

**CHAPTER 15
MOTOR VEHICLES AND TRAFFIC**

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**Part 1
Traffic Regulations**

§101. Stop Intersections Established.

A. The following stop intersections are hereby established in the Township of Sewickley:

<u>Stop Highway</u>	<u>Through Highway</u>	<u>Direction of Travel</u>
	COWANSBURG	
Carnegie Road	LR-64104	North
	GRATZTOWN	
Cedar Street	LR-64258	North
Penn Street	LR-64258	North

Walnut Street	LR-64258	North
Cool Springs Road	LR-64104	South

HERMINIE

Clinton Street	Lowber Road	North
Dutchtown Road	Eighth Street	West
	Madison Road	South
Eighth Street	Keystone Road	North
Elk Street	Church Street	

<u>Stop Highway</u>	<u>Through Highway</u>	<u>Direction of Travel</u>
Fifth Street	Church Street	North and South
	Madison Avenue	North and South
	Sewickley Avenue	North and South
Fourth Street	Church Street	South
	Highland Avenue	3-way
	Madison Avenue	North and South
	Sewickley Avenue	North
Harris Drive	West Newton Road	West
Highland Avenue	Madison Road	West
Judy Drive	Wineland Drive	North
Kalamazoo Drive	Madison Road	South
Madison Avenue	Irwin-Herminie Road	East and West
McClerge Avenue	Wilps Drive	West
McCune Drive	Wineland Drive	Southeast and Southwest
Orchard Avenue	Irwin-Herminie Road	West
Reservoir Road	Reservoir Road	East
Second Street	Irwin-Herminie Road	West
	Church Street	North
	Irwin-Herminie Road	North
	Sewickley Avenue	North and South
Seventh Street	Madison Avenue	North and South
	Sewickley Avenue	North
Sixth Street	Church Street	North
	Madison Avenue	South
	Madison Road	South
	Sewickley Avenue	North and South
Third Street	Church Street	North and South
	Madison Avenue	North and South
	Sewickley Avenue	North and South
Wilps Drive	Lowber Road	North
	Madison Road	South
Wineland Drive	West Newton Drive	West
Wilson Drive	Wineland Drive	North

HUTCHINSON

Cameron Avenue	Center Avenue	North
Center Avenue	West Newton Road	Northeast
First Street	Center Avenue	Southeast
	Westmoreland Avenue	Northeast
Fourth Street	Center Avenue	Southeast
Hutchinson Road	Center Avenue	Northeast and west
	West Newton Road	Northeast
Second Street	Center Avenue	Southeast

Stop Highway

Through Highway

Direction of Travel

Seventh Street	Westmoreland Avenue	Southeast
Sixth Street	Westmoreland Avenue	Southwest
Third Street	Center Avenue	Southeast
Westmoreland	Fifth Street	Southwest
	Fourth Street	Northeast
	Second Street	Northeast
	Third Street	Northeast

KEYSTONE

Balentine Road	West Newton Road	West
Clopper Street	Keystone Road	South
Evanstown Road	Keystone Road	Northwest
Morris Road	Madison Road	North
	LR-118	South
Ogg's Lane	Mars Hill Road	Southeast
Sewickley Street	Wendel Road	West
T-532	Mars Hill Road	East

LIMERICK HILL

Center Street	Limerick Road	East
	Limerick Road	West
	Limerick Road	South
High Street	Center Street	4-way
Station Street	Limerick Road	West
TR-641	Wendel Road	East

LOWBER

Fourth Street	Kangaroo Hill Road	East
Kangaroo Hill Road	LR-64226	Northwest
McGrews Hill Road	LR-64226	East
Mills Street	LR-64104	Northwest
Speer Street	LR-64104	West
Steadman Avenue	LR-64104	Southeast
	LR-64104	Southwest

White Street LR-64104 Northwest

RILLTON

Fulton Street	First Street	3-way
	Guffey-Rillton Road	South
General Braddock Road	Irwin-Herminie Road	West
Guffey-Rillton Road	Mars Hill Road	West

Stop Highway

Through Highway

Direction of Travel

Maple Street	First Street	South
	Second Street	North and South
Pine Street	First Street	South and East
	Second Street	3-way
Oak Street	First Street	South and east
	Guffey-Rillton Road	South
	Second Street	North and South
White Street	First Street	North
	Guffey-Rillton Road	South

