LOWER ALLEN TOWNSHIP
ORDINANCE 2007-16

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING, MODIFYING AND CHANGING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, 1997, BY AMENDING CHAPTER 187, STREETS AND SIDEWALKS, AT ARTICLE V, SNOW AND ICE REMOVAL, TO ENFORCE PARKING RESTRICTIONS AT THE DISCRETION OF THE TOWNSHIP MANAGER AND TO PROHIBIT THE DUMPING OF SNOW OR ICE UPON THE PUBLIC STREETS OR SIDEWALKS.

BE IT ENACTED AND ORDAINED by the Board of Commissioners ("Board") of Lower Allen Township ("Township"), Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION I

Chapter 187, Streets and Sidewalks Article V, Snow and Ice Removal, of the Code of the Township of Lower Allen, 1997 shall be amended as follows:

1. Section 187-49. Definitions; word usage, at SNOW OR BAD WEATHER EMERGENCY shall be deleted in its entirety and replaced with the following:

SNOW OR BAD WEATHER PARKING RESTRICTIONS – A state of condition(s) which may include whenever snow falls during any period of 12 hours or less to accumulative depth of three inches or more, or at any other such time at the discretion of the Township Manager or his designee.

2. Section 187-50. Declaration of snow or bad weather emergency shall be deleted in its entirety and replaced with a new Section 187-50 as follows:

Section 187-50. Declaration of snow or bad weather parking restrictions. Snow or bad weather parking restrictions may be declared to exist in the Township whenever snow falls during any period of 12 hours or less to an accumulative depth of three inches or more or at any other time at the discretion of the Township Manager or his designee, the weather conditions are to hazardous and dangerous to vehicular and pedestrian travel because of the elements. The Township Manager or his designee shall have authority to declare a snow or bad weather emergency, notice of which shall immediately be given through the press, if possible, but in any event through not less than two radio or television stations with a normal operating range covering the township. Notification of termination of snow or bad weather emergency shall be provided to the media for announcement.

3. Section 187-51. Prohibited Conduct shall be amended as follows:

Subsection A shall be deleted in its entirety and replaced with a new subsection A as follows:

A. It shall be unlawful for any person to place any snow or ice (whether by s hoveling, sweeping, plowing, blowing, pushing, dumping or otherwise) upon any public street or road within this township.

Subsection B shall be deleted in its entirety and replaced with a new subsection B as follows:

B. It shall be unlawful for any person or entirety to cause or permit any person to place any snow or ice (whether by shoveling, sweeping, plowing, blowing, pushing, dumping or otherwise, upon any public street or road within this township.

Subsection C shall be deleted in its entirety and replaced with the following new subsection C as follows:

C. A person or entity shall be presumed to have caused or permitted a person to place snow or ice upon a public street or road where such person or entity owns, occupies or otherwise controls the land from which the snow or ice originated and employs, contracts with or otherwise engages the person placing the snow or ice upon said street or road.

A new Subsection D shall be added to Section 187-51 as follows:

D. It shall be unlawful for any person or entity to cause or permit any person to place any snow or ice whether by shoveling, sweeping, plowing, blowing, pushing, dumping, or otherwise) upon the property of another with the exception of authorized agents of the township in course of snow/ice removal from the public streets or roads or sidewalks.

4. Section 187-54. Parking of motor vehicles. Section 187-54, Subsection A shall be deleted in its entirety and replaced with the following new subsection A:

A. Upon declaration of snow or bad weather parking restrictions, all vehicles shall be removed from the streets and roadways within the Township by a time designated by the Township Manager or his designee. Said time shall not be less than six (6) hours after the snow or bad weather parking restrictions have been declared.

5. Section 187-54 Subsection B shall be deleted in its entirety and shall be replaced with the following new subsection B:

B. No vehicles shall be parked on the streets and roadways of the Township until the snow or bad weather parking restrictions has been lifted. During the snow or bad weather parking restrictions, certain other parking restrictions such as blocking sidewalks and parking within the front or side yards of residence shall be relaxed.

6. Section 187-54 shall further be amended by adding a new subsection C as follows:

C. Upon the lifting of the snow or bad weather emergency, regular parking restrictions shall apply unless otherwise notified.

7. Section 187-55 Violations and penalties shall be amended by deleting subsection A in its entirety and replacing it in the following new subsection A.

A. Any police officer or law enforcement officer of the Township is hereby authorized to place a violation notice for any traffic and/or parking violation, under the provisions of any ordinance of the Township or for any of the traffic or parking prohibitions contained in this Ordinance, in a visible place on any vehicle found to be in violation thereof in the Township, commanding the person to remit fines to the Township Office within 48 hours.

8. Section 187-55 Violations and penalties shall further be amended by deleting subsections B, C, D and E. New subsections B, C, D and E shall be added as follows:

B. When any person who has received a violation notice for a violation of any ordinance of the Township has refused to appear within 48 hours and to remit the fine provided for the violation, the Chief of Police shall cause a proceeding to be instituted in accordance with the provisions of the First Class Township Code.

C. When any person has received a violation notice for a violation of any parking or traffic provisions of the Vehicle Code has refused to appear at the Township Office within 48 hours and to remit the fine provided for the violation, the Chief of Police shall cause a proceeding to be instituted in accordance with the provisions of the Ordinances of Lower Allen Township.

D. The form of the violation notice for the violation of ordinances shall be approved by the Township Manager.

E. Whenever a violation notice is issued for any snow or bad weather emergency violation under the provisions of any ordinance of the Township, pursuant to Section 187-55(A), the fine shall be as follows:

(1) One hundred dollars for any parking (standing) violation.

(2) Twenty-five dollars for any violation of placing snow onto any roadways.

The current subsection B shall be re-lettered as Subsection F.

SECTION II

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION III

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

SECTION IV

This ordinance shall take effect as soon as legally possible.

ENACTED AND ORDAINED, into an Ordinance this 10th day of December, 2007

Attest:
(Corporate Seal)

Donna S. Lutes
~~(Assistant)~~ Secretary

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

John T. Tetzel
(Vice) President