

AGENDA NORTH EAST BOROUGH COUNCIL

Monthly Meeting July 3, 2023

PUBLIC HEARING:

Ordinance No. 929 – Administrative Search Warrant
Ordinance No. 930 – Robinson Street Alley Vacation Plan

The regular monthly meeting of North East Borough Council will be held Monday, July 3, 2023, at 6:00 p.m. in Council Chambers.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INVOCATION:

MINUTES:

June 5, 2023
June 15, 2023 – Special Meeting

EXPENSE REPORT:

Expense Approval Report

CITIZENS TO BE HEARD:

Kim Malone, GECAC – North East Senior Center
Vicki Stetson, 4NINE Thrift Store – North East Senior Center

REPORTS FROM ELECTED OFFICERS:

Heather Jones: Erie County EMS Proposal Discussion

REPORTS FROM APPOINTED OFFICERS:

REPORTS FROM STANDING COMMITTEES:

REPORTS FROM SPECIAL COMMITTEES:

Amber Belson: Erie County Land Bank – Proposals for 57/61 West Main Street
Todd Luke: Residential/Commercial Inspection Program

UNFINISHED BUSINESS:

Ordinance No. 929 – Administrative Search Warrant
Ordinance No. 930 – Robinson Street Alley Vacation Plan
Request Promotion of Ptlm. Spencer C. Cornelius to Patrolman Third Class

NEW BUSINESS:

North East Community Foundation – Grant Application Submitted by VFW for Police Protective Gear
Resolution 07032023-1: Application to Commonwealth Financing Authority – Multimodal Transportation Grant
Resurfacing Contract Liquid Fuels – Liberty and Bothel Streets
Ordinance No. 927 – Comprehensive Parking Ordinance, revised
Gibson Park: The Skunk and Goat Tavern – Gibson Park Cornhole League (July 10, 17, 24, Aug 7, 14, 21)
Heard Park: North East Recreation Commission – Flag Football (Tuesdays/Thursdays: July 25, September 14)
Second Monthly Meeting – July 17, 2023, if needed

CORRESPONDENCE:

Police Chief Report
Code Enforcement Report
Departmental Report
Commissions and Authorities

ANNOUNCEMENTS:

Residential/Commercial Inspection Program: Public Meeting July 24, 2023, at 6:00 p.m. at Borough Hall

PUBLIC COMMENTS:

EXECUTIVE SESSION:

Real Estate Transactions

ADJOURNMENT:

**BOROUGH OF NORTH EAST
ORDINANCE NO. 929**

**AN ORDINANCE OF THE BOROUGH OF NORTH EAST;
ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA
PROVIDING FOR THE USE
OF ADMINISTRATIVE SEARCH WARRANTS IN
BOROUGH ORDINANCE ENFORCEMENT**

WHEREAS, the Borough of North East is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania and,

WHEREAS, the Code Enforcement Department of the Borough of North East receives certain complaints from tenants, property owners and the public as to the health and safety of a particular building, structure, or property ("Property") that merits an interior investigation of a Property; and

WHEREAS, the Borough of North East is often unsuccessful in gaining entry into a Property in order to inspect the Property to ensure health and safety of Property, and desires to implement an administrative procedure for lawful entry into Property:

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the corporate authorities of Borough of North East; Erie County, Pennsylvania and, it is hereby enacted by the authority of the same as follows:

SECTION 1: Right of Entry- The Borough Code Officer or Deputy Code Official(s) and / or designee of the Borough may apply to a judge of the Magisterial District Court for an administrative search warrant to enter any Property to conduct an inspection required or authorized by law to determine compliance with the provisions of any Borough property ordinance, code and/or nuisance ordinance.

SECTION 2: Application for and Content of Warrant – The application for an administrative search warrant shall be in writing and sworn to by the applicant and shall particularly describe the place, structure, premises, building, etc., to be inspected and the nature, scope and purpose of the inspection to be performed by the applicant.

- A. Before filing an application for an administrative search warrant with a court, the Borough Code Officer and/or Deputy Borough Code Officer and/or the Borough designee shall obtain approval by the Borough Solicitor as to its legality in both form and substance under the standards and criteria of this section, and a statement to this effect shall be included in the application. A judge of the court referred to in this section may issue the warrant on finding that:

1. The applicant has sought access to the Property for the purposes if making an inspection, and
 - a. After requesting, at a reasonable time, the owner, tenant, or other individual in charge of the Property to allow access, has been denied access to the Property; or
 - b. After making a reasonable effort, the applicant has been unable to locate any of the owner, tenants, or other individual in charge of the Property.
 2. The Borough Code Officer and/or the Borough designee is authorized by law to make an inspection of the Property for which the warrant is being sought.
 3. Probable cause for this issuance of the warrant has been demonstrated by the applicant by specific evidence of an existing violation or any provision of a Borough Code and/or Borough Ordinance or any rule, regulation and/or ordinance adopted under the Borough Code or by showing:
 - a. That a reasonable administrative inspection program exists regarding the condition of the Property; and
 - b. That the proposed inspection comes within that program.
- B. An administrative search warrant issued under this section shall specify the place, structure, premises, vehicle, or records to be inspected. The inspection conducted may not exceed the limits specified in the warrant.
- C. An administrative search warrant issued under this section authorizes the applicant and other officials or employees of the Borough to enter specified Property to perform the inspection, sampling and other functions authorized by law to determine compliance with provisions of the Borough Code and/or Borough Ordinances.
- D. An administrative search warrant issued under this section shall be executed and returned to the judge by whom it was issued within:
- a. The time specified in the warrant, not to exceed thirty (30) days; or
 - b. If no time period is specified in the warrant, fifteen (15) days from the date of its issuance.

