

ORDINANCE NO. 58-3

AN ORDINANCE CONSOLIDATING, CODIFYING, REVISING AND AMENDING ORDINANCES REGULATING TRAFFIC, PARKING, LOADING, AND UNLOADING, UPON THE STREETS, ALLEYS AND ROADWAYS, REGULATING TRAFFIC, AND OBSTRUCTIONS ON THE SIDEWALKS AND CURBING OF THE BOROUGH OF NEW BERLIN, UNION COUNTY, PENNSYLVANIA, PRESCRIBING THE POWERS AND DUTIES OF CERTAIN OFFICERS AND EMPLOYEES, AND FIXING FINES.

SECTION 1: SHORT TITLE.

This ordinance shall be known and may be cited as "THE BOROUGH OF NEW BERLIN TRAFFIC CODE."

SECTION 2: PURPOSE.

The purpose is to regulate traffic, parking, loading and unloading upon the streets, alleys, and roadways; to regulate traffic and obstructions on the sidewalks and curbing of the Borough of New Berlin, Union County, Pennsylvania, to promote the general welfare, preserve the peace, and provide for the safety of the Borough of New Berlin.

SECTION 3: DEFINITIONS.

In this ordinance, except as herein provided, the terms used shall have the meaning ascribed to and in the Vehicle Code of Pennsylvania, 1929, May 1, P. L. 905, its supplements and amendments.

For the purpose and within the meaning of this ordinance, the following definitions shall obtain:

(a) "AUTHORIZED EMERGENCY VEHICLE" shall include, ambulances, fire and police vehicles, and such emergency vehicles or public service individuals or corporations as may be designated by the Burgess.

(b) "OFFICIAL TRAFFIC EQUIPMENT" shall include all signs, signals, markings and devices placed, painted, or erected as herein provided, and temporary warning signs placed by duly authorized State or Borough employees for the purposes of guiding, directing, safe-guarding, warning or regulating traffic.

(c) "POLICE OFFICER" shall include every police officer of the Borough of New Berlin and all other officers authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(d) "ROADWAY" shall mean that portion of a street or highway or alley between the regularly established curb-lines or that part devoted to vehicular traffic.

(e) "SIDEWALK" shall mean that portion of a street, highway or alley, between the curblines and adjacent property lines.

(f) "STREET OR HIGHWAY OR ALLEY" shall mean every way or place of whatever nature, open to the use of the public as a matter of right, for the purposes of travel and shall include both roadway and sidewalk.

(g) "TRAFFIC" shall include pedestrians, driven, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for the purpose of travel.

(h) "TRUCKS" shall mean any motor vehicle designed for carrying freight or merchandise, and shall include tractors, truck trailers, trailers, and semi-trailers as defined in the Vehicle Code of Pennsylvania, provided that a house trailer attached to a passenger motor vehicle shall not be deemed a semi-trailer for the purposes of this ordinance.

(i) "VEHICLE" shall include every device other than a baby carriage, roller skates, coaster, toy vehicles, or similar devices, in, upon or by which any person or property is or may be transported, propelled or drawn upon a public highway; provided, that a ridden animal shall be deemed a vehicle.

#### SECTION 4. POWERS AND DUTIES OF BURGESS.

The Burgess is hereby authorized:

(a) To make rules for the administration of and to enforce the traffic regulations here set forth.

(b) When unusual occasions or exigencies arise, or streets or adjoining premises are being used for special temporary purposes, or in such other area as may hereafter be determined upon, the Burgess may direct that all traffic and parking be prohibited or limited on particular sections or thoroughfares, or be permitted where otherwise it would be prohibited.

(c) To establish, change, or abolish and designate by appropriate signs or markings, crosswalks, traffic lanes, parking spaces, safety and quiet zones and play highways.

(d) To direct the placing, operation, removing and replacing of all official traffic equipment.

