

Traffic and Vehicle Operation

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Turbotville, Northumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1 TITLE AND PURPOSE

- A. This ordinance shall be known and may be cited as the Traffic and Vehicle Operation Ordinance of the Borough of Turbotville.
- B. Borough Council recognizes the need to provide for the safety and the ability for Emergency Vehicles to access all Borough residences. Borough Council further recognizes the need to provide for the health or threat to the safety of Borough residents that vehicles may impose.
- C. Definition(s):
 - 1. A vehicle shall be defined as any self-propelled or towed land vehicle which can be used for towing or transporting people and/or materials; including but not limited to: automobiles, trucks, buses, motorized campers and motorhomes, tractors, motorcycles, motor scooters, snowmobiles, dune buggies, ATV's, other on or off-road vehicles, non-motorized campers, material person or boat transporting trailers, food trailers, and any other vehicle designed for on or off-road usage.
 - 2. Person includes any natural person, firm, partnership, association, corporation, or other legal entity of whatever kind.
 - 3. Vehicle Accessories includes any part or parts of a vehicle.
 - 4. Junked / Nuisance Vehicle is any vehicle listed above which is partially dismantled, unused, unusable, wrecked and which cannot be safely or legally operated under the provisions of the Pennsylvania Vehicle Code in a public road, or any of the following physical defects which may be considered a safety issue to passersby.
 - a. A motor vehicle unable to move under its own power.
 - b. Broken windshields, mirrors or other glass with sharp edges.
 - c. One or more flat or open tires or tubes (on or off the vehicle) which could permit vermin harborage.
 - d. Missing doors, windows, hoods, trunk lids, or other body parts which could permit animal harborage in the vehicle.
 - e. Any body parts with sharp edges including holes resulting from rust.
 - f. Missing tires resulting in unsafe positioning of the motor vehicle.
 - g. Broken headlamps or tail lamps with sharp edges.
 - h. Disassembled chassis parts apart from the motor vehicle stored in a fashion or loose in or on the vehicle which may be considered a safety issue to passersby.
 - i. Protruding sharp objects from the chassis.

- j. Broken vehicle frames suspended from the ground in an unstable manner.
 - k. Leaking or damaged oil pan or gas tank which could cause fire or other hazard to individuals or the environment.
 - l. Exposed battery with battery fluids clearly visible.
 - m. Open or damaged body panels, including trunk, floor boards, and fire wall.
 - n. Damaged bumpers pulled away from the perimeter of vehicle with defects which may be considered a safety issue to passersby.
 - o. Broken grill with protruding edges which may be considered a safety issue to passersby.
 - p. Loose or damaged metal trim and clips, broken communications equipment and antenna which may be considered a safety issue to passersby.
 - q. Such other defects, including physical support(s) of the vehicle which may be considered a safety issue to passersby.
5. Private Property means any real property not owned by any governmental entity.
 6. Provisions of the Pennsylvania Vehicle Code shall also include PennDOT Publication 221, and all other PennDOT or Pennsylvania statutes or provisions applying to the use of vehicles -whether for on-road or off-road usage.

SECTION 2 PREVIOUS ORDINANCES AND OTHER STATUTES RECOGNIZED

- A. This Ordinance supplants and Turbotville Ordinances: 1988-4; 1995-1; 1995-4; 2016-7; 2017-4; 2017-17 and all amendments and addition to those ordinances. Provisions of these referenced Ordinances not specifically modified as a provision of this Ordinance shall remain in effect.
- B. In addition, this Ordinance shall include any and all applicable Pennsylvania Vehicle Code Statutes, PennDOT regulations and/or specifications; and any and all additions, amendments, updates, and other modifications which may be added.

