

ORDINANCE NUMBER ~~285~~ 285

**AN ORDINANCE OF THE BOROUGH OF BALLY, BERKS COUNTY, PENNSYLVANIA AMENDING THE ORDINANCE NUMBER 263 TO PROHIBIT THE PARKING OF CERTAIN VEHICLES ON THE STREETS OF THE BOROUGH OF BALLY, PENNSYLVANIA**

WHEREAS, the Borough of Bally enacted Ordinance Number 263 on December 5, 2006 that generally regulated the use of motor vehicles including establishing traffic regulations, listing general parking regulations, authorizing the removal and impoundment of illegally parked vehicles, establishing snow and Ice emergency regulations and establishing penalties for violations of those regulations; and

WHEREAS, the Borough of Bally desires to amend certain sections of that ordinance to prohibit the parking of certain vehicles on the streets of the Borough of Bally

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Bally as follows:

**Section 1:** Section 503 of Ordinance Number 263 is hereby amended to read as follows:

**SECTION 503. Parking of Trucks, Buses, Recreational Vehicles, Camper Trailers, Utility Trailers, Boat Trailers and Truck Trailers Prohibited.**

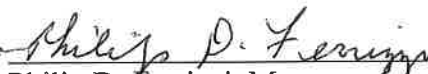
It shall be unlawful for any person or persons to park or allow to remain parked on any street within the Borough of Bally any vehicle other than a passenger car, or pickup truck.

**Section 2:** Effective Date. This Ordinance shall take effect immediately.

ENACTED AND ORDAINED into an Ordinance this 5th day of February, 2013.

  
Glenn Mutter, Council President

Attest:   
Andrea DeLo, Secretary

Approved:  
  
Philip D. Ferrizzi, Mayor

ORDINANCE # 263

AN ORDINANCE OF THE BOROUGH OF BALLY REGULATING MOTOR VEHICLES GENERALLY; ESTABLISHING TRAFFIC REGULATIONS; LISTING GENERAL PARKING REGULATIONS; AUTHORIZING THE REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES; AUTHORIZING REGULATIONS DURING SNOW AND ICE EMERGENCIES; REGULATING PEDALCYCLES AND PEDESTRIANS; AND PRESCRIBING PENALTIES FOR VIOLATION.

- ARTICLE
- 1 - DEFINITIONS
  - 2 - GENERAL REGULATIONS
  - 3 - TRAFFIC REGULATIONS
  - 4 - SIZE, WEIGHT & VEHICLE TYPE RESTRICTIONS
  - 5 - PARKING REGULATIONS
  - 6 - REMOVAL AND IMPOUNDMENT
  - 7 - SNOW & ICE EMERGENCY
  - 8 - PEDALCYCLES, SNOWMOBILES AND NON MOTORIZED VEH.
  - 9 - ABANDONED VEHICLES
  - 10 - SUPPLEMENTAL REGULATIONS
  - 11 - FINES
  - 12 - REPEALER

BE IT ENACTED AND ORDAINED by the Council of the Borough of Bally, Berks County, Pennsylvania, as follows:

ARTICLE I - DEFINITIONS

SECTION 101. Definitions

- (1) That the word "traffic" herein includes and relates to all kinds of vehicles and to pedestrians.
- (2) "Street" means any highway, road, street, avenue, boulevard, alley or lane, as designated on Borough map (Topo-survey).
- (3) "Parking" means the stopping or standing of a vehicle whether attended or unattended on or along any street or sidewalk thereof other 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.
- (4) The term "local delivery" shall mean delivery within the Borough that cannot be made by the use of unrestricted streets.
- (5) Words and phrases, when used in this ordinance, except for sections or Articles to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code (the Act of June 17, 1976, P.L. 162 No. 81), as amended, except that, in this ordinance, the word "street" may be used interchangeably with the word "highway", and shall have the meaning as the word "highway" as defined in the Vehicle Code.
- (6) In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

**ARTICLE II**  
**GENERAL REGULATIONS**

**SECTION 201. Manner of Adopting Permanent Traffic and Parking Regulations.**

All traffic and parking regulations of a permanent nature shall be enacted as ordinances, as parts of ordinances, as amendments to ordinances, or as amendments to this chapter, except where the law specifically authorizes less formal action.

**SECTION 202. Provisions to be Continuations of Existing Regulations.**

The provisions of this ordinance, so far as they are the same as those ordinances and regulations in force immediately before the enactment of this ordinance, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this ordinance shall affect any act done or liability incurred, or any suit or prosecution pending or to be instituted under any of those repealed or superseded ordinances or regulations.

