

# EXHIBIT “A”

## **BOROUGH OF BATH UNIFORM TRAFFIC, PARKING, AND PROCESSION AND ASSEMBLY REGULATIONS**

May 2023

## UNIFORM TRAFFIC REGULATIONS

<b>Article 100</b>	<b>General Regulations.....</b>	<b>1</b>
101	Provisions To Be Continuation Of Existing Regulations .....	1
102	Definitions.....	1
103	Experimental Regulations.....	1
104	Authority Of Police Officers and Parking and Traffic Enforcement Officers .....	2
105	Authorization For Use Of Speed Timing Devices .....	2
<b>Article 200</b>	<b>Traffic Regulations .....</b>	<b>2</b>
201	Temporary And Emergency Regulations.....	2
202	Traffic On Streets Closed Or Restricted For Construction, Maintenance Or Special Events .....	3
203	Use Of Highways By Processions And Assemblages .....	3
204	Placing Of Items On Highway .....	8
205	Operation Of Motor Vehicles Restricted On Public Lands .....	8
206	Motor Vehicles Not To Be Driven On Sidewalks .....	9
207	Truck Traffic Prohibited .....	9
208	Use Of Brake Retarders .....	9
<b>Article 300</b>	<b>Parking Regulations.....</b>	<b>9</b>
301	Prohibition In Specified Places .....	9
302	Parking On Private Property .....	10
303	Required Position Of Parked Vehicle .....	10
304	Handicapped Persons And Disabled Veterans.....	11
305	Storage Of Vehicle On Highways Prohibited .....	12
306	Parking For Certain Purposes Prohibited.....	12
307	Parking Under Certain Conditions Prohibited .....	12
308	Parking, Storage Of Construction Equipment, Trailers, Or Vehicles Prohibited.....	12
309	Parking In Commercial, Industrial, And Business Parks Prohibited .....	13
310	Vehicles To Be Parked Within Marked Spaces .....	13
311	Permit Parking .....	13
312	Parking In Cul De Sacs Prohibited .....	13
313	Standing, Stopping, Or Parking In School Zone.....	13
<b>Article 400</b>	<b>Removal Of Vehicles.....</b>	<b>13</b>
401	Removal Of Vehicle At Direction Of Police Officer.....	13
<b>Article 500</b>	<b>Snow Emergency &amp; Winter Weather Restrictions .....</b>	<b>14</b>
501	Snow And Ice Emergency .....	14
502	Vehicle Restrictions On Snow Emergency Routes.....	14
503	Snow And Ice Not To Be Placed On The Highway .....	15
504	Unattended Vehicles Prohibited During Emergency .....	15
<b>Article 600</b>	<b>Penalties And Form Of Notice Of Violation.....</b>	<b>15</b>

601	Notice Of Violation Form .....	15
602	Penalty.....	16
<b>Article 700</b>	<b>Severability .....</b>	<b>18</b>
701	Severability .....	18
<b>Appendix A</b>	Use of Highways by Processions and Assemblages Permit Application	
<b>Appendix B</b>	Notice of Violation Form	

# **BOROUGH OF BATH UNIFORM TRAFFIC REGULATIONS**

## **Article 100 GENERAL REGULATIONS**

### **101 PROVISIONS TO BE CONTINUATION OF EXISTING REGULATIONS**

The provisions of this Ordinance so far as they are the same as those of 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.

### **102 DEFINITIONS**

GENERAL: Words and phrases, when used in this ordinance, shall have the meanings subscribed to them in the Vehicle Code of Pennsylvania as now in force or hereafter amended, enacted or reenacted, except in those instances where the context clearly indicates a different meaning.

BOROUGH: Borough of Bath, Northampton County, Pennsylvania, a municipal corporation under the laws of Pennsylvania.

COUNCIL: The governing body of the Borough.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. The term also includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historical park. The terms street, road, roadway and traffic way may be used interchangeably and are encompassed by the definition of a highway.

PARKING AND TRAFFIC ENFORCEMENT OFFICER: Any code enforcement officer appointed by Council for the Borough to enforce parking regulations of the Borough and certain traffic regulations of the Borough.

POLICE OFFICER: Police officer(s) for the Borough.

### **103 EXPERIMENTAL REGULATIONS**

Council for the Borough may from time to time by ordinance designate places upon and along the highways in their jurisdiction at which, for a period of 90 days, specific traffic and parking regulations, prohibitions and restrictions shall be in force and effect, and shall designate such locations by proper signs and markings. No vehicle shall be operated or parked in violation of any such enacted regulation. Such regulations, prohibitions and restrictions shall be effective as

if they had been specified in this Ordinance. 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 regulation (specifically in Section 602 Penalties) and in the case of a violation where no specific penalty is set forth the law or elsewhere in this regulation, to a fine of not more than \$20.00 plus costs of prosecution.

