

CHAPTER 15

MOTOR VEHICLES AND TRAFFIC

Part 1

General Regulations

- §101. Definitions and Interpretation
- §102. Manner of Adopting Permanent Traffic and Parking Regulations
- §103. Continuation of Prior Regulations
- §104. Temporary and Emergency Regulations
- §105. Experimental Regulations
- §106. Authority of Police Officers
- §107. Authorization for Use of Speed Timing Devices

Part 2

Traffic Regulations

- §201. Motor Vehicles Not to Stop, Stand, Park or Be Driven on Sidewalks
- §202. Speed Limits Established
- §203. Traffic Signals at Certain Intersections
- §204. Right Turn on Red Signal Prohibited at Certain Intersection
- §205. Stop Intersections
- §206. Through Streets Established
- §207. One-Way Streets
- §208. U-Turns Prohibited on Certain Streets or Portions Thereof
- §209. Unlawful to Operate Motor Vehicles on Streets Closed for Construction or Repair
- §210. Play Streets Authorized

Part 3

General Parking Regulations

- §301. Parking Without Lights Authorized
- §302. Loading and Unloading
- §303. Angle Parking Required on Portions of Certain Streets
- §304. Vehicles to be Parked Within Marked Spaces; Parking Prohibited in Certain Marked Areas
- §305. Parking Prohibited at All Times in Certain Locations
- §306. Parking Prohibited at Certain Times on Certain Streets and Alleys
- §307. Parking Time Limited in Certain Locations
- §308. [Insert time] Parking Limit for Certain Types of Vehicles
- §309. Special Purpose Parking Zones Established; Parking Otherwise Prohibited
- §310. Parking for Repairs
- §311. Trailer Parking Restricted
- §312. Parking of Boats, Truck Tractors, Trailers and Trucks Prohibited on Streets in Residential Zones
- §313. Penalties

Part 4

Unlicensed, Uninspected and Dismantled Vehicles

- §401. Parking and Storage of Unlicensed and Uninspected Vehicles on Streets and Alleys Restricted
- §402. Dismantled Vehicles not to be Stored or Parked on Streets and Alleys
- §403. Removal of Vehicle
- §404. Reclamation Costs
- §405. Penalty

Part 5

Removal and Impoundment of Illegally Parked Vehicles

- §501. Authority to Remove and Impound Illegally Parked Vehicles
- §502. Approved Storage Garages
- §503. Towing and Storage Charges
- §504. Garage to Post Bond
- §505. Notification to Owners of Impounded Vehicles
- §506. Effect of Payment of Towing and Impoundment Charges Without Protest
- §507. Effect of Payment of Towing and Impoundment Charges Under Protest
- §508. Records of Vehicles Removed and Impounded
- §509. Owner or Operator of Vehicle Remains Liable for Fine or Penalty
- §510. Restrictions upon Removal of Vehicles

Part 6

Snow and Ice Emergency

- §601. Definitions
- §602. Declaration of Snow Removal Condition
- §603. Unattended Vehicles Prohibited During Emergency
- §604. Certain Streets Designated for Snow Removal
- §605. Snow Tires or Chains Required
- §606. Penalties

Part 7

Storage of Motor Vehicle Nuisances

- §701. Definitions
- §702. Motor Vehicle Nuisances Prohibited
- §703. Storage of Motor Vehicle Nuisances Permitted
- §704. Inspection of Premises; Notice to Comply
- §705. Authority to Remedy Noncompliance
- §706. Penalties
- §707. Remedies Not Mutually Exclusive

Part 8

Engine Brake Retarders

- §801. Purpose
- §802. Engine Brake Retarders Prohibited
- §803. Emergency Situations
- §804. Emergency Vehicles
- §805. Signs
- §806. Violations and Penalties

Part 1
General Regulations

§101. Definitions and Interpretation. 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.

