automobiles, trucks, buses, public and private transportation, motorized conveyances, etc., using any Borough streets, roads or roadways within the municipal limits of the Borough.

§ 237-64. Declaration of snow emergency.

- A. In order to protect the public health, safety and welfare, and in order to facilitate the safe movement of vehicular traffic and combat the hazards of snow and ice on the streets in the Borough, the Mayor of the Borough of Newport may, in his or her discretion, declare a snow emergency if, in his or her opinion, the actual or expected precipitation of snow will create hazardous or dangerous conditions on Borough streets.
- B. When the decision to declare a snow emergency has been made by the Mayor, he or she shall forthwith undertake all actions necessary to inform the public of the existence of the snow emergency by contacting the appropriate form of news media, including but not limited to radio stations, newspapers, television and/or other available media.
- C. All snow emergencies declared by the Mayor shall continue until such time as he or she shall declare the snow emergency terminated, and the termination of the snow emergency by the Mayor shall be given to the public through the use of the media forms identified above.
- D. In the absence of the Mayor, a snow emergency may be declared by the following individuals in the following order:
 - (1) The President of Borough Council; but in his or her absence, then by:
 - (2) The Vice-President of Borough Council; but in his or her absence, then by:
 - (3) The Chairman of the Streets Committee; but in his or her absence, then by:
 - (4) An affirmative vote by the Council of the Borough of Newport in a lawfully conducted session, emergency or otherwise, then by:
 - (5) Any Council member acting on behalf of Council.

§ 237-65. Vehicular use of and parking on snow emergency routes.

- A. After the declaration of a snow emergency, no person shall operate any vehicle of any nature without chains or snow tires on any portion of a snow emergency route.
- B. Within two hours after the declaration of a snow emergency, no person shall park or permit to remain parked any vehicle on a snow emergency route.

§ 237-66. Violations of § 237-65.

- A. Any person who, during the existence of a declared snow emergency:
 - (1) Operates a vehicle without chains or snow tires on any snow emergency route;
 - (2) Parks a vehicle on a snow emergency route;
 - (3) Operates a vehicle on a designated snow emergency route, and leaves such vehicle unattended if the vehicle becomes stalled, and/or incapable of moving under its own power shall be in violation of the provisions of this article and be subject to the penalties prescribed in § 237-70, along with all costs of towing, moving, storage or other expense incurred in fulfilling the provisions of this article, or other law, regulation or requirement.
- B. Any vehicle which has been parked or remains in violation of this article, becomes stalled and/or is incapable of moving under its own power, or is left unattended on any snow emergency route may be removed or towed by the Newport Borough Police Department, or by persons authorized by the Newport Borough Police Department to do so. The cost of removal, towing or other expenses as referenced in Subsection A above of any such vehicle shall be assessed by the Borough against the registered owner of the vehicle, and the recovery of the costs of such removal, towing and other costs shall be recovered as part of the fine for violating the provisions of this article, together with costs of prosecution.

§ 237-67. Designated snow emergency routes and posting thereof.

- A. The following Borough streets are hereby designated as snow emergency routes:
 - (1) Fifth Street from Oliver Street to Mulberry Street.
- B. In order to notify the operators of motor vehicles of the existence of the above designated snow emergency routes, the snow emergency routes shall be posted with signs placed not less frequently than once in each direction on one block; these signs shall contain the following (or similar) language:

**SNOW EMERGENCY ROUTE
SNOW TIRES OR CHAINS REQUIRED
NO PARKING DURING SNOW EMERGENCY
VEHICLES WILL BE TOWED**

§ 237-68. Parking on any Borough streets (including snow emergency routes) after declaration of official snow removal alert.

- A. Whether or not a snow emergency has been declared, during any snow storm (which for purposes of this section of this article is defined as any weather condition in which snow, sleet or freezing rain accumulates to a depth of two inches or greater, or is predicted to accumulate to a depth of two inches or greater) the Mayor (or in his or her absence, then the persons identified in § 237-64D, in the order in which they are identified) may, in his or her discretion, issue an official snow removal alert and, after the issuance of the official snow removal alert, parking shall be regulated on all through streets as follows:
- (1) All vehicles parked on streets shall be removed within 24 hours after the notice of an official snow removal alert and no parking may be permitted on these streets until such time as plowing, salting and/or cindering has been completed following the cessation of precipitation.
- B. The Mayor may issue an official snow removal alert in accordance with the provisions of § 237-64B of this article; in order to assist the Mayor in notifying the public of an official snow removal alert, the Newport Borough Police Department may be directed to assist in informing and instructing the public as to its responsibilities in removing vehicles in accordance with the provisions of this section through the use of their loudspeaker equipment and/or signage posted by Borough of Newport employees.
- C. The registered owner of any vehicle who violates the provisions of this section shall be subject to the penalties prescribed in § 237-70, in addition to any and all costs of towing, moving, storage or other expense incurred in fulfilling the provisions of this article or other law, regulation or requirement.
- D. Any vehicle which has been parked, or remains in violation of this article, becomes stalled and/or is incapable of moving under its own power, or is left unattended on any snow emergency route in violation of the provisions of this section, may be removed or towed by the Newport Borough Police Department, or by persons authorized by the Newport Borough

Police Department to do so. The cost of removal and towing of any such vehicle shall be assessed by the Borough against the registered owner of the costs of such the vehicle, and the recovery of the costs of such removal and towing shall be recovered as part of the fine for violating the provisions of this section of this article.