#### **104 AUTHORITY OF POLICE OFFICERS AND PARKING AND TRAFFIC ENFORCEMENT OFFICERS**

Police Officers are hereby authorized to direct traffic and otherwise enforce the provisions of this Ordinance within the jurisdictional boundaries of the Borough. Parking and Traffic Enforcement Officers are hereby authorized to direct traffic and otherwise enforce the parking provisions of this Ordinance and certain traffic regulations of this Ordinance within the jurisdictional boundaries of the Borough.

#### **105 AUTHORIZATION FOR USE OF SPEED TIMING DEVICES**

Police Officers are 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 speed timing devices upon all highways within the jurisdiction of the Borough, including county and state highways, and does also grant authority to the Police Officers 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 200 TRAFFIC REGULATIONS**

#### **201 TEMPORARY AND EMERGENCY REGULATIONS**

Police Officers and Parking and Traffic Enforcement Officers shall have powers to establish temporary traffic and parking regulations in the following circumstances:

- A. In the case of fire, flood, storm or other emergency.
- B. In the case of emergency public works, major construction, or public events of limited scope or duration such as, but not limited to, sporting events, parades, or processions.

Police Officers and Parking and Traffic Enforcement Officers shall enforce these temporary and emergency regulations in the same manner as permanent regulations. Any person who drives or parks a vehicle in violation of any such regulation shall be guilty of a violation and upon conviction shall be liable for the penalties set out in the law or elsewhere in this Ordinance.

**202 TRAFFIC ON STREETS CLOSED OR RESTRICTED FOR CONSTRUCTION, MAINTENANCE OR SPECIAL EVENTS**

- A. Police Officers and Parking and Traffic Enforcement Officers shall have the authority to close any highway or specific part of a highway to vehicular traffic and to place barriers or station police officers or authorized persons to direct traffic at each end of the closed portion, while construction or maintenance work is under way 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. Police Officers and Parking and Traffic Enforcement Officers shall have the authority to establish a restricted traffic area upon any highway where construction or maintenance work is underway and to require the construction company or municipality to station flagmen at each end of the restricted portion of the highway. 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 the vehicle to stop, or is signaling that vehicle, by flag or other device, not to proceed.

**203 USE OF HIGHWAYS BY PROCESSIONS AND ASSEMBLAGES**

A. DEFINITIONS

For the purpose of this Ordinance the following words shall have the following definitions:

ASSEMBLAGE - a group of people without vehicles, whose size or activity would intentionally obstruct the normal movement of pedestrian or vehicular traffic on any sidewalk or on any public road, railroad track, or other public passage, or would in any way intentionally obstruct pedestrian or vehicular access to private property;

PROCESSION - a group of people, vehicles, animals and/or objects moving along a sidewalk or active roadway used by vehicles in a way that would intentionally obstruct the normal movement of pedestrian or vehicular traffic, or in would any way intentionally obstruct pedestrian or vehicular access to private property.

OBSTRUCT - As used in this ordinance the word "obstruct" means to render impassable without unreasonable inconvenience or hazard.

B. **PERMIT REQUIRED FOR ASSEMBLAGE OR PROCESSION**

It shall be unlawful for any person to participate in or organize an Assemblage or Procession unless the person organizing the Assemblage or Procession has obtained a permit in compliance with this Ordinance.

### C. PERMIT APPLICATION PROCESS

1. Application. A person seeking a permit as required by this Ordinance shall obtain an application from the Borough at the Borough Building Office or on line (if authorized by the Borough) and submit it to the Borough Manager. (see Appendix A)
2. Filing Period. An application for a permit as required by this Ordinance shall be filed at least two weeks before the Assemblage or Procession event.
3. Content. The application for a permit required under this Ordinance shall be on a form provided by the Borough which shall include but not be limited to:
  - (a) The name, address, telephone number, fax number, cell phone number and email address of the person seeking to conduct the Assemblage or Procession.
  - (b) If the Assemblage or Procession is proposed to be conducted for, on behalf of, or by an organization or group, the name, address, telephone number, fax number, cell phone number and email address of the headquarters of the organization or group and of the authorized and responsible heads of such organization.
  - (c) If the Assemblage or Procession is designed to be held by and on behalf of or for, any person other than the applicant for such permit shall file with the Borough Manager a communication in writing from the person proposing to hold the Assemblage or Procession, authorizing the applicant to apply for the permit on his behalf.
  - (d) The name, address, telephone number, fax number, cell phone number and email address of the person who will be the responsible for the conduct of the Assemblage or Procession.
  - (e) The date when the Assemblage or Procession event is to be conducted.
  - (f) If a Procession event, the route to be traveled, as well as the starting and termination points; if an Assemblage event, the specific location.
  - (g) The approximate number of persons who, and animals and vehicles which will constitute such Assemblage or Procession event; the type of animals and description of vehicles.
  - (h) The hours when the Assemblage or Procession event will start and terminate.