LEGAL HOLIDAYS - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

In this Chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.
(Ord. 151, 11/12/1984)

§102. 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. (Ord. 151, 11/12/1984)

§103. Continuation of Prior Regulations. The provisions of this Chapter 15, 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. (Ord. 151, 11/12/1984)

§104. Temporary and Emergency Regulations. 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 seventy-two (72) hours.

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 15 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 twenty-five dollars (\$25.00) together with costs of prosecution.

(Ord. 151, 11/12/1984)

§105. 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 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 as is 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 twenty-five dollars (\$25.00) 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. (Ord. 151, 11/12/1984)

§106. Authority of Police Officers. The police officers of the Borough of Millheim are hereby given authority to direct traffic on the highways of the Borough and at intersections thereof. (Ord. 151, 11/12/1984)

§107. Authorization for Use of Speed Timing Devices. The Borough of Millheim Police Department is hereby authorized to use all mechanical or electrical speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, including but not limited to E.S.P. and Vascar systems.

This section authorizes the use of said devices upon all highways within the Borough, be they Borough, county or state highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 P.S. §§101 et seq. (1977) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 151, 11/12/1984)

Part 2
Traffic Regulations

§201. Motor Vehicles Not to Stop, Stand, Park or Be Driven on Sidewalks. No person shall stop, stand, park or drive any vehicle, except a pedicycle, human powered vehicle or other motorized vehicle approved by the Borough, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. 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) together with costs of prosecution. (Ord. 151, 11/12/1984; as amended by Ord. 223, 7/12/2005, §1)

§202. Speed Limits Established. The following speed limits are hereby established:

<u>Street</u>	<u>Between</u>	<u>Speed Limit</u>
East Main	Red light to High Street	25 mph
	High Street to Borough line	35 mph
Long Lane	W. Main Street to Penn Township Line	30 mph
Mill Street	Penn Street to Long Lane	25 mph
Park Street	Main to Church	20 mph
Penn	Main Street and Borough line	25 mph
West Main	Red light to Walnut Street	25 mph
	Walnut Street to Borough line	35 mph

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 thirty-five dollars (\$35.00) and, for exceeding a maximum speed limit by more than five (5) miles-per-hour, shall pay an additional fine of two dollars (\$2.00) for each mile-per-hour in excess of five (5) miles-per-hour over the maximum speed limit.

(Ord. 151, 11/12/1984; as amended by Ord. 157, 8/11/1986, §1)

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

Main Street with North Street and Penn Street

Any driver of a vehicle 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) together with costs of prosecution.

(Ord. 151, 11/12/1984)

§204. Right Turn on Red Signal Prohibited at Certain Intersection. It shall be unlawful for the driver of any vehicle traveling on the first-named street at any of the following intersections, in the direction or directions hereby indicated in each case to make a right turn when his or her vehicle is facing a steady red traffic signal:

<u>Street</u>	<u>Intersecting Street</u>	<u>Direction of Travel</u>
Main Street	North and Penn	All directions

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) together with costs of prosecution.

(Ord. 151, 11/12/1984)

§205. Stop Intersections. 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:

<u>Stop Street</u>	<u>Through Street</u>	<u>Direction of Travel</u>
Cherry Street	Hillcrest Avenue	south
Elk Street	Center Street	north and south
	Elk Street Ext.	south
Gramley Avenue	Park Road	west
Hillcrest Avenue	North High Street	west
	Pine Street	west
Maple Street	Poplar Street	north
Mill Street	Long Lane	west
North High Street	Gramley Avenue	north
Oak Street	Walnut Street	east
Public Road #2	Park Road	north
Race Street	Maple Street	west
South Street	Locust Street	east and west
	Long Lane	east and west
	Walnut Street	east and west
Second Street	Park Street	east
Stover Avenue	Pine Street	west
Walter Street	South High Street	east and west
Water Street	South Street	south
West Street	Mill Street	south
	South Street	north

Any driver of a vehicle who shall violate any provision of this section, shall, upon conviction thereof, be sentenced to pay a fine of twenty-five dollars (\$25.00) together with costs of prosecution.

