

WYALUSING BOROUGH

AN ORDINANCE AMENDING CHAPTER NO. 44, VEHICLES & TRAFFIC ORDINANCE, OF THE CODE OF THE BOROUGH OF WYALUSING, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA

The Borough of Wyalusing hereby ordains and enacts as follows:

Under, **Section 18. No Parking at Anytime** of the Code of the Borough of Wyalusing, hereby **deletes** the following:

Name of Street	Location
Either side of Route 6	as marked

Under, **Section 18. No Parking at Anytime** of the Code of the Borough of Wyalusing, hereby **adds** the following:

Name of Street	Location
Either side of Route 6	the entire length except for during Firemen's Carnival and Church activities in accordance with Section 32.

Under **Section 21, Location of parking spaces for physically challenged shall now read** of the Code of the Borough of Wyalusing, hereby **adds** the following:

Location

On Marsh Street at intersection of Church Street
On Senate Street in front of Borough Hall
On Main Street at intersection of Taylor Avenue
At Borough Park near pavilion
At the Borough Fire Station
Church Street at intersection of Main Street

Under **Section 25. Parking Prohibited at all times**, of the Code of the Borough of Wyalusing, hereby **deletes** the following:

Name of Street	Side	Location
Route 6	North	entire length as marked
Route 6	South	24 feet west and 24 feet east of the intersection of Third Street 24 feet east of the intersection of John Street

Under **Section 25. Parking Prohibited at all times**, of the Code of the Borough of Wyalusing, hereby **adds** the following:

Name of Street	Side	Location
Route 6	Both	Entire length except in accordance with Section 32.

Under **Section 31, Penalties and Parking Violations**, of the Code of the Borough of Wyalusing, hereby **deletes** the following:

§ 31. Penalties for parking violations.

Any person who violates any provision of this article shall, upon conviction, be sentenced to pay a fine of not more than \$50 and costs; provided, however, that it shall be the duty of the parking enforcement personnel, and/or Borough Ordinance Enforcement Officer to report to the District Magistrate all violations of any provision of this article, indicating, in each case, the section violated, the license number of the vehicle involved in the violation, the location where the violation took place and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this article. The notice shall contain instructions to the owner or driver of the vehicle that if he will report within 48 hours after the time of notice to the Borough office and pay the sum of \$10 for parking violations, and \$100 for snow emergency violations, or if he will place the sum of \$10 or \$100 enclosed, within the envelope provided mailed or hand delivered to the Borough Office. That act will save the violator from prosecution and from payment of the fine and costs prescribed in the first sentence of this section.

Under **Section 31, Penalties and Parking Violations**, of the Code of the Borough of Wyalusing, hereby **adds** the following:

§ 31. 1. Penalties for parking violations.

- A. Any person who violates any provision of this article shall, upon conviction be subject to a fine of \$10 for the first offense in addition to the procedure and penalties set forth above, plus, for subsequent offenses within a thirty-day period, a fine of at least \$50 for the

second offense, plus for subsequent offenses within a thirty-day period, a fine of at least \$100 for the third offense, and a fine of at least \$100 for any third or subsequent offense within a thirty-day period, together with costs of prosecution.

- B. It shall be the duty of the parking enforcement personnel, and/or Borough Ordinance Enforcement Officer to report to the District Magistrate all violations of any provision of this article, indicating, in each case, the section violated, the license number of the vehicle involved in the violation, the location where the violation took place and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The person making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation of this article. The notice shall contain instructions to the owner or driver of the vehicle that if he will report within 48 hours after the time of notice to the Borough office and pay the sum of \$10 for parking violations, and \$100 for snow emergency violations, or if he will place the sum of \$10 or \$100 enclosed, within the envelope provided mailed or hand delivered to the Borough Office. That act will save the violator from prosecution and from payment of the fine and costs prescribed for the first offense in the first sentence of this section for a \$10 parking violation or for a snow emergency violation under Section 37.
- C. If said vehicle shall be parked in a no parking area or in an area in excess of the time allowed for parking a fourth consecutive violation within a thirty (30) -day period, and, in that event, such vehicle shall be considered as guilty of the progressive violation policy, and the occupancy of such no parking area by the vehicle shall constitute a violation of this article subject to the fine of \$100 and cost of prosecution. If such vehicle is parked illegally for a period of more than three consecutive violations within a thirty (30) day period, such vehicle is subject to towing, and the cost of said towing is to be the responsibility of the owner of the illegally parked vehicle.
- D. Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of up to \$600, plus costs of prosecution and, in addition, any other costs incurred by the Borough in removal of said vehicle, and in default of payment of such fines and costs, to imprisonment in accordance with the provisions of law.
- E. In the event the District Magistrate determines the fine to be in excess of the amount authorized by law, the District Magistrate shall reduce said fine to comply with the Borough Code and the Motor Vehicles Code.

§ 31. 2. Towing Procedures.

- (1) Every such approved storage garage or pound shall provide adequate insurance as reviewed by the Borough Secretary or her designee to provide for indemnification of every such impounded vehicle against a loss, injury, or damage thereto, while in the custody of such pound keeper.
 - (2) The storage garage and/or operator towing such vehicles shall have adequate insurance as set forth above.
- B. Within seven days from the time of the removal of any such vehicle under the authority granted by this article, notice of the fact that such vehicle that has been impounded shall be sent by the Police Department under contract with the Borough or the Borough Secretary or designee to the owner of said

vehicle. Such notice shall designate the place in which said vehicle is removed, the reason for its removal and impounding and the pound to which it has been impounded.