- (i) A statement as to whether the Assemblage or Procession event will occupy all or only a portion of the width of the streets, sidewalks, or other public rights of way proposed to be traversed by pedestrian and vehicular traffic.
  - (j) The location by streets of any assembly areas for such Assemblage or Procession event.
  - (k) The time at which units of the Assemblage or Procession will begin to assemble at any such assembly area or areas.
  - (l) The set-up, tear down and clean up dates and times.
  - (m) A Certificate of insurance for comprehensive general liability insurance in the amount of One Million Dollars (\$1,000,000.00) from an insurance company licensed to do business in Pennsylvania and with a Best Rating of not less than A-, and naming the Borough of Bath as an additional insured.
4. Fees. No fee will be charged for the issuance of a permit under this Ordinance.
5. Use of Borough and/or Police Officers and Devices. The Borough Manager, after consultation with Police Officers (if determined necessary by Borough Manager) and other Borough personnel (if determined necessary by Borough Manager) will determine the number of traffic control devices and personnel needed to provide services for the event based on the nature, location and number of expected attendees. Extra employees, beyond those regularly scheduled to work during the hours of the Assemblage or Procession event may have to be scheduled as to not significantly interfere with regular Borough operations. The expenses for the additional personnel shall be at the current Borough and/or Police Officer hourly rate for the requisite personnel and adherence to the conditions set forth in any applicable collective bargaining agreement.
6. Reimbursement for Expenses. The issuance of an Assemblage or Procession permit will be conditioned on receiving a signed agreement from the permittee in which the permittee agrees to reimburse the Borough for its expenses, if any, as follows:
- (a) Extra personnel — hourly rate paid for the extra services;
  - (b) Unreturned Borough traffic cones - \$25.00;
  - (c) Unreturned Type I barricade - \$125.00;
  - (d) Unreturned road closed barricade - \$150.00;



- (e) Any issues concerning the amount and costs of personnel needed to provide a clean and safe event will be heard and decided by the Borough Manager.

7. Standards for Issuance of Permits. The Borough Manager shall issue a permit when, from a consideration of the application and from such other information as may be otherwise obtained, it is found that:

- (a) The conduct of the event will not unduly interfere with the safe and orderly movement of other traffic contiguous to its route. Nor shall it have any unmitigated adverse impact upon residential or business access and traffic circulation in the same general venue.
- (b) The conduct of the event will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Borough.
- (c) The concentration of persons, animal and vehicles at assembly points of the Assemblage or Procession will not unduly interfere with proper fire and police protection or, or ambulance service to, areas contiguous to such assembly areas.
- (d) The conduct of the Assemblage or Procession will not interfere with the movement of fire-fighting equipment en route to a fire.
- (e) The Procession is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay en route.
- (f) The Assemblage or Procession event is not to be held for the sole purpose of advertising any produce, goods or event, and is not designed to be held purely for private profit. Provided, however, the prohibition against advertising any products, goods or event shall not apply to charitable events and to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the event.
- (g) The Assemblage or Procession event will not substantially interfere with any other Assemblage or Procession for which a Permit has been issued, nor shall it substantially interfere with the provision of Borough services in support of other scheduled events or unscheduled government functions.
- (h) All sponsor(s), participants, and attendees at Assemblage or Procession events are subject to all laws, ordinance, and regulations not specifically excepted by the permit, including but not limited to noise volume, disorderly conduct, and intoxication.

Police officers or Parking and Traffic Enforcement Officers may order the shutdown of an event that becomes disorderly or hazardous.

- (i) The Borough Manager shall deny any permit application that is incomplete or contains any false information.

8. Notice of Decision. The Borough Manager shall notify the applicant for an Assemblage or Procession permit of approval or rejection of the application within ten (10) days following submission of the application. If the application is rejected, the notice shall be in writing setting forth the basis therefor. Should the application be approved, a permit shall be issued as set forth above.

9. Notice to Borough and Other Officials. Upon the issuance of an Assemblage or Procession permit, the Borough Manager shall send a copy thereof to the following:

- (a) The Chief or Commander of Police Officers; and
- (b) The Fire Chief.

10. Contents of the Permit. Each permit shall state the following information:

- (a) Date of the event.
- (b) Starting time and termination of the event.
- (c) The portions of the streets to be traversed or blocked that may be occupied by the event.
- (d) The number of persons, animals and motor vehicles that will be in the event.
- (e) Statement agreeing to reimburse the Borough for any expenses in accordance with Section F of this Ordinance.
- (f) Such other information as the Borough Manager shall find necessary to the enforcement of this Ordinance.
- (g) Signature of Assemblage or Procession organizer and applicant.

11. Unlawful Conduct.

- (a) It shall be unlawful for any person to organize or participate in an Assemblage or Procession without first having obtained a permit as herein provided or to otherwise violate any of the provisions of this Ordinance.

