

CODIFIED ORDINANCES OF ERIE

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TITLE ONE - Administration

- Art. 501. Purpose, Definitions and Conflict.
- Art. 503. Enforcement and Penalty.
- Art. 505. Traffic Court.

ARTICLE 501

Purpose, Definitions and Conflict

- 501.01 Purpose.
- 501.02 Definitions.
- 501.03 Repeal by specific reference.

CROSS REFERENCES

- Vehicle Code definitions - see 75 Pa. C.S.A. §102
- Commercial vehicle definitions - see TRAF. 511.01
- Parking meter definitions - see TRAF. 523.03
- Bicycle defined - see TRAF. 533.01

501.01 PURPOSE.

The purpose of this Traffic Code is to provide for the regulation and control of traffic, stopping, parking, loading and unloading of vehicles upon the streets, public alleys and park roadways of the City in conjunction with and under the authority of and within the terms and provisions of the Act of Assembly of the Commonwealth known as the Pennsylvania Vehicle Code. In all cases not specifically covered by the provisions of this Traffic Code, the provisions of the Pennsylvania Vehicle Code shall apply.
(Ord. 26-1958 §201. Passed 4-18-58.)

501.02 DEFINITIONS.

(a) Except as otherwise provided herein, words and phrases when used in this Traffic Code shall have the meanings ascribed to them in the Pennsylvania Vehicle Code as now in force or as hereafter amended, enacted or re-enacted.

(b) "Street" is included in the definition of "highway" in the Vehicle Code.
(Ord. 26-1958 §301, 302. Passed 4-18-58.)

501.03 REPEAL BY SPECIFIC REFERENCE.

No repealer clause in any ordinance heretofore or hereinafter passed by Council shall be effective to repeal any provision of this Traffic Code unless such repealer contains a specific clause identifying such provision with particularity.
(Ord. 1-1979 §1. Passed 1-3-79.)

ARTICLE 503
Enforcement and Penalty

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|--------|--|--------|-------------------------------|
| 503.01 | Authority of Police. | 503.05 | State Street Transitway Mall. |
| 503.02 | Temporary and experimental regulations. | | |
| 503.03 | Pennsylvania Vehicle Code violations. | | |
| 503.04 | Owner prima-facie responsible for illegal parking. | | |
| | | 503.06 | Lower State Street. |
| | | 503.99 | Penalty. |

CROSS REFERENCES

- Powers of local authorities - see 75 Pa. C.S.A. §6109
 Traffic control devices - see 75 Pa. C.S.A. §6122
 Summary offenses - see 75 Pa. C.S.A. §6502
 Traffic Commission - see ADM. Art. 163
 Repeal by specific reference - see TRAF. 501.03
 Parking regulations - see TRAF. Art. 521 et seq.
 Impounding vehicles - see TRAF. 527.01

503.01 AUTHORITY OF POLICE.

It shall be the duty of the Bureau of Police to enforce the provisions of this Traffic Code. Officers of the Bureau of Police are authorized to direct all traffic in person or by means of visible or audible signals in conformance with the provisions of this Traffic Code and the Vehicle Code, provided that in the event of fire or other emergency, or to expedite traffic or safeguard pedestrians, officers of the Bureau of Police or the Bureau of Fire may direct traffic, as conditions may require, notwithstanding the provisions of this Traffic Code.
 (Ord. 26-1958 §401. Passed 4-18-58.)

503.02 TEMPORARY AND EXPERIMENTAL REGULATIONS.

(a) The Chief of Police, by and with the approval of the City Traffic Engineer, is hereby empowered to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulations shall remain in effect for more than thirty days.

(b) The City Traffic Engineer may test traffic control devices under actual conditions of traffic.

(c) Council may, by resolution, extend for an additional period of time, at the request of the City Traffic Engineer, any thirty-day temporary or experimental regulation put into effect by such Engineer. (Ord. 36-1967 §1. Passed 7-19-67.)

503.03 PENNSYLVANIA VEHICLE CODE VIOLATIONS.

The provisions of the Pennsylvania Vehicle Code shall apply to any violations thereof within the City. (Ord. 26-1958 §1002. Passed 4-18-58.)

503.04 OWNER PRIMA-FACIE RESPONSIBLE FOR ILLEGAL PARKING.

If any vehicle is found upon a street or highway in violation of any provisions of this Traffic Code regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima-facie responsible for such violation.
(Ord. 26-1953 §1003. Passed 4-18-58.)

503.05 STATE STREET TRANSITWAY MALL.

(EDITOR'S NOTE: This section was repealed by Ordinance 1-1992, passed January 8, 1992.)

503.06 LOWER STATE STREET.

State Street from Front Street north to Dobbins Landing shall remain open to four lane traffic. (Ord. 54-1988 §1. Passed 7-6-88.)

503.99 PENALTY.

(a) Any person who violates any provision of this Traffic Code is guilty of a summary offense and shall be charged under the provisions of the Pennsylvania Vehicle Code or the Codified Ordinances of Erie Traffic Code according to the Pennsylvania Rules of Criminal Procedures in summary cases charging parking violations [Rule 95], when the amount specified on the parking ticket has not been paid within the specified time indicated on the parking ticket.

(b) Whoever violates any provision of this Traffic Code, for which no penalty is otherwise provided, is guilty of a summary offense and shall be fined not more than twenty-five dollars (\$25.00). (Ord. 73-1988 §1. Passed 8-3-88.)

ARTICLE 505
Traffic Court

- 505.01 Jurisdiction. 505.03 Location.
505.02 Assignment of District Justices.

505.01 JURISDICTION.

A Traffic Court is hereby established for the City which Court shall have jurisdiction over all traffic violations involving only summary offenses arising within the City under the provisions of the Vehicle Code of the Commonwealth of Pennsylvania (75 PA C.S.A. Section 101 et seq.) and any ordinance regulating traffic and parking of the City.
(Ord. 49-1989 §1. Passed 6-21-89.)

505.02 ASSIGNMENT OF DISTRICT JUSTICES.

The President Judge of the Court of Common Pleas of Erie County shall designate the six District Justices within the City to preside over the Traffic Court. The District Justices shall serve on a rotating basis at such times as the Traffic Court is in session. At the present time the schedule is 9:00 a.m. and 3:00 p.m. on Monday, Tuesday, Thursday and Friday.
(Ord. 49-1989 §1. Passed 6-21-89.)

505.03 LOCATION.

The Traffic Court shall be located within the Municipal Building at such place or places designated by the Mayor. (Ord. 49-1989 §1. Passed 6-21-89.)

TITLE THREE - Traffic Regulations
 Art. 511. Commercial Vehicles.
 Art. 512. Snow Emergency.
 Art. 513. Emergency Vehicle Drivers.
 Art. 515. Vehicle Operation.
 Art. 516. Two-Trailer Combinations.
 Art. 517. Speed.

ARTICLE 511
 Commercial Vehicles

| | | | |
|--------|--|--------|-------------------------------|
| 511.01 | Definitions. | 511.05 | Stanley Avenue prohibition. |
| 511.02 | Commercial vehicles to use truck routes. | 511.06 | Liberty Street prohibition. |
| 511.03 | Truck routes established. | 511.07 | Raspberry Street prohibition. |
| 511.04 | Exceptions. | 511.99 | Penalty. |

CROSS REFERENCES

Power to regulate - see 75 Pa. C.S.A. §6109(a)(7), (13)
 Size, weight and load - see 75 Pa. C.S.A. Ch. 49
 Use of Transitway Mall - see TRAF. 503.05
 Loading zones - see TRAF. 521.07
 Parking commercial vehicle - see TRAF. 521.05
 Parking truck trailers - see TRAF. 521.06

511.01 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall have, for the purpose of this article, the meaning indicated in this section.

- (a) "City" means the City of Erie.
- (b) "Deviating truck" means a commercial vehicle which leaves and departs from an authorized truck route.
- (c) "Truck route" means a way over certain streets in the City as designated herein, over and along which commercial vehicles must operate, and shall be further defined as follows:
 - (1) "Local truck route" means a way over certain streets in the City as designated herein, over and along which commercial vehicles making deliveries and pickups within the City must operate. (Ord. 75-1965 §1. Passed 12-29-65.)
 - (2) "Area truck route" means a way over certain streets in the City as designated herein, over and along which commercial vehicles having an origin within the City and a destination outside of the City, or an origin outside the City and a destination within the City must operate. It is also a way over certain streets in the City as designated herein over and along which commercial vehicles making deliveries and pickups within the City must operate to reach a "local truck route" as a deviating street. (Ord. 44-1966 §1. Passed 9-14-66.)

- (3) "Through truck route" means a way over certain streets in the City as designated herein, over and along which commercial vehicles having an origin and destination outside the City must operate while traveling through the City.

- (d) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (e) "Commercial vehicle" means as follows:
- (1) All buses transporting or authorized to transport passengers for pay or hire, except a bus or buses whose principal route is located within the City.
 - (2) All trucks, trailers or semitrailers transporting or authorized to transport property of any kind and all other vehicles designated or operated for the transportation of property. (Ord. 75-1965 §1. Passed 12-29-65.)

511.02 COMMERCIAL VEHICLES TO USE TRUCK ROUTES.

All commercial vehicles in the City shall be operated only over and along the truck routes herein established and on no other street or streets. (Ord. 75-1965 §2. Passed 12-29-65.)

511.03 TRUCK ROUTES ESTABLISHED.

There are hereby established within the City the following truck routes:

- (a) Local Truck Routes. The following streets are designated as local truck routes. All streets within the City except:
- (1) Heavy semitrailers coming from the west shall go down Pittsburgh Avenue to 21st Street, whether coming from the north or south, and proceed east on West 21st Street to Schaper Avenue, thence north on Schaper Avenue to West 20th Street and thence east on West 20th Street to their terminals on West 20th Street. Similarly, those leaving the terminal going west should go west over West 20th Street to Schaper Avenue, thence south on Schaper Avenue to West 21st Street, thence west on West 21st Street to Pittsburgh Avenue, thence proceeding east either north to West 12th Street or south to West 26th Street.
 - (2) Heavy semitrailers coming from the east should go from 12th Street to Greengarden Boulevard and south to West 20th Street and on to their terminal by traveling west.
 - (3) Heavy semitrailers coming from the east over 26th Street should proceed to 26th Street and Pittsburgh Avenue, thence north to 21st Street, thence east on West 21st Street to Schaper Avenue, thence north on Schaper Avenue to West 20th Street and thence east on West 20th Street to their terminal. Similarly, those heading east from the terminal should go east on West 20th Street to Greengarden Boulevard, thence north to West 12th Street and thence east or west. (Ord. 44-1966 §2. Passed 9-14-66.)
 - (4) Heavy semitrailers and dump trucks coming from the foot of Sassafras or Peach Streets will use Peach Street only to 2nd Street, thence east on 2nd Street to State, and then to nearest U. S. highway, Route 5, to proceed east or west. When going to foot of Peach Street or Sassafras Street, all trucks will use U.S. highways, then to State Street, to 2nd Street, to Peach Street, Peach Street to Bay Front.
(Ord. 50-1966 §1. Passed 10-5-66.)
- (b) Area Truck Routes. The following streets are designated as area truck routes:
- | <u>Street</u> | <u>From</u> | <u>To</u> |
|---------------|-------------|-----------|
|---------------|-------------|-----------|

8th Street
6th Street
East Lake Road
Park Avenue North
Park Avenue South

Pittsburgh Avenue
Seminole Drive
East Avenue
Plum Street
Plum Street

Seminole Drive
East Avenue
Franklin Avenue
Poplar Street
Poplar Street

| <u>Street</u> | <u>From</u> | <u>To</u> |
|--------------------------|-------------------|---------------------|
| North Park Row | Peach Street | French Street |
| South Park Row | Peach Street | French Street |
| 12th Street | Pittsburgh Avenue | Franklin Avenue |
| 26th Street | Pittsburgh Avenue | Elm Street |
| Buffalo Road | East Avenue | Bird Drive |
| Pittsburgh Avenue | 8th Street | 38th Street |
| Seminole Drive | 6th Street | 8th Street |
| Liberty Street | Park Avenue North | 26th Street |
| Parade Street | 6th Street | 28th Street |
| Old French Road | 28th Street | Grandview Boulevard |
| Pine Avenue | 28th Street | Grandview Boulevard |
| Lake Pleasant Road | Pine Avenue | Grandview Boulevard |
| Glenwood Park Avenue | 26th Street | South City Line |
| Peach Street | South Park Row | Grandview Boulevard |
| Franklin Avenue | East Lake Road | Buffalo Road |
| Broad Street | Buffalo Road | Elm Street |
| West Grandview Boulevard | West City Line | Peach Street |
| Sassafras Street | Front Street | 12th Street |
| Holland Street | Front Street | 12th Street |
| East Avenue | Buffalo Road | 26th Street |
| French Street | Front Street | 28th Street |
| 18th Street | East Avenue | Cranberry Street |
| State Street | 18th Street | Glenwood Park |
| West 23rd Street | Pittsburgh Avenue | Interstate 79 |

(Ord. 75-1965 §3. Passed 12-29-65; Ord. 50-1966 §1. Passed 10-5-66; Ord. 74-1975 §1. Passed 8-27-75.)

(c) Through Truck Routes. The following streets are designated as through truck routes:

| <u>Street</u> | <u>From</u> | <u>To</u> |
|----------------------|-------------------|---------------------|
| 8th Street | Pittsburgh Avenue | Seminole Drive |
| 6th Street | Seminole Drive | East Avenue |
| East Lake Road | East Avenue | Franklin Avenue |
| Park Avenue North | Plum Street | Poplar Street |
| Park Avenue South | Plum Street | Poplar Street |
| North Park Row | Peach Street | French Street |
| South Park Row | Peach Street | French Street |
| 12th Street | Pittsburgh Avenue | Franklin Avenue |
| 26th Street | Pittsburgh Avenue | Elm Street |
| Buffalo Road | East Avenue | Bird Drive |
| Pittsburgh Avenue | 8th Street | 38th Street |
| Seminole Drive | 6th Street | 8th Street |
| Liberty Street | Park Avenue North | 26th Street |
| Parade Street | 6th Street | 28th Street |
| Old French Road | 28th Street | Grandview Boulevard |
| Pine Avenue | 28th Street | Grandview Boulevard |
| Lake Pleasant Road | Pine Avenue | Grandview Boulevard |
| Glenwood Park Avenue | 26th Street | South City Line |

| <u>Street</u> | <u>From</u> | <u>To</u> |
|--------------------------|----------------|---------------------|
| Peach Street | 26th Street | Grandview Boulevard |
| Franklin Avenue | East Lake Road | Buffalo Road |
| Broad Street | Buffalo Road | Elm Street |
| West Grandview Boulevard | West City Line | Peach Street |
| Sassafras Street | Front Street | 12th Street |
| Holland Street | Front Street | 12th Street |
| East Avenue | Buffalo Road | 26th Street |

(Ord. 75-1965 §3. Passed 12-29-65.)

511.04 EXCEPTIONS.

This article shall not prohibit:

- (a) Operation on Street of Destination. The operation of commercial vehicles over and along any street where and when necessary to the conduct of business, including a pickup or delivery, at a destination point, provided local delivery routes or truck routes are used until reaching the intersection nearest the destination point, except as provided in subsection (e) hereof.
- (b) Emergency Vehicles. The operation of emergency vehicles over and along any street.
- (c) City Vehicles. The operation of commercial vehicles owned or operated by the City or on behalf of the City by any contractor or materialman while engaged in the construction, repair or maintenance of streets, street improvements, street utilities or other City vehicles or conveyances.
- (d) Detours. The operation of commercial vehicles upon any officially established detour in any case in which such vehicles could be operated over and along the street for which the detour is established. (Ord. 75-1965 §4. Passed 12-29-65.)
- (e) Deviating Trucks. All commercial vehicles having a destination point or multiple destination point shall proceed only over and along an area truck route and shall deviate on a local truck route only at the intersection nearest a destination point. They may then proceed over a local truck route or an area truck route for multiple deliveries. Upon leaving a final destination point, all commercial vehicles shall return to an area truck route by the shortest distance or if practicable to the next destination point over streets upon which such truck route is permitted. (Ord. 44-1966 §4. Passed 9-14-66.)

511.05 STANLEY AVENUE PROHIBITION.

No person shall operate any truck on Stanley Avenue from Pine Avenue to East 38th Street. Signs stating "No Thru Truck Traffic" shall be installed.
(Ord. 84-1980 §1. Passed 9-24-80.)

511.06 LIBERTY STREET PROHIBITION.

No person shall operate any truck on Liberty Street from its intersection with Park Avenue South to its intersection with West Twelfth Street. Signs stating "NO THRU TRUCK TRAFFIC" shall be installed with alternate routes established for Liberty Street on Peach Street north and French Street South (Ord. 69-1986 §1. Passed 8-27-86.)

511.07 RASPBERRY STREET PROHIBITION.

No person shall operate any truck on Raspberry Street from its intersection with West 26th Street to its intersection with West 38th Street, with the exception of trucks making local deliveries. Signs stating "No Thru Truck Traffic" shall be installed. (Ord. 87-1989 §1. Passed 10-18-89.)

511.99 PENALTY.

Whoever violates any provision of this Traffic Code, for which no penalty is otherwise provided, is guilty of a summary offense and shall be fined not more than twenty-five dollars (\$25.00).