- E. Snow removal priorities. Snow shall be removed from Borough streets according to priorities as determined and set, from time to time, by Borough Council by resolution, and incorporated into this article as Attachment A. Editor's Note: Said attachment is on file in the Borough offices.

§ 237-69. Depositing snow onto Borough streets.

No person shall, at any time, throw, shovel, cast or otherwise place, pile, deposit or dump snow or ice removed from sidewalks, walkways, driveways or any other locations onto any street in the Borough, except during such times as snow removal is being actively performed by the Borough or other governmental agency on said street. A parking stall shall not be considered part of a street.

§ 237-70. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Unless another penalty is expressly provided by the Pennsylvania Vehicle Code, any person or registered owner of any vehicle who or which violates any provision of this article shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600, and/or 30 days' imprisonment, plus costs of prosecution and costs of the towing, storage and other expenses of vehicles as permitted in § 237-66B and/or § 237-68D of this article, in addition to costs of prosecution.

Article X. Off-Street Parking Spaces

[Added 3-3-1998 by Ord. No. 300]

§ 237-71. Authorization.

This article and the objectives leading to its enactment are authorized by the following provisions of the Borough Code, to wit: the specific powers granted the Borough by the Commonwealth as set forth in 53 P.S. § 46202, which provides that the Borough has the power to make and adopt all ordinances, rules and regulations necessary for the care, control, safety and welfare of the Borough, as part of the police powers of the Borough as well as any other authorization granted by the commonwealth.

§ 237-72. General requirements.

Any lot, residence, dwelling, building or structure hereafter erected, altered, used or occupied for more than a single dwelling unit or any owner-occupied dwelling hereafter altered, changed or used other than as an owner-occupied residence shall be provided with minimum off-street parking spaces, together with adequate accessways, driveways, loading and unloading facilities, or other means of circulation and access to and from a public or private street as set forth below.

§ 237-73. Definitions.

As used in this article, unless the context clearly and specifically indicates otherwise, the following terms or phrases are defined and shall mean the following:

DOUBLE DWELLING

A dwelling, house or residence containing or used for or as two dwelling units.

DWELLING UNIT

A room, groups of rooms or combination of rooms where one person lives, or more than one person live together, or used or suitable for occupancy as a living quarters; a residential unit maintained as or for a household or family; a room or rooms consisting generally, but not in all cases, of kitchen, bathroom, living and bedroom, typically said unit served by a separate utility service such as electric, water, sewer or being a separately insurable unit for purposes of a renter or homeowner insurance policy. A single unit may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption and may also include domestic servants and gratuitous guests.

ELDERLY HOUSING

- A. A multifamily development devoted entirely for the provision of housing for a family whose head or spouse (or sole member) is:
- (1) An elderly person, which is a person who is at least 62 years of age.
 - (2) A disabled person, which is a person who is under a disability as defined in § 223 of the Social Security Act (42 U.S.C. § 423), or who has a developmental disability as defined in § 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. § 15002).
 - (3) A handicapped person, which is a person having a physical or mental impairment that is expected to be of a long, continued and indefinite duration, which substantially impedes the person's ability to live independently, and is of such a nature that such ability could be improved by more suitable housing conditions.

- B. An elderly family may include two or more elderly, disabled or handicapped persons living together or one or more of these persons living with one or more live-in aides, which is a person who resides with an elderly, disabled or handicapped person to provide supportive services.

PARKING SPACE

An attached or unattached garage or carport on the premises and that portion of the driveway off the public right-of-way measuring no less than 10 feet by 19 feet, excluding drives and accessways.

TRAILER

A vehicle without 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.

§ 237-74. Specific requirements.

- A. No new building or residence hereafter constructed and no existing building or structure or lot shall hereafter be enlarged or modified, and no use or activity shall be conducted or expanded thereon or therein unless provision is made, by the owner of the property, for the required off-street parking space or spaces on the same premises as herein required.
- B. Any single or double family dwelling must include and provide at least two off-street parking spaces for each dwelling unit provided; buildings with double units, with no more than 40 feet of frontal street parking right-of-way, must include and provide at least three off-street parking spaces for the entire property per unit.
- C. Dwellings with three or more dwelling units must include and provide a minimum of 1 1/2 spaces for each dwelling unit. All minimum space calculations shall always be rounded up to the next whole unit.
- D. Any building which has been and remains devoted exclusively and entirely for the provision of elderly housing as herein defined must include and provide a minimum of 0.75 parking space per unit of elderly housing.
- E. Any owner-occupied dwelling or residence which, at any time after the enactment hereof, ceases to be used or is no longer used as such, shall comply with the provisions hereof as

herein set forth for a dwelling unit or dwelling units, and if used for any commercial purpose, shall also comply herewith in all respects, except that the number of off-street parking spaces for each new commercial use shall be as follows: one space for each 200 square feet, or part thereof, of gross floor area.