(e) To establish one-way streets, to change the direction of traffic on one-way streets, to designate through highways, by erecting at the entrance thereto from intersecting highways, appropriate official traffic equipment, and to fix or change parking restrictions on designated streets for a trial period to begin upon the posting of signs and not to exceed ninety (90) days, provided:

(I) That during the first month of the trial period at the regular Borough Council Meeting, he shall submit a written statement of such proposed regulation and of the reasons therefor, to the Borough Council, and

(II) That such regulation shall cease to be effective at the end of the said trial period of ninety (90) days unless within such period an ordi-

nance embodying such regulation shall be enacted by council.

(f) In the case of flood, fire, storm or military emergency to establish and enforce temporary traffic regulations for the purpose of expediting traffic or safeguarding pedestrians during the period of flood, fire, storm, or military emergency.

(g) To restrict or prohibit parking temporarily in limited areas for periods not in excess of six hours at any one time in case of emergency or in order to facilitate public work, the conduct of processions or public events. Such temporary regulations shall be enforced only after notices thereof shall have been posted throughout the area affected for at least three (3) hours prior to the effective time of the temporary regulation.

#### SECTION 5. OBEDIENCE TO POLICE AND TRAFFIC EQUIPMENT.

(a) Every person shall comply with any lawful order, signal or direction of a police officer, who shall be in uniform and shall exhibit his badge or other sign of authority.

(b) Every person shall comply with the indications of all official traffic equipment unless otherwise directed by a police officer.

#### SECTION 6. INTERFERENCE WITH TRAFFIC EQUIPMENT OR TAGS FORBIDDEN.

(a) It shall be unlawful for any person to deface, damage, move, obstruct, destroy, change the wording of, alter, or otherwise interfere with any official traffic equipment or traffic tags.

(b) It shall be unlawful for any person to attach to a vehicle anything which simulates a traffic tag, or official traffic equipment in general appearance, color or wording.

SECTION 7. PEDESTRIANS.

(a) Pedestrians shall move whenever practicable upon the right half of crosswalks.

(b) Pedestrians shall not leave the curb to cross at controlled intersections unless directed by a police officer or on the green or "GO" traffic signal.

SECTION 8. PEDESTRIAN RIGHTS OF WAY.

Pedestrians shall always have the right-of-way with reference to vehicles making a right, left, U-turn, or entering a crosswalk from a private driveway or alley.

SECTION 9. LOADING AND UNLOADING ZONES.

(a) Spaces for loading and unloading vehicles are designated as Loading Zones.

(b) When official traffic equipment is installed giving notice thereof, no operator of any vehicle shall stop, stand, or park a vehicle in any space marked as a loading zone during the hours indicated by official traffic equipment, for a period of time longer than is necessary for the expeditious receiving or discharging of passengers or for the loading, unloading, delivery or pick-up of materials.

SECTION 10. NO PARKING AT ENTRANCES TO PUBLIC BUILDINGS OR PLACES OF ASSEMBLY.

When official traffic equipment is installed giving notice thereof, no operator of any vehicle shall park during the hours indicated by the official traffic equipment, in front of the entrance to an auditorium, hospital, hotel, public building, theater, and other place of public assembly provided that the operator of any vehicle may stop in such places for the expeditious receiving or discharging of passengers.

SECTION 11. STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

(a) No person shall park a vehicle or permit it to stand, whether attended or unattended, at any time upon a highway

in any of the places where such parking or standing is prohibited by section 1020 of the Vehicle Code of Pennsylvania.

(b) When official traffic equipment is installed, giving notice thereof, no person shall park a vehicle or permit it to stand, whether attended or unattended, at any time upon a highway in any of the following places:

(I) In a space on the far side of the street opposite and equal to the space in which parking is prohibited within fifteen (15) feet of the driveway entrance to any fire station.

(II) On any bridge or viaduct or approach thereon.

(III) Opposite to the entrance to any garage, or in such manner as to prevent convenient ingress or egress to or from garages on streets the width of which is twenty-four (24) feet or less from curb to curb.

(IV) In front of churches and places of worship when such churches are used for worship services, weddings, funerals, or any public assemblage.