ARTICLE 512
Snow Emergency

- 512.01 Definitions.
- 512.02 Parking on snow emergency routes.
- 512.03 Condition of motor vehicles.
- 512.04 Stalled vehicle.
- 512.05 Declaration of snow or ice emergency.
- 512.06 Termination of parking prohibition.
- 512.07 Temporary provisions to take precedence.
- 512.08 Signs to mark snow emergency routes.
- 512.09 Removal, impounding and return
- 512.10 Citation on vehicle parked or left
- 512.11 Failure to comply with traffic
- 512.12 Evidence with respect to vehicles

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512.13 Snow emergency routes
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512.14 Front wheel or four wheel drive.
512.99 Penalty.
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CROSS REFERENCES

Tire chains - see 75 Pa. C.S.A. §4525

Power to regulate - see 75 Pa. C.S.A. §6109(a)(7), (13)

512.01 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this article.

- (a) "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (b) "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- (c) "Snow emergency routes" are those streets marked as such in accordance with the provisions of this article.
- (d) "Snow tires" are any tires mounted on drive wheels of motor vehicles which are especially designed to give effective traction on snow, mud or ice covered streets by means of extra heavy duty treads with special high-traction patterns, except that no tire so defined shall be construed to be a snow tire if it is damaged or worn to the extent that its performance would be substantially impaired. The performance of a snow tire shall be considered substantially impaired, if such tires when measured in a major tread groove at two points of the circumference where the tread is thinnest, but not closer than fifteen inches, the tread design depth measures not less than one-fourth of an inch at both locations.

- (e) "Tire chains" are any metal chains mounted on drive wheel tires of motor vehicles which cross the tread of each such tire laterally in at least three different places. (Ord. 75-1971. Passed 11-24-71.)

512.02 PARKING ON SNOW EMERGENCY ROUTES.

(a) Whenever the Mayor or the Public Works Director or their duly designated and acting representative finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the U. S. Weather Bureau or other weather service of snow, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City streets be prohibited or restricted for snow plowing and other purposes, the Mayor or his duly designated and acting representative shall put into effect a parking prohibition on parts of or all snow emergency routes as necessary by declaring it in a manner prescribed by this article.

(b) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the Mayor or his duly designated and acting representative in accordance with this article, except that any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded therefrom. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law. (Ord. 75-1971. Passed 11-24-71.)

512.03 CONDITION OF MOTOR VEHICLES.

(a) No person operating a motor vehicle on a snow emergency route on which there is a covering of snow, sleet or ice shall allow such vehicle to become stalled wholly or partly because the drive wheels thereof are not equipped with effective tire chains or snow tires.

(b) No person operating a motor vehicle on a part of a snow emergency route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect shall allow such vehicle to become stalled because the motor fuel is exhausted or the battery has become inoperative. (Ord. 75-1971. Passed 11-24-71.)

512.04 STALLED VEHICLE.

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this article, on any part of a snow emergency route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route, either into the first cross street which is not a snow emergency route, or onto the public space portion of a nearby driveway. No person shall abandon or leave his vehicle in the roadway of a snow emergency route, regardless of whether he indicates, by raising the hood or otherwise, that the vehicle is stalled, except for the purpose of securing assistance and return without delay. (Ord. 75-1971. Passed 11-24-71.)

512.05 DECLARATION OF SNOW AND ICE EMERGENCY.

(a) The Mayor or the Public Works Director or their duly designated and acting representative, shall cause each declaration made by him pursuant to this article to be publicly announced by means of broadcasts or telecasts from stations with a normal operating range covering the City, and he may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Mayor or the Public Works Director or their duly designated and acting representative, including the time it became or will become effective, and shall specify the streets or areas affected. A parking prohibition or advancement of quitting time-traffic regulations declared by the Mayor or the Public Works Director or his duly designated and acting representative shall not go into effect until at least two hours after it has been announced between 6:00 a.m. and 11:00 p.m. in accordance with this section.

(b) The Mayor or the Public Works Director or their duly designated and acting representative shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section.
(Ord. 75-1971. Passed 11-24-71.)

512.06 TERMINATION OF PARKING PROHIBITION.

Whenever the Mayor or the Public Works Director or their duly designated and acting representative shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this article no longer exist, he may declare the prohibition terminated in whole or in part, in a manner prescribed by this article, effective immediately upon announcement. (Ord. 75-1971. Passed 11-24-71.)

512.07 TEMPORARY PROVISIONS TO TAKE PRECEDENCE.

Any provisions of this article which becomes effective by declaration of the Mayor or the Public Works Director or their duly designated and acting representative or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer.
(Ord. 75-1971. Passed 11-24-71.)

512.08 SIGNS TO MARK SNOW EMERGENCY ROUTES.

On each street designated by this article as a snow emergency route, the Bureau of Traffic Engineering shall post a special sign in every block with the wording: "Snow Emergency Route. No Parking During Emergency. Snow Tires or Chains Required. Tow-Away Zone. " These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway. (Ord. 75-1971. Passed 11-24-71.)

512.09 REMOVAL, IMPOUNDING AND RETURN OF VEHICLES.

(a) Members of the Police Bureau are hereby authorized to remove or have removed a vehicle from a street to the nearest garage or other place of safety, including another place on the street, or to a garage designated or maintained by the Police Bureau, or otherwise maintained by this City, when:

- (1) The vehicle is parked on a part of a snow emergency route on which a parking prohibition is in effect.
- (2) The vehicle is stalled on a part of a snow emergency route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this article.
- (3) The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.

(b) Whenever an officer removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(c) Whenever an officer removes or has removed a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle; the date, time and place from which removed, the reasons for such removal and the name of the garage or place where the vehicle is stored.

(d) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the Police Bureau evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal and shall pay any cost of storage accrued. Until paid these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien.

(e) It shall be the duty of the Police Bureau to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition and parking violation involved.

(f) This section shall be supplemental to any other provisions of law granting members of the Police Bureau authority to remove vehicles.
(Ord. 75-1971. Passed 11-24-71.)

512.10 CITATION ON VEHICLE PARKED OR LEFT IN VIOLATION.

Whenever any motor vehicle without a driver is found parked or left in violation of any provisions of this article and is not removed and impounded as provided for in this article, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the Traffic Bureau, for the driver to answer the charge against him within ten days during the hours and at a place specified in the citation. (Ord. 75-1971. Passed 11-24-71.)

512. 11 FAILURE TO COMPLY WITH TRAFFIC CITATION.

If a violator of this article does not appear in response to a traffic citation affixed to such motor vehicle in accordance with this article within a period of ten days the Clerk of the Traffic Court or other appropriate person shall send the owner of the motor vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of ten days a warrant of arrest will be issued. (Ord. 75-1971. Passed 11-24-71.)

512.12 EVIDENCE WITH RESPECT TO VEHICLES PARKED OR LEFT IN VIOLATION.

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this article, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima-facie evidence that the defendant was the person who parked or left the vehicle in violation of this article. (Ord. 75-1971. Passed 11-24-71.)

512.13 SNOW EMERGENCY ROUTES DESIGNATED.

The following streets or portions of streets within the City are designated as snow emergency routes:

| <u>Street</u> | <u>From</u> | <u>To</u> |
|----------------------------|-------------------|---|
| East and West 6th Street | Pittsburgh Avenue | East Avenue and including Park Avenue North, Park Avenue South, North Park Row and South Park Row |
| East Lake Road | East Avenue | Franklin Avenue |
| West 8th Street | Pittsburgh Avenue | Greengarden Road |
| East and West 12th Street | Pittsburgh Avenue | Franklin Avenue |
| East and West 15th Street | Raspberry Street | Perry Street |
| Buffalo Road | Perry Street | Bird Drive |
| East 21st Street | State Street | East Avenue |
| East and West 26th Streets | Pittsburgh Avenue | Elm Street |
| Broad Street | Elm Street | Buffalo Road |
| East 28th Street | Parade Street | Elm Street |
| West 32nd Street | Pittsburgh Avenue | Cherry Street |
| East and West 38th Streets | Pittsburgh Avenue | East City line |
| Brown Avenue | 26th Street | Cherry Street |

| <u>Street</u> | <u>From</u> | <u>To</u> |
|-------------------|-----------------|-----------------|
| Greengarden Road | 38th Street | 8th Street |
| Seminole | West 8th Street | West 6th Street |
| Raspberry Street | 38th Street | 12th Street |
| Liberty Street | Peach Street | 5th Street |
| Cherry Street | 38th Street | 6th Street |
| Sassafras | 26th Street | 6th Street |
| Peach Street | South City line | North Park Row |
| State Street | 38th Street | Front Street |
| French Street | 26th Street | 4th Street |
| Parade Street | 28th Street | 6th Street |
| Old French Road | South City line | 28th Street |
| Pine Avenue | South City line | 28th Street |
| Ash Street | 18th Street | 12th Street |
| East Avenue | East Lake Road | 38th Street |
| Franklin Avenue | East Lake Road | Buffalo Road |
| McClelland Avenue | Buffalo Road | 38th Street |
| Elm Street | 26th Street | 28th Street |

(Ord. 75-1971. Passed 11-24-71.)

512.14 FRONT WHEEL OR FOUR WHEEL DRIVE.

The provisions of this article are not enforceable against a motorist operating a motor vehicle equipped with a front wheel or four wheel drive only if such vehicle is able to travel on a snow emergency route without becoming stalled, wholly or partly because the drive wheels are not equipped with effective tire chains or snow tires. (Ord. 75-1971. Passed 11-24-71.)

512.99 PENALTY.

Whoever violates any provisions of this article shall be subject to a fine of ten dollars (\$10.00).
(Ord. 6-2005. Passed 1-26-05.)

ARTICLE 513
Emergency Vehicle Drivers

| | | | |
|--------|--|--------|---|
| 513.01 | Definitions. | 513.08 | Time limit for registration of present drivers. |
| 513.02 | Emergency Vehicle Driver Committee. | 513.09 | Seat belts required. |
| 513.03 | Meetings, procedure, records. | 513.10 | Unauthorized use of emergency control beacons prohibited. |
| 513.04 | Duties. | 513.99 | Penalty. |
| 513.05 | Standards for training. | | |
| 513.06 | Revocation of certificate. | | |
| 513.07 | Obedience to traffic laws, ordinances and regulations. | | |

CROSS REFERENCES

Special privileges - see 75 Pa. C.S.A. §3105
Right of way of emergency vehicles - see 75 Pa. C.S.A. §3325
Lights, sirens and warning devices - see 75 Pa. C.S.A. §4571

513.01 DEFINITIONS.

- (a) "Emergency Vehicle Driver-in-Training" means a person who has successfully completed the Emergency Driver Training Course and is registered by the Emergency Vehicle Driver Committee to operate an emergency vehicle under the supervision of a Registered Driver.
- (b) "Emergency Driver Training Course" means a program established to qualify, train and certify emergency vehicle drivers.
- (c) "Emergency lane" means on two lane roadways, the emergency lane shall be the right hand lane in the direction the emergency vehicle is traveling. On three lane roadways, the emergency lane shall be the center lane. On roadways with four or more lanes, the emergency lane shall be the closest thru lane to the center of the roadway in the direction the emergency vehicle is traveling.
- (d) "Emergency vehicle" means any police vehicle, Fire Bureau vehicle, rescue wagon, ambulance or the private vehicle of the Chief of any fire department, Assistant Chief of any fire department or Fire Marshal responding to an emergency.
- (e) "Emergency vehicle driver" means a person who is registered and authorized by the Emergency Vehicle Driver Committee to operate an emergency vehicle.
- (f) "Emergency control beacon" means a white flashing light mounted adjacent to the traffic signal. Traffic signal installations equipped with emergency pre-emption equipment are provided with a safety indication (a fail-safe indication) to notify the driver of any

emergency vehicle approaching the intersection that his emergency equipment has pre-empted the traffic signal.

(g) "Registered Emergency Vehicle Driver" means a person registered by the Emergency Vehicle Driver Committee who has successfully completed the Emergency Vehicle Driver Training Course and six months of supervised behind the wheel training; or any Veteran Emergency Vehicle Driver with six months of behind the wheel driving experience. Six months of experience must have occurred prior to the date of final passage of this article (September 26, 1973).

(h) "Emergency Vehicle Driver Committee" means a group comprised of seven members appointed by the Mayor and Council whose purpose is to carefully and objectively screen all applicants to the Emergency Driver Training Course and to register and govern the drivers who have successfully passed the provisions therein provided.

(i) "Siren" means a warning device of a type approved by the Secretary of Revenue capable of emitting sound audible under normal conditions from a distance of not less than 200 feet. (Ord. 98-1973 §1. Passed 9-26-73.)

513.02 EMERGENCY VEHICLE DRIVER COMMITTEE.

(a) An Emergency Vehicle Driver Committee is hereby created and established. The word "Committee" when used in this article means the Emergency Vehicle Driver Committee.

(b) The Committee shall consist of seven members appointed by the Mayor and approved by Council; four of whom shall be residents of the City and three who shall be residents of the political subdivisions which participate in the program. Any four members shall constitute a quorum. The chairman of the Committee shall be appointed by the Mayor and Council for the duration of his term.

(c) Four members of the Committee shall be appointed to serve until the first Monday of January, 1975 and three members shall be appointed to serve until the first Monday of January, 1976 or until their successors have been appointed. These successors shall be appointed on the expiration of their respective terms to serve two years. Any appointment to fill a casual vacancy shall be only for the unexpired portion of the term.

(d) The Mayor shall appoint and Council shall approve a Secretary to the Committee. The Secretary shall be appointed to serve until the first Monday of January, 1975. Any appointment to fill a casual vacancy shall be only for the unexpired portion of the term. The salary for the Secretary shall be determined by the Mayor and Council. The office of the Secretary shall be located in the City Municipal Building. The duties of the Secretary shall include the clerical work as required by the members of the Committee and liaison work between the Committee and residents of the political subdivisions who participate in this program. (Ord. 98-1973 §2. Passed 2-26-73.)

513.03 MEETINGS, PROCEDURE, RECORDS.

Meetings of the Committee shall be held at least once a month and at such other times as the committee may determine or upon call of the Chairman. The Committee shall adopt its own rules of procedure and shall keep minutes of its proceedings and shall keep records

of its examinations and other official actions. Every rule or regulation adopted by the Committee shall be filed in the office of the Committee and shall be a public record. All decisions by the Committee must be carried by a simple majority.
(Ord. 98-1973 §3. Passed 9-26-73.)

513.04 DUTIES.

The Committee shall:

- (a) Establish and supervise an Emergency Vehicle Driver Training Course of instruction.
- (b) Furnish application forms to interested parties.
- (c) Review applications and based on their analysis either reject or place applicants in the driver training course.
- (d) Based on the instructor's report, either reject applicant or elevate applicant to Driver-in-Training status.
- (e) Based on supervisor's report, either reject, require additional training or elevate to Driver status.
- (f) Issue registration cards (Driver-in-Training and Driver) and Driver certificates.
- (g) Prepare annual roster of Drivers and Drivers-in-Training.
- (h) Review all accidents involving emergency vehicles.
- (i) Suspend or revoke a registered driver certificate and card for failure of a Registered Driver to comply with the requirements of applicable laws and ordinances, but only after warning and such reasonable time for compliance as may be set by the Committee.
- (j) Prepare and keep on file at its office, such rules and regulations which may be necessary in order to carry out the provisions of this article.
(Ord. 98-1973 §4. Passed 9-26-73.)

513.05 STANDARDS FOR TRAINING.

- (a) The Committee shall, within a reasonable time after receipt of an application as provided for herein, investigate as it deems necessary in order to properly evaluate the application.
- (b) The Committee shall issue a registered driver certificate and card. The card shall be valid for a period of two years unless earlier suspended, revoked or terminated, when it finds that:
 - (1) The applicant is not addicted to use of intoxicating liquors or narcotics and is morally fit for the position.
 - (2) The applicant is able to speak, read and write the English language.
 - (3) The applicant has been found free from physical defects or diseases that might impair the ability to drive an emergency vehicle.
 - (4) Each applicant for a registered driver certificate, has successfully completed the Emergency Driver Training Course and has successfully completed six months of supervised behind the wheel driving or is a Veteran Emergency Vehicle Driver with six months of behind the wheel experience.
 - (5) Provided that no one shall be licensed unless he holds a currently valid driver's license from the Commonwealth of Pennsylvania.

(c) A registered driver certificate and card issued hereunder shall not be assignable or transferable and must be carried at all times.

(d) No official entry made upon a registered driver certificate and card be defaced, removed or obliterated. (Ord. 98-1973 § 5. Passed 9-26-73.)

513.06 REVOCATION OF CERTIFICATE.

(a) The Committee may, and is hereby authorized to, suspend or revoke a registered driver certificate and card issued hereunder for failure of a Registered Driver to comply and to maintain compliance with, or for his violation of, any applicable provisions, standards or requirements of this article or of regulations promulgated hereunder; or of any other applicable laws or ordinances or regulations promulgated hereunder, but only after warning and such reasonable time for compliance as may be set by the Committee. Within thirty days after suspension, a Registered Driver shall be afforded a hearing, after reasonable notice. The Committee or its authorized agent, shall within seven days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension. Such written decision shall be promptly transmitted to the Registered Driver to whom it refers.