SECTION 3 VEHICULAR SPEED

- A. In compliance with applicable Pennsylvania Statutes, the following street speed limits are established:
 1. Main Street (PA Route 44) - 35 MPH
 2. Paradise Street (PA Route 1015) – 35 MPH
 3. Pine Street – 25 MPH
 4. Church Street – 35 MPH
 5. Broadway Street – 25 MPH
 6. King Street – 25 MPH
 7. Queen Street – 25 MPH
 8. Washington Street – 25 MPH
 9. Colonial Lane – 25 MPH
 10. Cherry Tree Lane – 25 MPH
- B. Any Privately Owned Drive, Street, Alley, or other property access type are not included in this Ordinance.

- C. All other public streets and/or alleys not listed in Paragraph 3.A above shall be designated as Alleys for the purpose of this Ordinance. Speed limit for these Alleys is established as 15 MPH.

SECTION 4 PARKING

- A. In compliance with applicable Pennsylvania Statutes, the following parking restrictions are established in addition or in clarification of any Pennsylvania Statutes.
1. Any vehicle parked on any public street or highway within the Borough must have current licensing, registration, and inspection.
 2. Any vehicle parked on any public street or highway within the Borough must park in the direction of traffic flow on the side of the street on which the vehicle is parked.
 3. No Parking within 30 feet in front of a posted STOP sign
 4. No Parking within 15 feet of a Fire Hydrant
 5. No Parking within 20 feet of an established marked or unmarked Crosswalk
 6. No Parking in a parking area/space identified as Handicapped Parking without the appropriate Handicapped Parking Licensing or Placard
 7. No Parking within 30 feet of any Street-Street or Alley-Street intersection within the Borough.
 8. No Parking within any area defined by yellow painted curbing
- B. Turbotville Borough establishes the following Parking Regulations, in addition to those in Section 4.A.
1. No overnight Parking between the hours of 2 AM and 7 AM is permitted in the public parking area located on Church Street adjacent to the Turbotville Park and Recreation Area.
 2. No vehicle parked which blocks a sidewalk for more than 4 hours shall be permitted.
 3. No Parking with one or more vehicle wheels/tires located atop street curbing.
 4. No On-Street parking the length of Pine Street for a period greater than 6 hours
 5. No Parking on the following Streets/Alley(ies) due to width of cartway.
 - a. Hall Street
 - b. Virgin Lane
 - c. East and West Golf Streets
 - d. Hill Street
 - e. Navy Street
 - f. Locust Lane
 - g. Line Street
 - h. Fort Street
 - i. Earl Street
 - j. Ball Street (Exception: Ball Street between King and Queen Streets – parking is permitted)
 - k. Coal Street
 - l. Deer Street
 - m. Mott Street
 - n. Forest Street
 6. No Parking on Any Borough Street or Alley during a winter storm. A winter storm shall be defined as:
 - a. Daytime (5 AM – 8 PM) snow accumulation of greater than 1 inch.

- b. Overnight anticipated snow accumulation (National Weather Service Data) of greater than 2 inches.
 - c. Anticipated or actual ice accumulation of 0.25 inches within a 24-hour period, or
 - d. Any Weather-Related Emergency as declared by State, County, or Local Officials (Turbotville Mayor)
7. No On-Street Parking on Church Street between Main and Pine Streets during the Turbotville Annual Carnival Event or other posted events approved by Borough Council. Vehicles with a valid Handicap Parking vehicle license or placard may park in designated areas on Church Street during such events.
 8. No On-Street Parking as designated for special events within the Borough

C. Motor vehicles in residential areas:

1. Not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district defined by current Zoning Regulations
2. No vehicle shall at any time be in a state of disassembly, disrepair, nor shall it be in the process of being stripped or dismantled.
3. A vehicle of any type shall not at any time undergo major overhaul, including body work in a residential district, as defined by current Zoning Regulations, unless said work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
4. In addition, not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property within a residential district (as defined by current Zoning Regulations) if such vehicle constitutes a motor vehicle nuisance as defined in Section 1.C.4 above.