(V) Within the lines or limits of any alley for any length of time, except only while such vehicle may be expeditiously engaged in loading or unloading.

#### SECTION 12. UNLAWFUL STANDING OR PARKING.

It shall be unlawful for any person to park or stand a vehicle upon any roadway for the purpose of:

(a) Displaying it for sale.

(b) Greasing or repairing such vehicle, EXCEPT repairs necessitated by an emergency.

#### SECTION 13. PARKING OF HOUSE TRAILERS PROHIBITED.

It shall be unlawful for any person to place, park, erect or maintain any trailer usable as a residence or any temporary

residence or abode on wheels or otherwise for a period longer than twenty-four (24) hours on any street, highway, or alley in the Borough of New Berlin.

#### SECTION 14. PARKING A VEHICLE.

It shall be unlawful for any person to park a vehicle or permit it to stand, either attended or unattended, upon any street, highway, or alley, other than on the right side of such street excepting on those streets or portions of streets where standing or parking is prohibited in specified places.

#### SECTION 15. NOTICE OF PARKING VIOLATION.

Operators of vehicles parked in violation of this ordinance may be notified of the violation by attaching a traffic tag or ticket to the vehicle indicating the violation.

#### SECTION 16. ABANDONED OR WRECKED VEHICLES.

(a) It shall be unlawful for any person to abandon any vehicle on the streets, highways or alleys of the Borough of New Berlin.

(b) For the purpose of this section, a vehicle shall be considered as abandoned which shall not have been moved or operated for a period of seven (7) days.

(c) Police officers shall have the authority to remove, or direct the removal of abandoned or wrecked vehicles from any street, highway or alley to any public garage or vehicle service station, or to the nearest point where such vehicle will not interfere with or obstruct traffic or public works thereon, and such costs or charges for such removal shall be borne by the owner or operator of such vehicle or considered as part of the costs of prosecution.

#### SECTION 17. STOP WHEN TRAFFIC IS OBSTRUCTED.

No operator of a vehicle shall drive into an intersection or a marked crosswalk when traffic ahead is halted unless there

is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal to proceed.

#### SECTION 18. PROCESSIONS.

(a) No funeral, procession, or parade containing more than two hundred (200) or more persons or fifty (50) or more vehicles excepting the forces of the United States, Army or Navy, and the military forces of the Commonwealth, shall occupy, march, or proceed along any roadway, except in accordance with a permit issued by the Burgess and such other regulations as are set forth herein which may apply.

(b) No operator of a vehicle shall drive between vehicles comprising a funeral or other authorized procession while they are in motion when such vehicles are conspicuously designated, or it is apparent that they are part of such a procession.

(c) Funerals and other authorized processions shall be considered as a single vehicle and when the head of such funeral or authorized procession proceeds on the proper signal at intersection controlled by traffic signals, all vehicles or persons in the funeral or authorized procession shall proceed through the intersection without regard for changes in signals, excepting cases of emergency, or as otherwise directed by a traffic officer.

#### SECTION 19. DRIVING ON SIDEWALK PROHIBITED.

It shall be unlawful for any person to operate, park, or stand a vehicle within any sidewalk area, EXCEPT as follows:

(a) At an alley or driveway.

(b) As may be necessary or incidental to the expeditious loading or unloading of a vehicle or merchantile or commercial nature, PROVIDED, that an unobstructed portion



of the adjacent roadway of at least seven (7) feet in width shall be accessible and available for traffic, and that such movement can be made in safety for pedestrians and traffic.

**SECTION 20. VEHICLES WITH METAL CLEATS, LUGS OR CUTTING SURFACES PROHIBITED.**

It shall be unlawful for any person to operate or move a vehicle having metal cleats, lugs or other cutting surfaces which come in contact with the surfaces of the streets, highways or alleys, on or over the streets, highways or alleys of the Borough of New Berlin.