(b) Upon suspension, revocation or termination of a registered driver certificate and card hereunder, operations as such shall cease with all emergency vehicles and no person shall employ or permit such individual to drive any emergency vehicle. (Ord. 98-1973 §6. Passed 9-26-73.)

513.07 OBEDIENCE TO TRAFFIC LAWS, ORDINANCES AND REGULATIONS.

(a) The driver of an emergency vehicle, whether he be a Registered Driver or a Driver-in-Training, when responding to an emergency call or while transporting a patient, may exercise the privileges of subsection (b) hereof, but subject to the conditions herein only when such driver has reasonable grounds to believe that an emergency in fact exists that requires the exercise of such privileges.

(b) Subject to the provisions of subsection (a) hereof, any Registered Driver or Driver-in-Training may:

- (1) Park or stand, irrespective of the otherwise applicable provisions of law, ordinance or regulation.
- (2) Proceed past a red traffic signal indication, but only after making a complete stop and providing there isn't any evident pedestrian or vehicular pedestrian or vehicular conflict. (Ord. 98-1973 §7. Passed 9-26-73.)

513.08 TIME LIMIT FOR REGISTRATION OF PRESENT DRIVERS.

All present drivers of emergency vehicles shall become registered within twelve months from the final passage and approval by the Mayor, of this article (October 1, 1973). (Ord. 98-1973 §8. Passed 9-26-73.)

513.09 SEAT BELTS REQUIRED.

All drivers of emergency vehicles shall use their seat belts when the vehicle is in motion. (Ord. 98-1973 §9. Passed 9-26-73.)

**513.10 UNAUTHORIZED USE OF EMERGENCY CONTROL BEACONS
PROHIBITED.**

No person shall operate, use or interfere with the operation of the emergency control beacons heretofore established in the City for any purpose whatsoever, nor shall any person construct or possess any device capable of operating emergency control beacons, unless he is an emergency vehicle driver or is operating an emergency vehicle, as those terms are defined in this article, or, unless he is otherwise expressly authorized to use such beacons by the emergency vehicle driver committee heretofore established.

(Ord. 103-1981 §1. Passed 12-16-81.)

513.99 PENALTY.

Whoever violates any provision of this Traffic Code, for which no penalty is otherwise provided, is guilty of a summary offense and shall be fined not more than twenty-five dollars (\$25.00).

ARTICLE 515
Vehicle Operation

| | | | |
|--------|--|--------|---------------------------------------|
| 515.01 | Perry Square traffic movement. | 515.05 | Traffic restrictions on Peach Street. |
| 515.02 | One-way streets. | 515.99 | Penalty. |
| 515.03 | Prohibitions against right turns on red. | | |
| 515.04 | Avoidance of traffic signal prohibited. | | |

CROSS REFERENCES

One-way streets - see 75 Pa. C.S.A. §6109(a)(4), 3308
Turning vehicles - see 75 Pa. C.S.A. §6109(a)(9), 3112, 3331

515.01 PERRY SQUARE TRAFFIC MOVEMENT.

In order to provide more direct movement north and south bound through Perry Square, Peach Street shall be made one-way northbound from South Park Row to West Second Street with no parking any time on the east side from South Park Row to North Park Row. French Street shall be made one-way southbound from North Park Row to South Park Row with no parking any time on the west side from North Park Row to South Park Row. South Park Row shall be made one-way westbound. North Park Row shall be made one-way eastbound. West Sixth Street shall be made no parking any time on the north side from Peach Street to 150 feet west of Sassafra Street. (Ord. 46-1982 §1. Passed 6-23-82.)

515.02 ONE-WAY STREETS.

Upon those streets and parts of streets and in those alleys described in Schedule A of this section, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

SCHEDULE "A" - ONE-WAY STREETS IN THE CITY OF ERIE

| <u>Street</u> | <u>Section Applicable</u> | <u>Permitted Direction</u> |
|--------------------|---|----------------------------|
| Ash St. | East 12th to East 3rd Sts. | Northbound |
| Brewster St. | East 11th to East 12th Sts. | Southbound |
| Cascade St. | West 10th to West 6th Sts. | Northbound |
| Cedar St. | East 8th to East 7th Sts. | Northbound |
| Chestnut St. | Short to West 10th Sts. | Southbound |
| Commerce St. | East 12th to East 13th Sts. | Southbound |
| French St. | North Park Row to South Park Row | Southbound |
| French St. | Front St. to East 26th St. | Southbound |
| German St. | Front to East 14th Sts. | Southbound |
| Glen Drive | Highview Blvd. to Glenwood Park Ave. | Eastbound |
| Glenwood Park Ave. | Perry Highway (State Route 505) to Bladen Rd. | Southbound |

SCHEDULE "A" - ONE-WAY STREETS IN THE CITY OF ERIE (Cont.)

| <u>Street</u> | <u>Section Applicable</u> | <u>Permitted Direction</u> |
|-------------------|--|----------------------------|
| Hazel St. | West 26th to West 29th Sts. | Southbound |
| Keats Ave. | Peach to West 38th Sts. | Southbound |
| Maple St. | West 26th to West 29th Sts. | Southbound |
| McKinley Ave. | East 25th to East 26th Sts. | Northbound |
| Mobile Ave. | Entire distance | Southbound |
| Monroe Ave. | East 28th to East 26th Sts. | Northbound |
| Myrtle St. | West 10th to West 2nd Sts. | Northbound |
| North Park Row | French to Peach Sts. | Westbound |
| Park Ave. North | Poplar to Plum Sts. | Westbound |
| Park Ave. South | Plum to Poplar Sts. | Eastbound |
| Peach St. | West 26th St. to Front St. | Northbound |
| Peach St. | South Park Row to North Park Row | Northbound |
| Pennsylvania Ave. | East 10 to Atkins Sts. | Northbound |
| Plum St. | Park Ave. North to West 10th St. | Southbound |
| Polk St. | East Ave. to Pennsylvania Ave. | Eastbound |
| Poplar St. | West 10th to West 2nd Sts. | Northbound |
| Poplar St. | West 26th to West 29th Sts. | Southbound |
| Reed St. | East 4th to East 15th Sts. | Southbound |
| Sassafras St. | West 2nd to West 26th St. and from 250 feet south of West 26th St. to Goodrich St. | Southbound |
| South Park Row | Peach to French Sts. | Eastbound |
| VanBuren Ave. | East 28th to East 26th Sts. | Northbound |
| Vine St. | East 7th to East 8th Sts. | Southbound |
| Wallace St. | East 5th to East 15th Sts. | Southbound |
| Wallace St. | East 27th to East 26th Sts. | Northbound |
| Walnut St. | West 10th to West 2nd Sts. | Northbound |
| Waterworks Rd. | Bayfront Parkway to Front St. | Southbound |
| Wayne St. | East 12th to East 6th Sts. | Northbound |
| West 3rd St. | Peach to Cascade Sts. | Westbound |
| East 3rd St. | Parade to Holland Sts. | Westbound |
| West 7th St. | Myrtle to Cranberry Sts. | Westbound |
| East 7th St. | East Ave. to Holland St. | Westbound |
| West 8th St. | Liberty to State Sts. | Eastbound |
| East 8th St. | State St. to Pennsylvania Ave. | Eastbound |
| West 9th St. | Myrtle St. to Weschler Ave. | Westbound |
| East 9th St. | East Ave. to Holland St. | Westbound |
| West 11th St. | Liberty St. to Weschler St. | Westbound |
| East 11th St. | Parade St. to East Ave. | Eastbound |
| East 13th St. | Wayne to Parade Sts. | Westbound |
| East 14th St. | Parade to Wayne Sts. | Eastbound |
| West 16th St. | Sassafras to Liberty Sts. | Westbound |
| West 17th St. | Raspberry to Cascade Sts. | Eastbound |
| West 17th St. | Liberty to Sassafras Sts. | Eastbound |

(Ord. 14-1977 §1. Passed 3-9-77; Ord. 30-1979. Passed 3-21-79; Ord. 70-1979. Passed 9-19-

79; Ord. 37-1981 §1. Passed 5-27-81; Ord. 58-1984. Passed 9-12-84; Ord. 86-1985 §1. Passed 12-26-85; Ord. 16-1989 §1. Passed 3-8-89; Ord. 43-1996 §1. Passed 7-17-96; Ord. 45A-1996 §1. Passed 8-21-96; Ord. 60-1996 §1. Passed 10-23-96.)

515.03 PROHIBITIONS AGAINST RIGHT TURNS ON RED.

(a) No person operating a motor vehicle shall make a right turn on a steady red traffic signal at any of the approaches to the following intersections in the City:

- (1) Brown Ave., Raspberry St., and 23rd St.; all approaches.
- (2) Pine Ave., Old French Rd., Parade St., and 28th St.; all approaches.
- (3) West 38th, Peach and Hazel Sts.; all approaches.
- (4) West 23rd St. and Pittsburgh Ave.; all approaches.
- (5) State and 14th Sts.; southbound traffic turning from State onto 14th St.
- (6) State and 10th Sts; eastbound traffic turning from 10th St. onto State St. and southbound turning from State St. onto 10th St.
- (7) West 10th and Sassafras St.; eastbound traffic turning from 10th St. onto Sassafras St.
- (8) West 10th and Cherry Sts.; eastbound traffic turning from 10th St. onto Cherry St.
- (9) West 10th and Liberty Sts.; eastbound traffic turning from 10th St. onto Liberty St.
- (10) West 12th and Sassafras Sts.; eastbound traffic turning from 12th St. onto Sassafras St.
- (11) West 12th and Liberty Sts.; southbound traffic turning from Liberty St. onto West 12th St.
- (12) West 12th and Raspberry Sts.; southbound traffic turning from Raspberry St. onto West 12th St.
- (13) East Lake Rd. and Franklin Ave.; eastbound traffic turning from East Lake Rd. onto Franklin Ave.
- (14) East 12th St. and East Ave.; eastbound traffic turning from 12th St. onto East Ave.
- (15) East 12th and Ash Sts.; eastbound traffic turning from 12th St. onto Ash St.
- (16) East 6th and Parade Sts.; eastbound and westbound traffic turning from 6th onto Parade St.
- (17) East 10th and Parade Sts.; eastbound and westbound traffic turning from East 10th St. onto Parade St.
- (18) East 12th and Parade Sts.; eastbound and westbound traffic turning from East 12th onto Parade St.
- (19) East 26th and Parade Sts.; eastbound and westbound traffic turning from 26th St. onto Parade St.
- (20) East 26th St., Broad St., Elm St. and McKinley Ave.; eastbound traffic turning from East 26th St. onto Elm St.
- (21) West 26th and Peach Sts.; eastbound traffic turning from 26th St. onto Peach St.
- (22) West 26th St. and Brown Ave.; westbound traffic turning from 26th St. onto Brown Ave., southbound traffic turning from Brown Ave. onto 26th St.
- (23) Peach and Liberty Sts.; westbound traffic turning from Peach St. onto Liberty St.
- (24) West 38th St. and Glenwood Park Ave.; southbound traffic turning from Glenwood Park Ave. onto 38th St.

- (25) West 38th St. and Greengarden Blvd.; all approaches from 8:00 a.m. to 4:00 p.m. except Saturday and Sunday.
- (26) East 11th and French Sts.; at the three approaches.
- (27) West 26th and Greengarden; during school hours 8:00 a.m. to 4:00 p.m. Monday through Friday.

(b) The City Traffic Engineer is hereby authorized and directed to take all necessary steps to erect the proper signs to effectuate the prohibition contained herein. (Ord. 85-1977 §1. Passed 11-16-77; Ord. 3-1978 §1. Passed 2-22-78; Ord. 94-1979 §1. Passed 11-7-79; Ord. 21-1983 §1. Passed 4-27-83.)

515.04 AVOIDANCE OF TRAFFIC SIGNAL PROHIBITED.

No operator of a motor vehicle shall cause such motor vehicle to travel across private property in an attempt to avoid either a traffic signal controlling the flow of traffic in the direction on such operator's travel or in an attempt to avoid an intersection. (Ord. 68-1986 §1. Passed 8-27-86.)

515.05 TRAFFIC RESTRICTIONS ON PEACH STREET.

(a) Peach Street from the north line of West 2nd Street to the south line of West Front Street - Dobbins Lane, shall be closed to through traffic.

(b) Vehicular traffic upon such portion of Peach Street shall be subject to the control and limitation of the adjacent property owner, Hamot Health Systems, or its affiliate, Bay front Development Corporation. Such property owner is authorized to narrow the cartway at its own expense to the width of two average vehicles, as they have requested.

(c) The City maintains and reasserts its right of way through Peach Street and may reopen it to through traffic in the future if deemed necessary by Council for public health, safety or convenience.

(d) Notwithstanding the restriction of traffic authorized by this section, the adjacent property owner, Hamot Health Systems, Bayfront Development Corporation, or any successor or assignee of either of them, shall maintain public access to Dobbins Lane through Peach Street under the terms of the Settlement Agreement which was executed by the parties to litigation in the Erie County Court of Common Pleas at No. 27-E-1986. (Ord. 13-1991 §1-4. Passed 2-27-91.)

515.99 PENALTY.

Whoever violates any provision of Section 515.01 or 515.02 shall be subject to a fine of ten dollars (\$10.00). (Ord. 6-2005. Passed 1-26-05.)

ARTICLE 516
Two-Trailer Combinations

| | | | |
|--------|--|--------|------------------|
| 516.01 | Compliance required. | 516.03 | Permit required. |
| 516.02 | Prohibited and permitted operation; routes. | 516.99 | Penalty. |

CROSS REFERENCES

Size, weight and load - see 75 Pa. C.S.A. Ch. 49
Commercial vehicles - see TRAF. Art. 511
Parking of truck trailers - see TRAF. 521.06

516.01 COMPLIANCE REQUIRED.

Motor vehicle combinations consisting of a truck tractor and two trailers may be operated within the City only upon the streets indicated and in accordance with the provisions of this article. (Ord. 31-1985 §1. Passed 6-26-85.)

516.02 PROHIBITED AND PERMITTED OPERATION; ROUTES.

(a) Two trailers, operating in combination, each of which shall not exceed twenty-eight feet in length and not exceeding 102 inches (eight and one-half feet) in width may be operated only upon those streets set forth herein, provided each person, firm, association, partnership, agency or corporation responsible for the operation of such trailer combination has secured a permit for such operation within the City as set forth hereinafter. All other trailer combinations are expressly prohibited from operation on the streets of the City.

(b) The following routes are established for access to terminal in the City over which truck trailer combinations of two twenty-eight foot trailers and combinations of eight and one-half foot width may operate:

I-79 from City limits to West 12th Street; 12th Street from Pittsburgh Avenue to Franklin Avenue; Pittsburgh Avenue from West 12th Street to West 26th Street; Raspberry Street from West 12th to West 18th; West 18th from Raspberry to 1314 West 18th; Greengarden Road from West 12th Street to West 8th Street; West 21st Street from Pittsburgh Avenue to Haybarger Avenue;

Payne Avenue from East 12th Street to East 10th Street; East 10th Street from Payne Avenue to Franklin Avenue; Pine Avenue from East Grandview Blvd. to Parade Street; Parade Street from East 28th Street to East 26th Street; East 38th Street from Pine Avenue to McClelland Avenue; McClelland Avenue to East 33rd Street; East 33rd Street from McClelland Avenue to McCain Avenue; McCain Avenue from East 30th Street to East 33rd Street; Glenwood Park Avenue from City limits to State Street; State Street from Glenwood Park Avenue to 26th Street; East 26th Street from State Street to Parade Street; French Street from East 26th Street to East 27th Street; Old French Road.

(Ord. 31-1985 §1. Passed 6-26-85.)

West 8th Street from Greengarden to Seminole Drive; Seminole Drive from West 8th Street to West 6th Street; West 6th Street from Seminole Drive to Cranberry Street; Cranberry Street from West 6th Street to West 4th Street; West 4th Street from Cranberry Street to Raspberry Street.

(Ord. 47-1987 §1. Passed 7-22-87.)

516.03 PERMIT REQUIRED.

Each person, firm, association, partnership, agency or corporation operating any two-trailer combination as permitted hereunder within the City shall first apply for and receive a permit from the Traffic Engineer of the City. The application shall be furnished by the Traffic Engineer, at no cost, and shall contain such requests for information as the Traffic Engineer and City Engineer shall deem appropriate. (Ord. 31-1985 §1. Passed 6-26-85.)

516.99 PENALTY.

Any person, firm, association, partnership, agency or corporation violating the provisions of this article shall be guilty of a summary offense and shall be subject to a fine of fifty dollars (\$50.00). (Ord. 31-1985 §1. Passed 6-26-85.)

ARTICLE 517
Speed

- | | | | |
|--------|----------------------------------|--------|----------|
| 517.01 | Speed limit. | 517.99 | Penalty. |
| 517.02 | Increase only by ordinance. | | |
| 517.03 | Existing posted limits approved. | | |

CROSS REFERENCES

- Speed restrictions - see 75 Pa. C.S.A. Sec. 3361 et seq.
Maximum speed limits - see 75 Pa. C.S.A. Sec. 3362
Speed timing devices - see 75 Pa. C.S.A. Sec. 3368

517.01 SPEED LIMIT.

The speed limit on all streets in the City, other than those which are part of the Pennsylvania Department of Transportation System is twenty-five miles per hour, unless other speed limits are posted. This is based upon the traffic investigation studies and recommendations of the Traffic Engineer.
(Ord. 35-1993 Sec. 1. Passed 5-5-93.)