(Ord. 151, 11/12/1984; as amended by Ord. 197, 7/10/2001; and by Ord. 206, 9/10/2002)

§206. Through Streets Established. The following streets are hereby established as through streets, and the driver of a vehicle upon approaching any such street at any intersection thereof (except for intersections where there are now or shall hereafter be located official traffic control signals) shall come to a full stop, within a reasonable distance, before entering any such through street:

[Text continued on following page.]

<u>Street</u>	<u>Between</u>
Main Street	Entire length
North Street	Entire length
Penn Street	Entire length

Any driver of a vehicle who shall violate any provision of this section, shall upon conviction thereof, be sentenced to pay a fine of twenty-five dollars (\$25.00) together with costs of prosecution.

(Ord. 151, 11/12/1984)

§207. One-Way Streets. The following are hereby established as one-way streets with operation of vehicles thereupon to be in the direction hereby indicated:

<u>Streets</u>	<u>From</u>	<u>To</u>	<u>Direction of Travel</u>
State Street	Main Street	Poplar Street	north
Poplar Street	State Street	North Street	east
Poplar Street	North Street	Sugar Alley	east
Public Road #2	E. Main Street	Park Road	north

Any person who shall violate a provision of this section, shall, upon conviction thereof, be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution.

(Ord. 151, 11/12/1984; as amended by Ord. 177, 2/14/1994, §1)

§208. U-Turns Prohibited on Certain Streets or Portions Thereof. It shall be unlawful for the driver of a motor vehicle to make a U-turn on any of the following streets or portions of streets:

<u>Street</u>	<u>Between</u>
Main Street	Main Street Bridge and Plum Street

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) together with costs of prosecution.

(Ord. 151, 11/12/1984)

§209. 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 twenty-five dollars (\$25.00) together with costs of prosecution.

(Ord. 151, 11/12/1984)

§210. Play Streets Authorized. 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.

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.

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) together with costs of prosecution.

(Ord. 151, 11/12/1984)

Part 3

General Parking Regulations

§301. Parking Without Lights Authorized. The boundary limits of the Borough of Millheim 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. (Ord. 151, 11/12/1984)

§302. 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. (Ord. 151, 11/12/1984)

§303. Angle Parking Required on Portions of Certain Streets. Only angle parking shall be permitted on the following portions of the streets:

<u>Street</u>	<u>Between</u>
	(Reserved)

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.

(Ord. 151, 11/12/1984)

§304. Vehicles to be Parked Within Marked Spaces; Parking Prohibited in Certain Marked Areas.

1. Wherever a particular parking space shall be lined or marked off on any public parking lot or 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.

2. 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 or within fifteen (15) feet of any fire hydrant where no painted line area is marked; within the painted line area marking the permissible distance to park from any intersection or within 20 feet of the crosswalk at any intersection where no painted line area is marked; 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. [Ord. 223]

(Ord. 151, 11/12/1984; as amended by Ord. 223, 7/12/2005, §2)

§305. Parking Prohibited at All Times in Certain Locations. Parking shall be prohibited at all times in the following locations, except where otherwise permitted by proper signage:

<u>Street</u>	<u>Side</u>	<u>Between</u>
Elk Street Ext.	South	Elk and Penn
Main	North	Main Street Bridge and Maple Street
North	Both	Main and Second
Penn	East	Mill and Main
	Both	Fox Alley and Penn Township line
	Both	Race Alley and Mill Street
South	Both	Penn and West
West Main	Both	Plum and Walnut
	North	Walnut Street and Borough line

(Ord. 151, 11/12/1984; as amended by Ord. 193, 12/9/2001)

§306. Parking Prohibited at Certain Times on Certain Streets and Alleys.

For street sweeping purposes, parking will be prohibited on certain streets at certain times according to a schedule which will be published in a local newspaper or posted at prominent locations in the Borough.