**SECTION 203. Temporary and Emergency Regulations.**

The Borough Police Department shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

1. In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations; and
2. In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than ninety six (96) hours.

Such temporary and emergency regulations shall be enforced by the Police Department in the same manner as permanent regulations. No person shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation.

**SECTION 204. Experimental Regulations.**

The Borough of Bally may, from time to time by resolution, designate places upon and along the highways in the Borough of Bally where, for a period of not more than ninety (90) days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this ordinance. No person shall operate or park a vehicle or tractor in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section.

The purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the ordinance of the Borough of Bally relative to traffic and parking.

**SECTION 205. Traffic on Street Closed or Restricted for Construction, Maintenance or Special Events.**

1. The Borough of Bally shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on a closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

2. The Borough of Bally shall have authority to establish restricted traffic area upon any street where construction or maintenance work is under way and to station flagman at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that a vehicle stop, or is signaling that vehicle, by a flag or other device, not to proceed.

**SECTION 206. Use of Streets by Processions and Assemblages.**

1. For the purpose of this section, the words "assemblage" and "procession" shall have the following meanings:

**ASSEMBLAGE** - a gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street;

**PROCESSION** - a group of individuals, vehicles, animals and or objects moving along a street in a way that interferes with the normal movement of traffic. A procession shall not include a funeral caravan or military convoy.

2. It shall be unlawful for any person to hold or participate in any assemblage or procession unless the person organizing or conducting the assemblage first obtains a permit from the Borough of Bally, which shall be issued without a fee. Application for the permit shall be made at least one week in advance of the day on which the assemblage is proposed to be held, but in any case where a state-designated highway is proposed to be used, application shall be made at least three (3) weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage or procession is to be held, the hour when the assemblage or procession may convene and the hour by which it shall have been completely dispersed. It shall be unlawful for any person to hold or to participate in any assemblage or procession unless the permit has been granted, at any time or place other than that authorized by the permit.

**SECTION 207. Authority of Police Officers.**

The Police Officers of the Borough of Bally are hereby authorized to direct traffic on the highways of the Borough of Bally and at intersections thereof and to otherwise enforce the provisions of this ordinance.

**SECTION 208. Authorization for use of Speed Timing Devices.**

The Borough of Bally Police Department is hereby authorized to use all speed timing devices for the determination of speed of a motor vehicle as are approved or will be approved by the Department of Transportation of the Commonwealth of Pennsylvania, in accordance with Title 75, Pa. C.S.A. 3368.

This section authorizes the use of said devices upon all highways within the Borough of Bally, be they the Borough of Bally, county or state highways, and does also hereby elect to exercise all powers granted to "local authorities" under the Vehicle Code of the Commonwealth of Pennsylvania, 75 Pa. C.S.A. 6101 et seq. (1977) as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

**ARTICLE III**  
**Traffic Regulations**

**SECTION 301. Maximum Speed Limits Established on Certain Streets.**

1. Maximum speed limits are established on portions of specified streets, as listed in the attached Schedule B, and it shall be unlawful for any person to drive a vehicle, on any part of a street where a maximum speed limit applies, at a higher speed than the maximum prescribed for that part of the street.

2. Any person who violates any provision of this section shall upon conviction, be sentenced to pay a fine of thirty-five dollars (\$35.00). Any person exceeding the maximum speed limit by more than five (5) miles per hour shall pay an additional fine of two dollars (\$2.00) per mile for each mile in excess of five (5) miles per hour over the maximum speed limit.

**SECTION 302. No passing zones established.**

On all streets within the Borough it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway.

**SECTION 303. Stop Intersections Established.**

The Attached Schedule C indicates established stop intersections, and official stop signs shall be erected (or are ratified if previously erected) in such a position as to face traffic approaching the second named street (the intersection or through street) on the first named street (the stop street) in the direction or directions indicated for that intersection. Every driver of a vehicle approaching the intersection of the first named or stop street, in the direction indicated in each case, shall stop the vehicle as required by Section 3323(b) and shall not proceed into or across the second named or intersecting or through street until he has followed all applicable requirements of that section of the law.

**SECTION 305. Operation of Motor Vehicles Restricted on Public Lands.**

No motor vehicles including motorcycle, pedalcycle or minibike shall be operated on any property owned by the Borough of Bally or any other public agency or instrumentality within the Borough of Bally without the permission of the property owner and a permit from the Borough of Bally.