517.02 INCREASE ONLY BY ORDINANCE.

No increase in posted speed limits for any such street shall be permitted unless authorized by ordinance passed by Council and approved by the Mayor.
(Ord. 35-1993 Sec. 1. Passed 5-5-93.)

517.03 EXISTING POSTED LIMITS APPROVED.

All speed limits posted within the City prior to the passage of this section are hereby approved and shall continue in force unless amended by further ordinances of Council.
(Ord. 35-1993 Sec. 1. Passed 5-5-93.)

517.99 PENALTY.

Violations of the speed limits authorized and posted under this article shall be prosecuted under the Vehicle Code of the Commonwealth of Pennsylvania in like manner as violations of Commonwealth speed limits, and carry the same penalties authorized therein.
(Ord. 35-1993 Sec. 1. Passed 5-5-93.)

TITLE FIVE - Stopping, Standing and Parking

- Art. 521. Parking Generally.
- Art. 523. Parking Meters.
- Art. 525. Disabled Person Parking Privileges.
- Art. 527. Impounding of Vehicles.
- Art. 528. Non-Consensual Towing from Private Property.
- Art. 529. Abandoned Vehicles on Private Property.
- Art. 530. Immobilization of Vehicles.

ARTICLE 521
Parking Generally

EDITOR'S NOTE: Schedules for prohibited and limited parking areas are on file with the Traffic Engineer. Since the schedules are subject to frequent change due to the exigencies of traffic flow, they are not reprinted here.

- | | |
|---|--|
| 521.01 Parking prohibitions in specified places. | 521.10 Enforcement. |
| 521.02 Parking parallel; near curb. | 521.11 Residential Permit Parking. |
| 521.03 Setting brakes; stopping motor. | 521.12 Residential Permit Parking Program. |
| 521.04 Parking for certain purposes prohibited. | 521.13 Residential Permit Parking Area designation criteria. |
| 521.05 Parking of commercial vehicles limited. | 521.14 Residential permit parking fines. |
| 521.06 Parking of truck trailers. | 521.15 Handicapped parking on private property. |
| 521.07 Passenger or material loading zones. | 521.16 Parking in lot on west side of Municipal Building. |
| 521.08 Use of bus stops and taxicab stands. | 521.99 Penalty. |
| 521.09 Winter and summer parking regulations for inner City parking area. | |

CROSS REFERENCES

- Power to establish bus and taxi stands - see 3rd Class §2403(20) (53 P.S. §37403(20))
- Power to regulate or prohibit - see 75 Pa. C.S.A. §3353(d), 6109(a)(1)
- Prohibited parking places - see 75 Pa. C.S.A. §3353
- Erie Parking Authority - see ADM. Art. 182

Owner responsible for illegal parking - see TRAF. 503.04
Parking bicycle - see TRAF. 533.05(n)

521.01 PARKING PROHIBITIONS IN SPECIFIED PLACES.

(a) Prohibitions. Except when necessary to avoid conflict with other traffic, or to protect the safety of any person or vehicle, or in compliance with law, or the directions of a police officer or official traffic control device, no person shall:

- (1) Stop, stand or park a vehicle:
 - A. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - B. On a sidewalk or between a sidewalk and the curb.
 - C. Within an intersection.
 - D. On a crosswalk.
 - E. Between a safety zone and the adjacent curb within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic control devices or within seventy-five feet of the intersection of curb lines on those intersections in which safety zones are marked out.
 - F. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - G. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - H. On any railroad tracks.
 - I. In the area between roadways of a divided highway, including crossovers.
 - J. At any place where official signs prohibit stopping.
 - K. Within a twenty-five feet from the intersection of curb lines or, if none, within fifteen feet of the intersection of property lines at an intersection, except at alleys.
 - L. Within fifty feet of the entrance to any public, private or parochial school between the hours of 7:30 a.m. and 4:30 p.m. during the months in which such schools are in session.
 - M. In any alley.
- (2) Stand or park a vehicle:
 - A. In front of a public or private driveway.
 - B. Within fifteen feet of a fire hydrant.
 - C. Within twenty feet of a crosswalk at an intersection.
 - D. Within thirty feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.
 - E. Within twenty feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance.
 - F. Where the vehicle would prevent the free movement of a bus.
 - G. On a limited access highway unless authorized by official traffic control devices.
 - H. At any place where official signs prohibit standing.

- (3) Park a vehicle:
- A. Within fifty feet of the nearest rail of a railroad crossing.
 - B. At any place where official signs prohibit parking.

(b) Unattended Vehicle on Private Property. No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property, except in the case of emergency or disablement of the vehicle, in which case the operator shall arrange for the removal of the vehicle as soon as possible.

521.02 PARKING PARALLEL; NEAR CURB.

(a) Except when necessary in compliance with law or official traffic control devices, or where angle parking is permitted, the operator of a vehicle shall not stop, stand or park such vehicle on any street other than parallel with the edge of the street.
(Ord. 10-1964 §1. Passed 3-4-64.)

(b) No person shall park any vehicle more than twelve inches from any curb, nor with the left side of such vehicle next to the curb, except on one-way streets where parking is indicated as being permitted.

521.03 SETTING BRAKES; STOPPING MOTOR.

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended, without first effectively setting the brakes thereon and stopping the motor of such vehicle. (Ord. 10-1964 §1. Passed 3-4-64.)

521.04 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any street or highway for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Commercial washing, greasing, painting or repairing such vehicle, except repairs necessitated by an emergency.
- (c) Displaying advertising thereon.
- (d) Offering goods, wares and merchandise therefrom for sale.
- (e) Storage which shall consist of allowing such vehicle to remain in one place continuously for over seventy-two hours. (Ord. 26-1958 §512. Passed 4-18-58.)

521.05 PARKING OF COMMERCIAL VEHICLES LIMITED.

No person shall stand or park any commercial vehicle with a chassis weight in excess of 3,000 pounds at any time on any street for a period of time in excess of two hours, except for vehicles of service companies, contractors, repairmen or others actually engaged in working operations in the vicinity during the actual period of such work. Whoever violates this section, shall be subject to a fine of fifty dollars (\$50.00).
(Ord. 52-1987 § 1. Passed 4-12-87.)

521.06 PARKING OF TRUCK TRAILERS.

No person shall park upon any street a truck trailer or trailer without having attached thereon a means of mechanical traction constructed or designed for the purpose of pulling or drawing such trailer. (Ord. 26-1958 §511. Passed 4-18-58.)

521.07 PASSENGER OR MATERIAL LOADING ZONES.

(a) No person shall stop, stand or park any vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers in any place marked as a passenger zone.

(b) No person shall stop, stand or park any vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the unloading and delivery or pickup and loading of materials, in any place marked as a loading zone. In no case shall the stop for loading or unloading of materials exceed thirty minutes. (Ord. 26-1958 §502, 503. Passed 4-18-58.)

521.08 USE OF BUS STOPS AND TAXICAB STANDS.

No operator of any vehicle other than a bus shall stand or park in an officially designated bus stop, and no operator of a vehicle other than a taxicab shall stand or park in an officially designated taxicab stand, except that the operator of any passenger vehicle may stop temporarily in any such stop or stand for the purpose of and while actually engaged in the loading and unloading of passengers. (Ord. 26-1958 §505. Passed 4-18-58.)

521.09 WINTER AND SUMMER PARKING REGULATIONS FOR INNER CITY PARKING AREA.

(a) There is hereby established an inner City parking area bounded and described as follows:

- (1) North Boundary: The bay and lake front.
- (2) East Boundary: The east line of Hess Avenue from the lake front to the north line of East Lake Road; the north line of East Lake Road from Hess Avenue to Hammermill Drive; thence southerly from East Lake Road to the south line of East 12th Street, along a line 665 feet east of the parallel to Payne Avenue; the south line of East 12th Street from a point 665 feet east of Payne Avenue to the east line of East Avenue; the east line of East Avenue from East 12th Street to the south line of East 33rd Street.
- (3) South Boundary: The south line of East 33rd Street from East Avenue to State Street; the west line of State Street from West 33rd Street to West 30th Street; the south line of West 30th Street from State Street to Glenwood Park Avenue; the south line of Moorhead Street from Glenwood Park Avenue to Peach Street; the east line of Peach Street from Moorhead Street to Craig Street; the west line of Chestnut Street from Peach Street to West 32nd Street; the south line of West 32nd Street from Chestnut Street to Elmwood Avenue.

- (4) West Boundary: The west line of Elmwood Avenue from West 32nd Street to West 26th Street; the south line of West 26th Street from Elmwood Avenue to Baur Avenue; the west line of Baur Avenue from West 26th Street to West 20th Street; the north line of West 20th Street from Baur Avenue to Cranberry Street; the west line of Cranberry Street from West 20th Street to West 12th Street; the south line of West 12th Street from Cranberry Street to Weschler Avenue; the west line of Weschler Avenue from West 12th Street to West 8th Street; the north line of West 8th Street from Weschler Avenue to Washington Place; the west line of Washington Place from West 8th Street to West 6th Street; the north line of West 6th Street from Washington Place to Cranberry Street; the west line of Cranberry Street from West 6th Street to the Bay Front. (Ord. 27-1977 §1. Passed 5-18-77; Ord. 9-1980 §1. Passed 1-30-80.)

(b) Between the dates of November 1 and March 31, inclusive of any calendar year, parking shall be permitted anytime on such sides of the streets located within the inner City parking area designated above, on such odd or even-numbered calendar days as are determined and posted by the Traffic Engineer. On the other sides of all such streets on such days, parking between the hours of 8:00 a.m. and 4:00 p.m. shall be prohibited. The intention of this regulation is to create an alternating pattern of parking restrictions on the streets so as to permit the snowplows to proceed in a continuous serpentine pattern from block to block, removing snow in a more efficient manner than has been possible under the odd-even restrictions related to house numbers.

Parking anytime on both sides of such streets in such areas on Saturdays and Sundays shall be permitted unless otherwise posted.

(Ord. 67-1993 §1. Passed 8-18-93; Ord. 7-1998. Passed 3-18-98.)

(c) Between the dates of April 1 and October 31 inclusive of any calendar year, no parking shall be permitted on streets and sides thereof in the inner City parking area listed on the following schedules attached hereto and made a part hereof.

(Ord. 7-1998. Passed 3-18-98.)

| <u>Schedule</u> | <u>Type Regulation</u> |
|-----------------|--|
| A-1 | No parking Monday between 8:00 a.m. and 4:00 p.m. |
| A-2 | No parking Tuesday between 8:00 a.m. and 4:00 p.m. |
| A-3 | No parking Wednesday 8:00 a.m. to 4:00 p.m. |
| A-4 | No parking Thursday 8:00 a.m. to 4:00 p.m. |
| A-5 | No parking Friday 8:00 a.m. to 4:00 p.m. |
| A-6 | No parking except Monday 8:00 a.m. to 4:00 p.m. |
| A-7 | No parking except Tuesday 8:00 a.m. to 4:00 p.m. |
| A-8 | No parking except Friday 8:00 a.m. to 4:00 p.m. |

Parking anytime shall be permitted on such streets and sides thereof in such area on Saturdays and Sundays unless otherwise posted.

(d) The following are exceptions to the winter and summer parking regulations as set forth in subsections (b) and (c) hereof:

| <u>Schedule</u> | <u>Type Regulation</u> | | |
|-----------------|---|-----------|-------------|
| <u>Street</u> | <u>From</u> | <u>To</u> | <u>Side</u> |
| B-1 | No parking anytime shall be permitted on streets and sides thereof. | | |
| E. 32nd Street | Holland | German | South |
| Myrtle | West 23rd | West 24th | West |
| B-2 | Parking shall be permitted on the street and sides thereof, except as necessary and when posted to permit special street operations. The 900 block of East 20th Street. | | |
| B-3 | No parking anytime shall be permitted from 9:00 p.m. to 9:00 a.m. on the streets and sides thereof. | | |
| B-4 | No parking shall be permitted from 2:00 a.m. to 6:00 a.m. except Saturday and Sunday, on the streets and sides thereof. | | |
| B-5 | No parking Saturday and Sunday. | | |
| 6 | All metered areas within the inner City parking area. | | |

(e) If the regulations promulgated by this section conflict with posted regulations concerning limited time parking and loading zones, then the regulations promulgated by this section shall take precedence.

(f) Nothing in this section shall be construed to modify or repeal Article 512 (Snow Emergency) or Article 523 (Parking Meters) or any section thereunder. (Ord. 27-1977 §1-4. Passed 5-18-77; Ord. 9-1980 §1. Passed 1-30-80; Ord. 81-1990 §1. Passed 12-12-90; Ord. 11-1991 §1. Passed 2-13-91; Ord. 54-1992 §1. Passed 9-16-92.)

521.10 ENFORCEMENT.

It shall be the duty of the deputized meter attendants in the employ of the Erie Parking Authority to enforce the parking provisions of this article, concurrently with officers of the Bureau of Police. Each of such meter attendants shall be deputized by the Mayor and shall remain so deputized during the term of his or her employment with the Erie Parking Authority. (Ord. 20-1974 §1. Passed 4-3-74.)

521.11 RESIDENTIAL PERMIT PARKING.

There is hereby established a Residential Permit Parking Zone consisting of West 25th Street Peach to Sassafras north and south sides; West 25th Street Myrtle to Chestnut north and south sides; West 23rd Street Myrtle to Chestnut north and south sides. The Erie Parking Authority and the City of Erie Traffic Engineer shall jointly issue residential parking permit stickers to residents of the specified streets. Such stickers to be displayed on vehicles owned by such residents shall permit parking on street on such designated streets between the hours of 8:00 a.m. to 6:00 p.m. on weekdays, Monday through Friday. Any vehicle not displaying such a sticker and parking on such designated streets Monday through Friday except legal holidays shall be considered as illegally parked and subject to a fine as provided in Section 521.99. (Ord. 44-1988 §1. Passed 5-18-88.)

521.12 RESIDENTIAL PERMIT PARKING PROGRAM.

(a) Subject to the approval by Council, the Erie Parking Authority is hereby authorized to designate certain streets and other public areas within the City as a "Residential Permit Parking Area" in which resident vehicles displaying valid parking permits may stand or be parked without limitation by parking time restrictions established by this article. (Ord. 86-1988 §1. Passed 9-21-88.)

(b) Myrtle Street between West 22nd Street and West 23rd Street is hereby designated as a "Residential Permit Parking Area" under this section.

(c) The Traffic Engineer shall post signs designating specified areas as such and, jointly with the Erie Parking Authority, shall issue residential parking permit stickers to residents of this street. Violators shall be subject to the penalty provisions of Section 521.99. (Ord. 66-1992 §1. Passed 11-18-92.)

521.13 RESIDENTIAL PERMIT PARKING AREA DESIGNATION CRITERIA.

A residential area shall be deemed impacted and thereby eligible for residential permit parking provided that the following criteria are satisfied:

- (a) The area considered may not be designated Central Business District (C-3).
- (b) During any period between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, except holidays, the number of vehicles parked and/or standing, legally or illegally on the street is equal to seventy percent (70%) or more of the legal on-street parking capacity of the area.
- (c) During the same time period as specified above, seventy percent (70%) of the vehicles parked and/or standing, on the streets in the proposed area are registered in the name of a person not residing within such area. (Ord. 86-1988 §1. Passed 9-21-88.)

521.14 RESIDENTIAL PERMIT PARKING FINES.

Parking citations issued in the Residential Permit Parking Area shall be processed through the Traffic Court of the City. Moneys from the fines are to be deposited in the City General Fund and weekly checks are to be issued to the Erie Parking Authority for revenues received. The Parking Authority shall on an annual basis file a written report to the City on the number of tickets issued and revenues received. All revenues in excess of twenty thousand dollars (\$20,000) shall be returned to the City General Fund. (Ord. 86-1988 §1. Passed 9-21-88.)

521.15 HANDICAPPED PARKING ON PRIVATE PROPERTY.

No persons shall park a vehicle on private property reserved for a handicapped person or severely disabled veteran which property has been so posted in accordance with PennDOT Regulations unless a vehicle lawfully bears a handicapped or severely disabled veteran registration plate or displays a handicapped or severely disabled veteran parking placard. However, such vehicle shall be operated by or being used for the transportation of a handicapped person or severely disabled veteran. (Ord. 8-1989 §1. Passed 2-8-89.)

521.16 PARKING IN LOT ON WEST SIDE OF MUNICIPAL BUILDING.

(a) There is established a one hour parking limit in the parking lot located on the west side of the Municipal Building between West 7th Street and South Park Row, during the hours of 7:30 a.m. until 4:30 p.m.

(b) Such parking is restricted to those persons conducting City business within the Municipal Building.

(c) Any person driving a City of Erie nonmarked vehicle shall sign in at the Erie Police Department.

(d) It shall be the duty of the Erie Police Department to enforce the provisions of this section. (Ord. 10-2005. Passed 3-2-05.)

521.99 PENALTY.

Whoever violates any provision of this article shall be guilty of a summary violation, the penalties of which are as follows:

(a) A fine of twenty-five dollars (\$25.00), except for handicapped parking spaces, which shall remain a fine of fifty dollars (\$50.00), and parking on a sidewalk or between the sidewalk and curb, or within fifteen feet of a fire hydrant, which shall be a fine of twenty-five dollars (\$25.00) from the first day of violation. The fine for illegal parking at bus stops and taxicab stands shall in all instances be twenty-five dollars (\$25.00).