(Ord. 151, 11/12/1984; as amended by Ord. 239, 12/8/2009, §§2, 3)

§307. Parking Time Limited in Certain Locations. 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:

<u>Street</u>	<u>Between</u>	<u>Side</u>	<u>Time Limit</u>
Main Street	Race and Plum	Both	Two hours

(Ord. 151, 11/12/1984)

§308. 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 of Millheim, for a period longer than two (2) hours. (Ord. 151, 11/12/1984)

§309. Special Purpose Parking Zones Established; Parking Otherwise Prohibited. 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:

<u>Street</u>	<u>Between</u>	<u>Side</u>	<u>Purpose</u>
		(Reserved)	

(Ord. 151, 11/12/1984)

§310. 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. (Ord. 151, 11/12/1984)

§311. 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. (Ord. 151, 11/12/1984)

§312. Parking of Boats, Truck Tractors, Trailers and Trucks Prohibited on Streets in Residential Zones. The parking of boats, truck tractors, trailers, and trucks except those not exceeding three-fourth (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. (Ord. 151, 11/12/1984)

§313. Penalties. Any person who shall violate any provision of this part shall, upon conviction thereof, be sentenced to pay a fine of fifteen dollars (\$15.00) together with costs of prosecution. (Ord. 151,
11/12/1984)

Part 4

Unlicensed, Uninspected and Dismantled Vehicles

§401. Parking and Storage of Unlicensed and Uninspected Vehicles on Streets and Alleys Restricted. It shall be unlawful for any owner of any type of motor vehicle requiring a registration plate and a state inspection sticker under the applicable provisions of the Vehicle Code, to park or store or permit the same to be parked or stored on any public street or public alley within the limits of the Borough for a period in excess of forty-eight (48) hours, if said motor vehicle does not have attached to it a current valid registration plate and a current valid State inspection sticker required under the applicable provisions of the Vehicle Code. (Ord. 151, 11/12/1984)

§402. Dismantled Vehicles not to be Stored or Parked on Streets and Alleys. It shall be unlawful for any owner of any motor vehicle requiring a registration plate and a state inspection sticker under the applicable provisions of the aforesaid Vehicle Code, to park or store or to permit to be parked or stored any such motor vehicle on any street or alley within the Borough when such motor vehicle is to any extent partially dismantled and inoperable. (Ord. 151, 11/12/1984)

§403. Removal of Vehicle.

1. Any police officer may remove or cause to be removed to a nearby garage or other place of safety, a vehicle in violation of any provision of this ordinance. Prior to removal of such vehicle bearing a registration plate by which the last registered owner of the vehicle can be determined, notice shall be sent by certified mail to the last registered owner of the vehicle informing him that unless the vehicle is moved to a suitable location within five (5) days of the date the notice is mailed, the vehicle will be removed and held at a suitable facility where it may be reclaimed. If the vehicle does not bear an identifiable registration plate, the notice may be secured to the vehicle.

2. Within the five (5) day period, the owner shall be given, if requested, an opportunity to explain to police officers or the department why the owner believes the vehicle should not be removed. If the police officers or department decide that the vehicle shall be moved, the owner shall be given an additional forty-eight (48) hours to move the vehicle or have it moved.

(Ord. 151, 11/12/1984)

§404. Reclamation Costs. In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a twenty-five dollar (\$25.00) fee of which ten dollars (\$10.00) shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken. (Ord. 151, 11/12/1984)

* 75 P.S. §§101 et seq. (1977) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

§405. Penalty. Any person who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of fifty dollars (\$50.00) together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. §§7301 et seq. (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 151, 11/12/1984)

Part 5

Removal and Impoundment of Illegally Parked Vehicles

§501. Authority to Remove and Impound Illegally Parked Vehicles. The Police Department of the Borough of Millheim is hereby authorized to remove and impound, or to order the removal and impoundment of any vehicle parked upon any street, alley, highway or public property in the Borough in violation of any provision of the law or of any ordinance of the Borough; provided, no vehicle shall be removed for overtime parking. (Ord. 151, 11/12/1984)