SCOTT HAVEN

Cool Springs Road	LR-64226	North
	LR-64226	South
Scott Haven Road	LR-64226	South

SUTERSVILLE

Cherry Street	Curry Road	South
Chopp Lane	Chopp Street	Northeast
	Curry Road	South
Chopp Street	Curry Road	South
	LR-64226	North and South
Van Kirk Road	LR-64226	East

WHYEL

McGrogan Road	Waltz Mill Road	West
New Block Drive	LR-64180	South
Whyel Road	LR-118	North
	Yukon Road	East
Yukon Reservoir Road	Waltz Mill Road	East
	Yukon Road	West

GENERAL

Ogg's Lane	Mars Hill Road	East
Pinewood Road	Mars Hill Road	Southeast

Slaughter hollow Road

Sulphur Springs Road
T-532

Lowber Road
Mars Hill Road
Pinewood Road
Mars Hill Road
Mars Hill Road

South
Northwest
Northeast
Northwest
Northeast

- B. Any driver of a vehicle who shall fail to come to a full stop, within a reasonable distance, before entering any stop intersection, as hereinabove required, shall, upon conviction thereof, be sentenced to pay a fine of twenty-five dollars (\$25.00) together with costs of prosecution, or to undergo imprisonment for not more than one (1) day for each ten dollars (\$10.00) of the unpaid balance of fine and costs.

§102. Weight Limits Established; Permit Required to Exceed.

- A. The following load limits are hereby established in the Township of Sewickley:
(Amended by Ordinance No. 2013-3, adopted 4/4/13, and Ordinance No. 2013-5, adopted 5/15/13)

<u>Highway</u>	<u>From</u>	<u>Maximum Load Limit</u>
Whyel Road (T-527)	0.86 miles from State Route 0136 to State Route 3012, Yukon Road	10 tons
Apples Mill Road (T-321)	2.17 miles from Bridge over Sewickley Creek to SR 3057, West Newton Road	10 tons
Brunazzi Road (T-342)	1.55 miles from T-318 Shaner Road to T-348 McGrew's Hill Road	10 tons
Taylor Road (T-400)	1.12 miles from SR 3057, West Newton Road to T-321, Apples Mill Road	10 tons
Volk Road (T-623)	1.02 miles from CSX tracks to SR 3047 Shaner Road	10 tons
Sulphur Springs Road (T-632)	0.65 miles from T-414 Pinewood to SR 3047 Shaner Road	10 tons
Shaner Road (T-318)	1.26 miles from T-623, Volk Road to SR 3045, Sutersville Road/Mars Hill Road	3 tons
Rodebaugh Road (T-631)	0.8 miles from T-362 Freeman Road to T-318 Shaner Road	10 tons

Highway	<u>From</u>	<u>Maximum Load Limit</u>
Pierce Road (T-530)	1.4 miles from T-527, Whyel Road to State Route 3012, Wyano Bells Road	10 tons
Freeman Road (T-362)	0.9 miles from SR 3047 Shaner Road to T-631 Rodebaugh Road	10 tons
Shuglie Hill Road (T-361)	0.5 miles from T-362, Rodebaugh Road to T-623, Volk Road	10 tons
Balentine Road (T-435)	0.43 miles from State Route 3057 to T-323, Beacon Road	10 tons
Chop Street (T-315)	0.29 miles from T-513, Curry Road, to State Route 3045	10 tons
Kunkle Road (T-531)	0.43 miles from T-318, Shaner Road, to State Route 3045	10 tons
Curry Road (T-513)	1.09 miles from T-344, Coolspring Road, to Sutersville Borough Boundary	10 tons
Beacon Road (T-323)	1.6 miles from State Route 0136 to State Route 3016	10 tons
McGrogan Road (T-921)	Intersection with Tomajko Road to its intersection with Waltz Mill Road	10 tons
Waltz Mill Flats Road (T-565)	Entire Length	10 tons
Tomajko Road (T-529)	Entire Length	10 tons

B. **Definitions.** The following words and terms, when used herein this Ordinance, shall have the following meanings unless the context clearly indicates otherwise;

1. Excess maintenance – Maintenance or restoration or both of a posted highway in excess of normal maintenance, caused by use of over-posted-weight vehicles.