(b) Any vehicle parked in violation of any of the provisions of this article may be towed and impounded in accordance with the provisions of Article 527. However, no vehicle shall be towed under the provisions of this section unless the police officer ordering the vehicle towed and impounded does so in strict compliance with the rules, regulations, and procedures promulgated by the Chief of the Bureau of Police.

(c) Notwithstanding the provisions found in subsection (a) hereof, the fine shall be twenty-five dollars (\$25.00) where a citation/summons is issued. The provisions of this subsection do not apply to parking tickets received in handicapped parking spaces.

(Ord. 6-2005. Passed 1-26-05.)

ARTICLE 523
Parking Meters

- 523.01 Title.
- 523.02 Purpose.
- 523.03 Definitions.
- 523.04 Congested traffic areas.
- 523.05 Application to congested traffic areas.
- 523.06 Designation of individual on-street parking spaces.
- 523.07 Designation and description of off-street parking facilities.
- 523.08 Application to off-street parking facilities.
- 523.09 Designation of individual off-street parking spaces.
- 523.10 Installation of parking meters.
- 523.11 Method of parking vehicles in off-street parking facilities.
- 523.12 Regulation of parking in individual on-street and off-street parking spaces; coin deposit required.
- 523.13 Parking when signal indicates overtime.
- 523.14 Parking beyond legally established
- 523.15 Excepted times for one-street
- 523.16 Effective times for off-street
- 523.17 Evidence of illegal parking.
- 523.18 Defacing or tampering with
- 523.19 Use of slugs.
- 523.20 Enforcement.
- 523.21 Notice and waiver.
- 523.22 Rate schedules.
- 523.23 Powers and duties of the Erie

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| 523.24 | Airport site enforcement. | | |
| 523.25 | Continuation of provisions. | 523.27 | Contractor parking permits. |
| 523.26 | Parking time in street metered | 523.99 | Penalty. |

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CROSS REFERENCES

- Power to acquire land for parking - see 3rd Class §2403(54) (53 P. S. §37403 (54))
- Power to establish zones - see 75 Pa. C.S.A. §6109(a)(1)
- Prohibitions in specified places - see 75 Pa. C.S.A. §3353
- Parallel and angle parking - see 75 Pa. C.S.A. §3354
- Erie Parking Authority - see ADM. Art. 182
- Disabled person may park free - see TRAF. 525.01
- Parking bicycle against meter prohibited - see TRAF. 533.05(n)

523.01 TITLE.

This article shall be known as the City of Erie Parking Meter Code.
(Ord. 7-1965 §101. Passed 2-3-65.)

523.02 PURPOSE.

The purpose of this article is to provide for the regulation and control of motor vehicles parked on the streets of the City in the hereinafter defined traffic congested areas, and in the off-street parking facilities established by The Erie Parking Authority; to establish time limits for parking on streets in the traffic congested areas, which time limits shall be governed by parking

meters; to establish rates and use of the off-street parking facilities established by The Erie Parking Authority, and to provide for penalties for the violation of the rules and regulations of the Parking Meter Code. (Ord. 7-1965 §201. Passed 2-3-65.)

523.03 DEFINITIONS.

As used in this article, the following words shall be defined as follows:

- (a) "Vehicle" means any device in, upon or by which any person or property is or may be transported upon a public highway, except such as are used exclusively by human power.
- (b) "Parking" means the standing of a vehicle, except a police or fire vehicle, or ambulance, whether occupied or not, upon a highway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.
- (c) "Parking meter" means a mechanical device which shall indicate thereon the length of time during which a vehicle may be parked in a particular place or space, which shall have as a part thereof a receptacle or chamber for receiving and storing coins of United States money, a slot or place in which such coins may be deposited, a timing mechanism to indicate the passage of the interval of time during which parking is permissible and which shall also display an appropriate signal when the aforesaid interval of time has elapsed, and which device shall contain on the outside thereof brief instructions as to its operation and a schedule of parking meter rates and time of operation.
- (d) "Off-street parking facilities" means the areas of land in the City acquired by The Erie Parking Authority, which areas are improved, paved, lighted and marked off into individual parking spaces and equipped with parking meters or attendants and used for parking of vehicles.
- (e) "On-street parking spaces" means a portion of the right of way or street sufficient to accommodate a parked vehicle as the same shall be designated by the appropriate police official.
- (f) "Off-street parking space" means a portion of an off-street parking facility designated and marked off by The Erie Parking Authority to accommodate a parked vehicle. (Ord. 7-1965 §301. Passed 2-3-65.)

523.04 CONGESTED TRAFFIC AREAS.

For the purpose of this article, the congested traffic areas in the City are hereby declared to be as follows:

- The east and west sides of State Street from the public dock to 26th Street.
- The east and west sides of French Street from 1st Street to 26th Street.
- The east and west sides of Holland Street from 2nd Street to 14th Street.
- The east and west sides of Parade Street from 2nd Street to 28th Street.
- The east and west sides of Peach Street from 2nd Street to 26th Street.
- The east and west sides of Sassafras Street from 5th Street to 26th Street.
- The east and west sides of Myrtle Street from 6th Street to 12th Street.
- The east and west sides of Chestnut Street from 6th Street to 12th Street.
- The east and west sides of Walnut Street from 6th Street to 12th Street.
- Both sides of North and South Perry Square.
- The east and west sides of Turnpike Street from State Street to 14th Street.
- The east and west sides of North and South Lanes of Griswold Plaza.

The north and south sides of 2nd Street from French Street to Peach Street.
The north and south sides of 4th Street from Parade Street to Cherry Street.
The north and south sides of 5th Street from Parade Street to Cherry Street.
The north and south sides of 6th Street from Parade Street to Cherry Street.
The north and south sides of 7th Street from Parade Street to Cherry Street.
The north and south sides of 8th Street from Parade Street to Cherry Street.
The north and south sides of 9th Street from Parade Street to Cherry Street.
The north and south sides of 10th Street from Parade Street to Cherry Street.
The north and south sides of 11th Street from Parade Street to Cherry Street.
The north and south sides of 12th Street from Parade Street to Cherry Street.
The north and south sides of 14th Street from Holland Street to Sassafras Street.
The north and south sides of 13th Street from Holland Street to Sassafras Street.
The north and south sides of 16th Street from Holland Street to State Street.
The north and south sides of 17th Street from Holland Street to State Street.
The north and south sides of 18th Street from Parade Street to Liberty Street.
The north and south sides of 25th Street between Sassafras and Myrtle Street.
The north and south sides of 24th Street between Sassafras and Myrtle Street.
The east and west side of Myrtle Street from 24th Street to 25th Street.
The south side of West 10th Street between State and Peach Streets.
The north side of West 10th Street between Peach and Sassafras Streets.
The north side of West 8th Street between Peach and Sassafras Streets.
The north side of East 8th Street between State and French Streets.
(Ord. 7-1965 §401. Passed 2-3-65; Ord. 46-1978 §1. Passed 10-11-78.)

523.05 APPLICATION TO CONGESTED TRAFFIC AREAS.

Because of the flow of traffic and density thereof on the streets or portions of the streets set forth in Section 523.04, parking thereon shall now and hereafter be subject to the provisions of this article. (Ord. 7-1965 §402. Passed 2-3-65.)

523.06 DESIGNATION OF INDIVIDUAL ON-STREET PARKING SPACES.

(a) The appropriate police official of the City is hereby authorized and directed to designate and mark off spaces as he deems proper along the streets in the congested traffic areas for the parking of vehicles. At each place where an individual parking space is so marked off, each vehicle shall be parked entirely within such individual space.

(b) The appropriate police official of the City is further authorized and directed to remove, vacate, alter or change such individual on-street parking spaces from time to time as circumstances and conditions of traffic flow and congestion may require.

(c) Council herewith adopts as the individual on-street parking spaces in the traffic congested areas such individual on-street parking spaces as are now or may hereafter be marked or designated by the appropriate police official of the City.
(Ord. 7-1965. §501-503. Passed 2-3-65.)

523.07 DESIGNATION AND DESCRIPTION OF OFF-STREET PARKING FACILITIES.

For the purpose of this article, the off-street parking facilities that shall be subject to the terms and conditions of this article shall be the following sites which are more particularly bounded and described as follows:

Site A. North side of West 11th Street, between State and Peach Streets.

Site B. Repealed by Ordinance 17-1971, passed March 10, 1971.

Site C. West 11th Street between Peach and Sassafras Streets.

Site D. West 8th Street to West 9th Street between Peach and Sassafras Streets, consisting of a parking garage and surface lot.

Site E. SW corner of 10th and French Streets.

Site F. East 9th Street between French and Holland Streets.

Site G. East 11th Street between French and Holland Streets.

Site H. SW corner of East 11th and French Streets.

Site I. NE corner of 9th and French Streets.

Site K. St. Vincent Hospital.

Site L. West 7th Street between Peach and Sassafras Streets.

Site M. Hamot Hospital.

Site N. West 11th Street between State and Peach Streets.

Site O. NE corner of West 13th and Peach Streets.

Site Q. NE corner of West 8th and Peach Streets.

Site R. East side of Parade Street between East 26th and East 27th Streets.

Airport

Site.

All that parcel of land located on the north side of the front drive of the Terminal Building of the Erie International Airport enclosed by the in and out exit drives of the Terminal Building and situated parallel to the front of the building and comprising a paved strip 373 feet, more or less, east and west, by 71 feet, north and south, measured from the existing north drive curb, such area containing 26,483 square feet, more or less. (Ord. 7-1965 §601. Passed 2-3-65; Ord. 20-1970. Passed 3-4-70, Ord. 43-1970 §1. Passed 7-8-70.)

523.08 APPLICATION TO OFF-STREET PARKING FACILITIES.

Because of the congested traffic condition on the streets of the City in the vicinity of and abutting the foregoing off-street parking facilities, parking in and about such off-street parking facilities shall be subject to the provisions of this article. (Ord. 7-1965 §602. Passed 2-3-65.)

523.09 DESIGNATION OF INDIVIDUAL OFF-STREET PARKING SPACES.

The individual parking spaces that have been set out and marked off in the off-street parking facilities shall be done by The Erie Parking Authority, and designation of such individual parking spaces which may be done in the future on such off-street parking facilities shall be done by the same body.

Council does hereby adopt and approve as off-street parking spaces the individual spaces as are now or may hereafter be marked off and designated in the foregoing off-street parking facilities by The Erie Parking Authority. (Ord. 7-1965 §701, 702. Passed 2-3-65.)

523.10 INSTALLATION OF PARKING METERS.

The Erie Parking Authority is hereby authorized and directed to place, install, maintain and remove, if necessary, parking meters along the curb side or in the immediate vicinity of individual on-street parking spaces designated and marked off by the appropriate police official of the City. Such parking meters shall be devices as defined in Section 523.03 and such parking meters shall be under the management, supervision and control of The Erie Parking Authority. (Ord. 7-1965 §801. Passed 2-3-65.)

523.11 METHOD OF PARKING VEHICLES IN OFF-STREET PARKING FACILITIES.

Vehicles parking in the off-street parking facilities shall park with the front wheels of such vehicles against the parking island curb. Parking in such off-street parking facilities in any other manner, or with the back wheels of the vehicles against the parking island curb, shall be a violation of this article. (Ord. 7-1965 §901. Passed 2-3-65.)

523.12 REGULATION OF PARKING IN INDIVIDUAL ON-STREET AND OFF-STREET PARKING SPACES; COIN DEPOSIT REQUIRED .

Whenever a vehicle shall be parked in an individual parking space on-street or off-street, where a parking meter has been installed, the person parking such vehicle shall deposit five-cent coins, ten-cent coins, or twenty-five cent coins of United States money in such parking meter for the time desired by such person. (Ord. 20-1970. Passed 3-4-70.)

523.13 PARKING WHEN SIGNAL INDICATES OVERTIME.

No person shall permit a vehicle to remain in any individual on-street or off-street parking space adjacent to a parking meter while such meter is displaying a signal indicating that the vehicle occupying such space has been parked beyond the period of time prescribed for such parking space. (Ord. 7-1965 §1004. Passed 2-3-65.)

523.14 PARKING BEYOND LEGALLY ESTABLISHED TIME.

No person shall cause, allow, permit or suffer any motor vehicle owned or operated by such person to be parked overtime or beyond the period of legal parking established for any individual on-street or off-street parking space and when the parking meter governing such space shows a red violation flag. (Ord. 7-1965 §1005. Passed 2-3-65.)

523.15 EXCEPTED TIMES FOR ON-STREET PARKING.

The provisions of this article relating to on-street parking spaces shall not apply to vehicles parking in such spaces between the hours of 6:00 p.m. and 9:00 a.m. on Mondays through Saturdays, inclusive, nor shall the provisions of this article apply to the parking of vehicles in the traffic congested areas on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas. (Ord. 7-1965 §1006. Passed 2-3-65.)

523.16 EFFECTIVE TIMES FOR OFF-STREET PARKING.

The provisions of this article for the parking of vehicles in the individual off-street parking spaces, shall be in effect twenty-four hours a day and 365 days a year. (Ord. 17-1971 §1. Passed 3-10-71.)

523.17 EVIDENCE OF ILLEGAL PARKING.

(a) Any vehicle parked in violation of the provisions of this article in an on-street or off-street individual parking space shall be deemed illegally parked.

(b) The presence of a vehicle in an on-street or off-street parking space when the time signal on the meter shows a violation shall be deemed prima-facie evidence of the unlawful parking of such motor vehicle by its owner or operator. (Ord. 7-1965 §1101, 1102. Passed 2-3-65.)

523.18 DEFACING OR TAMPERING WITH PARKING METERS.

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or parking meter stand installed on the streets of the City or in any of the off-street parking facilities hereinbefore described.
(Ord. 7-1965 §1201. Passed 2-3-65.)

523.19 USE OF SLUGS.

No person shall deposit in any parking meter installed on an on-street or off-street parking facility any slug, device, plastic or metallic substance or substitute any substance of any nature or kind for a one-cent coin, five-cent coin, ten-cent coin or twenty-five cent coin of the United States. (Ord. 7-1965 §1202. Passed 2-3-65.)

523.20 ENFORCEMENT.

It shall be the duty of the deputized meter attendants in the employ of the Erie Parking Authority to enforce the parking provisions of this article, concurrently with officers of the Bureau of Police. Each of such meter attendants shall be deputized by the Mayor and shall remain so deputized during the term of his or her employment with the Erie Parking Authority.
(Ord. 20-1974 §1. Passed 4-3-74.)

523.21 NOTICE AND WAIVER.

(a) For each violation occurring in an individual onstreet parking space, a meter attendant shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of this article. For each violation occurring in an onstreet parking space, the fine shall be ten dollars (\$10.00). The same to be payable to the City of Erie Traffic Court. After the expiration of three hours, parking of a vehicle in violation of this section shall be construed to be another violation.

(b) The payment as set forth in subsection (a) hereof shall be effective as payment of the penalty for and in full satisfaction of any parking violation of this article.

(c) For each violation occurring in an off street parking place, the fine shall be ten dollars (\$10.00). The same to be payable to the City of Erie Traffic Court or deposited in the Courtesy Box. After expiration of three hours, parking of a vehicle in violation of this section shall be construed to be another parking violation.

(d) Notwithstanding the provisions found in subsections (a) and (c) hereof, the fine shall be twenty-five dollars (\$25.00) where a citation/summons is issued.

(e) Payment as set forth in subsection (c) hereof shall be effective as payment of the penalty or penalties for and in full satisfaction for such parking violation of this article.

(f) Each and every notice of violation attached to any vehicle parked in violation of this article shall be considered a separate violation.
(Ord. 6-2005. Passed 1-26-05.)

523.22 RATE SCHEDULES.

The off-street and on-street parking sites and the rates to be charged therefor, are established by the General Manager of the Parking Authority.

523.23 POWERS AND DUTIES OF THE ERIE MUNICIPAL AIRPORT AUTHORITY.

(a) The Erie Municipal Airport Authority is hereby authorized and empowered to exclusively exercise all of the powers and duties in regard to the airport site off-street parking facility, as has been heretofore conferred by this article upon the Erie Parking Authority relative to off-street parking facilities. (Ord. 43-1970 §3. Passed 7-8-70.)

(b) The Erie Municipal Airport Authority as agent for the City is hereby authorized and directed to tow vehicles illegally parked for twenty-four consecutive hours on property controlled by the City and operated by the Erie Municipal Airport Authority. The Authority is hereby authorized and directed to perform all functions necessary and incidental for the removal of such vehicles in accordance with the Pennsylvania Vehicle Code and the ordinances of the City. (Ord. 16-1983 §1. Passed 3-9-83.)

523.24 AIRPORT SITE ENFORCEMENT.

It shall be the duty exclusively of the deputized employees of the Erie Municipal Airport Authority to enforce the parking provisions of this article in regard to the airport site off-street parking facility. (Ord. 43-1970 §4. Passed 7-8-70.)