SECTION 5 JUNKED / NUISANCE VEHICLES AND ACCESSORIES

A. Junked / Nuisance vehicles and/or accessories shall be defined as listed in Section 1.C.4 of this ordinance. The following additional definitions for Junked / Nuisance Vehicles and Accessories shall apply:

1. Public nuisance means the unsheltered storage, as defined in Section 5.A.3, of a Junked / Nuisance motor vehicle as defined in Section 1.C.4 of this Ordinance which constitutes a hazard or threat or potential threat to the health, safety, or welfare of the Borough's citizens.
2. Removal means the physical location or relocation of a vehicle to an authorized location
3. Unsheltered storage means any storage except storage inside a building or in an area completely surrounded by a solid fence of a height not less than the height of the vehicle being stored.

Vehicles reported to the Borough as Junked / Nuisance, but upon inspection by an Enforcement Officer found not to be Junked / Nuisance but being stored and fully Operational, but lacking current licensing, registration, and inspection shall be in violation of this ordinance.

B. Prohibited Storage. It shall be unlawful for any person owning or having custody of any Junked / Nuisance motor vehicle, as defined in Section 1.C.4 or motor vehicle accessories which creates a hazard or threat or potential threat to health, safety or welfare of the Borough's citizens to store or permit any such vehicle or accessories to remain in unsheltered storage on any private property or public street or highway within the

Borough for a period of more than thirty (30) days; after the expiration of the thirty-day period following receipt of a written notice from the Borough and/or Borough Enforcement Officer requiring such removal, and it shall be further unlawful for any person owning any private property in the Borough or leasing any such property to store or to permit to remain any such vehicles or accessories on his property for more than a like period.

It shall further be unlawful for any person, after notification to remove any Junked / Nuisance motor vehicle or motor vehicle accessories constituting a public nuisance hereunder from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage within the Borough of Turbotville.

- C. The prohibitions of Section 5.B hereof shall not apply to a limit of one (1) Junked / Nuisance motor vehicle or motor vehicle accessories stored within an enclosure or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or motor vehicle accessories being stored.
- D. The prohibitions of Section 6.B hereof shall not apply to the premises of a for-profit business enterprise otherwise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a storage place or depository maintained in a lawful place and manner

Such business enterprises shall include auto repair and auto body shops, but shall not include tire, battery and accessory sales stores, and the provisions hereof extending to permitted storage shall not extend to the storage at such business enterprises of more than five (5) Junked / Nuisance vehicles or trailers at any one time.

The prohibition of Section 6.B hereof shall likewise not be applicable to salvors holding a current certificate of authorization issued by the Department of Transportation of the Commonwealth of Pennsylvania, provided, however, that such salvor is otherwise operating in a lawful place and manner.

- G. Investigation of premises. The building inspector or code enforcement officer, or other Enforcement Officer(s) as designated by the Borough, on routine inspection or upon receipt of a complaint, may not enter upon private property to investigate if a suspected Junked / Nuisance motor vehicle or motor vehicle accessories stored or maintained in violation of this Ordinance.

However, any suspected Junked / Nuisance motor vehicle, motor vehicle accessories or Seasonal Use vehicle stored within or visible from any Borough Street, Alley or other Public-Access Property shall be subject to the conditions of this ordinance.

- H. Notice of removal. Whenever the enforcement officer or any member of his/her department finds or is notified that any Junked / Nuisance motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property or public street or highway within the Borough and in violation of the provisions of this Ordinance the building inspector or code enforcement officer shall send by certified or registered mail a notice to the owner of record of such motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property, as shown on the tax assessment records of the Borough, on which the

same is located, to remove the Junked / Nuisance motor vehicle, trailer or motor vehicle accessories within thirty (30) days from receipt of written notice. Such notice shall contain the following additional information:

1. Nature of complaint,
2. Description and location of the motor vehicle and/or motor vehicle accessories; including date/time stamped photos if available
3. Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than thirty (30) days from the date of notification;
4. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
5. Statement that if removal is made within the time limits specified, notification thereof shall be given in writing to the enforcement officer; and;
6. Statement of the penalties provided for noncompliance with such notice.