2. Local traffic – The following shall be regarded as local traffic for the purposes of Section C below:
 - a. emergency vehicles;
 - b. school buses;
 - c. vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway; and
 - d. vehicles and combinations going to or coming from a residence, commercial establishment, or farm located on a posted highway or which can be reached only via a posted highway.
3. Normal maintenance – The usual and typical activities necessary to maintain the roadway, shoulders, and drainage facilities in the state of repair existing at the date of the inspection prescribed herein.
4. Over-posted-weight vehicle – A vehicle or combination having a gross weight in excess of a posted weight limit.
5. Highway – The cartway, berm, drainage facilities, and right-of-way of any public street, avenue, road, or alley, together with bridges or other drainage structures of the same within the Township of Sewickley.
6. Posted highway – A highway having a posted weight limit.
7. Posted weight limit – A restricted weight limit posted on a highway under authority of Section 4902 of the Vehicle Code (75 Pa. C.S. Section 4902).
8. Posting authority – The Township of Sewickley.
9. Posted bridge – A bridge having a posted weight limit. However, if a bridge is part of a street, road, or portion thereof which is designated as having a posted weight limit, then such weight limit shall likewise apply to said bridge.
10. Person – Any natural person, partnership, association, firm, corporation, or other legal entity.

C. Local Traffic.

1. Over-posted-weight local traffic may exceed posted weight limits if the posting authority determines that an over--posted-weight vehicle or vehicles being driven to or from a particular destination or destinations will not likely cause damage to the highway or bridge.
2. If the posting authority determines that one or more over-posted-weight vehicles

which are also considered as local traffic vehicles are likely to damage the posted highway and/or posted bridge, the posting authority will so notify the registrants of the over-posted-weight vehicle or the owners of the destination or destinations or both of such over-posted-weight vehicles and shall also notify the state police. After two business days following delivery of the notice or after five (5) days following mailing of the notice by regular mail, such over-posted-weight vehicles shall not exceed the posted weight limits, except in accordance with the provisions hereof.

3. With the exception of emergency vehicles and school buses, which shall require no further documentation, the following types of documents shall constitute evidence that a vehicle is engaged in local traffic:
 - a. A bill of lading, shipping order, or similar document which shows a destination on the posted highway.
 - b. Certification, in writing, by the operator, owner, or proper official of any entity engaged in such trafficking which describes and affirms the local traffic nature of the activity in which the vehicle is engaged and which is dated on or prior to the date of the over-posted-weight activity.

D. Permit Required. No over-posted-weight vehicle, except local traffic authorized under Section III of this Ordinance, shall be driven, operated, parked, located, or situated on a posted highway or bridge unless the posting authority has issued a permit for the vehicle or vehicles in accordance with this Section. The application for any permit shall be made in writing to the Township Secretary on a form prescribed by the Township, and the person submitting such application shall specifically describe the vehicle or vehicles and the load to be driven, operated, parked or transported, together with the particular highway for which a permit to operate is requested and whether such permit is requested for a single trip or for more than a single trip. Each permit issued under this Ordinance shall be issued for a period of sixty (60) days unless otherwise provided at the time of issuance of the permit, and said permit shall be valid only so long as the permittee complies with all of the terms and conditions of this Ordinance and of the permit. In the event of a violation of the permit or terms and conditions of this Ordinance, said permit shall be, by said action, revoked and said person shall not be permitted to continue any activities on a posted highway without first -having obtained a new permits

E. Types of Permits. Permits to be issued under this Ordinance shall include the following:

1. A Type 1 Permit may be issued for a single over-posted-weight vehicle on a single posted highway or portion thereof. Said permit must be carried and shall be valid only when located in the over-posted-weight vehicle.
2. A Type 2 permit may be issued for a number of over-posted-weight vehicles being driven, operated, parked, maintained, or located on a particular posted highway or portion thereof if said vehicles all operate between common destinations. A Type

2 permit shall be issued only upon request of an applicant and after the posting authority determines that not feasible to issue a Type 1 Permit for each vehicle involved in the activity.