SECTION 3: Severability - If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all provisions of this Ordinance shall continue to be separately and fully effective.

SECTION 4: Effective Date - This Ordinance shall become effective immediately upon enactment hereof.

ENACTED INTO AN ORDINANCE THIS 3rd DAY OF JULY 2023.

BOROUGH OF NORTH EAST

DENISE MCCUMBER
President of Borough Council

ATTEST:

PATRICK J. GEHRLEIN
Borough Manager

APPROVED THIS 3rd DAY OF JULY 2023

Jon Triana
Mayor

**BOROUGH OF NORTH EAST
ORDINANCE NO. 930**

**AN ORDINANCE OF THE BOROUGH OF NORTH EAST,
ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA
TO VACATE A PORTION OF THE PUBLIC ALLEY
IN THE BOROUGH OF NORTH EAST**

WHEREAS, the Borough of North East is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania;

WHEREAS, an alley or strip of land commonly referred to as Robinson Road Alley (hereinafter referred to as the "Alley") is located between Robinson Street and Pearl Street in the Borough of North East and appears on the Erie County Tax Assessment Map, a portion of which is attached hereto as Exhibit "A" and made a part hereof for purposes of identifying the Alley which is the subject matter of this Ordinance;

WHEREAS, while the Alley has been previously plotted as an "Alley" and is sometimes referred to in documents of record as "Robinson Road Alley", the Borough of North East has never taken any action, to the best of its information and belief, in order to layout, ordain, open, improve or maintain the Alley for use by the traveling public;

WHEREAS, pursuant to the provisions of Section 1731(a)(2) of the Borough Code, 8 Pa. CSA § 731(a)(2), the Council of the Borough of North East has the authority to vacate or close any street or portion of the street previously opened or laid out;

WHEREAS, pursuant to Section 1732 of the Borough Code, 8 Pa. CSA § 1732, any person or persons constituting a majority in number and interest of an owner or owners of the real estate abutting an area not opened as a street or abutting upon an existing street or portion of a street may petition the Council to vacate a street or portion of a street or alley;

WHEREAS, in a Petition to Vacate an Alley (hereinafter referred to as the "Petition"), a majority in number and interest of the property owners abutting the Alley have requested that the Borough Council vacate the Alley; and

WHEREAS, notice of the consideration of this Petition to Vacate a portion of the Alley has been dully advertised, posted, and delivered to the owners and the other properties abutting the Alley.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the corporate authorities of the Borough of North East; Erie County, Pennsylvania and it is hereby enacted by the authority of the same as follows:

SECTION 1. Pursuant to Section 1732 of the Borough Code, the Borough Council of the Borough of North East, Erie County, Pennsylvania, does hereby vacate and cancel the Alley and the ownership rights therein divested to the adjoining property owners to the Alley at Tax Map Parcel Nos. 35-006-026.0-020.00, 35-006-026.0-019.00, 35-006-026.0-

018.00, 35-006-026.0-017.00, 35-006-026.0-006.00, 35-006-026.0-007.00, 35-006-026.0-008.00, and 35-006-026.0-009.00, shown and identified on Exhibit "A", consistent with the granting by the Borough Council of the Petition to Vacate an Alley filed by a majority in number and in interest of owners of real estate abutting the unopened Alley.

SECTION 2. The grant of the Petition to Vacate an Alley and the enactment of this Ordinance shall vacate the Alley located between Robinson Street and Pearl Street, as shown and identified on Exhibit "A", with the same force and effect as if said Alley had never been laid out for use by the traveling public. However, the grant of the Petition and the enactment of this Ordinance shall not affect any private rights of use or access previously acquired by owners of the abutting properties.

SECTION 3. All other provisions of the Codes and Ordinances of the Borough of North East not specifically repealed herein shall be deemed continuing and shall remain in full force and effect.

SECTION 4. In the event any piece or portion of the within Ordinance shall be deemed by any court of competent jurisdiction to be illegal, unconstitutional, or unenforceable, such declaration shall not affect the remaining portions hereof which shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect upon enactment.

ENACTED INTO AN ORDINANCE THIS 3rd DAY OF JULY 2023.