- F. Access to the parking spaces shall be located and designed so as to create or allow minimum interference with the street traffic. Entrances and exits for all parking spaces must be to or from that abutting street or right-of-way with the least amount of traffic, and which allow the minimum interference with street traffic.
- G. All parking spaces shall be physically separated from the street by a minimum three-foot to maximum six-foot setback and shall not interfere with the adjoining sidewalk, if any.
- H. Parking spaces and areas shall be designed, installed and used so that each vehicle may proceed to and from any parking space without requiring the moving of any other vehicle. Parking spaces shall have an all-weather, stable surface and shall be adequately drained to provide for safe and convenient access at all times. All parking spaces and entrance ways shall be graded, surfaced and drained to the satisfaction of the Borough's engineer as deemed advisable to prevent nuisances of dust, erosion, increased water flow across streets or adjoining property and unsafe pedestrian or vehicular travel. No grass parking spaces shall be permissible. Parking spaces must measure no less than 10 feet by 19 feet, excluding drives and accessways. No part of any public right-of-way shall be used in computing the required area for parking and no parking area shall be located in any setback area. A parking space shall, at all times, be kept clean and free from rubbish and debris. No parking space or area required by this article shall be used for any use that interferes with its availability for the parking need it is required to serve; accordingly, a trailer or mobile home shall not be a need and shall not occupy or be permitted on a parking space as otherwise required herein.
- I. No curb cuts will be permitted without the prior approval of Borough Council.
- J. If at any time a parking space is not maintained or is not used for the express use for a double or multi-dwelling unit dwelling as contemplated or required in this article, then in that event, such a space must be used as required or the building must revert back to its original character or occupancy prior to the approval of the permit for the change or prior to the issuance of a parking permit or permits.

§ 237-75. Permits.

No building permit, for any purpose, shall be issued for any property, lot, building, covered by the provisions of this article, unless and until compliance herewith has been achieved. All parking spaces hereby required shall be valid upon the issuance of a parking space permit. All permit applications shall be filed an application form provided by the Borough of Newport and shall be administered by the Code Enforcement Officer or other designee of the Borough of Newport. A permit shall be issued only when the appropriate officer or designee has determined that all provisions hereof as well as all other ordinance, law or regulations and requirements are satisfied. The permit application shall be processed within 30 days from the date of the filing thereof and the payment of the required fee. The Code Enforcement Officer or other designee shall inspect all properties to monitor and enforce the permit and the provisions hereof.

§ 237-76. Current uses.

Except: in the case of a new building or residence construction; or the addition of a dwelling unit(s); or a change from a property's owner-occupied status, a property, structure or use in existence at the date of adoption of this article shall not be subject to the requirements of this article so long as the kind or extent of use is not expanded or changed and the lot, building, dwelling is not changed or altered to add a dwelling unit or its equivalent and is not changed from an owner-occupied dwelling; however, any parking facility or parking spaces now serving such properties, structures or uses shall not in the future be reduced below such requirements of this article.

§ 237-77. Municipal liability.

The grant of a permit or approval of a parking space or spaces shall not constitute a representation or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of the use or site and shall create no liability upon the Borough, its officials or employees.

§ 237-78. Variances.

A. The Borough Council shall hear request for variances where it is alleged that the provisions of this article inflict unnecessary hardship upon the applicant or property owner. The Borough Council shall prescribe the form of application and require application to the Council which, in its discretion, may grant a variance, provided the following findings are made where relevant in a given case:

- (1) That the variance, if authorized, will not substantially or permanently impair the appropriate use of adjacent property, nor be detrimental to the public welfare.
- (2) That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue.

- (3) That such unnecessary hardship has not been created by the appellant.
- (4) That because of such physical circumstances or conditions, there is no possibility that the property can be reasonably developed or used in strict conformity with the provisions of this article and that the authorization of a variance is therefor necessary to enable the reasonable use of the property.
- (5) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this article.

B. In granting any variance, the Borough Council may attach such reasonable limitations, conditions and safeguards as it may deem necessary to implement the purposes of this article.

§ 237-79. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person violating any of the requirements or provisions of this article shall be subject to a fine not exceeding \$600, plus costs, and/or 30 days' imprisonment, for each subsequent offense with each day's violation or noncompliance herewith constituting a separate offense.

§ 237-80. Nuisance.

Any property or premises or use thereof inconsistent herewith is hereby declared to be and is a public nuisance and a violation of this article and shall be subject to injunctive, equitable or other abatement action, at the costs, including all attorney fees and other expenses and costs, of the property owner or user or both, for purposes of enjoining any violation or potential violation hereof.

§ 237-81. Cumulative remedies.

Penalties contained in this article are in addition to any other remedies provided by this or any other ordinance or by law.