

Bond Case Briefs

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MUNICIPAL ORDINANCE - PENNSYLVANIA

Com. v. Ansell

Superior Court of Pennsylvania - July 15, 2016 - A.3d - 2016 WL 3903204 - 2016 PA Super 151

After a magistrate found defendant guilty of two counts of parking in a no parking zone, defendant filed a summary appeal.

The Court of Common Pleas also found him guilty. Defendant appealed.

The Superior Court held that:

- Commonwealth was not required to prove that township performed a traffic study prior to enactment of ordinance which made parking unlawful, and
- Evidence was sufficient to conclude that road on which defendant parked was a highway.

“No Parking” sign erected by township was entitled to presumption of validity, and therefore, in unlawful parking prosecution, Commonwealth was not required to prove that township performed a traffic study prior to enactment of ordinance which made parking unlawful, where defendant came forward with no evidence that township failed to perform the study.

Evidence was sufficient to conclude that road on which defendant parked was open to the public for vehicular traffic, and therefore, road was a “highway” for purposes of unlawful parking prosecution, despite testimony from defendant’s brother that there was no documentation to show township acquired the road. Whether the road was dedicated to township was not a relevant factor in determining highway status, brother also testified that there was no signage designating the road as private and that cars traveled along the road to get to homes situated along the street, officer testified that the road was maintained by township, township erected street sign showing name of road, and there was no evidence that the road was not open to members of the public.

Key question in determining whether a local authority has appropriately erected an official traffic-control device that prohibits or restricts parking within its boundary is whether the regulated area constitutes a highway open to the public for vehicular traffic.