BOROUGH OF NORTH EAST

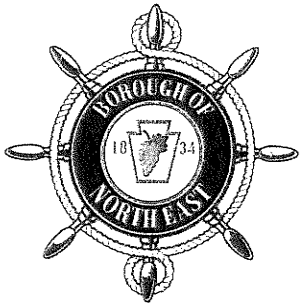
DENISE MCCUMBER
President of Borough Council

ATTEST:

PATRICK J. GEHRLEIN
Borough Manager

APPROVED THIS 3rd DAY OF JULY 2023

Jon Triana
Mayor



BOROUGH OF NORTH EAST

31 West Main Street
North East, PA 16428
(814) 725-8611 • Fax (814) 725-4996

July 3, 2023

North East Community Foundation Board of Directors
PO Box 327
North East, PA 16428

RE: North East Police Department/ North East VFW Bulletproof Vest Grant Request

Dear members of the Board,

The Borough Council of the Borough of North East supports the efforts of the North East American Legion in sponsorship of the grant request to provide bulletproof vests to the North East Police Department. The request is being made to help supplant a budgetary shortage for the North East Police Department. The 2023 General Fund was crafted with an expected grant to help offset half of the cost of the bulletproof vests and since that time, the funding source reduced the available funds per municipality. This became a hardship for the Department who reached out to the North East VFW for assistance.

Bulletproof vests are an essential component of modern policing, and the Department is on a five-year rotation with each officer issued a vest prior to retiring the vest. This helps to ensure the integrity of each unit so that it is functional, safe and features the latest available technology to ensure officers are safe while protecting our community.

The Borough Council of North East Borough would respectfully request that you seriously consider this request for one-time funding for this initiative. The Borough will ensure that this line item is fully funded by the General Fund during subsequent five-year cycles. Thank you for your time and consideration in this matter.

Sincerely,

North East Borough Council

Denise McCumber – President

Bill Beardsley- Vice President

Todd Luke – Pro Tem

Ryan McGregor -Council Member

Amber Belson – Council Member

Heather Jones – Council Member

John Triana – Mayor

**RESOLUTION
OF
BOROUGH COUNCIL OF
BOROUGH OF NORTH EAST**

RESOLUTION 07032023-1

**RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF NORTH EAST, ERIE COUNTY, PENNSYLVANIA
AUTHORIZING APPLICATION FOR A
MULTIMODAL TRANSPORTATION FUND GRANT
THROUGH THE COMMONWEALTH FINANCING AUTHORITY**

UPON MOTION OF _____, and

SECOND OF _____,

BE IT RESOLVED, that the Borough of North East, Erie County, Pennsylvania hereby request a Multimodal Transportation Fund Grant of \$1,666,667.00 from the Commonwealth Finance Authority to be used for the North East Streetscape Improvement Project.

BE IT FURTHER RESOLVED, that the Borough of North East hereby designate Denise McCumber – Borough Council President and Patrick J. Gehrlein- North East Borough Manager as the officials to execute all documents and agreements between the Borough of North East and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

AND BE IT FURTHER RESOLVED that the Borough Council of the Borough of North East, Erie County, Pennsylvania hereby allocates local resources appropriate to satisfy the matching requirements to said project.

VOTING FOR: _____

VOTING AGAINST: _____

ABSTAINING: _____

I, Denise McCumber, duly qualified Borough Council President of the Borough of North East, Erie County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by majority vote of the Municipal Council at a regular meeting held on July 3, 2023, and said Resolution has been recorded in the Minutes of the Borough Council and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of North East, this 3rd day of July 2023.

DENISE MCCUMBER
Borough Council President

ATTEST:

PATRICK J. GEHRLEIN
Borough Manager

**ORDINANCE
OF
BOROUGH COUNCIL OF
BOROUGH OF NORTH EAST**

ORDINANCE NO. 927

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH EAST, ERIE COUNTY, PENNSYLVANIA PRESCRIBING TRAFFIC AND PARKING REGULATIONS AND REPEALING ORDINANCES 352(SECTIONS 2 AND 3), 361, 403, 406, 414(SECTIONS 1, 2, 3, AND 5), 427, 433A, 435, 441, 450 (Articles I, IV, V, VI, VII, VIII, XII, XIII), 460, 480, 481, 487, 491, 502, 503, 512, 531, 541, 543(SECTIONS 1, 4 AND 5), 555, 561, 578(SECTIONS 1, 3, 4, AND 5), 616, 620(SECTIONS 2 AND 3), 632, 640, 646, 651, 658, 668, 699, 743, 746, 768, 769, 781, 808, 812, 880, 881.

PREAMBLE

WHEREAS, The Borough Council, subsequent to extensive investigation and deliberation, is of the opinion that the streets within the Borough of North East, Erie County, Pennsylvania require parking regulations subject to change as motor vehicular traffic thereon may require.

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

SECTION 1: DEFINITIONS AND INTERPRETATIONS

- A) Words and phrases, when used in this chapter, except for sections or parts to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa.C.S.A. § 101 et seq., except that in this chapter the word "street" may be used interchangeably with the word "highway," and shall have the same meaning as the word "highway" as defined in the Vehicle Code.
- B) The term "berm" shall consist of every area in a highway located between the sidewalk and the paved portion of the street whether or not a curb is present.
- C) The term "holiday(s)" as used in this chapter shall mean and include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- D) The terms "park", "parking", and "parked" shall be defined as the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or people.