- (b) It shall be unlawful for any person to fail to comply with all directions and conditions of the permit.

12. Exceptions.

- (a) This Ordinance shall not apply to individuals exercising the constitutional rights to free speech or assembly, including (without limitation), picketing, leafleting, counseling and other forms of advocacy. Nor shall this ordinance apply to groups exercising such rights, as long as the exercise of those rights does not involve group activities that would intentionally obstruct the normal movement of pedestrian or vehicular traffic on a public road, railroad track, or other public passage, or intentionally obstruct pedestrian or vehicular access to private property. Nothing in this Exception shall limit the ability of the Borough to enforce against individuals exercising constitutional rights to free speech or assembly other laws, ordinances or regulations prohibiting intentional obstruction of pedestrian or vehicular traffic.
- (b) This Ordinance shall not restrict funeral processions, a government agency acting within the scope of its authority and functions, or conduct governed by a different municipal jurisdiction-issued permit.

**204 PLACING OF ITEMS ON HIGHWAY**

- A. It shall be unlawful for any person to place, construct, or deposit any structure, portable device or other item on the highway. Items may include, but are not limited, to basketball backboards, skateboarding ramps, and biking ramps.
- B. Removal of items. Items placed in violation of this section may be removed and disposed of by Police Officers, or their agents, or Parking and Traffic Enforcement Officers, or their agents. The owner of said item shall assume cost of such removal together with any costs, including, but not limited to, reasonable attorneys' fees and expenses, for collection of the costs of such removal.

**205 OPERATION OF MOTOR VEHICLES RESTRICTED ON PUBLIC LANDS**

- A. Designated Areas: All licensed motor vehicles shall be permitted only in designated parking lots and on designated access roads within public lands. Vehicles shall not park on the grass unless directed to do so by the Borough or its designee.
- B. Prohibited Vehicles: ATV's (All Terrain Vehicles), snowmobiles, trailbikes, and other similar vehicles shall not be operated on public lands, including, without limitation, parks and playgrounds.
- C. For the purposes of this section, "public lands" shall be defined as land offered for the use and benefit of all and being supported by government funds.

## **206 MOTOR VEHICLES NOT TO BE DRIVEN ON SIDEWALKS**

No person shall operate any motor vehicle upon any public sidewalk in the jurisdiction of the Borough, except in order to gain access to or egress from a driveway or alley at such locations where the curb, if such sidewalk is curbed, shall have been properly cut down for that purpose.

## **207 TRUCK TRAFFIC PROHIBITED**

Except for local deliveries, no truck traffic shall be permitted on highways that have been designated and properly posted as “No Truck Traffic” zones. The Borough shall designate the aforementioned zones by ordinance.

## **208 USE OF BRAKE RETARDERS**

No person shall operate and no owner shall permit the use of brake retarders on any motor vehicle on any highway which prohibits said use.

## **Article 300 PARKING REGULATIONS**

### **301 PROHIBITION IN SPECIFIED PLACES**

General Rule: Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a Police Officer, Parking and Traffic Enforcement Officer, or official traffic control device, no person shall on any highway in the Borough:

A. Stop, stand, or park a vehicle:

1. On the highway side of any vehicle stopped or parked at the edge or curb of such highway.
2. On a sidewalk along the highway.
3. Within an intersection or along the edge or curb of a roadway within 15 feet of any intersection.
4. On a crosswalk.
5. Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic.
6. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
7. On any railroad tracks.
8. In the area between roadways of a divided highway including crossovers.
9. At any place where official signs prohibit stopping.

B. Stand or park any vehicle:

1. In front of or within 5 feet of a public or private driveway or in any position which would impede the entrance or exit to a driveway or garage.
2. Within 15 feet of a fire hydrant.
3. Within 20 feet of a crosswalk at an intersection.
4. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the site of a highway.
5. Within 20 feet of the driveway entrance to any fire or ambulance station or, when properly sign posted on the side of a highway opposite the entrance to any fire or ambulance station within 75 feet of the entrance.
6. On a limited access highway unless authorized by official traffic control devices.
7. Within a Fire Zone
8. At any place where signs prohibit standing.

C. Park a vehicle:

1. Within 50 feet of the nearest rail of a railroad crossing.
2. At any place where official signs prohibit parking.
3. Within any painted yellow zone.
4. In excess of any posted parking time limitation.

**302 PARKING ON PRIVATE PROPERTY. RESERVED.**

**303 REQUIRED POSITION OF PARKED VEHICLE**

- A. Two way Highways: Except as otherwise provided in this section, every vehicle standing or parked upon a two way highway shall be positioned parallel to and with the right hand wheels within 12 inches of the right hand curb or, in the absence of a curb as close as practical to the right edge of the right hand shoulder.
- B. One way Highways: Except as otherwise provided in this section, every vehicle standing or parked upon a one way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement with its right hand wheels within 12 inches of the right hand curb or in the absence of a curb as close as practical to the right edge of the right hand shoulder. Or with its left hand wheel within 12 inches of the left-hand curb, or in the absence of a curb as close as practical to the left edge of the left hand shoulder.