**SECTION 306. Operation of Vehicles on Sidewalks**

No person shall operate a motor vehicle longitudinally upon any sidewalk in the Borough; nor shall any person operate a motor vehicle upon or across any sidewalk or sidewalk area, except in order to gain access or to egress from a driveway or alley at such locations where the curb, if curbing of any type exists, shall have been properly cut down if required for the purpose; nor shall any person operate a motor vehicle upon or across any malls in the streets of the Borough; nor shall any person operate a motor vehicle upon or across any property owned by the Borough where no curbs or curbing exists.

**ARTICLE IV**

**Restriction on Size, Weight and Type of Vehicle Load**

**SECTION 401. Vehicle Weight Limits Established on Certain Streets.**

1. On the following streets, or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person or persons to drive a vehicle or combination having a gross weight in excess of the maximum prescribed below for that street or part of street, as the case may be.

<u>Street</u>	<u>Between</u>	<u>Maximum Gross Weight</u>
(None)		

2. Any person who violates any provision of this section shall be prosecuted under Sections 4902 (a) and 4902 (g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of one hundred fifty dollars (\$150.00) plus one hundred fifty dollars (\$150.00) for each five hundred (500) pounds, or part thereof, in excess of three thousand (3,000) pounds over the maximum allowable weight, and costs.

**SECTION 402. Restriction on Size of Vehicles on Certain Streets.**

1. On the following streets or parts of streets, by authority granted by Section 4902(a) of the Vehicle Code, it shall be unlawful for any person to drive any vehicle or combination in violation of the size restrictions prescribed below for that street or part of street:

<u>Street</u>	<u>Between</u>	<u>Restrictions</u>
(None)		

2. Any person who violates any provision of this section shall be prosecuted under Section 4902(a) and Section 490(g-1) of the Vehicle Code, and, upon conviction, shall be sentenced to pay a fine of seventy-five dollars (\$75.00) and costs.

**SECTION 403. Restrictions as to Weight and Size of Vehicles on Certain Streets.**

1. By reason of hazardous traffic conditions and other safety factors, by authority granted by Section 4902(b) of the Vehicle Code, it shall be unlawful for any person to drive a vehicle or combination in violation of the restriction prescribed below for that street or part of street.

Street                      Between                      Restrictions  
(None)

2. Any person who violates any provision of this section shall be prosecuted under Section 4902(b) and 4902(g-1) of the Vehicle Code, and, upon conviction, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00) and costs.

**SECTION 404. Truck Traffic on Certain Streets.**

It shall be unlawful for any person to drive a vehicle other than a passenger car on any of the following streets or parts of streets:

Street                      Between  
(None)

**Provided** : Nothing in this section shall prohibit any person from driving an emergency vehicle on any of those streets or parts of streets, or from driving on any of those streets or parts of streets a truck or other commercial vehicle making local deliveries to or pickups from premises located along that street or part of street.

**Article V**  
**General Parking Regulations**

**SECTION 501. Vehicles to be Parked Within Marked Spaces.**

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this Article for any person to park a vehicle or allow it to remain parked otherwise.

**SECTION 502. Parking Prohibited at All Times in Certain Locations.**

Parking shall be prohibited at all times in the locations listed on the attached Schedule A.

**SECTION 503. Parking of Trucks, Buses and Certain Other Vehicles Prohibited in Certain Locations.**

It shall be unlawful for any person to park, or to allow to remain parked, on any of the following streets or parts of streets, any vehicle other than a passenger car (which shall not include any bus, motor home or passenger car attached to a trailer of any kind):

Street                      Between  
(None)

**SECTION 504. Standing or Parking on Roadway for Loading or Unloading.**

It shall be unlawful for any person to stop, stand or park a vehicle (other than a pedalcycle) on the roadway side of any vehicle stopped or parked at the edge or curb of any street, except that standing or parking for the purpose of loading or unloading persons or property shall be permitted on the following named streets on Monday through Saturday, between the hours of 9:00 a.m. and 11:30 a.m. and between the hours of 1:30 p.m. and 4:00 p.m., and for no longer than necessary for the loading or unloading.

Street                      Side                      Between  
(None)

**SECTION 505. Obstruction of Streets and Driveways**

Parking shall be unlawful at all times along all streets in front of or so as to obstruct the free ingress or egress to or from other streets, private driveways or vehicular entrances to adjoining private property.

**SECTION 506. Move Vehicle to Plowed area**

Any vehicle parked on any street shall be moved to a plowed area along the curb of a street or such other place in the Borough as the Borough may designate, within the twelve (12) hours after a snowfall, so as to permit plowing of snow from the streets of the Borough.

**SECTION 507. Obstruction of Snow Plow**

No vehicle shall be parked so as to obstruct the ingress or egress of a snow plow to any street in the Borough.

