

An Ordinance regulating traffic and parking in the Borough of Clark, imposing penalties for violation, and repealing prior ordinances.

The Borough of Clark hereby ordains:

Article I

General Regulations

Section 1. Definitions and Interpretation.

(a) Words and phrases, when used in this ordinance, shall have the meanings ascribed to them in The Vehicle Code of Pennsylvania, as now in force, or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

(b) The term "legal holidays" as used in this ordinance, shall mean and include: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

(c) In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

Section 2. Manner of Adopting Permanent Traffic and Parking Regulations.

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the Borough of Clark.

Section 3. Temporary and Emergency Regulations. The Mayor shall

have the following powers to regulate traffic and parking temporarily and in time of emergency:

(a) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations;

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

Such temporary and emergency regulations shall be enforced by the Mayor and the Police Department in the same manner as permanent regulations. Any person who shall operate or park a vehicle or tractor in violation of 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 liable to the penalty set forth in the law or elsewhere in this ordinance 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 ordinance, to a fine of not more than twenty-five dollars (\$25.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of fine and costs.

Section 4. Experimental Regulations. The Borough Council may, from time to time, designate places upon and along the highways in the Borough where, for a period of not more than ninety (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 just as if they had been specified in this ordinance. 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 liable to the penalty set forth in the law or elsewhere in this ordinance 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 ordinance, to a fine of not more than twenty-five dollars (\$25.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten

dollars (\$10.00) of fine and costs. 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.

Section 5. Authority of Peace Officers. The peace officers of the Borough are hereby given authority to direct traffic on the highways of the Borough, and at intersections thereof.

## Article II

### Traffic Regulations

Section 1. Motor Vehicles not to be Driven on Sidewalks. No person shall operate a motor vehicle or tractor upon any sidewalk in the Borough; nor shall any person operate a motor vehicle upon or across any sidewalk except in order to gain access to or egress from a driveway or alley at such locations where the curb, if such sidewalk is curbed, shall have been properly cut down for the purpose. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than twenty-five dollars (\$25.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of fine and costs.

Section 2. Speed Limits Established. The following speed limits are hereby established:

<u>Highway</u>	<u>Between</u>	<u>Speed Limit</u>
Charles Street	PA Route 258 and Parkview Drive	25 m. p. h.
Clay Furnace Road	North Neshannock Road and Jefferson Township line	25 m. p. h.
Gibson Drive	Valley View Road and dead end	25 m. p. h.

Speed LimitBetweenHighway

McMinn Road	Clay Furnace Road (L. R. 43009) and dead end	25 m. p. h.
Milton Street	PA Route 258 and dead end	25 m. p. h.
Nora Street	Milton Street and dead end	25 m. p. h.
North Neshannock Road	PA Route 258 and Clay Furnace Road	25 m. p. h.
PA Route 258	PA Route 18 and a point 3/4 mile east thereof	35 m. p. h.
Parkview Drive	Thomas Road and Gibson Drive	25 m. p. h.
Thomas Road	Charles Street and Parkview Drive	25 m. p. h.
Valley View Road	PA Route 258 and South Pymatuning Township line	25 m. p. h.
Winner Road	PA Route 258 and Hermitage line	25 m. p. h.

Any person who shall operate a vehicle or tractor at a speed in excess of that established therefor, upon any highway or portion thereof specified in this section, shall, upon conviction thereof, be sentenced to pay a fine of thirty-five dollars (\$35.00) and, if convicted of exceeding the maximum speed limit by more than five (5) miles per hour, an additional fine of two dollars (\$2.00) per mile for each mile in excess of five (5) miles per hour over the maximum speed limit, and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of fine and costs.

Section 3. Traffic Signals at Certain Intersections. At the following intersections, official traffic signals shall be erected (or if heretofore erected are hereby ratified), and traffic at such intersections shall be directed by such signals:

PA Route 18 and PA Route 258

Any operator of a vehicle or tractor who shall disobey the directions of any traffic signal shall, upon conviction thereof, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of fine and costs.

Section 4. Through Highways Established. The following highways are hereby established as through highways, and the operator of every vehicle or tractor upon approaching any such highway at any intersection thereof (except for such intersections where there are now or shall hereafter be located official traffic signals) shall come to a full stop, within a reasonable distance, before entering any such through highway:

<u>Highway</u>	<u>Between</u>
PA Route 18	Entire length
PA Route 258	Entire length
Valley View Road	Entire length

Any operator of a vehicle or tractor who shall fail to come to a full stop, within a reasonable distance, before entering any such through highway, as hereinabove required, shall, upon conviction thereof, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of such fine and costs.

Section 5. Stop Intersections Established. The following intersections (in addition to highways intersecting with the through highways established by Section 4 of this article) are hereby established as stop intersections, and official stop signs shall be erected (or are hereby confirmed if heretofore

erected) in such a position as to face traffic approaching the second-named highway upon the first-named highway, in the direction or directions hereby indicated. All vehicles and tractors approaching any such intersection upon the first-named highway, in the direction or directions hereby indicated in each case, shall come to a full stop, within a reasonable distance, before entering any such intersection:

<u>Highway</u>	<u>Through Highway</u>	<u>Direction of Travel</u>
Clay Furnace Road	North Neshannock Road	West
Gibson Drive	Parkview Drive	West
McMinn Road	Clay Furnace Road (L. R. 43009)	North
Nora Street	Milton Street	West
North Neshannock Road	Clay Furnace Road	South
Thomas Road	Charles Street	West

Any operator of a vehicle or tractor who shall fail to come to a full stop, within a reasonable distance, before entering any stop intersection, as hereinabove required, shall, upon conviction thereof, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of fine and costs.