- C. Angle Parking: The Borough may permit angle parking on any highway after an engineering and traffic study has determined that the highway is of sufficient width to permit angle parking without interfering with the free movement of traffic, except that on a State designated highway prior approval of the State Department of Transportation shall also be obtained.

### **304 HANDICAPPED PERSONS AND DISABLED VETERANS**

- A. When a motor vehicle bearing a handicapped or severely disabled veteran plate or displaying a handicapped or severely disabled veteran parking placard as prescribed in the State Vehicle Code is being operated by or for the transportation of a handicapped person or severely disabled veteran, the driver shall be relieved of any liability for 60 minutes in excess of the legal parking period permitted by local authorities except where local ordinances or police regulation provide for the accommodation of heavy traffic during morning, afternoon or evening hours.
- B. At the request of any handicapped person or severely disabled veteran, the Borough may erect on the highway, in a location determined by the Borough, a sign or signs indicating that the place is reserved for a handicapped person or severely disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine.
- C. Except for persons parking vehicles lawfully bearing a handicapped or severely disabled veteran registration plate or displaying a handicapped or severely disabled veteran parking placard when such vehicle is being operated by or for the transportation of a handicapped person or severely disabled veteran, no person shall park a vehicle on a public or private property reserved for a handicapped person or severely disabled veteran which property has been posted in accordance with departmental regulation.
1. Posting shall require a sign stating; the penalty amount, and a sign indicating that vehicles in violation of the section may be towed. The Borough shall require that signs be replaced when they become either obsolete or missing with all costs to replace the required signs to be borne by the persons responsible for signing the particular location.
  2. Removal of Vehicle: Any vehicle which is unlawfully parked in a designated handicapped parking area may be removed from that area by towing and may be reclaimed by the vehicle owner upon payment of the towing and storage costs.
- D. Unauthorized Use of Registration or Placard: An operator of a vehicle bearing a handicapped or severely disabled veteran plate or displaying a handicapped or severely disabled veteran placard shall not make use of the parking privileges accorded to handicapped or a severely disabled veterans under section C unless the operator is handicapped or a severely disabled veteran or unless the vehicle is being operated for the transportation of a handicapped or severely disabled veteran.

- E. Display of Handicap or Severely Disabled Veteran Placard: Every handicapped or severely disabled veteran who has been issued a placard in lieu of a handicapped or severely disabled veteran registration plate shall display the placard on the interior rearview mirror when parked in spaces posted for handicapped or severely disabled veterans.

### **305 STORAGE OF VEHICLE ON HIGHWAYS PROHIBITED**

No vehicle shall be stored upon any highway. "Stored" shall mean the parking of a vehicle in one place upon a highway continuously for more than **five (5) days**.

### **306 PARKING FOR CERTAIN PURPOSES PROHIBITED**

No vehicle shall be parked upon any highway or public right of way for any of the following purposes:

- A. Displaying the same for sale;
- B. Greasing or repairing;
- C. Human habitation. "Habitation" shall be defined to include preparing, serving and consuming food and food products, use as sleeping accommodations, rest facilities sanitation facilities or any other use, either temporary or permanent, which can be construed as for the purpose of habitation. This definition is understood to be inclusive rather than exclusive and shall be given the broadest construction necessary to protect the health, and welfare of the citizens of the Borough; or
- D. Selling or soliciting to sell wares or services.

### **307 PARKING UNDER CERTAIN CONDITIONS PROHIBITED**

No vehicle shall be parked on any highway, or public right of way, or on private property where the vehicle is in public view if the vehicle:

- A. Does not display a current registration license plate;
- B. Does not display a current inspection sticker;
- C. Is not in operating condition; or
- D. Is a junk vehicle.

### **308 PARKING, STORAGE OF CONSTRUCTION EQUIPMENT, TRAILERS, OR VEHICLES PROHIBITED**

No Construction Equipment, Dumpster, Tractor, Trailer, Tractor and Trailer combination, Utility Trailer, Travel Trailer, Boat Trailer, Limousine, or other Commercial Vehicle shall be parked, placed or stored on any highway or right-of-way without the expressed written permission of the Borough. Other Commercial Vehicle shall include a vehicle marked or equipped for commercial

or business use whether owned by a private individual, company, or corporation. If storage is permitted PennDOT approved lighted and reflective barricades must surround the equipment during hours of darkness on the traveled portion of the highway. This section shall not restrict vehicles from standing while in the course performing a service, making deliveries or pickups.