**SECTION 508. Unlawful Parking on Borough Property**

Parking shall be unlawful on any property owned by the Borough except where areas have been set aside or marked with signs permitting parking.

**SECTION 509. Ticketing of Vehicles Parked Unlawfully; Effect of Payment of Within 5 Days.**

1. It shall be the duty of the police officers to report:
  - A. the location of the vehicle parked in violation of any provision of this Part;
  - B. the date and hour of the violation;
  - C. the license number of the vehicle;
  - D. any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.

The police officer or other person issuing the violation notice shall also place on or attach to the vehicle a notice to the owner or driver of the vehicle that the vehicle was parked in violation of this Part, and instructing the owner or driver that if he will report to the Borough Office and pay, for the use of the Borough of Bally, the sum of twenty-five dollars (\$25.00) within five (5) days after the time of the notice, or will mail the sum of twenty-five dollars (\$25.00) to the Borough of Bally within the time limit, that act will save the violator from prosecution and from payment of the fine prescribed in 510(1) of this Part.

**SECTION 510.**

1. Any person who violates any provision of this Part and who fails to pay the fine set forth in Section 509, shall be cited within fifteen (15) days of the violation and upon conviction, be sentenced to pay a fine of not more than twenty five dollars (\$25.00) and costs.

**Article VI**

**Removal and Impoundment of Illegally Parked Vehicles**

**SECTION 601. Applicability and Scope.**

This Article is enacted under authority of Section 6109(a-22) of the Vehicle Code, and gives authority to the Borough of Bally to remove and impound those vehicles which are parked in a tow away zone and in violation of parking regulations of this ordinance. Vehicles which have been abandoned (as defined by the Vehicle Code) or which are parked in such a manner as to interfere with traffic or pose a hazard to others, may be towed under the provisions of the Pennsylvania Vehicle Code.

**SECTION 602. Authority to Remove and Impound.**

The Borough of Bally shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked illegally, provided that the circumstances of its parking were within the conditions stated in Section 601 of this Article. **Provided:** no such vehicle shall be removed or impounded except in strict adherence to the provisions of this Article, or the provisions of the Pennsylvania Vehicle Code.

**SECTION 603. Tow Away Zones.**

**SECTION 604. Designation of Approved Storage Garages; Bonding; Towing and Storage.**

**SECTION 605. Payment of Towing and Storage Charges.**

The payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this Article for which the vehicle was removed or impounded.

**SECTION 606. Reclamation Costs.**

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a twenty five dollar (\$25.00) fee of which ten dollars (\$10.00) shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

**SECTION 607. Records of Vehicles Removed and Impounded.**

The Borough of Bally shall cause a record to be kept of all vehicles impounded under this Article and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

**SECTION 608. Restrictions upon Removal of Vehicles.**

No vehicle shall be removed under the authority of this Article or the Vehicle Code if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

**SECTION 609. Penalty for Violation.**

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

**SECTION 610. Reports and Disposition of Unclaimed Vehicles.**

If after a period of fifteen (15) days the vehicle in storage remains unclaimed, a report shall be filed with the PENNDOT in accordance with Section 7311 of the Vehicle Code, by the person having legal custody of the vehicle. If the vehicle has not been claimed after thirty (30) days, the vehicle may be transferred to a licensed Salvor who will then be responsible for filing the proper reports and disposing of the vehicle in accordance with the provisions of Chapter 73 of the Pennsylvania Motor Vehicle Code (75 Pa C.S.A. Section 101 et seq., as amended).

**Article VII**  
**Snow and Ice Emergency**

**SECTION 701. Definitions**

1. Snow: any precipitation depositing any accumulations on the streets including snow, sleet, hail, ice and freezing rain.
2. Emergency Director: Any Borough employee or official designated from time to time by the Borough Council as the Emergency Director.
3. Snow Emergency: A state of highway conditions that is hazardous and dangerous to vehicular and pedestrian traffic and so declared by the Emergency Director.
4. Emergency Routes: All streets in the Borough so designated and marked.
5. Chains: Full chains, strap chains or other types of chains mounted on both driving wheels of motorized vehicle.
6. Snow Tires: Tires having treads (with or without metal studs) designated for use in snow, which tires must be in such conditions as to pass inspection in and be authorized as lawful by the Commonwealth of Pennsylvania.
7. Vehicles: All self-propelled motorized vehicles using Borough streets and highways.

**SECTION 702. Emergency Routes**

The Borough Council shall by regulation designate streets which are necessary thoroughfares for the movement of vehicular traffic through the Borough of Bally as "snow emergency routes."