523.25 CONTINUATION OF PROVISIONS.

This Article 523 (Parking Meters) of the Codified Ordinances of the City of Erie, known as the City of Erie Parking Meter Code, as amended, is hereby confirmed and ratified in order that the provisions of the Parking Meter Code shall continue to be effective after the effective date of Act No. 81, known as the Motor Vehicle Code, to the extent permitted and necessitated by the passage of Act No. 81. (Ord. 47-1977 § 1. Passed 7-13-77.)

523.26 PARKING TIME IN STREET METERED ZONES; MONDAY NIGHT EXCEPTIONS.

(a) Where parking meters have been installed along the streets of the City under the authority of City ordinances, the parking time limit shall be as provided in such ordinances and as posted upon the meter for the location involved. (Ord. 26-1958 §508. Passed 4-18-58.)

(b) On each and every Monday evening, the on-street parking meters shall not be in force and effect after 6:00 p.m. in any of the areas of the City, with the following exceptions:

- (1) State Street from Front Street to Second Street.
- (2) Second Street from State Street to Peach Street.
- (3) West 24th Street from Sassafra Street to Myrtle Street.
- (4) Meters that have been installed on State Street in the public dock area.

(Ord. 5-1964 §1. Passed 2-5-64.)

523.27 CONTRACTOR PARKING PERMITS.

The Erie Parking Authority is hereby authorized to issue contractor parking permits to contractors doing work within the City which work requires them to park their vehicles in metered on street spaces for an annual fee of thirty dollars (\$30.00). The Erie Parking Authority shall issue a placard which shall be valid from June 1 of one year to May 31 of the succeeding year. Such placard shall be displayed clearly behind the front windshield of the vehicles of any such contractor and shall entitle such contractor who actually engaged in work at a specific site to park any necessary vehicle or vehicles at meter parking spaces free of charge during the duration of such work. Such fee shall be collected and retained by the Erie Parking Authority. This section shall exempt any public utility work performed in the streets and include all the functions related to Erie Cable Vision and the City Cable Television Office. (Ord. 45-1988 § 1. Passed 5-18-88.)

523.99 PENALTY.

Whoever violates any provision of this article or fails to satisfy such violation under Section 523.21(a) or (c), and any person who aids, abets or assists therein shall be fined not more than fifty dollars (\$50.00). (Ord. 7-1965 §1401. Passed 2-3-65.)

(EDITOR'S NOTE: The next printed page is page 49.)

ARTICLE 525
Disabled Person Parking Privileges

525.01 Disabled person may park free.

525.02 Card and sticker required.

525.03 Only disabled person to benefit.

525.04 Loan or transfer of card or sticker

CROSS REFERENCES

Parking exemption - see 75 Pa. C.S.A. §3354(d)

Handicapped place - see 75 Pa. C.S.A. §1338

Parking meters - see TRAF. Art 523

525.01 DISABLED PERSON MAY PARK FREE.

Any person who is physically disabled by the loss, or loss or use, of one or both legs, or an arm or both arms, is blind, or is in loco parentis of such a person, or is receiving one hundred percent (100%) disability payments under social security, and who is entitled under Federal or State laws to use or is using a specially constructed motor vehicle, shall have the right to park such vehicle for a period not to exceed twenty-four hours at any one time on streets, and in other public areas of the City, including metered areas where parking is prohibited or limited to less than one hour by ordinance or by rules and regulations for traffic control, free from payment by such person of parking fees or charges.

(Ord. 42-1979 §1. Passed 5-2-79.)

525.02 CARD AND STICKER REQUIRED.

Any disabled person, in order to be entitled to the parking privilege mentioned in Section 525.01, shall have a special handicapped license plate issued by the Commonwealth or possess a card and sticker issued by the Chief of Police of the City to such person, the card certifying that the named person meets the requirements of such section. Such card shall be kept in his personal possession and shall be exhibited upon the request of any police officer. The vehicle, when parked, shall carry the sticker conspicuously displayed at all times on the sun visor, such sticker to indicate the right to park under the provisions of Section 525.01. The Chief of Police may limit the privilege granted to certain streets or other public areas of the City and may impose such other restrictions as he deems necessary.

(Ord. 42-1979 §1. Passed 5-2-79.)

525.03 ONLY DISABLED PERSON TO BENEFIT.

Any parking privilege granted to a disabled person pursuant to the provisions of Section 525.01 is hereby declared to be for his sole benefit and shall not operate as such parking privilege for the vehicle if and when it is being used by, or is in the custody of, any other person.

(Ord. 57-1965 §1. Passed 11-10-65.)

525.04 LOAN OR TRANSFER OF CARD OR STICKER PROHIBITED.

The loan or transfer of the card and/or sticker by the holder to any other person, or the

unauthorized possession or use of such card and/or sticker, is hereby declared a violation of this article. (Ord. 57-1965 §1. Passed 11-10-65.)

ARTICLE 527
Impounding of Vehicles

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| <p>527.01 Authority to remove and impound.</p> <p>527.02 Designation of approved storage garages.</p> <p>527.03 Garage to post bond.</p> <p>527.04 Towing and storage charges.</p> <p>527.05 Chief of Police to notify owners.</p> <p>527.06 Payment of charges required.</p> <p>527.07 Payment of charges without protest.</p> <p>527.08 Payment of charges under protest.</p> <p>527.09 Record of vehicles impounded.</p> <p>527.10 Liability of vehicle owner or operator.</p> | <p>527.11 Restrictions upon removal of vehicles.</p> <p>527.12 Approved storage garages to post notice.</p> <p>527.13 Enforcement.</p> <p>527.14 Vehicles towed from private property.</p> <p>527.15 Towing Review Board.</p> <p>527.16 Duties of Board.</p> <p>527.17 Contract requirements.</p> <p>527.18 Impoundment after 24 hours if fine unpaid.</p> |
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CROSS REFERENCES

Impounding procedures - see 75 Pa. C.S.A. §6109(a)(22)
 Owner responsible for illegal parking - see TRAF. 503.04
 Parking generally - see TRAF. Art. 521

527.01 AUTHORITY TO REMOVE AND IMPOUND.

The Chief of Police is authorized to remove and impound or to order the removal and impounding of any vehicle parking on any of the streets, highways or public property of the City in violation of the Vehicle Code or of any ordinance to the City or police regulations issued by authority of same. The Chief of Police is authorized to remove and impound or to order the removal and impounding of any vehicle involved in an accident that must, in the judgment of the Chief of Police or of the police officer responding to or investigating the accident, be removed from the scene of the accident. No vehicle shall be removed or impounded except in strict adherence to the provisions of the Vehicle Code and of this article.
 (Ord. 5-2004. Passed 1-14-04.)

527.02 DESIGNATION OF APPROVED STORAGE GARAGES.

Approved storage garages or pounds for the storage of such impounded vehicles shall be designated by resolution of Council approving a contract with such garage for services required under this article. No later than the first meeting in April of each year all such storage garages (towing companies) shall be re-certified by Council upon the recommendation of the Chief of Police.
 (Ord. 3-1989 §1. Passed 1-25-89.)

527.03 GARAGE TO POST BOND.

Every such approved storage garage or pound shall carry garage keepers liability insurance in an amount not less than twenty-five thousand dollars (\$25,000) 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 poundkeeper. Additionally, each such storage garage shall carry liability insurance in the amount of one hundred thousand dollars (\$100,000) per person and five hundred thousand dollars (\$500,000) per incident, for any actions or claims which may arise from the services rendered for towing or storage, and each such storage garage shall further indemnify and hold harmless the City for any such claims or actions. Every policy of insurance required under this section shall name the City as an additional named insured. Every approved storage garage shall on an annual basis insure that a Certificate of Insurance is filed in the City Solicitor's Office.

(Ord. 30-1991 §1. Passed 3-27-91.)

527.04 TOWING AND STORAGE CHARGES.

The following are fixed and established as the charges that shall be made for the towing and storage of any vehicle removed and impounded for any cause, including involvement in an accident, under the authority of this article:

- (a) Towing from any Location in the City.

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| Passenger cars, including station wagons, and light truck not exceeding 3/4 ton in load capacity. | \$100.00 |
| Vehicles exceeding 3/4 ton in load capacity | \$100.00 |
| Semi trailers, tractors and other such vehicles, the prevailing rate for such towing and removal in the Erie area. | |
- (b) Extra Work. Where extraordinary work is performed in extricating, towing or removing a vehicle, a reasonable charge shall be allowed. Any individual that feels such charge is unreasonable may appeal to the Towing Review Board. However, the towing charges shall first be paid in accordance with Section 527.06.
- (c) Storage. Twenty dollars (\$20.00) per day or any part thereof, commencing on the first calendar day following the towing or removal of any vehicle. Ten dollars (\$10.00) of this fee is to be paid by the storage contractor to the City.
- (d) Towing Fee Payable to the City. The towing fee as set forth in subsection (a) hereof shall include a fifty dollar (\$50.00) fee which shall be payable by the towing contractor to the City at the time of collection of the fee.
- (e) Accident Cleanup. Twenty dollars (\$20.00) per vehicle shall be charged and ten dollars (\$10.00) paid to the City by the towing contractor where a wrecker driver is needed following an automobile accident.

Fifty dollars (\$50.00) per vehicle shall be charged and remitted to the City by the towing contractor where a City street sweeper is needed following an automobile accident. (Ord. 20-2006. Passed 6-7-06.)

527.05 CHIEF OF POLICE TO NOTIFY OWNERS.

Within twenty-four hours from the time of removal of any vehicle under authority granted by this article, notice of the fact that such vehicle has been impounded shall be sent by the Chief of Police to the owner of record of such vehicle. Such notice shall designate the place from which the vehicle was removed, the reason for its removal and impounding and the pound in which it shall have been impounded. (Ord. 48-1982 §1. Passed 7-14-82.)

527.06 PAYMENT OF CHARGES REQUIRED.

No person shall remove any vehicle from an approved storage garage or pound without first paying the towing and storage charges therefor. (Ord. 13-1964 §1. Passed 3-11-64.)

527.07

TRAFFIC CODE

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527.07 PAYMENT OF CHARGES WITHOUT PROTEST.

The payment of any towing and impounding charges authorized by this article, unless such payment shall have been made "under protest", shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid. (Ord. 26-1958 §606. Passed 4-18-58.)

527.08 PAYMENT OF CHARGES UNDER PROTEST.

In the event that any towing and impounding charges so imposed shall be paid "under protest", the offender shall be entitled to a hearing. In all noncriminal matters such hearing shall be with the Towing Review Board. Where a parking ticket or other offense(s) occur(s), such hearing shall proceed to the City of Erie Traffic Court or District Justice Court having jurisdiction, in which case such defendant shall be proceeded against and shall receive such notice as is provided by the Vehicle Code, in other cases of summary offenses, and shall have the same rights as to appeal and waiver of hearing. (Ord. 9-1989 §1. Passed 2-8-89.)

527.09 RECORD OF VEHICLES IMPOUNDED.

The Chief of Police shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owners or agents of the owners thereof with information as to the place of storage of such vehicles. (Ord. 26-1958 §608. Passed 4-18-58.)

527.10 LIABILITY OF VEHICLE OWNER OR OPERATOR.

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 the vehicle was removed and impounded. (Ord. 26-1958 §609. Passed 4-18-58.)

527.11 RESTRICTIONS UPON REMOVAL OF VEHICLES.

No vehicle shall be removed under the authority of this article 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, and does so immediately. However, if a vehicle must first be extricated from snow, mud, a collision, or the like, in order to enable the owner or such person to remove the vehicle, a charge of fifteen dollars (\$15.00) shall be allowed. (Ord. 48-1982 §1. Passed 7-14-82.)

527.12 APPROVED STORAGE GARAGES TO POST NOTICE.

(a) All approved storage garages shall post in a conspicuous place on their premises a notice containing the name and telephone number of the individual that a vehicle owner should contact in order to obtain access without undue delay to his drivable vehicle during hours that such garage is closed to normal business. Such notice shall also be submitted to the Police Bureau which shall at all reasonable times be able to supply such information to the vehicle owner or his agent.

(b) The aforesaid requirement shall apply to all contracts between the City and its towing contractors. (Ord. 83-1975 §1, 2. Passed 9-3-75.)

527.13 ENFORCEMENT.

The provisions of this article shall be enforced by the Chief of Police or his designee. The Chief of Police may designate and promulgate such rules and regulations as may be necessary to carry out the provisions of this article. (Ord. 48-1982 § 1. Passed 7-14-82.)

527.14 VEHICLES TOWED FROM PRIVATE PROPERTY.

All towing services under contract with the City, as well as all other towing services in private business, shall notify the Bureau of Police whenever a vehicle is towed from private property at the direction of the property owner with the following information: the date of the tow; the license number, vehicle identification number and make of the towed vehicle; the location from which it was towed and the reason for such tow; and the location where such vehicle is impounded. (Ord. 3-1989 §1. Passed 1-25-89.)

527.15 TOWING REVIEW BOARD.

A Towing Review Board shall be established which shall consist of a member of Council appointed by the President of Council, two City residents appointed by Council, an Administrator appointed by the Mayor, and a member of the Bureau of Police, appointed by the Chief of Police. (Ord. 9-1989 §1. Passed 2-8-89.)

527.16 DUTIES OF BOARD.

The Towing Review Board shall hold regular meetings to be determined by the Board members and shall be for the following purposes:

- (a) Conduct administrative hearings pursuant to Title 2 of the Pennsylvania Consolidated Statutes Chapter 5, Subchapter B to hear appeals concerning the removal of abandoned vehicles; and
- (b) Review noncriminal disputes concerning vehicles towed by wrecker services under contract with the City to tow vehicles pursuant to this article and to make final determinations. (Ord. 9-1989 §1. Passed 2-8-89.)

527.17 CONTRACT REQUIREMENTS.

In addition to those requirements specifically enumerated in the rules and regulations promulgated by the Chief of Police in accordance with Section 527.13, the following criteria shall also be met by any wrecker service under contract with the City.

- (a) No more than one member of any family shall have a towing contract with the City.
- (b) No individual convicted of a felony or who has three or more unresolved complaints with the Bureau of Consumer Protection, Office of the Attorney General of Pennsylvania, shall have or continue to be allowed to hold a contract for towing for the City.
- (c) Any individual being considered for inclusion on the list of City Towing Contractors, shall be subject to a background investigation to be conducted by the Bureau of Police.
- (d) The criteria listed in subsections (a) through (c) hereof shall apply to partnerships, corporations or any other business entity as well as individuals. (Ord. 9-1989 §1. Passed 2-8-89.)

527.18 IMPOUNDMENT AFTER 24 HOURS IF FINE UNPAID.

The provisions of Section 6309.1 of the Pennsylvania Vehicle Code, 75 Pa. C.S.A. 6309.1 are hereby adopted and incorporated herein by reference. For any vehicle or combination of vehicles with a gross vehicle weight rating of 17,000 pounds or less, the imposition of a fine or fines involving the vehicle totaling at least two hundred fifty dollars (\$250.00) for the offenses set forth in the said statute shall result in immediate immobilization of the vehicle for up to 24 hours while the owner makes payment in full or arranges installments; and if such payment or arrangement is not made, the vehicle or combination may be impounded, stored with notice to the required parties, and all costs of such impoundment added to the amounts recoverable from the violation. (Ord. 4-1999. Passed 1-27-99.)

ARTICLE 528
Non-Consensual Towing from Private Property

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|--------|-----------------------------------|--------|----------|
| 528.01 | Police notification. | 528.99 | Penalty. |
| 528.02 | Towing from private parking lots. | | |

CROSS REFERENCES

Impounding procedures - see 75 Pa. C.S.A. §6109(a)(22)
Power to license - see 53 P.S. §37602
Owner responsible for illegal parking - see TRAF. 503.04
Parking generally - see TRAF. Art. 521

528.01 POLICE NOTIFICATION.

Any person and all wrecker services shall notify the Bureau of Police one hour prior to removal whenever a vehicle is removed from private property pursuant to Title 75 Pennsylvania Consolidated Statutes Annotated Section 3353 (c) [relating to the removal of an unattended vehicle from private property] with the following information: the make, model, color, vehicle identification number, license number, location from which towed, and location where such vehicle is impounded and year of manufacture.
(Ord. 7-1989 §1. Passed 2-8-89; Ord. 18-1999. Passed 3-24-99.)

528.02 TOWING FROM PRIVATE PARKING LOTS.

Any tow from a private parking lot shall be in strict compliance with Title 67, Chapter 217 of the Pennsylvania Code. [67 PA Code Section 217.1 et seq.]
(Ord. 7-1989 §1. Passed 2-8-89; Ord. 18-1999. Passed 3-24-99.)

528.99 PENALTY.

Whoever violates any provision of this article shall be guilty of a summary offense and, upon conviction, shall be subject to the following penalties:

- (a) One hundred dollars (\$100.00) for a first offense;
- (b) Two hundred dollars (\$200.00) for a second offense;
- (c) Three hundred dollars (\$300.00) and/or imprisonment for not more than ninety days for the third and subsequent offenses.

(Ord. 18-1999. Passed 3-24-99.)