- E) The term “operable” shall be defined as a vehicle that can be normally and safely driven under its own power, and its customary manner without further damage or hazard to the motor vehicle.
- F) In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

SECTION 2: 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 3: CONTINUATION OF EXISTING REGULATIONS

The provisions of this chapter, so far as they are the same as those of ordinances and regulations in force immediately before the enactment of this chapter, are intended as a continuation of those earlier ordinances and regulations, and not as new enactments. Nothing in this chapter 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 4: ON-STREET PARKING PROHIBITED AT ALL TIMES

On street parking, except as permitted in this ordinance, shall be limited to passenger vehicles only. Passenger vehicles are defined as motor vehicles intended for personal use with a gross vehicle weight rating (GVWR) of less than 26,000 pounds. Trailers are prohibited from parking on streets for more than two (2) hours.

Parking shall, at all times, be prohibited within an intersection, crosswalk, on a sidewalk, within 15 feet of a fire hydrant, or within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway. Parking shall also be prohibited at all times in the following locations.

STREET	SIDE	BETWEEN
Bothel	North	From Smedley Street to Liberty Street
Clay	North	From South Lake Street to South Washington Street
Clinton	North	From South Pearl Street to Robinson Street
Colfax	East	From Clay Street to Grant Street
Colfax	West	From the Grant Street to the north edge of 7 Colfax Street
Colfax	West	From the north edge of 27 Colfax Street to Clay Street
Eagle	North	From South Lake Street to South Pearl Street

East Division	South	From the west edge of 21 East Division to the east edge of 23 East Division
East Main	South	From Blaine Street to South Washington Street
East Main	North	From eastern Borough line to Orchard Beach Drive
East Main	North	From North Washington Street to Town Street
Grahamville	Both	From South Lake Street to the east edge of the North East Borough
Liberty	East	From Grahamville Street to Bothel Street
Mechanic Alley	Both	From South Lake Street to Vine Street except where angled parking stalls have been clearly marked on the surface of the street on the north side by the Borough.
North Lake	Both	From Main Street to the north edge of the North East Borough except where parking stalls are clearly painted on the street surface in the downtown district
North Pearl	West	From West Main Street to Gibson Street
North Pearl	West	From Bank Street to the north edge of the North East Borough
Park	West	From Gibson Street to West Division Street
Pershing	East	From East Main Street to East Division Street
Pershing	West	From the south edge of 5 Pershing Street to East Main Street
Short	Both	From Earl C. Davis Elementary School to East Division Street
Smedley	Both	From the Railroad crossing to Grahamville Street
South Lake	Both	From Grant Street to Clinton Street
South Lake	West	From West Main Street southward for a distance of 122 feet
South Lake	Both	From Main Street to the south edge of the North East Borough except where parking stalls are clearly painted on the street surface in the downtown district.
South Mill	West	From East Main Street to Wall Street
South Pearl	East	From Clinton Street to West Main Street
South Pearl	West	30 feet from the south edge of the intersection of South Pearl Street and Wall Street
South Pearl	West	From the south edge of 57 South Pearl to Clinton Street
South Washington	West	From East Main Street to East Street
South Washington	East	From the railroad tracks to East Street
Vine	East	From Poplar Street to East Main Street
Wall	South	From South Mill Street to Robinson Street

Wall	North	From South Mill Street to the west edge of 94 Wall Street
Wall	North	From South Pearl Street to Robinson Street
West Division	North	From North Lake Street to North Pearl Street

SECTION 5: ON-STREET PARKING PROHIBITED ON ODD CALENDAR DAYS

On-street parking on the following streets is prohibited from 8:00AM on an odd day to 8:00AM on the following even day.

STREET	SIDE	BETWEEN
Bank	South	From North Mill Street to North Pearl Street
Blaine	West	East Main Street to Clay Street
Center	West	From Eagle Street to Lincoln Street
Center	West	From Clinton Street to Wall Street
Clinton	South	From the west edge of the North East Borough to Robinson Street.
Eagle	South	From Center Street to South Pearl Street
East	South	From Blaine Street to South Washington Street
East Division	South	From North Lake Street to Orchard Beach Drive
Gibson	South	From North Mill Street to Park Street
Grant	South	From the west edge of 5 Grant Street to Vine Street
Lincoln	South	From South Mill Street to Robinson Street
North Mill	West	From Bank Street to the south edge of 7 North Mill Street
North Pearl	West	From Bank Street to Gibson Street
North Washington	West	From Niagara Street to East Main Street
Poplar	South	From Vine Street to Blaine Street
Robinson	West	From West Main Street to Wall Street
Smedley	West	From Poplar Street to Clay Street
South Pearl	West	From Clinton Street to West Main Street
Town	West	From East Division Street to East Main Street
Vine	West	From Mechanic Alley to Clay Street
Wellington	South	From South Lake Street to Bernwood Drive
West	West	From West Main Street to Clinton Street and from Clinton to Wall Street

SECTION 6: ON-STREET PARKING PROHIBITED ON EVEN CALENDAR DAYS

On-street parking on the following streets is prohibited from 8:00AM on an even day to 8:00AM on the following odd day.