**SECTION 703. Posting Emergency Routes**

All streets designated as "snow emergency routes" shall be posted with suitable signs or markers at intervals not exceeding 1000 feet, which signs shall bear the words "Snow Emergency Route."

**SECTION 704. Snow Emergency**

When, in the opinion of the Emergency Director, the actual or expected precipitation of snow will create hazardous or dangerous highway conditions for vehicular or pedestrian traffic, he shall have the authority to declare a "snow emergency."

(a) The Emergency Director shall immediately inform the public of the snow emergency by issuing a press release to the local radio and news services.

(b) The snow emergency shall continue in force and effect until the Emergency Director declares it to be over by issuing a press release to the local radio and news services.

(c) One hour after a snow emergency has been declared and during its existence:

1. No vehicle shall be parked on a snow emergency route.

2. Any person who drives a vehicle without chains or snow tires upon any "snow emergency route" in the Borough of Bally and such vehicle becomes stalled or incapable of moving under its own power because of the lack of snow tires or chains shall be in violation of this Ordinance and shall be subject to the penalties set forth herein.

3. Any vehicle stalled, incapable of moving under its own power, or left unattended upon any traffic lane of the streets of Bally may be removed or towed away to any other location by the Police Department. In such case the Police Department shall notify the registered owner thereof within twenty-four hours.

#### **SECTION 705. Designated Emergency Routes**

The streets listed in the attached Schedule F shall be designated as "Snow Emergency Routes" during a declared snow emergency.

#### **SECTION 706. Removal of Vehicles Parked on Snow Emergency Route**

All vehicles parked, stalled, incapable of moving under their own power or left unattended on "snow emergency routes" in violation of the above provisions are hereby declared to be public nuisances, obstructing the necessary and required snow plowing and clearing of streets of the Borough of Bally, contrary to public interest, convenience and safety, and the police department is hereby directed to secure and immediately tow away and remove any and all vehicles parked in violation hereof at the registered licensed owner's expense, and to notify the registered licensed owner within twenty-four hours of the removal of his vehicle.

The costs of such towing and any necessary storage fee shall be the responsibility of the registered licensed car owner. These costs shall be in addition to any penalty that may be levied.

#### **SECTION 707. Snow Shoveling**

No individual shall be permitted to shovel or otherwise deposit snow onto any street after the said street has been plowed, and no individual shall shovel or otherwise deposit or cause to be deposited snow upon or against any fire hydrant.

#### **SECTION 708. Penalty for Violation**

1. If, at any time during a period of snow emergency declared under Article VII, a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of not more than fifteen dollars (\$15.00) and costs.

2. If, at any time during a period of snow emergency declared under Article VII, a person shall drive a motor vehicle upon a snow emergency route, without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs.

3. If as a result of a violation of this Ordinance the offender's motor vehicle was towed away as provided and authorized herein, in addition to the fine imposed in parts one and two of this section, the offender shall pay to the Borough the reasonable cost of towing and storing the said motor vehicle.

## Article VIII

### Regulation of Pedalcycles, Snowmobiles and Non-motorized Vehicles

**SECTION 801. Riding and Parking of Pedalcycles on Sidewalks Along all Streets is Prohibited in the Borough of Bally.**

**SECTION 802. Skates, Roller Blades, Skateboards, Coasters, Sleds and Other Toy Vehicles are Prohibited on all Borough Streets Except as Follows:**

1. The Mayor is authorized to designate as play highways, whenever he deems that action advisable, and for whatever period of time directed by him, any part of any street in the Borough of Bally, where sledding and coasting, shall be permitted. That play highway shall be set apart for the purpose under the direction of the Mayor.

2. No person shall drive any motor vehicle upon any play highway at any time when that street shall be designated as a play highway, except in case of emergency, with special permission of the Mayor or of the police officer in charge, who shall first clear that play highway of all persons using it for the purpose for which it was set aside.

3. Any person who violates any provisions of this Section shall, upon conviction be sentenced to pay a fine of five dollars (\$5.00) and costs.

**SECTION 803. Snowmobiles**

1. It shall be unlawful for any person to operate a snowmobile on any highway, street or road in the Borough of Bally other than as authorized by Section 7721 of the Vehicle Code for emergency and bridge crossings and for direct crossing of streets or two-lane highways.

## Article IX

### Abandoned Vehicles

**SECTION 901.**

No person, firm, partnership, association, corporation, company or organization of any kind, shall abandon a vehicle on or along any street or on property other than his or its own within the Borough. A vehicle which has remained on such property without the consent or knowledge of the owner or on or along any street for a period exceeding forty-eight (48) hours, shall be prima facie evidence of such abandonment, provided that vehicles and equipment used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this section. In addition any vehicle in such a state of disrepair as to be incapable of being moved under its own power, or with any tire missing, or in a dismantled condition, or without current license plates, or with fraudulent license plates, or without current inspection sticker, and such vehicle has remained in any such condition for a period exceeding three (3) consecutive days shall be prima facie evidence of such abandonment.