**SECTION 21. RESTRICTED SPEED AREAS.**

It shall be unlawful for any person to operate any vehicle, excepting authorized emergency vehicles while in the course of an emergency, upon any street, highway or alley at a speed in excess of thirty-five (35) miles per hour.

**SECTION 22. U-TURNS PROHIBITED.**

When official traffic equipment is installed giving notice thereof, no person shall operate a vehicle so as to make a complete reverse turn being commonly known as a U-turn at any point on any roadway in the Borough of New Berlin.

**SECTION 23. OBSTRUCTING SIDEWALKS OR CURBING PROHIBITED.**

It shall be unlawful for any person or corporation to construct, erect or place, or to cause or permit the construction, erection or placing of any obstruction on the sidewalks or curbing of any streets or highways within the Borough of New Berlin, EXCEPT as follows:

(a) Obstructions which are temporary and incidental to the business of the adjacent property, PROVIDED, that no temporary and incidental business obstruction shall limit the foot pavement or sidewalk to a width of less than four (4) feet.

(b) Nothing contained herein shall affect the estab-

lished width or breadth of existing foot pavements or sidewalks.

#### SECTION 24. LIMITATIONS ON BACKING.

The operator of a vehicle shall not back the same into an intersection or over a crosswalk and shall not in any event, or at any place back a vehicle unless such movement can be made in safety.

#### SECTION 25. ONE-WAY STREETS.

On each street designated by official traffic equipment, vehicular traffic shall move only in the direction indicated. A sign indicating the direction of traffic shall be erected and maintained at every intersection where the movement in the opposite direction is prohibited.

#### SECTION 26. LIMITATION OF THE USE OF SOUND TRUCKS.

It shall be unlawful for any person to operate or cause or permit the operation of any sound truck on or over the streets, highways or alleys of the Borough of New Berlin between the hours of nine (9:00) o'clock, P. M., and nine (9:00) o'clock, A. M., Eastern Standard Time or Daylight Saving Time, whichever may be prevailing; and for the purposes of this section a sound truck is defined as a vehicle having contained or mounted thereon or attached thereto any sound amplifying equipment, or any instrument which emits loud and raucous noises.

#### SECTION 27. OPERATION OF SPECIAL VEHICLES.

(a) It shall be unlawful for any person upon roller skates, or riding in or by means of any coaster, toy vehicles, or similar devices, to go upon any roadway except while crossing a street or a crosswalk.

(b) Every person using a bicycle, a push car, or animal upon a roadway shall keep the same as close as possible to the extreme right side of such roadway.

(c) It shall be unlawful for any person riding a bicycle or motorcycle to ride in a weaving fashion or to ride from side to side on any street or to ride without having control of the said vehicle.

#### SECTION 28. USE OF WARNING DEVICES.

(a) No operator of vehicle shall at any time sound the horn or other warning device of such vehicle except when absolutely necessary as a warning signal while actually driving.

(b) Every bicycle shall be equipped with a suitable reflecting device.

#### SECTION 29. VALIDITY.

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

#### SECTION 30. FINES.

Any person or persons violating any of the provisions of this ordinance except those for which a fine is fixed or limited in "The Vehicle Code" of the Commonwealth of Pennsylvania, shall upon summary conviction before the Burgess or any Justice of the Peace of the Borough be sentenced to pay a fine of not less than \$1.00 nor more than \$50.00 and costs of prosecution, and in default of the payment thereof may be sentenced and committed to the Union County Jail for a period not exceeding thirty (30) days.

#### SECTION 31. EFFECTIVE DATE.

This ordinance shall go into effect ten (10) days after its enactment.

#### SECTION 32: REPEAL.

All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as they are inconsistent with this ordinance, except that this repeal

shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

ENACTED AND ORDAINED at a regular meeting of the Borough Council of the Borough of New Berlin, Union County, Pennsylvania, this 3rd day of September, A. D., 1958.

Harry T. Daddario  
President of Borough Council

Attest:

Miriam M. Belsky  
Secretary

APPROVED this 3rd day of September, A. D., 1958.

Robert E. Elliott  
Burgess