STREET	SIDE	BETWEEN
Bank	North	From North Pearl Street to North Mill Street
Blaine	East	From Clay Street to East Main Street
Center	East	From Lincoln Street to Eagle Street
Center	East	From Wall Street to Clinton Street
Clinton	North	From Robinson Street to the west edge of the North East Borough
Eagle	North	From South Pearl Street to Center Street
East	North	From South Washington Street to Blaine Street
East Division	North	From Orchard Beach Drive to North Lake Street
Gibson	North	From Park Street to North Mill Street
Grant	North	From the west edge of 14 Grant Street to Vine Street
Lincoln	North	From Robinson Street to South Mill Street
North Mill	East	From the south edge of 6 North Mill Street to Bank Street
North Pearl	East	From Gibson Street to Bank Street
North Washington	East	From East Main Street to Niagara Street
Poplar	North	From Blaine Street to Vine Street
Robinson	East	From Wall Street to West Main Street
Smedley	East	From Clay Street to Poplar Street
South Pearl	East	From the south edge of 56 South Pearl Street to West Main Street
Town	East	From East Main Street to East Division Street
Vine	East	From Clay Street to Poplar Street
Wellington	North	From Bernwood Dr. to South Lake Street
West	East	From Clinton Street to West Main Street and from Clinton to Wall Street

SECTION 7: PARKING TIME LIMITED

No person shall park a vehicle or allow it to remain parked for longer than the time indicated, in any of the following locations, at any time on the days and between the hours indicated.

STREET	SIDE	BETWEEN	TIME PERIOD
East	North	From Blaine Street to Vine Street	Any time except Sundays and Holidays.
East Main parking stalls	Both	From Lake Street to Vine Street	No parking in excess of 24 hours
Gibson	Both	From Park Street to North Lake Street	No parking in excess of 24 hours
North Lake parking stalls	Both	From Main Street to Gibson Street	No parking in excess of 24 hours
Park	Both	From West Main Street to Gibson Street	No parking in excess of 24 hours
South Lake parking stalls	Both	From Main Street to Grant Street	No parking in excess of 24 hours
West Main parking stalls	Both	From Park Street to Lake Street	No parking in excess of 24 hours

SECTION 8: ANGLE PARKING

Only angle parking shall be permitted on the following portions of streets and only in parking stalls painted on the surface of the road as permitted or approved by the Borough:

STREET	SIDE	BETWEEN
Mechanic Alley	North	From South Lake Street to Vine Street
Wall	South	From Robinson Street to South Pearl Street

SECTION 9: MANNER OF ON-STREET PARKING

- A) When a parking stall is parallel with the adjacent curb or sidewalk, any vehicle parked in such a parking stall shall be parked with the right-hand tires no more than twelve (12) inches from the curb or berm and the vehicle shall be parked entirely within the marked stall.
- B) When parking stalls are not marked and on-street parking is permitted, any vehicle parked in such an area shall be parked with the right-hand tires no more than twelve (12) inches from the curb or berm.
- C) When angle parking is required pursuant to Section 8 of this ordinance, every vehicle parked shall be parked with its front nearest the curb or berm.
- D) Vehicles are prohibited from parking in a manner that blocks a public or private driveway.

- E) Any vehicles parked on North East Borough streets shall be operable, bear a current certificate of inspection and registration.

SECTION 10: MUNICIPALLY OPERATED PARKING LOT

- A) Parking for motor vehicles shall be permitted in that certain area known as the First North East Borough Parking Lot, and hereinafter referred to as the Parking Lot, located to the rear of the business establishments fronting on East Main Street between South Lake Street and Vine Street; on Vine Street between East Main Street and Mechanic Alley; and on Mechanic Alley between South Lake Street and Vine Street where signs permit.
- B) Entrance to and exit from the Parking Lot shall be available through the passageways on Vine Street as designated by official signs.
- C) Parking within the Parking Lot shall be permitted solely within the parking spaces; which shall be so designated on the surface of the Parking Lot; and each motor vehicle shall be parked in a manner as will place the front of the vehicle nearest the curb.
- D) The Borough may reserve parking stalls, within this parking lot, for permit parking only. Permit applications shall be made to the Borough Manager and are subject to an annual fee of one hundred twenty (120) dollars (prorated from date of issuance to the end of the calendar year).
- E) The Parking Lot shall be for the use of passenger cars, passenger vans, and pickup trucks only.
- F) Any vehicles parked on North East Borough streets shall be operable, bear a current certificate of inspection and registration.

SECTION 11: POWER TO IMPOSE TEMPORARY AND EMERGENCY TRAFFIC AND PARKING REGULATIONS

The Borough Council shall have the following powers to regulate traffic and parking temporarily and in times of emergency. This power and authority shall be delegated to the Borough Manager and Street Superintendent.