**SECTION 902.**

No person, firm, partnership, association, corporation, company or organization of any kind in charge or control of any property within the Borough, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, discarded or abandoned vehicle to remain on such property longer than (10) consecutive days; provided, however, that this provision shall not apply with regard to a vehicle in an enclosed building or carport, or a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the lawful operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Borough.

**SECTION 903.**

No person, firm, partnership, association, corporation, company or organization of any kind shall continuously park any vehicle upon any street in any timed parking area for a period of time longer than three (3) consecutive days. Said three (3) day period shall be computed from the date such parked vehicle was first observed by or called to the attention of the Bureau of Police.

**SECTION 904.**

No person, firm, partnership, association, corporation, company or organization of any kind shall park any vehicle which is known to be inoperable upon any street by pushing or towing it from any other location on any street.

**SECTION 905.**

Vehicles parked, abandoned or permitted to remain in violation of this section may be towed, impounded and disposed of pursuant to the provisions of Article VI of this Ordinance; provided, however, that any such vehicle shall not be so towed and impounded as provided herein until the Bureau of Police shall have given written notice to remove said vehicle within (2) days of the mailing of such notice and of the intention of the Bureau of Police to tow and impound such vehicle if it has not been so removed at the end of such time. Such notice shall be given by (1) affixing notice on such vehicle; (2) sending notice by mail to the owner of such vehicle at his last known address, if the owner is reasonably ascertainable; and (3) by sending notice by mail to the person owning or controlling the property on which such vehicle is located. The Bureau of Police may enter upon private property at all reasonable hours for the purpose of inspecting such vehicle, posting notice thereon, and removing and impounding such vehicle, and it shall be unlawful for any person to prevent any officer of the Bureau of Police from entering on private property for purposes of carrying out his duties hereunder or to interfere with him in the lawful performance of his duties under the provisions of this section.

**SECTION 906.**

The provisions of this section shall not apply to any vehicle which, in the discretion of the Bureau of Health or Bureau of Fire, shall constitute an immediate health or fire hazard. Any such vehicle may be immediately removed by the Bureau of Police from its location to a location of safety.

**Article X  
Supplemental Regulations**

**SECTION 1001. Tampering With Signs**

It shall be unlawful to tamper with, remove, or drive through barricades, signs, lights or other devices placed under proper municipal authority for the purpose of directing or prohibiting traffic in the enforcement of this or other Borough Ordinances.

**SECTION 1002. Handicapped Parking**

It shall be unlawful to park a vehicle in an area that is designated reserved for parking by handicapped individuals if the vehicle does not contain proper exterior identification as being a vehicle operated by a handicapped individual.

**SECTION 1003. School Zones**

School zones shall be established in accordance with the Pennsylvania Department of Transportation's regulations. A list of Borough school zones is attached hereto and made a part hereof through Schedule D.

**SECTION 1004. School Bus Loading Zones**

School bus loading zones shall be established in accordance with the Pennsylvania Department of Transportation's regulations. A list of school bus loading zones located within the Borough is attached hereto and made a part hereof through Schedule E.

**SECTION 1005. Careless Operation of Vehicle**

It shall be unlawful to operate a motor vehicle in a careless manner, or to operate a motor vehicle in such a manner as to "lay rubber" or patches of rubber on the streets of the Borough, or to rapidly accelerate a motor vehicle from a stopped or moving position so as to "lay rubber" or patches of rubber on the streets of the Borough, or to bring a motor vehicle to a sudden stop, without reason therefore, or to operate a motor vehicle in such a manner so as to make or cause unnecessary noise or disturbance.

**SECTION 1006. Placing of Signs and Painting of Curbs**

It shall be unlawful for any person to place any sign or to paint any curb or street to regulate traffic on the streets of the Borough except under proper municipal authority.

**Article XI**  
**Fines and Penalties**

**SECTION 1101.**

Any person or persons violating any of the provisions of these Articles shall upon conviction be subject to the penalty set forth in the law or elsewhere in this ordinance for a violation of such nature, and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this ordinance, to a fine of not more than twenty five dollars (\$25.00) for each offense, with costs, and each daily occurrence of the same offense shall be considered a new offense and finable as such. In default of payment of each fine and costs, said person or persons shall suffer imprisonment in the Berks County Prison for a period not to exceed ten (10) days.