ARTICLE 529
Abandoned Vehicles on Private Property

| | | | |
|--------|-----------------------------|--------|--------------------------------------|
| 529.01 | Abandoned vehicles. | 529.06 | Notice of hearing. |
| 529.02 | Notice to owners. | 529.07 | Failure to act; imposition of costs. |
| 529.03 | Mode of notice. | 529.08 | Emergency powers. |
| 529.04 | Owner may request hearing. | 529.99 | Penalty. |
| 529.05 | Failure to request hearing. | | |

CROSS REFERENCES

Abandoned vehicle defined - see 75 Pa. C.S.A. §102
 Removal - see 75 Pa. C.S.A. §3352, 7310
 Reports of garage keepers - see 75 Pa. C.S.A. §7311
 Abandonment and penalty - see 75 Pa. C.S.A. §3712
 Impounding of vehicles - see TRAF. Ch. 527

529.01 ABANDONED VEHICLES.

No person shall park, store or leave any motor vehicle of any kind in a wrecked, junked, stripped or abandoned condition, in a place where its presence constitutes a hazard on private property, and no owner of such motor vehicle, or the owner or occupant of any property, shall allow, permit or suffer the same to be left upon any privately owned property, unless the same be authorized in conjunction with a business properly operated, pursuant to the zoning laws and other laws of the City. (Ord. 14-1967 §2. Passed 4-26-67.)

529.02 NOTICE TO OWNERS.

If the Director of the Department of Public Safety or any of his authorized agents find that a violation of this article exists, the Director shall notify the owner of the property on which the motor vehicle is stored or parked, or the owner of the motor vehicle, or both, of the violation, and order the owner of such motor vehicle within five days thereof, and the owner of the property on which the motor vehicle is stored or parked, within forty-five days thereof, to remove the motor vehicle. (Ord. 14-1967 §2. Passed 4-26-67.)

529.03 MODE OF NOTICE.

Notice shall be given by personal service or by registered mail to the last known address of the violator. In the event that, on diligent search, the address of either the property owner or motor vehicle owner cannot be ascertained, the posting of such notice or copies thereof on the real property, motor vehicle, structure or area immediately adjacent thereto shall constitute sufficient notice. (Ord. 14-1967 §2. Passed 4-26-67.)

529.04 OWNER MAY REQUEST HEARING.

Within ten days after receipt of the notice, the party or parties affected may request a hearing with the Director of the Department of Public Safety by filing a written request

with the Director. The owner of the motor vehicle shall, with the request, file a fee of fifteen dollars (\$15.00) to cover the costs involved in the hearing. After such hearing, the Director shall affirm, withdraw or modify the notice. (Ord. 14-1967 §2. Passed 4-26-67.)

529.05 FAILURE TO REQUEST HEARING.

If a hearing is not requested, then the parties affected shall proceed to remove or have removed such motor vehicle from such property in accordance with the notice and order. (Ord. 14-1967 §2. Passed 4-26-67.)

529.06 NOTICE OF HEARING.

On proper request, a hearing on the matter shall be given forthwith and where more than one party is involved it shall be the duty of the party requesting the hearing to notify all other parties affected or interested of the time and place of the hearing. (Ord. 14-1967 §2. Passed 4-26-67.)

529.07 FAILURE TO ACT; IMPOSITION OF COSTS.

If the violation complained of shall not have been remedied within the period as required by the order, the City shall, through its own agents, contractors and/or employees, remedy the violations by removing such vehicle and charge the costs thereof to the real property owner on whose property the vehicle is located. Such cost shall, after a proper demand and refusal or a failure to pay after thirty days, constitute a lien in such realty which shall be filed by the City Solicitor. (Ord. 14-1967 §2. Passed 4-26-67.)

529.08 EMERGENCY POWERS.

Nothing in this article shall prevent the Director of the Department of Public Safety or duly authorized officials, from removing from private property without notice, any attended or unattended motor vehicle, the presence of which constitutes a hazard or threat to the life, health, safety, welfare and morals of the citizens of the City which is imminently dangerous and in the opinion of the Director or authorized officials, constitutes a nuisance which gives rise to the existence of emergency conditions. (Ord. 14-1967 §2. Passed 4-26-67.)

529.99 PENALTY.

Whoever violates Section 529.01 is guilty of a summary offense and shall be fined fifty dollars (\$50.00) plus costs of disposing of the vehicle.

ARTICLE 530
Immobilization of Vehicles

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|--------|--|--------|------------------------|
| 530.01 | Definitions. | 530.05 | Payment under protest. |
| 530.02 | Vehicle immobilization, removal and impoundment. | 530.06 | Protest hearing. |
| 530.03 | Release of vehicle; hearings. | 530.07 | Authority to impose |
| 530.04 | Release of vehicle; storage fees; hearings. | | |

530.01 DEFINITIONS.

"Boot" means a device consisting of metal clamps or jaws and a padlocking device which, when attached to the wheel of a motor vehicle, prevents the vehicle from being driven. (Ord. 55-1989 §1. Passed 7-5-89.)

530.02 VEHICLE IMMOBILIZATION, REMOVAL AND IMPOUNDMENT.

Any vehicle having five or more unpaid summonses or other process, issued and outstanding against it at any time, charging that such vehicle was parked, stopped or standing in violation of the Motor Vehicle Code of the Commonwealth of Pennsylvania, this Traffic Title or any other traffic ordinance of the City of Erie is deemed to be a public nuisance and the Police Bureau or any other City agent assigned to traffic duty is hereby authorized to:

- (a) Remove such vehicle or cause to be removed at the sole cost and expense of the habitual violator; or
- (b) Immobilize such vehicle by means of applying a boot. If the vehicle has remained

immobilized for a period of seventy-two hours, and release has not been obtained, the Police Bureau or other City authority shall have the authority to remove such vehicle or cause to be removed at the sole cost and expense of the habitual violator. In any case involving the immobilization of a vehicle pursuant to this section, a notice shall be placed on such vehicle, in a conspicuous manner, sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle may result in damage thereto.

- (1) Any tampering with or removal of the device shall be separate offenses and may be prosecuted as violations of the criminal mischief and theft sections of the Pennsylvania Crimes Code (Title 18, Section 3304 and 3921).
- (2) The City assumes no liability for loss or damage to such vehicle while immobilized.

- (c) The Bureau of Police or other City authority shall have the power and is hereby authorized to remove the vehicle to an approved storage garage or pound in accordance with Article 527 of this Title. (Ord. 55-1989 §1. Passed 7-5-89.)

530.03 RELEASE OF VEHICLE; HEARINGS.

(a) Vehicles immobilized or impounded pursuant to this article shall be released to their lawful owner or person entitled to possession upon a showing of adequate evidence of a right to its possession and upon paying all accrued fines and costs for each outstanding unpaid summons, or depositing of the collateral required for his appearance in the City Traffic Court to answer to each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant and, in addition thereto, the charges for immobilization, towing and storage.

(b) In the event that the owner of the vehicle believes that the immobilization was not authorized by law pursuant to this article, he may demand a hearing on the immobilization before a City Traffic Court Magistrate. Such demand shall be made in writing upon a form supplied by the Traffic Court. Such hearing shall be held no later than the first day, excluding Saturdays, Sundays and holidays, following the demand therefor. The sole issue to be determined at such hearing on the immobilization shall be whether five or more parking violation citations have been issued and remain outstanding. As to whether or not the citations remain outstanding and unpaid, the records as provided by the City Traffic Court shall be a conclusive presumption of the status of the citations.

- (1) Any person whose vehicle is immobilized or impounded under the provisions of this article shall have the right to leave the vehicle in the approved storage garage or pound or immobilized by a boot, pending the hearing referred to in subsection (b) hereof.
- (2) If the Traffic Court Magistrate determines that five or more unpaid parking violation citations are not outstanding and thus the towing or booting was unauthorized by law, the owner shall be entitled to immediate release and return of the vehicle without the payment of any booting or towing fee or storage charges.
- (3) If the Traffic Court Magistrate determines that five or more unpaid parking violation citations remain outstanding, the owner may obtain release of the vehicle by any of the means set forth in subsection (a) hereof. (Ord. 55-1989 §1. Passed 7-5-89.)

530.04 RELEASE OF VEHICLE; STORAGE FEES; HEARINGS.

Before the owner or his agent is permitted to remove an impounded vehicle from any approved storage garage or pound, he shall:

- (a) Pay the immobilization and/or towing charge applicable to this type of vehicle; and
- (b) Pay the storage charge applicable to this type of vehicle. The rate charged is for each day or fraction thereof and is found in Article 527 of this Title.

- (c) In the event that the owner of the vehicle believes that the immobilization or towing was not authorized by law, he may demand a hearing as provided in Section 530.03(b).
(Ord. 55-1989 §1. Passed 7-5-89.)

530.05 PAYMENT UNDER PROTEST.

Payment of immobilization, towing and storage charges unless made under protest shall be final and conclusive, and shall constitute a waiver of any right to recover the money so paid.
(Ord. 55-1989 §1. Passed 7-5-89.)

530.06 PROTEST HEARING.

If the immobilization, towing and impounding charges are paid under protest, the offender shall be entitled to a hearing before a Traffic Court Magistrate. The defendant shall be proceeded against and receive such notice as is provided by the Commonwealth of Pennsylvania Motor Vehicle Code in other cases of summary offenses, and shall have the same rights of appeal and waiver of hearings. If the Traffic Court Magistrate acquits the defendant, the Traffic Court Magistrate shall certify to the City Traffic Court the transcript of the hearing and his disposition of the case. The Traffic Court shall thereafter, but no later than five days refund to the defendant the amount of immobilization, towing and storage charges paid by him or on his behalf.
(Ord. 55-1989 §1. Passed 7-5-89.)

530.07 AUTHORITY TO IMPOSE IMMOBILIZATION CHARGES.

(a) The Traffic Court is hereby authorized to impose and collect a charge of one hundred dollars (\$100.00) to cover the costs of immobilization of vehicles. A notice of this charge shall be given on the warning notice placed on each immobilized vehicle as provided for in Section 530.02(b).

(b) The Traffic Court is hereby authorized to impose and collect charges for tows authorized by this article and as found in Article 527 of this Title.
(Ord. 100-1994 §1. Passed 12-28-94.)

TITLE SEVEN - Pedestrians and Bicycles
Art. 531. Pedestrians.
Art. 533. Bicycle Licensing and Operation.

ARTICLE 531
Pedestrians

EDITOR'S NOTE: There are no sections in this article. It has been established to provide a place for cross references and future legislation.

CROSS REFERENCES

Power to regulate - see 75 Pa. C.S.A. §6109(a)(16) et seq.
Defined - see 75 Pa. C.S.A. §102
Traffic control signals - see 75 Pa. C.S.A. §3112
Rights and duties - see 75 Pa. C.S.A. §3541 et seq.

ARTICLE 533
Bicycle Licensing and Operation

- | | | | |
|--------|---|--------|----------------------------------|
| 533.01 | Definition. | 533.06 | Bicycle establishments; purchase |
| 533.02 | Registration and license requirements. | | |
| 533.03 | Mechanical condition and equipment. | | |
| 533.04 | Traffic laws apply to persons riding bicycles. | | |
| 533.05 | Operation of bicycles and obedience to traffic control devices. | | |
| | | 533.07 | Bicycle rental agencies. |
| | | 533.08 | General provisions. |
| | | 533.09 | License suspension. |
| | | 533.99 | Penalty. |

CROSS REFERENCES

- Pedalcycle defined - see 75 Pa. C.S.A. §102
Pedalcycle operation - see 75 Pa. C.S.A. §3501 et seq.
Bureau of Regulation, Inspection and Licensing - see ADM. 117.03(c)
Report to police of secondhand articles received - see BUS. REG. 345.01 et seq.

533.01 DEFINITION.

"Bicycle", as used in this article, means and includes every device propelled by human power upon which any person may ride, having two tandem wheels either of which is twenty inches or more in diameter. (Ord. 51-1964 §2. Passed 9-30-64.)

533.02 REGISTRATION AND LICENSE REQUIREMENTS.

(a) Registration, Licensing, Tagging Required; Exception. No person who resides in the City shall ride or propel a bicycle on any street, sidewalk, public way or public path set aside for the exclusive use of bicycles within the City, unless such bicycle has been registered, licensed and tagged with one or more license plates as provided in this article. This provision shall not apply to any bicycles in transit within the City as long as the owner is a resident of another community. However, all such nonresident bicycle owners and operators shall be subject to all other provisions of this article. (Ord. 51-1964 §3. Passed 9-30-64.)

(b) Application. Every owner of a bicycle, or the parent or guardian of a minor owner thereof, shall, on or before July 31 in each and every year, make application to the Bureau of Regulation, Licensing and Inspection for a bicycle license upon application forms provided by the Bureau of Regulation, Inspection and Licensing. Such application must be filled out in duplicate and shall contain the name and address of the owner of the bicycle, the make, color, serial number, if any, and/or other identifying features of the bicycle, as well as any other pertinent information as may be required by the Bureau of Regulation, Inspection and Licensing. (Ord. 58-1965 §1. Passed 11-17-65.)

- (c) Bicycle Inspection. Repealed by Ordinance 75-1974, passed August 28, 1974.
- (d) Examination of Owner. Upon making application for the initial registration card and license plate, the owner of any bicycle shall be required to be examined by the Chief of Police or his designate. The Chief of Police may further designate the manner and type of examination. Upon completion of such examination, a license may be refused the owner if the examination discloses to the Chief of Police that the owner does not have a reasonable knowledge of the provisions of this article, or that the owner is unable to exercise reasonable control in operating his bicycle.
- (e) Plate and Card Issuance. Upon approval of the application and satisfactorily complying with other provisions of this article, the Bureau of Regulation, Inspection and Licensing shall issue a bicycle license plate and corresponding registration card which shall be effective for the year or portion thereof in which it was issued. Such license plate shall bear the license number assigned to the bicycle, the name of the City and the expiration date thereof.
- (f) Attachment of Plate to Bicycle. The Bureau of Regulation, Inspection and Licensing shall cause such license plate to be firmly attached to the frame of the bicycle for which issued, in such a position as to be plainly visible from the rear.
- (g) Loss or Destruction of Plate; New Plate Fee. Upon loss or destruction of a license plate, the owner shall report such loss or destruction to the Bureau of Regulation, Inspection and Licensing within ten days. Upon receipt of such report, the Bureau shall cancel such license and issue a new license plate to the owner, upon the payment of twenty-five cents (25¢).
- (h) Loss of Registration Card. In the event of loss of a registration card, the owner shall immediately make application for a duplicate card, which shall be issued.
(Ord. 51-1964 §3. Passed 9-30-64.)
- (i) License Renewal. Prior to the expiration of any bicycle license, the same shall be renewed upon application of the owner during the period from September 15 to November 15 of the year for which such license is issued, provided that the bicycle continues to comply with the provisions pertaining to mechanical condition and equipment of this article.
(Ord. 30-1966 §1. Passed 7-13-66.)
- (j) Annual License Fee. An annual license fee of fifty cents (50¢) shall be paid to the City Treasurer before such license or renewal thereof shall be granted.
(Ord. 51-1964 §3. Passed 9-30-64.)

533.03 MECHANICAL CONDITION AND EQUIPMENT.

Every person desiring a bicycle license must demonstrate to the Chief of Police that the bicycle for which such applicant desires to secure a license meets the following minimum requirements as to safe mechanical condition:

- (a) **Brakes.** Every bicycle shall be equipped with a brake adequate to skid the front or rear tire of the bicycle upon application of the brake.
- (b) **Warning Devices.** Every bicycle shall be equipped with a horn or bell in good working order capable of giving a signal audible for a distance of at least 100 feet, under normal conditions, except that no bicycle shall be equipped with, nor shall any person use upon a bicycle, any siren or whistle.
- (c) **Handlebar Grips.** Every bicycle that is equipped with handlebar grips must have such grips securely glued or cemented to the handlebars.
- (d) **Carriers.** Every bicycle equipped with a carrier must have such carrier securely attached to such bicycle, and the carrier must be of a type approved by the Chief of Police.
- (e) **Stand.** Every bicycle purchased after the effective date of this article (Ordinance 51-1964, passed September 30, 1964), if equipped with a stand, must have such stand of a type approved by the Chief of Police.
- (f) **Lamps on Bicycles.** If the bicycle to be licensed will be operated during the period from one-half hour after sunset to one-half hour before sunrise, then the bicycle shall be equipped with a lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least 500 feet in front of such bicycle, and shall also be equipped with a red reflector or lamp on the rear, exhibiting or reflecting a red light visible, under like conditions, from a distance of at least 500 feet to the rear of such bicycle, and such red reflector or lamp on the rear shall be of a diameter of at least one and one-half inches.
- (g) **Seat and Handlebars.** Every bicycle shall be equipped with a seat and handlebar. At no time shall a bicycle be operated with the handlebar more than fifteen inches above the upper portion of the seat. (Ord. 51-1964 §4. Passed 9-30-64.)

533.04 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to a driver of a vehicle by the laws of this Commonwealth or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions of law or ordinance which by their nature can have no application. (Ord. 51-1964 §5. Passed 9-30-64.)

533.05 OPERATION OF BICYCLES AND OBEDIENCE TO TRAFFIC CONTROL DEVICES.

- (a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) No person shall ride or operate a bicycle in the City on any sidewalk, except as herein specifically permitted.
- (c) Persons under the age of sixteen years may ride and operate their bicycles on the sidewalks, except such sidewalks as are adjacent to school buildings or located within a business district.

(d) Whenever a person is riding a bicycle upon a sidewalk or street, such person shall yield the right of way to any pedestrian, and shall give an audible signal before attempting to overtake and pass a pedestrian or another bicycle. This audible signal must be given only by a bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as not to startle the person being overtaken and passed.