§502. Approved Storage Garages. The Borough Council shall have authority to designate, from time to time, one or more garages as approved storage garages, to serve as a pound for the storage of such impounded vehicles. (Ord. 151, 11/12/1984)

§503. Towing and Storage Charges. Every such approved storage garage shall have authority to charge the owner of record of every such impounded vehicle the towing and storage charges that shall be fixed and approved by resolution of the Borough Council. (Ord. 151, 11/12/1984)

§504. Garage to Post Bond. Every such approved storage garage shall furnish a bond in an adequate amount as shall be fixed by the Borough Council, for the indemnifying of the owner of any such impounded vehicle against the loss thereof, or injury or damage thereto, while in the custody of the keeper of the pound. (Ord. 151, 11/12/1984)

§505. Notification to Owners of Impounded Vehicles. Within forty-eight (48) hours from the time of removal of any vehicle under authority granted by this part, notice of the fact that such vehicle has been impounded shall be sent by the Pennsylvania Department of Transportation to the owner of record of such vehicle and all lienholders of record. Such notice shall include the make, model, title number, vehicle identification number and registration plate number if known, the location the vehicle is held, notification of the right to reclaim said vehicle within thirty (30) days after the date of the notice upon payment of a fee of twenty-five dollars (\$25.00), towing and storage charges, and notification that failure to reclaim said vehicle is deemed consent to the disposition of the vehicle and of all lienholders to dissolution of their laws.

If the identity of the last registered owner and of all lienholders cannot be determined with reasonable certainty, the contents of the notice set forth above shall be published one time in one newspaper, of general circulation in the area where the vehicle was abandoned. Notice by publication shall be the responsibility of the storage garage.

(Ord. 151, 11/12/1984)

§506. Effect of Payment of Towing and Impoundment Charges Without Protest. The payment of any towing and impounding charges, authorized by this part shall, unless such payment shall have been made under protest, be final and conclusive, and shall constitute a waiver of any right to recover the money so paid. (Ord. 151, 11/12/1984)

§507. Effect of Payment of Towing and Impoundment Charges Under Protest. In the event that any towing and impounding charges, authorized by this part, shall be paid under protest, the offender shall be entitled to a hearing before a District Justice or court of record having jurisdiction, in which case the defendant shall be proceeded against and shall receive such notice as is provided for by the Vehicle Code, in other cases of summary offenses, and shall have the same rights as to appeal and waiver of hearing. (Ord. 151, 11/12/1984)

§508. Records of Vehicles Removed and Impounded. The Police Department shall keep a record of all vehicles impounded, and it shall be able at all reasonable times to furnish the owners or agents of the owners thereof, information as to the place of storage of such vehicles. (Ord. 151, 11/12/1984)

§509. Owner or Operator of Vehicle Remains Liable for Fine or Penalty. The payment of towing and storage charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance on account of which such vehicle was removed and impounded. (Ord. 151, 11/12/1984)

§510. Restrictions upon Removal of Vehicles. No vehicle shall be removed under the authority of this part if, at the time of the intended removal thereof, the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately. (Ord. 151, 11/12/1984)

* - 75 P.S. §§101-9701 (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

Part 6

Snow and Ice Emergency

§601. Definitions. The following words when used in this part shall have the following meanings unless the context clearly indicates a different meaning:

CHAINS - full chains, strap chains or other types of chains mounted on both rear wheels of a motorized vehicle.

SNOW - any precipitation depositing any accumulation on the streets, including snow, sleet, hail, ice and freezing rain.

SNOW REMOVAL CONDITION - state of street conditions that are hazardous and dangerous to vehicular and pedestrian traffic, as so declared by the Chief of Police or such person designated by the Chief of Police.

SNOW TIRES - tires having treads designed for use in snow, which tires must be in such condition as to serve the purpose for which they are designed.