- A) In the case of fire, flood, storm or other emergency, to establish temporary traffic and parking regulations.
- B) In the case of emergency or to facilitate public works or in the case of the conduct of processions and public events, to restrict or prohibit parking or traffic in limited areas for periods of not more than twenty-four (24) hours.
- C) Temporary traffic and parking regulations shall be posted through the erection of appropriate signs or other traffic control devices.

- D) The temporary and emergency regulations shall be enforced by the Borough Council and the North East Borough Police Department in the same manner as permanent regulations, and any violation thereof shall be subject to the same penalties as provided for violation of the permanent regulations herein.

SECTION 12: COMMERCIAL VEHICLE PARKING

Regulations for the parking of commercial motor vehicles commonly known as buses, trucks, tractors and trailers upon the streets and public property of the Borough of North East.

- A) Parking or standing shall be prohibited and be unlawful for any motor vehicle or commercial vehicle commonly known as a bus, truck, tractor or trailer with a chassis weight in excess of 11,000 pounds, at any time, on the streets, public alleys or roadways, within the Borough of North East for a period of time in excess of two (2) hours except as provided below. Commercial Vehicles are not permitted to park in the PARKING LOT

- 1) Vehicles and trailers as defined above may be parked on the following street(s) from 8:00 o'clock A.M. to 7:00 o'clock P.M.
 - i) South Mill Street between Wall Street and Clinton Street.
 - ii) Center Street between Clinton Street and Lincoln Street.
 - iii) The motor vehicles and trailers hereinbefore described shall not include vehicles used in the prevention and control of fires, vehicles used for the purpose of hauling farm produce, the point of delivery thereof being within the Borough of North East, vehicles of utility service companies, contractors or repairmen, or others actually engaged in working operations in the vicinity during the actual period of such work.
 - iv) Parking or standing shall be prohibited and be unlawful for any 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 upon any highway, street, public alley or roadway so designated by signs within the limits of the Borough of North East.

SECTION 13: EXPERIMENTAL REGULATIONS

The Borough Council may, from time to time by resolution, designate places upon and along the highways in the Borough where, for a period of not more than 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 chapter. No person shall operate and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this chapter, to a fine of not more than fifty (50) dollars and the costs of

prosecution; provided, the purpose of this section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Borough relative to traffic and parking.

SECTION 14: STREETS CLOSED OR RESTRICTED FOR CONSTRUCTION, MAINTENANCE OR SPECIAL EVENTS

- A) The Borough Manager and/ or Street Superintendent 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 underway, or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.
- B) The Borough Manager and/ or Street Superintendent shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen 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 vehicle to stop, or is signaling that vehicle, by flag or other device, not to proceed.
- C) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of fifty (50) dollars and costs of prosecution.

SECTION 15: USE OF STREETS BY PROCESSIONS AND ASSEMBLAGES

- A) For the purpose of this section, the words “assemblage” and “procession” shall have the following meanings:
 - 1) **Assemblage:** A gathering of people without vehicles, which interferes with the movement of pedestrian or vehicular traffic on any street.
 - 2) **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.
- B) It shall be unlawful for any person to hold or participate in any assemblage unless the person organizing or conducting the assemblage first obtains a permit from the Borough of North East, which shall be issued without 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 weeks in advance of the proposed date. The permit shall state the place where and the date when the assemblage is to be held, the hour when the assemblage 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 unless the permit has been granted, or at any time or place other than that authorized by the permit.

- C) It shall be unlawful for any person to hold or participate in any procession unless the person organizing or conducting the procession first obtains a permit from the Borough of North East, which shall be issued without fee. Application for the permit shall be made at least two weeks in advance of the day when the procession is proposed to be held, but in any case where the state-designated highway is proposed to be used, application shall be made at least three weeks in advance of the proposed date. The permit shall specify the date on which the procession is to be held, the route to be followed by the procession, the hour when and place where participants may commence to assemble and form before the procession is under way, the time when the procession may commence to move along its route, and the time by which the end of the procession shall have been disbanded. It shall be unlawful for any person to hold or to participate in any procession unless the permit shall have been granted, or under any conditions as to time or route or otherwise than those stated in the permit.
- D) Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of fifty (50) dollars and costs of prosecution.

SECTION 16: 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.

SECTION 17: HANDICAPPED PARKING SPACES

- A) The Borough Council, at its discretion, may provide, at convenient and suitable locations in one or more of the unmetered parking lots, reserved parking spaces for handicapped, and shall designate those spaces by appropriate signs. It shall be unlawful and a violation of this article for any person to park in any such reserved parking space any vehicle unless that vehicle bears or displays either a "handicapped registration plate," a "handicapped parking placard," a "disabled veteran registration plate," or a "disabled veteran placard," provided all provisions, requirements and restrictions contained in the other sections of this article shall apply to vehicles lawfully parked in reserved parking spaces for handicapped.
- B) Application for Permit
 - 1) Any resident of the Borough of North East may make application to the Borough for a handicapped parking space only after acquiring a handicapped license plate or placard or a disabled veteran license plate.
 - 2) All applications shall be submitted to the Borough office along with a nonrefundable application fee to be established by Borough Council.
 - 3) All new and renewal applications shall be reviewed by the Borough Police Department and the Borough Manager. The Borough Manager will make a recommendation to

Borough Council, who will make the final determination on whether to grant the handicapped parking space.