**Article XII**  
**Repealer**

**SECTION 1201.** This ordinance hereby repeals Ordinance # 236 and all Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar as the same are inconsistent herewith.


**SECTION 1202.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be illegal or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Article XIII**

ORDAINED AND ENACTED by the Council of the Borough of Bally

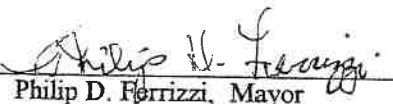
This 5th day of December, 2006.

ATTEST:

  
\_\_\_\_\_  
Leo D. Mutter, President

  
\_\_\_\_\_  
Toni L. Hemierka, Secretary

APPROVED:

  
\_\_\_\_\_  
Philip D. Ferrizzi, Mayor

## SCHEDULE A

### PARKING RESTRICTIONS - PROHIBITED AT ALL TIMES

#### PARKING SHALL BE PROHIBITED AT ALL TIMES UPON THE STREETS AND PORTIONS OF STREETS AS FOLLOWS:

- CHESTNUT STREET, On the Northwest side from the Intersection at North Fourth Street, to a point 165 feet Southwest of the Intersection of North Church Street.
- NORTH FOURTH STREET, On the Southwest side, from Main Street to Dogwood Street.
- PINE STREET, On the Northwest side of the street, from S. Seventh Street to the Borough line.
- NORTH CHURCH STREET, On the Southwest side of the street, 128 feet and the Northeast side of the street, 90 feet, Northwest from the Intersection of Main and North Church Streets.
- SOUTH CHURCH STREET, On both sides of the street, 50 feet, Southwest from the Intersection of Main and South Church Streets.
- NORTH SEVENTH STREET, On both sides of the street, 50 feet, Northwest from the Intersection of Main and North Seventh Streets.
- SOUTH SEVENTH STREET, On the Southwest side of the street, 50 feet, Southeast from the Intersection of Main and South Seventh Streets.
- SOUTH SEVENTH STREET, On the Southeast side of the street, 173 feet, Southeast from the Intersection of Main and South Seventh Streets.
- SOUTH SEVENTH STREET, On the Southwest side of the street, 50 feet, Northwest from the Intersection of South Seventh and Pine Streets.
- SOUTH SEVENTH STREET, On the Southwest side of the street, 75 feet, Southeast from the Intersection of South Seventh and Pine Streets.
- MAIN STREET, On both sides, from the Intersection of Church Street, Southwest to a point 50 feet from the Intersection of Main and Church Streets.
- MAIN STREET, On the Northwest side of the street, from the Intersection of Seventh Street, Southwest, to a point 120 feet from the Intersection of Main and Seventh Streets.
- MAIN STREET, On the Southeast side of the street, from the Intersection of Seventh Street, Southwest, to a point 103 feet from the Intersection of Main and Seventh streets.
- MAIN STREET, On the Northwest side of the street, 150 feet Northeast, from the Intersection of Main and Seventh Streets.
- MAIN STREET, On the Southeast side of the street, 175 feet Northeast, from the Intersection of Main and Seventh Streets.
- MAIN STREET, On the Northwest side of the street, 150 feet Northeast, from the Intersection of Main and Church Streets.

MAIN STREET, On the Southeast side of the street, 120 feet Northeast, from the Intersection of Main and Church Streets.

MAIN STREET, On the Southeast side of the street, 230 feet Northeast, from the intersection of Main Street and S. Second Street.

NORTH EIGHTH STREET, On the Southwest side of the street, from Chestnut Street to Main Street.

SOUTH SEVENTH STREET, On the Southwest side of the street, 149 feet, Southwest from the Intersection of Seventh and Main Streets.

WALNUT STREET, On the Southeast side of the street, 325 feet, Southwest from the intersection of Walnut and South Seventh Streets.

WALNUT STREET, On the Northwest side of the street, 475 feet, Southwest from the intersection of Walnut and South Seventh Streets.

WALNUT STREET, On the Northwest side of the street, 50 feet, Northeast from the intersection of Walnut and South Church Streets.

WALNUT STREET, On the Southeast side of the street, 50 feet, Northeast from the intersection of Walnut and South Church Streets.

SOUTH SECOND STREET, On the Southwest side of the street, from Main Street to the Borough line.

MAIN STREET, On the Southeast side of the street, Southwest from Second Street to the Borough line.

**SCHEDULE B**

**SPEED LIMIT**

The speed limit on Bally Borough Streets is 25 M.P.H., unless otherwise posted.

Main Street: From the Northern Borough line to the Southern Borough line. -- 35 M.P.H.