3. A Type 3 permit shall be issued to permit an over-posted-weight vehicle to operate on more than one posted highway or portion thereof within the Township. Said Type 3 permit shall be carried and shall only be valid if located within the over-posted-weight vehicle. A Type 3 permit shall be issued only if the posting authority determines the damage to the posted highway covered by the permit will be minimal because of the limited number of moves by the over-posted-weight vehicle and short-term use of the highways anticipated by the permittee.

F. Excess Maintenance Agreement. The issuance of a permit to exceed a posted weight limit or limits shall be conditioned upon the prior execution of a written agreement between the Township and the permittee, whereby the permittee shall accept responsibility, both financial and otherwise, for excess maintenance of the posted highway or portion thereof to be used by the permittee.

G. Security. Except as provided in Subsection (d) of this Section, the permittee shall be required to provide security in favor of the posting authority to assure compliance with the Excess Maintenance Agreement.

1. Amount of Security. The security shall be in such amount to be determined as follows:

- a. Type 1 and 2 permits. Type 1 and 2 shall include:
 - i. \$6,000.00 per linear mile for unpaved highways to be maintained at a level consistent with the type of highway.
 - ii. \$12,500 per linear mile for paved highways to be maintained at a level consistent with the type of highway.
 - iii. \$50,000 per linear mile for any highway which the posting authority allows to be maintained below a level consistent with the type of highway.

b. Type 3 permits – \$10,000.

c. The above bonding requirements shall be in the amount as determined from time to time by the Pennsylvania Department of Transportation and as the same is published in a revised schedule of bonding amounts issued by said Department. The Township hereby incorporates herein, by reference thereto, said schedules of amounts as from time to time determined by the Pennsylvania Department of Transportation,

2. Form of security. The security may be in the form of a performance bond with surety by a company authorized to do business in the Commonwealth; or, at the option of the permittee, in the form of a certified or cashier's check, bank account,

or irrevocable letter of credit in favor of the posting authority; or in some other form of security acceptable to the posting authority.

3. Additional security. When the amount of damage in excess of normal maintenance to a posted highway is estimated by the posting authority to constitute 75 percent or more of the amount of the security, the posting authority may require the highway to be maintained or reconstructed within 30 days unless the permittee agrees to provide such additional security as the posting authority shall determine.
4. Self-bonding. The posting authority may authorize self-bonding if it determines, on the basis of the financial ability of the permittee, that it is unlikely that the posting authority will be unable to collect a judgment rendered against the permittee for failure to comply with the maintenance agreement.
 - a. The posting authority shall require corporate officers, stockholders, and their spouses to execute a self-bond if the posting authority, in its sole judgment, determines the financial ability of the permittee corporation is insufficient in itself to justify self-bonding.
 - b. The posting authority shall require the permittee to execute liens on real or personal property or both as a condition for authorizing self-bonding.
 - c. The posting authority reserves the right to change, alter, increase, or decrease the above self-bonding requirements as it deems in the best interests of the Township.
5. Multiple permittees. Multiple permittees shall conform with the following:
 - a. Agreement to share excess maintenance responsibility. If two or more persons wish to obtain Type 1 or Type 2 permits to operate over-posted-weight vehicles on the same posted highway or portion thereof, they may agree among themselves as to their relative responsibility for the cost of excess maintenance; and the posting authority will enter into agreements and accept security on the basis of the agreed shares.
 - b. Determination by posting authority. If multiple applicants for Type I or Type 2 permits cannot agree on their relative responsibility, the posting authority will determine their relative shares, and will enter into agreements with, and accept security from, any person agreeing to such determination.
 - c. Subsequent permit applicants. Paragraphs (1) and (2) of this subsection shall apply even if one or more persons have already entered into a Type I or Type 2 permit agreement and posted security when another person expresses the desire to obtain a Type 1 or Type 2 permit to operate over-posted-weight vehicles on the same posted highway.