- 4) Each applicant, whether for a new handicapped parking space or a renewal handicapped parking space, shall complete an application form and provide the Borough with the information requested.
- 5) An incomplete application will be returned to the applicant and will not be considered until all required information is submitted.
- 6) All permits must be accompanied by a copy of the applicant's handicapped placard or vehicle registration issued by the Commonwealth of Pennsylvania.
- 7) All applications must be accompanied by a certification of disability from the applicant's doctor verifying that the applicant meets at least one of the following requirements:
 - i) The applicant is wheelchair confined.
 - ii) The person requesting a handicapped parking space is caring for a person who has a severe physical or mental disability. The applicant must still provide those items listed in Subsection 6 above.
 - iii) The applicant is unable to walk a distance of fifty (50) feet.
 - iv) The applicant has severe cardiopulmonary insufficiency requiring the use of ambulatory oxygen.
 - v) The applicant requires the use of prosthetic devices that restrict normal ambulation.

C) Renewal of Permit

- 1) Each permit for handicapped parking space shall be renewed on an annual basis.
- 2) Applications for renewal shall be submitted to the Borough office between January 1 and January 31 of each calendar year.
- 3) The Borough Police Department and the Borough Manager will review all applications. The Borough Manager will present a list to Borough Council indicating which permits meet the criteria for renewal as well as those that do not. Borough Council will make the final determination regarding permit renewal.
- 4) A failure by any applicant to renew a permit by January 31 of each year shall render the applicant's present handicapped parking space void and the space shall be removed by the Borough. Should an applicant wish to reestablish the handicapped parking space after it has been removed, the applicant shall be required to reapply as if it were an initial application for a handicapped parking space.

D) Location Restrictions

- 1) No more than one handicapped parking space shall be issued per household except on streets designated as "odd-even" parking. On such streets, or portions of streets, so designated, one handicapped parking sign may be requested for each side of the street.
- 2) No more than three handicapped parking spaces shall be located on any block where parking is permitted on both sides of the street.
- 3) No more than two handicapped parking spaces shall be located on any block where parking is permitted on only one side of the street.
- 4) Handicapped parking signs may not be placed on any street, or the side of a street, where no parking is authorized.
- 5) The Borough may consider other parking restrictions applicable to a particular block and other information regarding the block, including but not limited to the size of the block, and availability of off-street parking and may further restrict the number of handicapped parking spaces to maintain an adequate number of unregulated parking spaces, as it deems appropriate.
- 6) For a single application for a handicapped parking space, sign placements will be positioned as close as possible to the place of residence of the applicant as the street design permits. In the event more than the permissible number of handicapped parking spaces is requested on a one- or two-way roadway, the spaces may be located or relocated in the center of the block or otherwise adequately positioned to collectively reflect, as a whole, the needs of all applicants, as determined by the Borough.

E) Conditions and Restrictions

- 1) If the sign is approved for installation, the Borough shall provide the labor and materials to install the sign.
- 2) No permit shall be granted where adequate, handicapped accessible off-street parking is available.
- 3) All approved handicapped parking spaces shall be designated by a sign displaying the international symbol for access for persons with disabilities and a sign stating that unauthorized vehicles may be towed at the owner's expense.
- 4) If a handicapped parking space is created under this article, that parking space may be used by any person parking a vehicle lawfully bearing registration plates or placards issued to handicapped persons. This article shall not be construed as granting the applicant the exclusive right to park his/her vehicle in the handicapped parking space created hereunder.

- 5) In the event that applicant no longer needs to have the handicapped parking space, the applicant shall, within 30 days, notify the Borough office in writing and request that the parking space and signs be removed by the Borough.

F) Revocation of Permit

- 1) The Borough reserves the right to revoke any permit for a handicapped parking space at any time for any reason.

SECTION 18: APPROPRIATE TRAFFIC SIGNS

Appropriate traffic signs shall be erected marking the areas in which parking is prohibited by and within this ordinance in accordance with the requirements of law.

SECTION 19: EXEMPTION OF CERTAIN VEHICLES

Municipal, public utility, and emergency vehicles, when necessary, may be parked in violation of this chapter while engaging in official duties.

SECTION 20: STATUTORY AUTHORITY; APPLICABILITY

This article is enacted under authority of § 6109(a)(22) of the Vehicle Code, 75 Pa.C.S.A. § 6109(a)(22), and gives authority to the Borough to remove and impound those vehicles which are parked in a tow-away zone and in violation of parking regulations of this chapter. 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 Vehicle Code.

SECTION 21: AUTHORITY TO REMOVE AND IMPOUND

The Borough shall have authority to remove and impound, or to order the removal and impounding, of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated above and provided that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this article or the provisions of the Vehicle Code.