SECTION 6 ENFORCEMENT AND PENALTIES

- A. Turbotville Borough recognizes and/or authorizes the following as Enforcement Officers of this Ordinance
 1. Pennsylvania State Police
 2. Any Current and/or Future Police operating under the approval of Turbotville Borough Council
 3. Borough Employees who have been authorized by Borough Council with Enforcement Powers of Turbotville Borough Ordinances. Note: This authorization does not apply to Speed Enforcement.
 4. Other third-party individuals who have been authorized by Borough Council to execute enforcement activities of Borough Ordinances.
- B. Elected Officials of Turbotville Borough may not serve as Enforcement Officers.
- C. The Enforcement Officer as designated by Borough Council shall have the power to issue citations and/or parking tickets to enforce this ordinance, pursuant to the appropriate Pennsylvania Rules of Criminal or Civil Procedure, as amended from time to time.
- D. Citations and/or parking tickets may be issued in one of two manners:
 1. A written paper ticket placed upon the vehicle(s) in violation of the provisions of this ordinance. This ticket shall identify the vehicle, the date and time of the violation, the location of the violation, and the issuing Enforcement Officer's name, Badge Number, and/or any other identifying manner.
 2. A letter sent from the Borough office with a date and time stamped photograph of the violation occurrence, the location of the violation, and the issuing Enforcement Officer's name, Badge Number, and/or any other identifying manner.
- E. Penalties – any person who fails to comply with any or all of the provisions of this ordinance, or is in violation of same shall be deemed guilty of an offense and upon conviction or a plea of guilty thereto, shall pay a fine to the Borough of Turbotville, or any other governmental agency or office as indicated on the violation notice.

In addition to any penalty associated with the violation, the person in violation shall pay processing/Administrative costs of not less than twenty dollars (\$ 20.00) plus any

applicable postage/delivery service charge(s) for delivery of written notification to the Borough of Turbotville for any violation issued by a duly authorized Enforcement Officer of the Borough. These processing costs shall be in addition to any court, legal, or other costs levied by the jurisdiction judging the violation.

Penalties for failure to comply with any or all of the provisions of this ordinance of same, shall pay a fine as indicated:

1. Speeding Violations fines and associated costs shall be based upon current Pennsylvania Guidelines in force at the time of violation.
2. Parking Violations shall pay a fine of not less than \$ 15.00 (fifteen dollars) or more than \$ 25.00 (twenty-five dollars) for the initial violation, plus processing costs.
3. A second Parking Violation for the same violation as indicated in Section 6.E.2 occurring for the same vehicle in the same location occurring no less than 24 hours following the previous violation shall pay a fine of \$ 40.00 (forty dollars) for this second violation in addition to fines associated with the initial violation plus additional administrative and/or delivery fees as indicated in Section 6.E
4. Subsequent Violations for the same vehicle in the same location after 48 hours from the initial violation shall be subject to an additional fine of \$ 50.00 per 24-hour period plus a one-time additional processing/administrative/delivery fee of \$ 75.00 (Seventy-Five Dollars)
5. Violations for parking in a properly identified Handicap Parking Space shall pay a fine of no less than \$ 50.00 (fifty dollars) for the first offense plus processing/administrative/delivery fees; Subsequent violations within a 180-calendar day period shall be no less than \$ 100.00 (one hundred dollars) nor more than \$ 200.00 (two hundred dollars) per offense plus processing/administrative/delivery fees.
6. Any person violating any of the provisions of this Ordinance addressing Junked / Nuisance Vehicles and/or Accessories: shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of not less than \$ 200.00 (two hundred dollars) or more than \$ 500.00 (five hundred dollars and no cents) plus processing/administrative/delivery fees. and/or to be committed to the county jail for a period not exceeding thirty (30) days, plus costs of prosecution, and each day that a violation is committed shall constitute a separate offense.
7. Any person found to be in violation of current licensing, registration, and/or inspection for a vehicle parked on a Borough Street or Highway shall pay a fine of not less than \$ 15.00 (fifteen dollars) or more than \$ 25.00 (twenty-five dollars) for the initial violation, plus processing/administrative/delivery fees. Subsequent violations are subject to fines as listed in Section 7.D.3 and Section 7.D.4 of this Ordinance.
8. Any person found in violation of any Pennsylvania State Vehicle Code provision may be assessed a violation per the Current Pennsylvania guidelines in addition to any fine(s) assessed by the Borough.
9. In default of any violation fine payment, such person shall be imprisoned in the Northumberland County Prison for a period of not less than 24 hours or not to exceed 5 (five) days; unless directed otherwise by a Magistrate or Judge duly authorized by the State of Pennsylvania.