6. Determination of highway condition. Determination of highway condition shall consist of the following;
 - a. Inspection. Representatives of the posting authority and of the permittee or permittees will make an onsite inspection of the posted highway immediately before issuance of each permit in order to determine its condition.
 - b. Re-inspection. The posted highway will be re-inspected:
 - i. upon issuance of any new permit;
 - ii. from time to time as the posting authority determines repairs may be required; and
 - iii. upon termination of any permit, in order to determine the amount of damage for which the permittee or permittees are responsible.
 - c. Type 3 permits. Before and after using a Type 3 permit on any posted highway specified in the permit, the representatives of the permittee and the posting authority will make an onsite inspection to determine the relative condition of the highway before and after the use and to assess any excess maintenance caused by the permittee.
 - d. Notification of inspections and re-inspections. All Type 1 and Type 2 permittees on a posted highway or portion thereof will be notified of all inspections and re-inspections on the highway or portion and may participate in the inspections and re-inspections.
 - e. Inspection costs. The inspection costs of the posting authority shall be paid by the permittee or permittees. The estimated costs of such inspections shall be paid in advance at the time of issuance of a permit.
 - f. Administrative fee. The posting authority will charge a \$15 administrative fee for issuance of each permit, in addition to the inspection and security set forth above.
- H. Penalties. Any person operating a vehicle or combination upon a highway or bridge with a gross weight in excess of the posted weight shall, upon conviction, be sentenced to pay a fine of \$150.00 plus \$150.00 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.
- I. Liability. Any person operating any vehicle, object, or contrivance upon any highway of the Township of Sewickley shall be liable for all the damage which said vehicle, object, or contrivance causes to said highway as a result of the driving, operation, location, parking or maintenance of such vehicle, object, or contrivance upon said highway in excess of the maximum weight provided by this Ordinance or by law, even though the same may be authorized by a permit issued under this Ordinance.

**Part 2
Parking Regulations**

201. Definitions.

The following words and phrases shall have the meaning herein ascribed to them when hereafter used in this Part 2 unless another meaning is clearly evident:

- A. "PARKING" shall mean the halting of a vehicle, whether occupied or not, except momentarily, for the purpose of, and while actually engaged in loading or unloading of property or passengers.
- B. "VEHICLE" shall mean 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 tracts.
- C. "BOAT" Every description of watercraft constructed or sold for the primary purpose of being used as a means of transportation on the water. The term does not include:
 - (1) Surfboards and other similar nonpowered contrivances used primarily as swimming aids.
 - (2) Commercial craft subject to Federal manning and inspection requirements.
- D. "COMMERCIAL VEHICLE" School or private bus, commercial tractor, agricultural tractor, truck of more than one ton capacity, hauling trailer, semi-trailer, pole trailer, box van or moving van.
- E. "RECREATIONAL VEHICLE" A vehicle which is either self-propelled or towed by a consumer-owned tow vehicle and designed to provide temporary living quarters for recreational, camping or travel use that complies with all applicable Federal vehicle regulations. Including, but not limited to:
 - 1) Motor home, 2) Travel trailer, 3) Fifth wheel travel trailer, 4) Folding camping trailer, 5) Truck camper, and 6) Park model RV.
- F. "TRAILER" A vehicle designed to be towed by a motor vehicle.

202. Parking Prohibited at All Times in Certain Locations.

Parking shall be prohibited at all times in the following locations:

<u>Highway</u>	<u>Side</u>	<u>Between</u>
State Route 3057	West	Adjacent to the Athletic Fields of Sewickley Township beginning at a point at the intersection of State Route 3016 and State Route 3057 for a distance of approximately 1,300 feet.
Fourth Street	West	Madison Avenue to SR 3018 (also known as

Sewickley Avenue) in the Village of Herminie.

Second Street	Both	Madison Avenue in a Northerly direction to an alley located between and parallel with LR 3018 (also known as Sewickley Avenue) and Madison Avenue in the Village of Sewickley.
Alley, which is parallel to and between Sewickley Avenue and Madison Avenue	North and South	In the Village of Herminie, for the block area between Third Street and Fourth Street.
Reed Lane	Both	From intersection with SR 3016 in a southeasterly direction to its terminus.
Sewickley Avenue (Main Street)	South	From a point midway on the front of 614 Sewickley Avenue in an easterly direction to the intersection of LR 3018 and Eighth Street in the Village of Herminie.

Any person violating any of the provisions of this Section shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not more than twenty-five dollars (\$25.00) plus all costs.