SECTION 22: PENALTIES, REMOVAL, AND IMPOUNDMENT FOR VIOLATION OF ORDINANCE

- A) Vehicles parked within the areas in which parking is prohibited as hereinabove set forth shall be subject to fines, removal, and impounding as set forth hereinafter.
- B) Unless otherwise specified within a section of this ordinance, any registered owner of a vehicle that shall violate any provision of this ordinance shall, upon conviction, be sentenced to pay a fine of not more than fifty (50) dollars and costs of prosecution and, in the event of

nonpayment of such fine and costs of prosecution, such person shall be subject to imprisonment for a period not exceeding ten (10) days except that, if he shall report to the Police Department of the Borough of North East and penalty imposed for such violation within the time prescribed on such notice, or if he shall place such sum within the envelope provided in any of the special parking fine boxes installed in various places in the Borough of North East within such time limit, the same shall save the violator from prosecution and from payment of the fine and costs prescribed above.

C) Any police officer of the Borough of North East is hereby authorized to issue written notice of violations, hereinafter parking ticket, and citations to the registered owner of any vehicle parked on any of the streets, highways, or public property of the Borough in violation of any of the provisions of law or any ordinance of the Borough. Written notice of violations of this ordinance include parking tickets and written correspondence to the registered owner from the Borough of North East Police Department. These written notices of violation shall include a vehicle identification number or license plate, date and time of violation, vehicle location at the time of the violation, specific violation, the fine amount, and the signature and badge number of the issuing officer.

1) The following violations, unless otherwise specified below, shall be punishable with a fine of fifteen (15) dollars which may increase up to fifty (50) dollars if not paid within twenty-four (24) hours of the issuance of the parking ticket.

- i) Wrong side to curb
- ii) Odd/Even parking
- iii) Prohibited parking – sign posted
- iv) No parking 3AM through 6AM
- v) No parking 8AM through 12PM
- vi) Parking out of stall
- vii) Blocking Driveway
- viii) On sidewalk
- ix) No parking on curb/berm
- x) Too close to corner
- xi) Other violation of this ordinance
- xii) Unlawfully parked in a handicap zone – Fifty (50) dollars
- xiii) Parking within fifteen (15) feet of fire hydrant – Fifty (50) dollars
- xiv) Unauthorized parking in a posted reserved parking stall – Fifty (50) dollars

D) Any police officer of the Borough of North East is hereby authorized to remove and impound or to order the removal and impounding of any vehicle parked on any of the streets, highways, or public property of the Borough in violation of any of the provisions of law or any ordinance of the Borough.

1) The following is hereby designated as an approved storage location, as a pound for the storage of such impounded vehicles:

- i) North East Wastewater Site 2
- ii) North East Police Department garage

- iii) Yards of local licensed salvors as designated by policy of the North East Police Department
- 2) Within twelve (12) hours from the time of removal of any vehicle under authority granted by this ordinance, notice of the fact that such vehicle has been impounded shall be sent by the Chief of Police of the Borough to the owner of record of such vehicle. Such notice shall designate the place from which said vehicle was removed, the reason for its removal and impounding, and the pound in which it shall have been impounded.
- 3) If an impounded vehicle is not claimed by the owner or an agent of the owner within fifteen (15) days, the vehicle shall be processed by the police department of the Borough as an abandoned vehicle in accordance with the Pennsylvania Vehicle Code.
- 4) If an impounded vehicle is not 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 Vehicle Code, 75 Pa.C.S.A. §7301 et. seq.
- 5) The payment of any towing and impounding charges, authorized by this ordinance shall, unless such payment shall have been made “under protest,” be final and conclusive, and shall constitute a waiver of any right to recover the money so paid.
- 6) Towing charges shall be set by the towing service conducting the removal of such vehicle.
- 7) Impoundment charges shall be set at twenty-five (25) dollars per day of impoundment in the North East Wastewater Site 2 yard or the North East Police Department garage. Impound charges for independent, licensed salvors shall be determined by each vendor directly.
- 8) Vehicles reclaimed within five hours of impoundment shall not be subject to impoundment fees.
- 9) In the event that any towing and impounding charges so imposed shall be paid “under protest,” the offender shall be entitled to a hearing before a magistrate or court of record 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.
- 10) The Chief of Police shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owner or agent of the owner thereof with information as to the place of storage of such vehicles.
- 11) 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 said vehicle was removed and impounded.

12) No vehicle shall be removed under the authority of this ordinance, 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.

SECTION 23: SEVERABILITY

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

The provisions of this Ordinance are severable and if any of its provisions shall be held invalid, the same shall not affect or impair any of the remaining provisions of the Ordinance which would have been enacted had such invalid provisions been included herein.

SECTION 24: EFFECTIVE DATE:

This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revise, amended, or revoked by action of the Borough of North East.

(NEXT PAGE IS SIGNATURE PAGE)

ENACTED INTO AN ORDINANCE THIS 7th OF AUGUST 2023.

BOROUGH OF NORTH EAST

DENISE MCCUMBER
President of Borough Council

ATTEST:

PATRICK J. GEHRLEIN
Borough Manager

APPROVED THIS 7th DAY OF AUGUST 2023.

JON TRIANA
Mayor