SCHEDULE C

STOP INTERSECTIONS

<u>STOP STREET</u>	<u>THROUGH STREET</u>	<u>DIRECTION OF TRAFFIC</u>
SOUTH SECOND STREET	MAIN STREET	NORTHWEST
SOUTH THIRD STREET	POPLAR STREET	SOUTHEAST & NORTHWEST
SOUTH THIRD STREET	WALNUT STREET	NORTHWEST
SOUTH CHURCH STREET	MAIN STREET	NORTHWEST
SOUTH SEVENTH STREET	MAIN STREET	NORTHWEST
SOUTH EIGHTH STREET	MAIN STREET	NORTHWEST
SOUTH NINTH STREET	MAIN STREET	NORTHWEST
FRONT STREET	OLD ROUTE 100	SOUTHEAST
NORTH THIRD STREET	MAIN STREET	SOUTHEAST
NORTH FOURTH STREET	MAIN STREET	SOUTHEAST
NORTH FOURTH STREET	DOGWOOD	NORTHWEST
NORTH FIFTH STREET	CHESTNUT STREET	NORTHWEST
NORTH FIFTH STREET	MAIN STREET	SOUTHEAST
NORTH CHURCH STREET	MAIN STREET	SOUTHEAST
NORTH SEVENTH STREET	MAIN STREET	SOUTHEAST
NORTH EIGHTH STREET	MAIN STREET	SOUTHEAST
NORTH NINTH STREET	MAIN STREET	SOUTHEAST
PINE STREET	S. SEVENTH STREET	NORTHEAST
POPLAR STREET	S. SECOND STREET	SOUTHWEST
POPLAR STREET	S. CHURCH STREET	NORTHEAST
WALNUT STREET	S. SECOND STREET	SOUTHWEST
WALNUT STREET	S. CHURCH STREET	NORTHEAST
WALNUT STREET	S. CHURCH STREET	SOUTHWEST
WALNUT STREET	S. SEVENTH STREET	NORTHEAST
CHESTNUT STREET	N. FOURTH STREET	SOUTHWEST
CHESTNUT STREET	N. CHURCH STREET	SOUTHWEST & NORTHEAST
CHESTNUT STREET	N. SEVENTH ST.	SOUTHWEST & NORTHEAST
CHESTNUT STREET	N. EIGHTH STREET	SOUTHWEST & NORTHEAST
CHESTNUT STREET	N. NINTH STREET	NORTHEAST
CHERRY STREET	N. CHURCH STREET	SOUTHWEST & NORTHEAST
CHERRY STREET	N. SEVENTH ST.	SOUTHWEST & NORTHEAST
CHERRY STREET	N. EIGHTH STREET	SOUTHWEST & NORTHEAST
ELM STREET	N. CHURCH STREET	SOUTHWEST & NORTHEAST
ELM STREET	N. SEVENTH ST.	NORTHEAST
SYCAMORE ROAD	N. CHURCH STREET	NORTHEAST
VICTORIA DRIVE	S. SECOND STREET	NORTHEAST

**SCHEDULE D**  
**SCHOOL ZONES**

**SOUTH SEVENTH STREET**    **-FROM SPRUCE STREET TO THE BOROUGH LINE**

**PINE STREET**            **-FROM THE BOROUGH LINE TO SOUTH SEVENTH STREET**

**SCHEDULE E**

**BUS STOPS**

**NINTH & MAIN STREETS  
SEVENTH & PINE STREETS  
SEVENTH & MAIN STREETS  
SEVENTH & CHERRY STREETS  
SEVENTH & CHESTNUT STREETS  
NORTH CHURCH STREET & SYCAMORE ROAD  
NORTH CHURCH & ELM STREETS  
NORTH CHURCH & CHESTNUT STREETS  
CHURCH & MAIN STREETS  
FOURTH & MAIN STREETS  
SECOND & POPLAR STREETS  
SECOND & WALNUT STREETS  
SECOND & MAIN STREETS  
PINE STREET (M.B.S.) CHURCH  
QUIGLEY BUS LOT - TRANSFER**

**SCHEDULE F  
SNOW AND ICE EMERGENCY ROUTES**

2ND STREET - FROM THE BOROUGH LINE TO MAIN STREET

OLD ROUTE 100 - FROM THE BOROUGH LINE TO MAIN STREET

NORTH CHURCH STREET - FROM THE BOROUGH LINE TO MAIN STREET

NORTH 7TH STREET - FROM THE BOROUGH LINE TO MAIN STREET

SOUTH 7TH STREET - FROM THE BOROUGH LINE TO MAIN STREET