VEHICLE - any self-propelled motorized vehicle licensed to travel upon the streets, roads and highways of the Borough of Millheim.

(Ord. 151, 11/12/1984)

§602. Declaration of Snow Removal Condition. A snow removal condition is hereby declared to exist in the Borough of Millheim whenever snow falls accumulating at least three (3) inches in depth or whenever, in the opinion of the Mayor, or such other person designated by the Mayor, the street conditions are hazardous and dangerous to vehicular and pedestrian traffic because of snow and ice accumulation. The Mayor, or such other person designated by the Mayor, shall have authority to declare a snow removal condition, notice of which shall immediately be issued to local radio, television and other news services. A snow removal condition is presumed to continue for a period of twenty-four (24) hours following the accumulation of snow, or until such period of time is otherwise designated by the Mayor or the person designated by the Mayor. (Ord. 151, 11/12/1984; as amended by Ord. 194, 1/9/2001, §1)

§603. Unattended Vehicles Prohibited During Emergency. During such time as a snow removal condition is in effect, it shall be a violation of this part for any person, firm, organization or entity to park, abandon or leave unattended any vehicle on any streets, roads and highways and their adjacent right-of-ways within the boundaries of the Borough that have been publicly designated for snow removal or plowing. (Ord. 151, 11/12/1984)

§604. Certain Streets Designated for Snow Removal. The following street within the Borough is hereby designated for snow removal or plowing, and parking thereon shall be prohibited while a snow removal condition is in effect:

<u>Street</u>	<u>Between</u>
Main Street	Main Street bridge and Plum Street

<u>Street</u>	<u>Between</u>
North Street [<u>Ord. 214</u>]	On the easterly and westerly side of the right-of-way of North Street from the intersection of North Street and Main Street in a northerly direction for a distance of 1800 feet to the bridge in North Street located near the property known as 134 North Street, Millheim.
Penn Street [<u>Ord. 214</u>]	On the easterly and westerly side of the right-of-way of Penn Street from the intersection of Penn Street and Main Street in a southerly direction to the Penn Township line.

(Ord. 151, 11/12/1984; as amended by Ord. 194, 1/9/2001, §2; and by Ord. 214, 4/13/2004, §1)

§605. Snow Tires or Chains Required. During such time as a snow removal condition is in effect any person, firm, organization or entity operating or causing to be operated a vehicle which is not equipped with snow tires or chains upon any street, road or highway within the boundaries of the Borough resulting in such vehicle becoming stalled or incapable of moving under its own power, or who leaves such vehicle abandoned or unattended on any street, road or highway within the boundaries of the Borough as a result of its inability to move under its own power because of its failure to be equipped with snow tires or chains, shall be in violation of this Part 6 and shall be subject to the penalties and fines set forth in §606. (Ord. 151, 11/12/1984)

§606. Penalties. During such time as a snow removal condition is in effect, any person who shall park a vehicle anywhere upon or along any of the streets of the Borough that have been publicly designated for snow removal or plowing shall be guilty of a violation of this Part 6, and, upon conviction thereof, shall be sentenced to pay a fine of fifteen dollars (\$15.00) together with costs of prosecution.

Any person who shall operate a vehicle upon any street of the Borough of Millheim, if such vehicle shall become stalled during such time as a snow removal condition is in effect, and if such stalling shall have been by reason of the failure to have such vehicle equipped as prescribed in §605 of this Chapter, shall be guilty of a violation of this part, and, upon conviction thereof, such person shall be sentenced to pay a fine of twenty-five dollars (\$25.00) together with costs of prosecution.

(Ord. 151, 11/12/1984)

Part 7

Storage of Motor Vehicle Nuisances

§701. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

JUNK - any discarded material or article such as is not ordinarily disposed of as rubbish or refuse and includes, but is not limited to, scrap metal and scrap motor vehicles, but does not include garbage or other organic waste or paper, rubbish, rags or other flammable articles or material. [Ord. 210]

LESSEE - owner for the purpose of this Part when the lessor holds the lessee responsible for maintenance and repairs.