### **309 PARKING IN COMMERCIAL, INDUSTRIAL, AND BUSINESS PARKS PROHIBITED**

No vehicle shall be parked, placed or stored on any highway within a Commercial, Industrial, or Business Park. Vehicles shall be parked in marked spaces only as outlined in the Record Plans or as adjusted by the Zoning Officer.

### **310 VEHICLES TO BE PARKED WITHIN MARKED SPACES**

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

### **311 PERMIT PARKING**

- A. No vehicle shall be parked in a “PERMIT ONLY” zone established by the Borough unless the owner of the vehicle has made proper application to and received a permit from the Borough.
- B. Display of Permits: Permits must be prominently displayed on the left side of the dashboard viewable from outside the vehicle.

### **312 PARKING IN CUL DE SACS PROHIBITED**

- A. No vehicle shall be parked in any cul-de-sac:
  - 1. During periods of snowfall or ice accumulation required to be plowed or cindered until such precipitation is removed; or
  - 2. During times of scheduled garbage pickup or leaf collection.

### **313 STANDING, STOPPING, OR PARKING IN SCHOOL ZONE**

Unless directed to by an authorized person, no vehicle shall stand, stop or be parked in a posted school zone during such times as students are entering or leaving the school.

## **Article 400 REMOVAL OF VEHICLES**

### **401 REMOVAL OF VEHICLE AT DIRECTION OF POLICE OFFICER**

- A. Unattended Vehicle Obstructing Traffic: Any Police Officer may remove or cause to be removed to a place of safety any unattended vehicle left standing upon any highway, bridge causeway, or in any tunnel in such position or under such



circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard

- B. Removal to Garage or Place of Safety: Any Police Officer may remove or cause to be removed to the place of business of the operator of a wrecker or to a nearby garage or other place of safety any vehicle found upon a highway under any of the following circumstances:
1. Report has been made the vehicle has been stolen or taken without the owner's consent.
  2. The person or persons in charge of the vehicle are physically unable to provide for the removal of the vehicle.
  3. The person driving or in control of the vehicle is arrested for an alleged offense and is taken into immediate police custody.
  4. The vehicle is in violation of any section of this Ordinance.
  5. The vehicle had been abandoned.
- C. Notice Prior to Removal: When practical prior to the removal of any vehicle bearing a registration plate, certificate of inspection, or vehicle identification number plate by which the last registered owner can be determined, the police shall attempt to notify the owner of the impending removal.
- D. Cost of Removal of Vehicle: the cost of the removal of the vehicle at the direction of the Police Officer shall be paid by the owner of the vehicle prior to the release of the vehicle from the storage facility.

## **Article 500 SNOW EMERGENCY & WINTER WEATHER RESTRICTIONS**

### **501 SNOW AND ICE EMERGENCY**

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes as designated by the Borough, the Borough, in its discretion, may declare a snow and ice emergency (designated as a snow emergency). Information on the existence of a snow emergency may be given by the Borough through radio, internet, the Borough website, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media. A snow emergency declaration shall be posted to the Borough's website and shall be effective immediately upon the declared date and time posted to the Borough's website.

### **502 VEHICLE RESTRICTIONS ON SNOW EMERGENCY ROUTES**

After any snow emergency is declared, it shall be unlawful at any time during the continuance of the emergency for any person:

- A. to park a motor vehicle or to allow that vehicle to remain parked anywhere on any highway designated by the Borough as a snow emergency route or:
- B. to drive any motor vehicle on any such snow emergency route unless that vehicle is equipped with adequate equipment to provide sufficient traction to keep such vehicle or tractor in motion so that other traffic on such highways will not be blocked or seriously impeded.

### **503 SNOW AND ICE NOT TO BE PLACED ON THE HIGHWAY**

It shall be unlawful for the owner, occupant or tenant of any property to place, throw, dump, or pile any snow or ice removed from such property upon or into any sidewalk, curb, gutter, alley, highway, or to permit or cause the same to be done by any other person or persons, partnership, firm or corporation. It is hereby declared that removal and disposal of snow and ice from such property is neither directly nor indirectly a function or responsibility of the Borough, and that, if the owner, occupant or tenant of any property shall desire or require that such snow and ice be removed from such property, it shall be the sole responsibility of such owner, occupant or tenant, as the case may be, to remove the same and to transport it to a place of disposal other than a sidewalk, curb, gutter, alley or highway.

### **504 UNATTENDED VEHICLES PROHIBITED DURING EMERGENCY**

Whenever a snow emergency has been declared it shall be unlawful for any vehicle to be abandoned or parked, on any highway.

## **Article 600 PENALTIES AND FORM OF NOTICE OF VIOLATION**

### **601 NOTICE OF VIOLATION FORM**

- A. Content: every Notice of Violation form (Appendix B) shall contain the following information when available:
  - 1. date and time of violation;
  - 2. make and color of the vehicle;
  - 3. location of violation;
  - 4. type of violation;
  - 5. state of and registration number of the vehicle;
  - 6. fine, additional penalties and address where to make payment; and
  - 7. name and badge number of officer issuing notice

Notice of violation form may be changed from time-to-time by resolution of Bath Borough Council.