Section 6. Vehicle Weight Limits Established. It shall be unlawful for any person to operate any motor vehicle or other tractor, trailer or tractor-trailer combination, having a gross weight in excess of that herein respectively prescribed, upon any of the following highways or portions thereof.

<u>Highway</u>	<u>Between</u>	<u>Maximum Gross Weight</u>
Charles Street	Entire length	12,000 pounds
Clay Furnace Road	Entire length	12,000 pounds

<u>Highway</u>	<u>Between</u>	<u>Maximum Gross Weight</u>
McMinn Road	Entire length	12,000 pounds
Milton Street	Entire length	12,000 pounds
Nora Street	Entire length	12,000 pounds
North Neshannock Road	Entire length	12,000 pounds
Parkview Drive	Entire length	12,000 pounds
Thomas Road	Entire length	12,000 pounds
Valley View Road	Entire length	12,000 pounds
Winner Road	Entire length	12,000 pounds

Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of fine and costs.

Section 7. Unlawful to Operate Motor Vehicles or Tractors on Highways

Closed for Construction or Repair. It shall be unlawful for any person to operate any vehicle or tractor upon any highway in the Borough 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 not more than twenty-five dollars (\$25.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of fine and costs.

Section 8. Play Highways Authorized. The Mayor is hereby authorized

to designate as play highways, whenever he shall deem such action advisable, and for whatever period of time directed by him, any portion of any highway

in the Borough whereon sledding and coasting shall be permitted. Such highway shall be set apart for the purpose under the direction of the Mayor.

No person shall operate any motor vehicle or tractor upon any play highway at any time when such highway shall be so designated, except in case of emergency, with special permission of the Mayor or of the police officer in charge, who shall first clear such play highway of all persons using such highway for the purpose for which it was set aside. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than twenty-five dollars (\$25.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of fine and costs.

### Article III

#### Parking Regulations

Section 1. Vehicles to be Parked Within Marked Spaces. Wherever a space shall be marked off on any highway for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.

Section 2. Parking Prohibited at All Times in Certain Locations. Parking shall be prohibited at all times in the following locations:

<u>Highway</u>	<u>Side</u>	<u>Between</u>
Charles Street	Both	PA Route 258 and Parkview Drive
Clay Furnace Road	Both	North Neshannock Road and Jefferson Township line
Gibson Drive	Both	Valley View Road and dead end
McMinn Road	Both	PA Route 258 and Clay Furnace Road
Milton Street	Both	PA Route 258 and dead end
Nora Street	Both	Milton Street and dead end



Highway

Side

Between

North Neshannock Road

Both

PA Route 258 and Clay Furnace Road

Parkview Drive

Both

Thomas Road and Gibson Drive

Thomas Road

Both

Charles Street and Parkview Drive

Valley View Road

Both

PA Route 258 and South Pymatuning Township line

Winner Road

Both

PA Route 258 and Hermitage line

Section 3. Penalty for Violation. Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of fifteen dollars (\$15.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for one (1) day for each ten dollars (\$10.00) of fine and costs. Provided: it shall be the duty of the peace officers of the Borough to report all violations of any provisions of this article, indicating in each case,

the section thereof violated,

the license number of the vehicle involved in such violation,

the location where such violation took place,

the time of such violation, and

any other facts that might be necessary in order to secure a clear understanding of the circumstances attending such violation.

The peace officer making such report shall also attach to every such vehicle a notice that such vehicle was parked in violation of this article.

Article IV

Interpretation and Repeal

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

any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

Section 2. Provisions to be a Continuation of Prior Regulations. The provisions of this ordinance, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this ordinance shall not affect any act done or liability incurred, nor shall they affect any suit of prosecution pending or to be instituted to enforce any of these repealed ordinances or regulations.

Section 3. Repeal of Prior Ordinances. The following ordinances of the Borough of Clark are hereby repealed:

1. Ordinance 3, Regulating the stopping and parking of motor and other vehicles, and their use of certain streets and providing penalties for violation thereof, approved February 1, 1926.
2. Ordinance 8, Designating State Highway Route #238 and 320 as main travelled and through highways, providing for the erection of proper signs and penalties for failing to stop upon entering or crossing said streets, approved September 21, 1929.
3. Ordinance 37, Regulating the operating, stopping and parking of motor and other vehicles on certain streets in said Borough of Clarksville, and providing penalties for violation thereof, approved September 13, 1949.
4. Ordinance 91, Prescribing traffic and parking regulations within the Borough of Clark, Mercer County, Pennsylvania, and providing penalties for their violation, approved October 4, 1966.
5. Ordinance 96, Amending Ordinance No. 91 relating to traffic and parking regulations within the Borough, approved January 3, 1967.
6. Ordinance 100, Amending Ordinance No. 91 relating to traffic and parking regulations within the Borough of Clark, Mercer County, Pennsylvania, approved March 7, 1967.

ADOPTED this \_\_\_ day of \_\_\_\_\_, 19\_\_\_.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Borough Secretary

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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Mayor