

Franklin Township

Erie Co. PA

SNOW EMERGENCY PARKING AND SNOW REMOVAL ORDINANCE

Ordinance #1 of 2001

An ordinance regulating the parking of vehicles during periods of snow fall; prohibiting the dumping, shoveling, pushing or placement of any snow, ice, slush or water into the road rights-of-way within Franklin Township; and proscribing penalties for violation.

WHEREAS, snow storms can and do impair the flow of vehicular traffic and fire and ambulance equipment which may result in conditions adverse to the welfare and safety of the residents of the Township and the people lawfully upon public highways;

WHEREAS, depositing snow, ice, slush or water upon the rights-of-way by property owners causes significant hazards to the motoring public; and

WHEREAS, it is necessary in order to insure the welfare and safety of the public that the highways and streets be cleared of snow as promptly as possible and remain free of hazards to vehicles.

NOW, THEREFORE, the Board of Supervisors does hereby enact and ordain:

SECTION I: Following the effective date of this Ordinance, it shall be unlawful to park, or allow to be parked any motor vehicle or other vehicle, on any street or road within Franklin Township after the start of a snow fall and until the snow has stopped falling and the snow has been completely plowed for the full width of the roadway.

SECTION II: Any member of the Pennsylvania State Police, or any employee of Franklin Township, is hereby authorized to move or remove any vehicle abandoned or parking upon any public highway or street in violation of the terms and provisions of this Ordinance, and if removed to cause said vehicle to be taken to the nearest garage or other place of safety. The registered owner of any said vehicle shall be notified of the removal and of the place to which said vehicle has been removed, where he or she may obtain the same upon payment of any and all towing and storage charges. Neither the Pennsylvania State Police, the Township nor any of its officers or employees shall be held responsible for any damage to any vehicle occurring as a result of movement of any vehicle; removal of any vehicle; or towing and/or storage of any vehicle parked in violation of the Ordinance.

SECTION III: It shall be unlawful for owners, occupants or tenants of any property to dump, throw, shovel, pile or push any snow or ice removed from driveways or walkways into any road right-of-way.

No snow, ice, slush, or a combination thereof, shall be pushed or deposited into any drainage area, ditch, stream, river, culvert or catch basin.

No snow, ice, slush, water or a combination thereof, shall emanate from a property or be deposited or pushed from a property into a road right-of-way, in any manner or at any

location thus creating a traffic hazard including the impairment of visibility from or of a public highway.

No person shall damage any Township property, including but not limited to, traffic signs, culverts, etc. while removing snow, ice, slush, or a combination thereof. Any damage to Township property shall be repaired or replaced in accordance with the requirements of the Township at the expense of the property owner and/or snow removal agency.

SECTION IV: In cases where the owner, occupant, or tenant as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of any Section of this Ordinance, Franklin Township, Erie County, Pennsylvania, may proceed immediately to clear the snow, ice, slush, water, or any combination thereof that, in its sole discretion, creates a hazard or impairs movement of vehicles in an around road rights-of-way. Franklin Township may collect the expenses for said clearance, along with any additional amount allowed by law, including the fine or penalty imposed under Section V of this Ordinance. In no case is Franklin Township liable if it does not exercise the Township option for the clearance of snow, ice, slush, water and/or any combination thereof, in and around road rights-of-way defined in Section III.

SECTION V: Any person violating any of the provisions of this Ordinance shall, upon summary conviction before a District Magistrate, be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) and not more than Three Hundred Dollars (\$300.00) and the cost of prosecution, such fines to be collected as like fines are now collected by law, and/or shall undergo imprisonment not exceeding 30 days, or both. Any person continuing any such violation beyond one (1) calendar day, shall be deemed to have committed a separate offense for each calendar day such violation continues.

SECTION VI: SEVERABILITY - The provision of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Franklin Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION VII: This ordinance shall become effective five (5) days after enactment.

SECTION VIII: REPEALS – All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

**APPROVAL PAGE
FRANKLIN TOWNSHIP ORDINANCE NO. 1 OF 2001**

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS

JOHN J. SACHAR
Chairman

DENVER L IRELAND
Vice-Chairman

DAVID G. HENDERSON
Supervisor

Attest:

BONNIE J. BERNHARDT
Secretary/Treasurer

I hereby certify that the foregoing Ordinance was advertised in the Brown-Thompson Newspapers on the _____ day of _____, 2001, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the Franklin Township Board of Supervisors held on the _____ day of _____, 2001.

BONNIE J. BERNHARDT
Secretary/Treasurer