- B. Manner of posting: the Police Officer or Parking and Traffic Enforcement Officer shall attach the Notice of Violation to the driver's side of the windshield when practicable. In the case of a vehicle without a windshield, the Notice of Violation shall be affixed to a portion of the vehicle where the owner/operator would be likely to view it.
- C. Frequency of Notice of Violation: No person or vehicle shall be issued a subsequent Notice of Violation for the same offense unless a period of 12 hours has passed since the prior notice with exception of the following:
1. Time Zones – for violation of time zones greater than 60 minutes, the Police Officer or Parking and Traffic Enforcement Officer must wait as long as the time zone designates prior to issuing a second citation for the same violation.
  2. Red (Fire Hydrant) and Yellow Zones - may be cited one (1) hour after the first citation was issued.
  3. Meter/Overtime Parking – may be cited one (1) hour after the first citation was issued.
  4. Permit Parking Areas – may be cited two (2) hours after the first citation was issued.
- D. Number of Violations: Police Officers or Parking and Traffic Enforcement Officers may issue up to three (3) violations per Notice of Violation.

## **602 PENALTY**

- A. Violation of all Sections in this Ordinance except Sections 203, 208, 304 Ss C, 308, and 503. The owner or operator of any vehicle found in violation of any sections in this Article shall pay a fine of \$20.00, for each violation, if payment is received by the Borough within 5 days of the date of the violation, unless a fine in a different amount is specifically set forth herein. If payment is received after 5 days but within 10 days of the date of the violation, the fine shall be \$40.00 for each violation. If payment is not received within the 10-day period, the Police Officer, Parking and Traffic Enforcement Officer or the Borough shall file a citation with the district judge and, upon conviction, the violator shall pay fine of \$100.00 plus costs of prosecution including, but not limited to, reasonable attorneys' fees incurred by the Borough.
- B. Violation of Section 503. Any person or persons, owner or occupant, firm or corporation violating Section 503, the Police Officer, Parking and Traffic Enforcement Officer or the Borough shall file a citation with the Magisterial District Judge in a summary proceeding, and upon conviction, be liable to and shall pay a fine of not more than \$150.00 plus costs every violation, plus the fees for cost of removal of snow and ice. In addition, court costs and reasonable attorney fees incurred by the Borough in enforcement proceedings shall be assessed against violator and awarded to the Borough.

- C. Violation of Section 304 Ss. C. The owner of any vehicle found in violation of Section 304 Ss C. (Parking in a Handicap Zone) shall pay a fine of \$75.00 if payment is received by the Borough within 5 days of the date of the violation. If payment is received by the Borough after 5 days but within 10 days of the date of the violation the fine shall be \$100.00. If payment is not received within the 10-day period, the Police Officer, Parking and Traffic Enforcement Officer or the Borough shall file a citation with the district judge and, upon conviction, the violator shall pay fine of \$200.00 plus costs of prosecution including, but not limited to, reasonable attorneys' fees incurred by the Borough.
- D. Violation of Section 308. The owner of any vehicle found in violation of Section 308 (Parking or Storage of Construction Equipment, Trailers or Vehicles Prohibited) shall pay a fine of \$50.00 if payment is received by the Borough within 5 days of the date of the violation. If payment is received by the Borough after the 5 days but within 10 days of the date of the violation the fine shall be \$100.00. If payment is not received within the 10-day period, the Police Officer, Parking and Traffic Enforcement Officer or the Borough shall file a citation with the district judge and, upon conviction, the violator shall pay fine of \$200.00 plus costs of prosecution including, but not limited to, reasonable attorneys' fees incurred by the Borough.
- E. Violation of Section 208. The owner or operator of any vehicle found in violation of Section 208 (Use of Brake Retarders) shall pay a fine of \$100.00 if payment is received by the Borough within 5 days. If payment is received by the Borough after 5 days but within 10-day period of the date of violation, the fine shall be \$125.00. If payment is not received within the 10-day period, the Police Officer, Parking and Traffic Enforcement Officer or the Borough shall file a citation with the district judge and, upon conviction, the violator shall pay fine of \$250.00 plus costs of prosecution including, but not limited to, reasonable attorneys' fees incurred by the Borough.
- F. Violation of Section 203. Any person who violates any of the provisions of Section 203 (Use of Highways by Processions or Assemblages), upon conviction thereof before a District judge, shall be fined a sum not to exceed \$1000.00 for each offense, together with the costs of prosecution including, but not limited to, reasonable attorneys' fees incurred by the Borough. In default of payment thereof, the violator shall be committed to the Northampton County Prison for a period of not more than ninety (90) days. Each day or portion thereof during which such violation shall continue shall be deemed a separate offense and punishable as such.
- G. Location of Payment. Payment may be placed in the Notice of Violation Collection Boxes located at the Borough Municipal Building or mailed with the proper postage attached to the address listed on the Notice of Violation. Payment may be made at the Borough Municipal Building during normal business hours.
- H. On Line Payment. Reserved.

