

ORDINANCE NO. 1991-3

An Ordinance regulating the removal of snow and ice from driveways and private roads and the parking of vehicles during winter maintenance operation months, in the Township of Summit, County of Erie, and Commonwealth of Pennsylvania, and prescribing penalties for violations.

WHEREAS, in order to protect the health, safety and welfare of the residents of Summit Township, it is necessary that the Township Supervisors regulate the method and manner that snow is removed from driveways and/or private roads and the parking of vehicles during winter maintenance operations months; and

WHEREAS, pursuant to the laws of the Commonwealth of Pennsylvania and the the Second Class Township Code, power is vested in the Township to enact an ordinance regulating the manner of removal of snow and ice and the parking of vehicles during the Township's winter maintenance operations months; and

WHEREAS, the placement or plowing of snow and ice upon or into a public right-of-way creates a hazard and nuisance to the public and hampers the efficient, proper removal of snow accumulation; and

WHEREAS, the efficient and effective removal of snow from the Township roads is hindered by the parking of cars upon the roadway during winter maintenance operation months, which creates a hazard and nuisance to the public.

AND NOW, THEREFORE, the Board of Supervisors of the Township of Summit, Erie County, Pennsylvania, hereby enacts and ordains as follows:

Section 1. This Ordinance shall be known and may be cited as the Summit Township Snow and Ice Clearing Ordinance of 1991.

Section 2. Definitions.

(a) "Person" shall include any natural person or persons, partnership, association, corporation, company or any organization.

(b) A "driveway" or "private road" shall include any paved or unpaved road, right-of-way, drive, path or footwalk, not the property of Summit Township and not maintained by the Township.

(c) "Public roadway" shall include the entire public right-of-way of the Township to the private property line, be it improved or unimproved.

(d) "Township" shall mean Summit Township, Erie County, Pennsylvania.

(e) "Winter maintenance operations months" shall mean the period from November 1 to April 30, inclusive, or such period as the Township Supervisors may hereinafter designate by Ordinance, Resolution or Amendment.

Section 3. Following the effective date of this Ordinance, it shall be unlawful for any person to deposit or permit to be deposited, except upon permission by the Township, any snow or ice whatsoever upon any public roadway dedicated and accepted by the Township and/or maintained by the Township.

Section 4. Following the effective date of this Ordinance, it shall be unlawful for any person to park a motor vehicle or other vehicle on any public roadway in the Township during winter maintenance operations months.

Section 5. No person shall remove snow or ice from any driveway or private road and deposit the same onto, across, or along any public roadway.

Section 6. The Township shall have the authority to enter upon private property adjacent to any public roadway that the Township is responsible for maintaining and place thereupon

a snow fence at any point which may be deemed necessary, to within a limit of one hundred feet from the right-of-way line of such public road in order to eliminate snow drifting on the traveled portion of the public road, in accordance with Section 1165 of Act 567 known as the Second Class Township Code, 53 P.S. §66165.

Section 7. Violation.

Any person who shall violate any of the provisions of this Ordinance or who shall fail to comply with the conditions or requirements in accordance with the provisions of this Ordinance for the first time shall be issued a written warning, which will be recorded and kept on file at the Township office, for a period of one (1) year. Any person who shall violate any of the provisions of this Ordinance or who shall fail to comply with the conditions or requirements in accordance with the provisions of this Ordinance for a second or subsequent time, upon conviction thereof, shall be liable to paying a fine of Twenty-Five (\$25.00) Dollars for the first conviction, and not more than One Hundred (\$100.00) Dollars for any subsequent conviction. A new and separate offense shall be deemed to have been committed each day said violation exists. Upon the default of payment of any fine or penalty imposed and the costs, the person may be sentenced and committed to the Erie County Jail for a period not exceeding five (5) days.

Section 8. Enforcement.

The Supervisors shall be charged with the enforcement of this Ordinance. Any Township employee is hereby authorized to issue a citation to any person or to place a ticket upon any vehicle violating this Ordinance and to record thereon the information necessary for enforcement of this Ordinance. Citations or tickets issued shall be on a form approved by the Supervisors. In the event of a second or subsequent violation of this Ordinance, the Supervisors may commence a prosecution at the appropriate District Justice office.

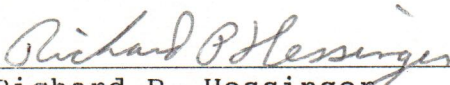
Section 9. In addition to the penalties herein provided, the Township shall be authorized to remove or cause the removal of any vehicle parked in violation of Section 4 hereof and to store said vehicle in a public garage or other place of safety selected by the Township. The registered owner of said vehicle shall be notified in writing of the fact of said removal and of the place of deposit of said vehicle and that said vehicle may be reclaimed upon payment of the towing and storage charges.

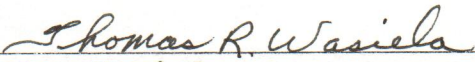
Section 10. Should any section or provision of this Ordinance be declared by a Court of proper jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

APPROVED by the Board of Supervisors of Summit
Township and enacted into an Ordinance this 2nd day of
December, 1991.

SUMMIT TOWNSHIP SUPERVISORS


Ronald F. Peterson


Richard P. Hessinger


Thomas Wasiela