MOTOR VEHICLE - any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

NUISANCE - any condition, structure or improvement which shall constitute a danger or potential danger to the health, safety or welfare of the citizens of the Borough of Millheim.

OWNER - the actual owner, agent or custodian of the property on which motor vehicles are stored, whether individual or partnership, association or corporation.

PERSON - a natural person, firm, partnership, association, corporation or other legal entity. In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 203, 12/11/2001, §1; as amended by Ord. 210, 2/11/2003, §1)

§702. Motor Vehicle Nuisances Prohibited.

1. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Borough of Millhelm. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and/or has any of the following physical defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit animal harborage.

D. Any body parts with sharp edges including holes resulting from rust.

E. Missing tires resulting in unsafe suspension of the motor vehicle.

F. Upholstery which is torn or open which could permit animal and/or vermin harborage.

G. Broken headlamps or tail lamps with sharp edges.

H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.

I. Protruding sharp objects from the chassis.

J. Broken vehicle frame suspended from the ground in an unstable manner.

K. Leaking or damaged oil pan or gas tank which could cause fire or explosion.

L. Exposed battery containing acid.

M. Inoperable locking mechanism for doors or trunk.

N. Open or damaged floor boards including trunk and firewall.

O. Damaged bumpers pulled away from the perimeter of vehicle.

P. Broken grill with protruding edges.

Q. Loose or damaged metal trim and clips.

R. Broken communication equipment antennae.

S. Suspended on unstable supports.

T. Such other defects which could threaten the health, safety and welfare of the citizens of the Borough of Millheim.

2. Junkyards Prohibited. No person shall establish, maintain, conduct or allow any junkyard, either on public property or private property, within the geographical limits of the Borough of Millheim, Centre County, Pennsylvania. [Ord. 210]

3. Junk and/or Unlicensed Vehicles on Private or Public Property Prohibited.

A. No person shall park, store, leave or permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind for a period of time in excess of thirty (30) days, which vehicle is in a rusted, wrecked, junked or partially dismantled, inoperative or

abandoned condition, whether attended to or not, upon any private property within the Borough of Millheim unless the same is completely enclosed within a building or other structure or unless it is in connection with a business enterprise properly operated pursuant to the ordinances of the Borough of Millheim.

B. No person shall park, store, leave or permit the parking, storing or leaving of more than two (2) unlicensed motor vehicles of any kind for a period in excess of thirty (30) days at any place or upon any property within the Borough of Millheim, unless the vehicle is kept in an enclosed storage area. Upon cause shown and after a hearing at a duly held meeting of Millheim Borough Council, the Millheim Borough Council may make an exception to this requirement for an antique, classic or registered collectable motor vehicle provided that such motor vehicle is stored on premises owned or leased by the collector seeking such exception and provided that such vehicle is covered with a suitable covering.

[Ord. 210]

(Ord. 203, 12/11/2001, §2; as amended by Ord. 210, 2/11/2003, §2)

§703. Storage of Motor Vehicle Nuisances Permitted. Any person, owner or lessee who has one (1) or more motor vehicle nuisances as defined in §702 above may store such vehicle(s) in the Borough of Millheim only in strict compliance with the regulations provided herein. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building or, outside within an opaque fence at least six (6) feet high which is locked at all times when unattended. In addition, all gas and oil or other flammable liquid shall be removed from the motor vehicle and it shall be kept free of vermin infestation while being stored. The total area of storage of motor vehicle nuisances on any one property may not exceed two hundred (200) square feet. (Ord. 203, 12/11/2001, §3)

§704. Inspection of Premises; Notice to Comply.

1. The Millheim Borough Council or its designated Enforcement Officer are hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure or improvement poses a threat to the health, safety, or welfare of the public, the Millheim Borough Council or its designated Enforcement Officer shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice and thereafter, to fully comply with the requirements of the notice.