- I. Dissemination of Fines. Fines and costs collected shall be disseminated to the Borough as provided by law.

## **Article 700 SEVERABILITY**

### **701 SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

Appendix A

APPLICATION

USE OF HIGHWAYS BY PROCESSIONS AND ASSEMBLAGES

**ASSEMBLAGE:** - *a group of people without vehicles, whose size or activity would intentionally obstruct the normal movement of pedestrian or vehicular traffic on any sidewalk or on any public road railroad track, or other public passage, or would in any way intentionally obstruct pedestrian or vehicular access to private property;*

**NAME OF PERSON(S) RESPONSIBLE FOR PERMIT:**

---

**ADDRESS OF ABOVE PERSON(S):**

---

**PHONE NUMBER(S):**

---

**CELL PHONE NUMBER(S):**

---

**EMAIL ADDRESS:**

---

**DATE(S) OF ASSEMBLAGE:** \_\_\_\_\_

**START TIME OF ASSEMBLAGE:** \_\_\_\_\_

**END TIME OF ASSEMBLAGE:** \_\_\_\_\_

**PLACE OF ASSEMBLAGE:** \_\_\_\_\_

**APPROXIMATE NUMBER OF EXPECTED PARTICIPANTS:** \_\_\_\_\_

**APPROXIMATE NUMBER OF ATTENDEES:** \_\_\_\_\_

**FOR WHAT PURPOSE IS THE ASSEMBLAGE:** \_\_\_\_\_

---

**SIGNATURE OF APPLICANTS:**

---

Notes:

- a. If request for closing a road or part of a road, applicant must provide the signature of all residents and/or businesses in the area of the roadway that is to be closed for the event and all affected residents/businesses must be in agreement.
- b. Applicant may be required to provide a deposit as determined by the Borough Manager for use of Borough traffic controlling devices and/or Borough resources.
- c. Applicant is required to coordinate event with the Borough and the applicable Borough Volunteer Fire Company.
- d. A service fee may be required for the services of the Borough Volunteer Fire Company and/or Ambulance Corp as determined by the Borough Manager.

## **UNIFORM TRAFFIC, PARKING, AND PROCESSION AND ASSEMBLY REGULATIONS**

### **203 USE OF HIGHWAYS BY PROCESSIONS AND ASSEMBLAGES**

#### **A. DEFINITIONS**

For the purpose of this Ordinance the following words shall have the following definitions:

**ASSEMBLAGE** — a group of people without vehicles, whose site or activity would intentionally obstruct the normal movement of pedestrian or vehicular traffic on any sidewalk or on any public road, railroad track, or other public passage, or would in any way intentionally obstruct pedestrian or vehicular access to private property;

**PROCESSION** - a group of people, vehicles, animals and/or objects moving along a sidewalk or active roadway used by vehicles in a way that would intentionally obstruct the normal movement of pedestrian or vehicular traffic, or in would any way intentionally obstruct pedestrian or vehicular access to private property.

**OBSTRUCT** - As used in this ordinance the word “obstruct” means to render impassable without unreasonable inconvenience or hazard.

#### **B. PERMIT REQUIRED FOR ASSEMBLAGE OR PROCESSION**

It shall be unlawful for any person to participate in or organize an Assemblage or Procession unless the person organizing the Assemblage or Procession has obtained a permit in compliance with this Ordinance.

### **204 PLACING OF ITEMS ON HIGHWAY**

- A. It shall be unlawful for any person to place, construct, or deposit any structure, portable device or other item on the highway. Items may include, but are not limited, to basketball backboards, skateboarding ramps, and biking ramps.
- B. Removal of items: Items placed in violation of this section may be removed and disposed of by Police Officers, or their agents, or Parking and Traffic Enforcement Officers, or their agents. The owner of said item shall assume cost of such removal together with any costs, including, but not limited to, reasonable attorneys’ fees and expenses, for collection of the costs of such removal.

## **205 OPERATION OF MOTOR VEHICLES RESTRICTED ON PUBLIC LANDS**

- A. Designated Areas: All licensed motor vehicles shall be permitted only in designated parking lots and on designated access roads within public lands. Vehicles shall not park on the grass unless directed to do so by the Borough or its designee.
- B. Prohibited Vehicles: ATV's (All Terrain Vehicles), snowmobiles, trailbikes, and other similar vehicles shall not be operated on public lands, including, without limitation, parks and playgrounds.
- C. For the purposes of this section, "public lands" shall be defined as land offered for the use and benefit of the public and being supported by government funds.



Appendix B Follows  
Notice of Violation #00001