203. Parking Time Limited in Certain Locations and Certain Days and Hours.

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:

<u>Highway</u>	<u>Side</u>	<u>Between</u>	<u>Days</u>	<u>Hours</u>	<u>Limit</u>
Sewickley Avenue (Main Street)	South	Pike Street and a point midway on the property at 614 Sewickley Avenue (Main Street)	7 days per week	8:00 AM to 8:00 PM	2 hours
Township Owned Property/Lots	All	N/A	All	All	24 Hours

204. Handicapped Parking.

Parking is prohibited on township streets and public or private property in areas reserved and posted as restricted for use for handicapped parking, except for persons parking vehicles lawfully bearing a handicapped or severely disabled veteran registration plate or placard when such

vehicles are being operated by or for the transportation of a handicapped person or severely disabled veteran. Residents may request the designation of an area restricted for use for handicapped parking on a township street by application to the Board of Supervisors with proof of a handicapped or severely disabled veteran registration plate or placard. The Board of Supervisors shall, at the cost of the applicant property owner, designate such area as restricted for use by a handicapped person or severely disabled veteran through street markings and the erection of a sign in accordance with existing state regulations.

205. No Parking During Snowstorm. *(Amended by Ordinance No. 2014-1, adopted 2/19/14)*

Within one hour after the commencement of each fall of snow in the Township of Sewickley, it shall be the duty of the owner, lessee or operator of any vehicle parked upon any street, roadway, highway, cul-de-sac or turn-around in the Township to remove or locate such vehicle so as not to interfere with the necessary efforts of the Township to clear snow and maintain all roadways safe for passage. In the event a vehicle remains parked in a location interfering with plowing and road maintenance, the owner, lessee or operator thereof shall be notified by the placement of a Warning Notification on the vehicle. If that vehicle is not moved as herein provided within twelve (12) hours from notification, the employees and/or authorized agents of the Township shall have the right to remove such vehicle by towing or other means, and the costs of such removal shall be collected from such owner, lessee or operator in addition to the fine or costs authorized hereby. Further, in the event that any vehicle shall, after having been warned of the violation, be returned to or again parked in violation of the terms hereof within 72 hours of the placement of the Warning Notification, then the employees and/or authorized agents of the Township shall have the right to remove such vehicle in accordance with the provisions hereof.

206 Prohibition on Parking of Unattached Trailers, Boats or Recreational Vehicles

No person shall park or stand or permit to stand any Recreational Vehicle, Boat or unattached Trailer on any public street, highway, roadway, alley or thoroughfares except as follows:

- (1) For up to seventy-two (72) hours while parked immediately in front of the residence, but not in the front yard of the residence, of the owner or lessee of the recreational vehicle, unattached trailer, or boat for the purpose of loading, unloading or other related activity incidental to preparing the recreational vehicle, unattached trailer, or boat for travel or returning from travel under the following circumstances:
 - a. The owner or lessee first informs the Township of Sewickley before parking the recreational vehicle, unattached trailer, or boat;
 - b. The owner or lessee posts a clearly visible notice on the recreational vehicle, unattached trailer, or boat permitting such parking issued by the Township of Sewickley. Said notice shall specify the beginning and ending date for permitted parking.
- (2) A person may park a recreational vehicle immediately in front of a residence being visited by the owner or lessee of the recreational vehicle for a period not to exceed seven consecutive days under the following conditions:

- a. Upon first obtaining a permit issued by the Township of Sewickley; and
- b. The permit shall be displayed in the front window of the recreational vehicle to which it applies; and
- c. Any person applying for a permit shall pay a fee to recover the costs of processing such permit.

207. Parking of Commercial Vehicles in Residential Neighborhoods.

- (3) No person shall park a commercial vehicle on the street of a neighborhood designated as an R-1 (Rural Village) or V-1 (Medium Density Residential) other than for the purpose of loading or unloading for a single 24-hour period. Commercial Vehicles may not be parked on any road in the Township where the vehicle obstructs or limits the free flow of traffic.