(Ord. 203, 12/11/2001, §4)

§705. Authority to Remedy Noncompliance.

1. If the owner of property on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Borough of Millheim shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Borough of Millheim, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

2. Removal and Impounding of Vehicles and Junk. Upon fifteen (15) days notice by registered or certified mail to the last known address of the registered owner or the property owner upon which any junk and/or unlicensed vehicle or other junk is located, the Code Enforcement Officer is hereby authorized to remove and impound or to order the removal or impounding of any vehicle or junk that is parked, placed, stored or located upon private property within the Borough of Millheim in violation of any of the provisions of this Part or any other ordinance of the Borough of Millheim. No vehicle or junk shall be removed or impounded except in accordance with the provisions of this Section of this Part or any other applicable ordinances of the Borough of Millheim. The Code Enforcement Officer may remove and impound or order the removal and impounding, without notice, of any vehicle or junk that is parked, placed, stored or located on public property within the Borough of Millheim. The impounder shall have the rights conferred upon such impounder by law for disposal of unclaimed vehicles. [Ord. 210]

3. Notification to Owners of Impounded Vehicles or Junk. Within twelve (12) hours from the time of removal of any vehicle or junk pursuant to the provisions of this Part, notice that said vehicle or junk has been impounded shall be sent by the salvager to the owner of record of such vehicle or to the property owner or person having custody of the vehicle or junk. Such notice shall designate the place from which the vehicle or junk was removed, the reason for its removal and impounding and the location where said vehicle or junk has been impounded. [Ord. 210]

4. Liability for Expense of Removal and Impounding. The costs and expenses of removing, impounding and storing vehicles and junk pursuant to the provisions of this Part shall be the responsibility of the owner of the vehicle or junk or the owner of the property upon which the vehicle or junk is found or the person in custody of said property upon which the vehicle or junk is found. [Ord. 210]

5. Records. The Code Enforcement Officer shall keep and maintain a record of all vehicles and junk impounded which shall be available to provide the owner or agent of the owner thereof with information as to the place of storage of such impounded vehicles and junk. [Ord. 210]

(Ord. 203, 12/11/2001, §5; as amended by Ord. 210, 2/11/2003, §3)

§706. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 203, 12/11/2001, §6)

§707. Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Millheim Borough Council. (Ord. 203, 12/11/2001, §7)

Part 8

Engine Brake Retarders

§801. Purpose. The purpose of this Part is to prohibit the use of an engine brake retarder on a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, which create excessive noise through the use of said engine brake which adversely affects the public health, safety and welfare of the residents of the Borough of Millheim, which action constitutes a nuisance in fact.

(Ord. 235, 10/14/2008, §1)

§802. Engine Brake Retarders Prohibited. No gasoline powered or diesel powered motor vehicle shall be operated on State Route 45, State Route 445 and State Route 2011 within the Borough of Millheim, Centre County, Pennsylvania, utilizing in said operation, an engine brake, without exhaust mufflers, or with defective or modified exhaust mufflers permitting excessive noise to be created by said motor vehicle.

(Ord. 235, 10/14/2008, §2)

§803. Emergency Situations. The provisions of this Part shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of the Borough of Millheim, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

(Ord. 235, 10/14/2008, §3)

§804. Emergency Vehicles. The provisions of this Part shall not apply to emergency vehicles operated by volunteer fire companies when responding to emergency calls.

(Ord. 235, 10/14/2008, §4)

§805. Signs. Signs shall be erected along State Route 45, State Route 445 and State Route 2011 within the Borough of Millheim as required by law, advising of the prohibition of the use of engine brake retarders.

(Ord. 235, 10/14/2008, §5)

§806. Violations and Penalties. Any person, firm, corporation, organization or other legal entity violating any of the provisions of this Part shall, upon conviction thereof before a magisterial district judge having jurisdiction, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days.

(Ord. 235, 10/14/2008, §6)