SECTION 7 CITIZEN RIGHT TO APPEAL

- A.** Citizens and/or residents of the Borough of Turbotville may formally appeal any violation issued by a Borough Enforcement Officer to the Borough Council of Turbotville with the following exceptions:
1. Violations issued by a duly licensed and authorized Police Officer for any violation of a moving vehicle may not be appealed to the Borough.
 2. Violations issued by a duly licensed and/or authorized Police Officer for any violation (moving or non-moving) occurring on a PennDOT (State of Pennsylvania) street, highway, or motorway may not be appealed to the Borough.
- B.** Requests to Appeal an issued violation shall be received in the Borough Office within five (5) business days following issuance of the violation or receipt of a mailed violation, whichever is later. Requests to Appeal must be written and include the date and time of the violation, the nature of the violation, and a brief description of the violation appeal. Such requests may be delivered to the Borough Office in person during normal posted office hours; by registered letter to the Borough Secretary; or by email to the Borough Office.
- C.** Appeals Hearing(s) shall be held during the monthly regularly scheduled Meeting (First Business Monday or as posted) at 6:30 PM prior to the regular meeting. All Appeals Hearings shall be open to the Public and will occur within the Meeting Room at the Turbotville Borough Building, 267 Broadway Street, Turbotville, PA. Persons making appeals shall be notified in writing of the date and time of their appeal no less than 3 business days prior to the meeting.
- D.** Persons wishing to make an appeal must attend the Appeals Hearing in Person. A representative of the person making the appeal may appear if the person making the appeal is not able to attend due to business or personal reasons. The name, address, and association with the person making the appeal, of the representative must be received in writing in the Borough Office three (3) business days prior to the appeals hearing.
- E.** Appeals shall be presented to a Hearing Appeals Committee consisting of three (3) duly-elected members of Borough Council as appointed by the Borough Council President.
- F.** Hearing Appeals Committee may, at the discretion of the Committee, recommend to Borough Council:
1. Dismissal of any part of or all of an assessed fee/penalty.
 2. To Modify and/or Reduce all or part of any assessed fee/penalty.
- G.** Hearing Appeals Committee may not increase any part of or all of an assessed fee/penalty
- H.** The Hearing Appeals Committee shall present its recommendation to the full Borough Council at the next Council meeting. Borough Council will then vote yea or nay on the recommendation(s).
- H.** All Appeal Decisions of the Borough Council are final.

SECTION 8 RESIDENT NOTIFICATION

In addition to the advertisement of the ordinance in accordance with Pennsylvania Borough Code, the monthly Borough Newsletter, and the Borough's Web and Facebook pages - a full copy of the ordinance shall be displayed at the Borough Office for 20 days following adoption of this Ordinance. Further, to ensure that all Borough residents are aware of this Ordinance's provisions, a notification shall be placed on all borough residences within 10 business days of adoption notifying residents that they may view the ordinance at the Borough Office.

SECTION 9 EFFECTIVE DATE


This Ordinance shall become effective 20 calendar days after its adoption and enactment by Borough Council and upon its enactment and as otherwise provided by law.

ENACTED AND ORDAINED into Ordinance #21-9-13 this 13th day of September, 2021.

EFFECTIVE DATE FOR ALL PROVISIONS OF THIS ORDINANCE SHALL BE 12:01 AM ON OCTOBER 4TH, 2021.

BOROUGH OF TURBOTVILLE


Christina A. Mensch, President of Borough Council

ATTEST:

Borough Secretary

Chad Cromley, Mayor