

**BOROUGH OF VANDERGRIFT  
ORDINANCE NO. 2 OF 2023**

**AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 470, ARTICLES III, IV, V AND XII OF THE VANDERGRIFT BOROUGH CODE AND AMENDING CHAPTER 416, ARTICLE X OF THE VANDERGRIFT BOROUGH CODE TO AMEND THE FINES AND PENALTIES, AND CREATE REGULATIONS FOR CERTAIN PARKING VIOLATIONS WITHIN THE BOROUGH OF VANDERGRIFT.**

**WHEREAS**, the Borough of Vandergrift is empowered to establish Ordinances to protect the health, safety, and welfare of the public and for the benefit of the residents, citizens and general public of the Borough of Vandergrift by and through the powers granted under and pursuant to the Borough Code of the Commonwealth of Pennsylvania at 8 Pa.C.S. Section 101 et. Seq.; and,

**WHEREAS**, in order to protect the health, safety and welfare of the public and for the benefit of residents, citizens, workers and general public of the Borough of Vandergrift, the fines and penalties associated with improper parking within the Borough of Vandergrift must be amended or established to deter improper parking activity;

**NOW THEREFORE**, the Borough of Vandergrift does hereby enact and ordain as follows:

**CHAPTER 470 – VEHICLES AND TRAFFIC**

**Article III. Parking Regulations**

**Section 470-18. Parking prohibited at all times in certain locations.**

Section 470-18 of the Code of the Borough of Vandergrift shall be amended to include the following for the purpose of identifying certain locations where parking shall be prohibited at all times as follows:

<b>Street</b>	<b>Side</b>	<b>Portion</b>
All Streets	All Sides	All sidewalks and Borough rights of way between sidewalk and street.

**Section 470-22. Penalty for certain parking violations.**

Section 470-22 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity and for the purpose of amending the fine for certain parking violations as follows:

It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the directions of the Chief of Police, to report:

- A. The date and hour of the violation;
- B. The state and license number of the vehicle;
- C. The location of the vehicle which shall establish the violation;
- D. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation;
- E. Every such police officer or other person making the report shall place on the vehicle a notice, in the form of a "parking ticket," thereby giving notice to the owner of the vehicle that the vehicle was parked in violation of the provisions of this Article and instructing that the owner or operator must pay the prescribed fine as follows:
  - 1. To pay the sum of \$25 by depositing said sum in a depository or receptacle called a "courtesy box" or pay by using the self-contained pre-addressed envelope which may either be deposited in said depository or receptacle, or said sum may be paid along with the parking ticket at the Borough Police Station or at the office of the Borough Secretary of the Borough of Vandergrift at the address identified on the parking ticket, or by placing the same, postage prepaid by the violator, in the United States Mail for delivery to the Borough of Vandergrift at the pre-addressed location set forth on the parking ticket within 10 days of the date of the violation;
  - 2. If payment on said parking ticket is not received within 10 days of the date of the issuance of said parking ticket, the original notice/parking ticket shall be referred to the office of the Magisterial District Judge which shall include the Borough of Vandergrift for criminal prosecution, with all fines and costs of prosecution to be lawfully assessed by a court of competent jurisdiction.

**Section 470-26. Unlawful use of reserved parking spaces: Penalty for violation.**

Section 470-26 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity:

- A. It shall be unlawful and a violation of this chapter for any person to park any vehicle, other than the vehicle designated as provided in §470-24 and for which a parking space is reserved under this chapter, in any such space.
- B. Any person violating this chapter is guilty of a summary offense and, upon conviction, will be sentenced to pay a fine of \$25 and costs.

### **Section 470-29. Non-metered parking lot.**

Section 470-29 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity:

- A. Establishment of nonmetered parking lot. The parking lot located west of Washington Avenue and east of Lincoln Avenue is hereby established as a nonmetered parking lot operated by the Borough of Vandergrift.
- B. Use restriction. The nonmetered parking lot located west of Washington Avenue and east of Lincoln Avenue may be utilized by any lawfully registered motor vehicle, without charge; provided, however, that parking shall be prohibited between the hours of 2:30 a.m. and 7:00 a.m.
- C. Penalty for violation. Any person who violates any provision of this section shall, upon conviction, be sentenced to pay a fine of not less than \$25, plus costs.

### **Article IV. On-Street Metered Parking.**

#### **Section 470-40. Ticketing of vehicles parked unlawfully; penalty prescribed.**

Section 470-40 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity:

- A. It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the directions of the Chief of Police, to report:
  - 1. The number of each parking meter that indicates that the vehicle occupying the adjacent parking space is, or has been, parked in violation of any provision of Ordinance No. 9-1978, November 6, 1978, as amended.
  - 2. The date and hour of the violation.
  - 3. The state and license number of the vehicle.
  - 4. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
- B. Any such police officer and other person making the report shall also place on the vehicle a notice which shall be identified as a "parking ticket," which shall give notice to the owner or operator of the vehicle that the vehicle was parked in violation of the provisions of this article and instructing the owner or operator that the penalty requirements shall be as follows:
  - 1. Within 5 days after the time of the notice, deposit the sum of \$5 in a depository or receptacle called a "courtesy box" placed for the purpose or pay the sum of \$5 at the Borough Police Station or to the office of

the Borough Secretary of the Borough of Vandergrift or, within the time limitation prescribed, pay by regular United States Mail, postage prepaid, the fine, submitting the same to the Borough of Vandergrift to the address indicated on the ticket, which said ticket shall be provided in a self-mailer with the violator to be responsible for all costs of postage; or

2. If not paid sooner, upon the expiration of the fifth calendar day from the date of the issuance of the notice, the Borough shall send, by regular United States Mail, postage prepaid, an official police notice card providing for payment of a late fine/penalty in the amount of \$10.
3. If payment is not rendered within 10 calendar days from the date of the mailing of the official police notice card referenced in Subsection **B(2)** above, the original notice/parking ticket shall be referred to the Magisterial District Judge which serves the Borough of Vandergrift for criminal prosecution, with all fines and costs of prosecution to be lawfully assessed by a court of competent jurisdiction.