208. Violations and Penalties

- (A) Any such owner or lessee who violates any provisions of sections 206 and 207 of this Part shall, for the first offense, be issued a warning to be prominently displayed on the recreational vehicle, unattached trailer, or boat.
- (B) The owner or lessee who subsequently violates any provision of sections 206 and 207 shall be issued a ticket or citation assessing a fine in the amount as set forth in Section 208(C). Each twenty-four-hour period of violation constitutes a separate offense.
- (C) Pursuant to Section 1601(c.1) (2) of the Second Class Township Code, any person who violates any of the provisions hereof shall, upon conviction, be guilty of a summary offense and be sentenced to pay a fine of not more than the listed amount which may be established from time to time by resolution:

Section 202: \$35.00 and costs

Section 203: \$35.00 and costs

Section 204: \$50.00 and costs

Section 205: \$35.00 and costs

Section 206: \$50.00 and costs

Section 207: \$50.00 and costs

- (D) It shall be the duty of any Police Officer or any Township enforcement officer, as designated from time to time by a resolution of the Township Supervisors, to report to the appropriate official of the Township all violations hereof indicating, in each case: the section violated; the license number of the vehicle involved in the violation; the location where the violation took place; and any other facts that might be necessary in order to understand the circumstances attending the violation. The Police Officer or Township enforcement officer making the report shall also attach to or place upon every such vehicle a notice stating that the vehicle was parked in violation hereof.

Part 3 Brake Retarder Regulations

§ 303-1 Title.

This chapter shall be known as the Township of Sewickley's Engine Brake Retarder Ordinance. (*Adopted 1-19-2022*)

§ 303-2 Authority.

This chapter is established pursuant to the policy established by the Commonwealth of Pennsylvania, Department of Transportation, regarding engine brake retarder prohibitions. A study has been performed pursuant to said procedure by the Department of Transportation on S.R. 3045 (Mars Hill Road) from segment 0020/2470 (Scott Haven Road) to segment 0040/0400 (1722 Mars Hill Road) within the Township of Sewickley. The authority to enact an appropriate Ordinance prohibiting the use of engine brake retarders with improperly maintained, defective, or modified exhaust mufflers pursuant to said procedure is evidenced by correspondence from the Commonwealth of Pennsylvania, Department of Transportation, Engineering District 12-0 dated 10/20/21.

§ 303-3 Findings.

The Township of Sewickley, Westmoreland County, Pennsylvania, finds it a fact that the operation of an engine brake retarder on a gasoline powered or diesel- powered motor vehicle, during normal operation or with improperly maintained, defective, or modified exhaust mufflers, creates an excessive noise that adversely affects the public health, safety, and welfare of the residents of the Municipality and therefore, is a nuisance in fact.

§ 303-4 Prohibited acts.

No person shall operate, or allow to be operated, a vehicle, which is powered by an internal combustion engine, on the public ways, as defined in Section 2, within the Township of Sewickley while utilizing in said operation an engine brake retarder, which has an improperly maintained, defective, or modified exhaust muffler and thereby not sufficient to prevent the cause of excessive noise by the said vehicle.

§ 303-5 Violations and penalties.

Any person, firm, operation, or organization violating any of the provisions of this chapter shall, upon summary conviction, be sentenced to pay a fine of not more than \$300 and costs of prosecution, and in default of payment thereof, may be subject to undergo imprisonment in the Westmoreland County jail for a period not in excess of 48 hours.

§ 303-6 Posting of signs.

Pursuant to the procedures of the Commonwealth of Pennsylvania, Department of Transportation, and pursuant to regulations of the Department with respect to signs on highways, the Township of Sewickley shall cause to be erected upon the roadways herein specified, signs regarding the prohibition of the use of said engine brake retarders with improperly maintained, defective, or modified exhaust mufflers on the designated highways.

§ 303-7 Enforcement.

This chapter, per procedure of the Commonwealth of Pennsylvania, Department of Transportation, shall be enforceable by the Township of Sewickley 's Police Department, a contracted Police Department, Pa. State Police or duly appointed Township Ordinance Officer.

SECTION 2. That §803(A) and its subparts of Chapter 28, Zoning of the Code of the Township of Sewickley be and hereby is repealed.

SECTION 3. That appropriate Township officers are hereby authorized and directed to take all actions necessary in order to carry into effect the above amendments to Chapter 15 and this Ordinance.

SECTION 4. That all other Ordinances or Resolutions, inconsistent herewith, be and the same are hereby repealed.

SECTION 5. That all other provisions of Chapter 15, not repealed or amended herein, shall remain in full force and effect.

ORDAINED AND ENACTED INTO LAW, this 21st day of July, 2021.