- C. The owner of said vehicle shall pay the actual cost of the towing as charged by the towing operation, the cost of impoundment as charged by the impoundment area, the fine associated with the violation that resulted in said towing and an additional cost of 10% for the collection of if necessary by the Borough.

§ 31. 3. Payment of costs upon reclaiming vehicle. (See 75 Pa. C.S.A. § 7304.)

In the event the owner or lienholder of an abandoned vehicle reclaims the vehicle, the reclaiming party shall pay the costs for towing and storage, plus a fee of \$25, of which \$10 shall be transmitted to the Department by the salvor.

§ 31. 4. Authorization for disposal of unclaimed vehicles. (See 75 Pa. C.S.A. § 7304.)

The Department shall, after the expiration of 30 days from the date of notice sent by certified mail to the registered owner and all lienholders of record or 30 days after publication of notice, where applicable, and upon receipt of a written statement from the holder of the vehicle that the abandoned vehicle has not been reclaimed by the owner or lienholder within the thirty-day period, authorize the disposal of the abandoned vehicle in accordance with the provisions of this article.

§ 31. 5. Public sale of unclaimed vehicles with value. (See 75 Pa. C.S.A. § 7304.)

- A. General rule. If an abandoned vehicle having value has not been reclaimed as provided in this article, the vehicle shall be sold at a public auction.
- B. Title of purchaser. The salvor shall give the purchaser a sales receipt and shall apply to the Department for a title which shall be free and clear of all previous liens and claims of ownership.
- C. Disposition of proceeds. From the proceeds of the sale of the abandoned vehicle, the salvor shall be reimbursed for the costs of towing, storage, notice and publication costs and expenses of auction. The remainder of the proceeds of a sale shall be held for the owner of the vehicle or record lienholder for 60 days from the date of sale, and if not properly claimed, shall then be paid to the Department and transmitted to the State Treasurer for deposit in the Motor License Fund.

§ 31. 6. Salvaging of vehicles valueless except for salvage. (See 75 Pa. C.S.A. § 7304.)

- A. Application for certificate of salvage. If an abandoned vehicle is valueless except for salvage, the salvor shall note that fact in the report to the Department required in 75 Pa. C.S.A. § 7304 (relating to reports to Department of possession of abandoned vehicles) and shall apply for issuance of a certificate of salvage as provided for in 75 Pa. C.S.A. § 1117 (relating to vehicle destroyed, dismantled, salvage or recycled).
- B. Notice and issuance of certificate. If the identity of the last registered owner cannot be determined with reasonable certainty and it is impossible to determine with reasonable certainty the identity and addresses of any lienholder, no notice shall be required. Under such circumstances, the Department shall, upon receipt of the report by the salvor pursuant to 75 Pa. C.S.A. § 7304, issue a certificate of salvage as provided in 75 Pa. C.S.A. § 1117.

- C. Reimbursement of expenses of salvor. Upon receipt within six months of evidence that a salvor has removed an abandoned vehicle upon the request of a Police Department, the Department shall pay to the salvor from the Motor License Fund the sum of \$15 for the expenses incurred in the removal and towing of the abandoned vehicle. No portion of the fifteen-dollar payment or any separate consideration shall be reimbursed or paid to any government agency or municipality by the salvor.
- D. Rights of owners and lienholders. Issuance by the Department of a certificate of salvage for a vehicle salvaged under this section shall operate as notice by publication locally and shall be the responsibility of the salvor. The notice shall have the same effect as notice sent by certified mail.

§ 31.7. Abatement of nuisances.

In addition to the remedies provided in § 159-6, any continued violations of this article may be abated by the Borough by proceeding against the violator in a court of equity for relief.

Under **Article IV, Parking Allowed at Specific Times for Firemen’s Carnival and St. Mary’s Church, Section 32, Parking Allowed**, of the Code of the Borough of Wyalusing, hereby adds the following:

The purpose of this section is to allow for parking on both sides of Route 6 for the Firemen’s Carnival held once each year specifically for the dates that the carnival is in session:

<u>Name of Street</u>	<u>Parking at all Times</u> <u>Side</u>	<u>Location</u>
Route 6	Both sides	Entire length, with the exception of 24 feet within any intersection

The purpose of this section is to allow for parking on both sides of Route 6 for the St. Mary’s Church services, special events, weddings, and funerals to be held periodically during the course of the year:

<u>Name of Street</u>	<u>Parking at all Times</u> <u>Side</u>	<u>Location</u>
Route 6	Both	From Second Street to Fifth Street with the exception of 24 feet within any intersection

THIS ORDINANCE shall take effect immediately upon adoption.

ENACTED AND ORDAINED as an Ordinance of WYALUSING BOROUGH, Pennsylvania,
this 2 day of July, 2012.

George Anderson
George Anderson, President

ATTEST:

Stacy Hart
Stacy Hart, Secretary

APPROVED THIS 2 DAY OF July 2012.

Jean Reinhart, Mayor
Jean Reinhart, Mayor