#### **Section 470.41. Violations and penalties.**

Section 470.41 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity:

- A. Any person who violates any provision of this article, with the exception of ~~§470-38~~, shall for each and every violation, upon conviction, be sentenced to pay a fine of not less than \$5 and not more than \$25 and costs, provided that, in the case of a penalty for overtime parking, each additional hour during which parking time limits apply under this article that a vehicle remains in an individual parking space after the prescribed time for parking has elapsed shall be deemed an additional violation.
- B. Any person who violates any provision of ~~§470-38~~ of this article shall, upon conviction, be sentenced to pay a fine of not more than \$100 and costs of prosecution and, in default of payment of fine and costs, to imprisonment for not more than 10 days.

#### **Article V. Off-Street Metered Parking.**

##### **Section 470-52. Ticketing of vehicles parked unlawfully; penalty prescribed.**

Section 470-52 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity:

- A. It shall be the duty of the police officers and parking enforcement personnel of the Borough, acting in accordance with the directions of the Chief of Police, to report:

1. The number of each off-street parking meter that indicates that the vehicle occupying the adjacent off-street parking space is, or has been, parked in violation of any provision of Ordinance No. 9-1978, November 6, 1978, as amended.
  2. The date and hour of the violation.
  3. The state and license number of the vehicle.
  4. Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
- B. Any such police officer and other person making the report shall also place on the vehicle a notice which shall be identified as a "parking ticket," which shall give notice to the owner or operator of the vehicle that the vehicle was parked in violation of the provisions of this article and instructing the owner or operator that the penalty requirements shall be as follows:
1. Within 5 days after the time of the notice, deposit the sum of \$5 in a depository or receptacle called a "courtesy box" placed for the purpose or pay the sum of \$5 at the Borough Police Station or to the office of the Borough Secretary of the Borough of Vandergrift or, within the time limitation prescribed, pay by regular United States Mail, postage prepaid, the fine, submitting the same to the Borough of Vandergrift to the address indicated on the ticket, which said ticket shall be provided in a self-mailer with the violator to be responsible for all costs of postage; or
  2. If not paid sooner, upon the expiration of the fifth calendar day from the date of the issuance of the notice, the Borough shall send, by regular United States Mail, postage prepaid, an official police notice card providing for payment of a late fine/penalty in the amount of \$10.
  3. If payment is not rendered within 10 calendar days from the date of the mailing of the official police notice card referenced in Subsection **B(2)** above, the original notice/parking ticket shall be referred to the Magisterial District Judge which serves the Borough of Vandergrift for criminal prosecution, with all fines and costs of prosecution to be lawfully assessed by a court of competent jurisdiction.

### **Section 470-53. Violations and penalties**

Section 470-53 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity:

- A. Any person who violates any provision of this article, with the exception of §470-51, shall for each and every violation, upon conviction, be sentenced to pay a fine of not

less than \$5 and not more than \$25 and costs, provided that, in the case of a penalty for overtime parking, each additional hour during which parking time limits apply under this article that a vehicle remains in an individual parking space after the prescribed time for parking has elapsed shall be deemed an additional violation.

- B. Any person who violates any provision of §470-51 of this article shall, upon conviction, be sentenced to pay a fine of not more than \$100 and costs of prosecution and, in default of payment of fine and costs, to imprisonment for not more than 10 days.

**Section 470-83. Violations and penalties.**

Section 470-83 of the Code of the Borough of Vandergrift shall be deleted in its entirety and shall be replaced with the following for clarity:

Any person who violates any provision of this article shall, upon conviction, be sentenced to pay a fine of not more than \$25 and costs.

**CHAPTER 416. STREETS AND SIDEWALKS**

**Article X. Street and sidewalk encroachments and occupancies.**

**Section 416-37. Certain encroachments and occupancies prohibited.**

Section 416-37 of the Code of the Borough of Vandergrift shall be amended to include a new section (C) for the purpose of creating regulations for certain encroachments of streets and sidewalks within the Borough of Vandergrift as follows:

- C. It shall be unlawful for any person to drive any vehicle upon a sidewalk or sidewalk area, or over the constructed curbing of a roadway unless the vehicle is being driven to an approved and permitted driveway.

**REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.

**SEVERABILITY**

If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgement shall have been rendered. It is hereby declared to the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

**CODIFICATION**

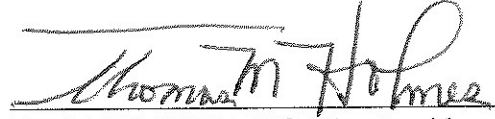
The provisions of this Ordinance shall be codified, annually, by update of the Code of the Borough of Vandergrift.

**EFFECTIVE DATE:**

This ordinance shall be effective immediately.

This Ordinance being Ordained and Enacted this 6<sup>th</sup> day of March, 2023 by the Council of the Borough of Vandergrift at a public meeting of the Borough Council of the Borough of Vandergrift at Vandergrift, Pennsylvania.

**BOROUGH OF VANDERGRIFT**



**THOMAS HOLMES**, Vice-President  
Vandergrift Borough Council

ATTEST:



(SEAL)  
**STEPHEN J. DELLEDONNE**,  
Borough Secretary

APPROVED:



**LENNY COLLINI**, Mayor