(e) Persons riding or operating bicycles on a highway or street shall keep such bicycles as close to the right-hand curb as possible, except when preparing to make a left-hand turn.

(f) Persons riding or operating bicycles in the City shall always ride single file, whether on a street, roadway or sidewalk.

(g) No person riding on or operating a bicycle shall cling or attach himself or his bicycle to any other moving vehicle or person in another vehicle.

(h) A person riding or operating a bicycle shall not ride other than astride a permanent and regular seat attached thereto, nor carry any other person upon such bicycle other than upon an individual seat or carrier separate from that intended to be used by the operator, nor shall any person ride upon a bicycle unless he is seated upon an individual seat or carrier separate from that intended to be used by the operator.

(i) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(j) No person riding or operating a bicycle shall tow any other vehicle or person, except that bicycle trailers used for the delivery of newspapers, magazines or merchandise may be towed while being used for such delivery service.

(k) No person riding or operating a bicycle shall carry any package, bundle or article in such a manner as to take either hand from the handlebars.

(l) No person riding or operating a bicycle upon the highways, streets or sidewalks of the City shall participate in any race, speed or endurance contest unless such race or contest has the written permission of the Chief of Police.

(m) No person riding or operating a bicycle shall perform any acrobatic, fancy or stunt riding upon any highway, street or sidewalk or operate a bicycle without both hands upon the handlebars, except when necessary to give the appropriate hand signals required herein.

(n) No person shall park any bicycle against windows or parking meters or on the main traveled portion of the sidewalk, or in such manner as to constitute a hazard to pedestrians, traffic or property. If there are no bicycle racks or other facilities intended to be used for parking of bicycles in the vicinity, bicycles may be parked on the sidewalk in an upright position parallel to and within twenty-four inches of the curb.

(o) No person shall operate a bicycle at a speed greater than is reasonable and proper under the conditions then existing.

(p) The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across an alley or driveway, yield the right of way to all pedestrians approaching on such sidewalk area, and upon entering the street shall yield the right of way to all vehicles approaching on such street.

(q) No person shall ride or operate a bicycle upon any playground or school ground, where children are playing, without permission of the person having supervision thereof.

(r) No person shall operate a bicycle upon any street, roadway or sidewalk in such a manner as to interfere with any pedestrian who is exercising due care thereon.

(s) Every person riding or operating a bicycle upon the streets and highways of the City shall turn only at intersections, except as otherwise provided herein.

(t) Every person riding or operating a bicycle intending to turn to the right at an intersection, or into an alley or driveway, shall approach the turning point in the line of traffic nearest the right-hand curb of the street.

(u) Every person riding or operating a bicycle intending to turn left at an intersection, or to enter an alley or driveway, shall approach the point of turning in the line of traffic nearest to the center of the roadway. The operator of a bicycle, in turning left at an intersection, shall pass to the right of the center of the intersection before turning, unless otherwise directed by markers, buttons or signs.

(v) No bicycle shall be turned in any business district so as to proceed in the opposite direction except at intersections. No bicycle operated in a residence district shall be turned so as to proceed in the opposite direction when any other vehicle is approaching from either direction within 200 feet, except at an intersection.

(w) The operator of a bicycle, on leaving an alley or driveway, when his view of either the sidewalk or the street area is obstructed, shall stop such bicycle immediately prior to riding upon such sidewalk or street area.

(x) Every person operating a bicycle shall pass to the left when passing vehicles going in the same direction and shall pass to the right when meeting vehicles going in the opposite direction.

(y) No person shall turn a bicycle or stop a bicycle when he is riding or operating such bicycle unless such movement can be made with safety, and then only after giving an appropriate signal within the last fifty feet traveled by the bicycle before turning or stopping.

(z) Left turn. Every person signaling a left turn shall do so by extending his left hand and arm horizontally beyond the side of the bicycle.

Right turn. Every person signaling a right turn shall do so by extending his left hand and arm upward beyond the side of the bicycle.

Stop. Every person signaling a stop shall do so by extending his left arm and hand downward beyond the side of the bicycle.

(aa) The operator of any bicycle involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and shall give his name, address and the license number of his bicycle to the person with whom he collided, and shall obtain the same information from the other person. It shall be the duty of the bicycle operator to make a written report of any accident resulting in death or injury to the Bureau of Police within twenty-four hours of such accident. (Ord. 51-1964 §6. Passed 9-30-64.)

533.06 BICYCLE ESTABLISHMENTS; PURCHASE AND SALE OF BICYCLES.

"Bicycle establishment" means a business operated by any person, partnership, association or corporation wherein new or used bicycles or bicycle parts are purchased, sold, exchanged, bartered, repaired, remodeled, dismantled or junked.

- (a) Permit Required. No person in the City shall establish, carry on or operate a bicycle establishment except as authorized by this article and without first obtaining a permit from the Bureau of Regulation, Inspection and Licensing.
- (b) Permit Application. The application for such permit shall set forth the following information: name, age and residence address of the applicant if a natural person; if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all of its officers with their respective residence addresses, or if a partnership, association or unincorporated company, the names of the partners or persons comprising the partnership, association or company with their respective residence addresses. The application shall be made in duplicate to the Bureau of Regulation, Inspection and Licensing which shall be responsible for investigating the applicant's character.
- (c) Permit Nontransferable. No person having a bicycle establishment permit under the provisions of this article shall transfer, sell, assign, loan or permit any other person to have or use his permit.
- (d) Weekly Reports on Purchases. All persons operating a bicycle establishment are hereby required to make a weekly report to the Bureau of Regulation, Inspection and Licensing upon forms provided for that purpose by such Bureau, giving the true name and address of the person from whom each bicycle or bicycle part is purchased, a description of each bicycle, its frame number and the number of the metallic license plate found thereon, if any. If the buyer does not have a license plate, the buyer shall require the seller to obtain the approval of the Bureau to complete such sale or exchange. This report shall be known as the "Secondhand Buy Report", and shall be made in triplicate. The original shall be mailed or delivered to the Bureau weekly with the metallic license plate, the duplicate shall be given to the seller and the triplicate shall remain with the dealer. It shall be the duty of the dealer to mail or deliver to the Bureau all reports and license plates weekly. This subsection shall not apply to new bicycles or bicycle parts purchased at wholesale.
- (e) Weekly Reports on Sales. All persons operating a bicycle establishment shall make weekly to the Bureau of Regulation, Inspection and Licensing, upon forms

provided for that purpose, a report on all sales made, including the name and address of each person to whom a bicycle is sold, together with the make, frame number and license number attached thereto. These reports shall be known as the "Sales Report" and shall be made in triplicate, the original forwarded weekly to the Bureau, the duplicate given to the purchaser and the triplicate retained by the dealer.

- (f) Bureau Check of Reports. Upon receipt of the reports set forth in subsections (d) and (e) hereof, the Bureau of Regulation, Inspection and Licensing shall check them to determine if the purchase or sale is recorded in the Bureau's files and make proper record of such transfer of ownership. Should the new owner fail to comply or apply for registration or license, the Bureau shall notify the new owner to do so.
- (g) Surrender of Plate and Card Before Purchase. No person operating a bicycle establishment shall purchase a bicycle from any person unless at the time of the purchase such person surrenders to the bicycle establishment operator his license plate and registration card for the year in which he is offering such bicycle for sale. If such bicycle does not have a license, the approval of the Bureau of Regulation, Inspection and Licensing must be obtained before such purchase can be made.
- (h) Prohibited Exchanges. No person operating a bicycle establishment shall take in exchange any bicycle part or bicycle from any person under the age of eighteen years, unless accompanied by such person's parent or legal guardian, or from any person under the influence of intoxicating liquor.
- (i) Waiting Period Before Alteration or Disposal of Bicycle. No person operating a bicycle establishment shall alter, repair or dispose of any bicycle or bicycle part purchased or taken in exchange, as a secondhand bicycle or bicycle part thereof, until after the expiration of seven days from the date of purchase or exchange. During those seven days the bicycle or bicycle part so obtained shall remain without alteration on the premises of such bicycle establishment, and be kept separate from bicycles or bicycle parts previously purchased, and shall be subject to inspection at any time during business hours by the Chief of Police or any police officer, or other person designated by the Chief of Police or by the Bureau of Regulation, Inspection and Licensing.
- (j) Bicycle Register; Entries.
 - (1) The Bureau of Regulation, Inspection and Licensing shall furnish free of charge to every person operating a bicycle establishment a book known as the Bicycle Register, in which shall be entered in plain and legible handwriting a record of all bicycles or bicycle parts purchased or taken in exchange. The entry must be made at the time of purchase or immediately thereafter and shall include, in addition to the date and hour of purchase, a full description of the bicycle or bicycle part, the price paid therefor and the name, address, age, height, weight and complexion of the seller. In entering the description of the bicycle, the name of the manufacturer and the factory serial number thereof shall, in every case, be recorded, if known, or if it can be ascertained. This subsection shall not apply to new bicycles or bicycle parts purchased at wholesale.

- (2) The operator of a bicycle establishment shall also enter in the Bicycle Register a record showing the disposition of each bicycle purchased indicating whether such bicycle was resold or dismantled.
 - (3) The operator of a bicycle establishment shall keep the Bicycle Register in a safe place and prevent mutilation or destruction. The Bicycle Register shall remain the property of the City and shall at all times be open to inspection by the Bureau of Registration, Inspection and Licensing, the Chief of Police or any police officer, and it may be taken by such officials from the possession of the operator of a bicycle establishment, if deemed necessary.
- (k) Permit Revocation, Hearing; Appeal. Bicycle establishment permits issued pursuant to this article may be revoked by the Bureau of Registration, Inspection and Licensing after notice and hearing for any of the following reasons:
- (1) Fraud, misrepresentation or any false statement contained in the application for a permit.
 - (2) Any violation of any provision of this article, or any provisions of any ordinance or law relating to and regulating the bicycle establishment.
 - (3) Conviction of the permit holder of any felony or crime involving moral turpitude .
 - (4) Conducting the business in an unlawful manner or in such manner as to constitute a breach of the peace, or to be a menace to the health, safety or general welfare of the people of the City.

Notice of the hearing for revocation of a permit shall be given in writing, stating the ground of the complaint and time and place of hearing. Such notice shall be mailed postage prepaid to the permit holder at the address given on the application for the permit at least five days prior to the date set for the hearing.

Any person aggrieved by the decision of the Bureau of Regulation, Inspection and Licensing shall have the right to appeal to Council. Such appeal shall be taken by filing with the City Clerk a written statement of the grounds for the appeal within ten days after receiving notice of the decision of the Bureau. Council shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the City Clerk in the manner hereinabove provided for notice of hearing for revocation by the Bureau.

- (l) Conditions for Re-issuing Revoked Permit. No permit to operate a bicycle establishment shall be issued to any person who has had such a permit revoked pursuant to this article, except upon the applicant's appeal to and authorization by Council.
(Ord. 51-1964 §7. Passed 9-30-64.)

533.07 BICYCLE RENTAL AGENCIES.

All persons engaged in operating a bicycle rental agency for the purpose of renting or lending bicycles to patrons shall first obtain a license plate and registration card for each bicycle so used. License plates thus obtained by bicycle rental agencies shall not be transferred from one bicycle to another. (Ord. 51-1964 §8. Passed 9-30-64.)

533.08 GENERAL PROVISIONS.

(a) Every person, other than the operator of a bicycle establishment as herein defined, who sells or transfers ownership of any bicycle shall report such sale or transfer of ownership to the Bureau of Regulation, Inspection and Licensing and shall return the registration card issued to such person to such Bureau, together with the name and address of the person

to whom such bicycle was sold or transferred, within ten days from the date of sale or transfer. However, if the sale or transfer is made to the operator of a bicycle establishment, then such registration card shall be given to the owner of such bicycle establishment who shall forward it to the Bureau.

(b) License plates shall not be transferable from one bicycle to another or from one owner to another. A license plate shall be deemed to be canceled when the bicycle is sold, exchanged, junked or is disposed of in any manner by the person to whom the license is or was originally issued. It shall be the duty of the purchaser or transferee of such bicycle to deliver such license plate to the Bureau of Regulation, Inspection and Licensing and make application for a new license plate and registration card within ten days of such purchase or transfer.

(c) Upon dismantling and disposing of bicycles, as junk, the licensee shall return his registration card and license plate to the Bureau of Regulation, Inspection and Licensing.

(d) No person shall willfully or maliciously remove, destroy, mutilate or alter the manufacturer's serial number or the Bureau of Police number, if any, on any bicycle frame, nor shall any person remove, destroy, mutilate or alter any license plate or registration card during the period in which such license plate or registration card is operative.

(e) No person shall buy, sell, receive, dispose of or conceal any bicycle or bicycle equipment from which the manufacturer's name plate, serial number or any other distinguishing mark has been removed, defaced, covered, altered or destroyed.

(f) If the serial number of any bicycle is obliterated or defaced and the possessor has satisfactory proof of ownership, the Chief of Police is hereby authorized to place a Bureau of Police serial number thereon.

(g) All abandoned bicycles and unidentified bicycles being in the possession of the Chief of Police for one year shall be sold at public auction.

(h) Any member of the Bureau of Police is authorized to inspect any bicycle, at any reasonable time, for the purpose of checking the registration, license plate and license number and for the purpose of determining the mechanical condition of the bicycle.

(i) No person shall steal any bicycle or purposely take, ride or operate any bicycle without the consent of the owner thereof or buy or conceal any bicycle that has been sold, knowing it to have been stolen. (Ord. 51-1964 §9. Passed 9-30-64.)

533.09 LICENSE SUSPENSION.

Any person violating any provision of this article may have his bicycle license suspended for a period of up to and not exceeding thirty days and, in addition thereto, for repeated violations, for a period not exceeding six months. (Ord. 51-1964 §10. Passed 9-30-64.)

533.99 PENALTY.

Whoever violates any provision of this Traffic Code, for which no penalty is otherwise provided, is guilty of a summary offense and shall be fined not more than twenty-five dollars (\$25.00).

TITLE NINE - Railroads
Art. 541. Grade Crossings.

ARTICLE 541
Grade Crossings

- 541.01 Definition.
- 541.02 Stopping trains at crossings.
- 541.03 Opening trains at crossings.
- 541.04 Reporting railroad derailments or

541.99 Penalty.

CROSS REFERENCES

- Power to regulate - see 3rd Class §2403(15) (53 P. S. §37403(15))
- Obedience to signal of approaching train - see 75 Pa. C.S.A. §3341
- Vehicles required to stop - see 75 Pa. C.S.A. §3342
- Moving heavy equipment - see 75 Pa. C.S.A. §3343
- Vehicles obstructing crossings - see 75 Pa. C.S.A. §3710
- Trains blocking crossings - see 75 Pa. C.S.A. §3713

541.01 DEFINITION.

"Person", as used in this article, means and includes an individual, firm, partnership, copartnership, association or corporation. (Ord. 26-1967 §3. Passed 6-21-67.)

541.02 STOPPING TRAINS AT CROSSINGS.

No person shall stop or switch any locomotive, railway car or train of cars on any grade crossing within the limits of the City for a period longer than five minutes at any one time, except in cases of accident or unavoidable detention. (Ord. 26-1967 §2 Passed-6-21-67.)

541.03 OPENING TRAINS AT CROSSINGS.

When trains are opened at any grade crossing, they shall be opened the full width of the street. (Ord. 26-1967 §2 Passed 6-21-67.)

541.04 REPORTING RAILROAD DERAILMENTS OR ACCIDENTS.

(a) Whenever any railroad is involved in a derailment or accident within the City which:

- (1) Involves personal injuries to persons other than railroad employees, or
- (2) Results in damage to property, other than property of the railroad or its customers, in excess of three thousand seven hundred dollars (\$3,700), or
- (3) Disrupts the flow of traffic within the City, or
- (4) Involves the release or immediate danger of release out of rail containers of dangerous or hazardous substances or chemicals:

(b) It shall be the duty of such railroad, through its agent or employee to notify, by telephonic means or otherwise, the Police or Fire Bureaus of the City, the nature and circumstances of such derailment or accident including, but not limited to the following:

- (1) The name and title of the person reporting, and
- (2) The location and number of cars involved, and
- (3) If any rail car involved in the derailment or accident is carrying any dangerous or hazardous substance or chemical, the nature and amount of such substance or chemical, whether it has escaped from containment or whether a danger thereof exists, and
- (4) Whether any street is obstructed, and
- (5) The estimated time limit that it will take to have such derailment or accident secured and the area involved cleared, if the reporting agent or employee has such knowledge at the time of the report, and
- (6) Whenever there are any casualties, fatalities or injuries involved, and
- (7) The nature of any damage to real or personal property, other than the property of the railroad or its customers.

(c) Nothing in this section shall relieve any railroad from the reporting of any accidents or collision involving a motor vehicle, as required by the statutes of the Commonwealth of Pennsylvania.

(Ord. 19-1981 §1. Passed 3-11-81; Ord. 38-1981 §1. Passed 5-29-81.)

541.99 PENALTY.

Whoever violates any of the provisions of this article, or aids in the violation of the same shall, upon conviction thereof, pay the cost of prosecution and be fined not more than three hundred dollars (\$300.00) and in default of payment of such costs and fine, shall be imprisoned for not more than ninety days.

(Ord. 19-1981 §1. Passed 3-11-81.)