

**UPPER MOUNT BETHEL TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-03

AN ORDINANCE OF THE TOWNSHIP OF UPPER MOUNT BETHEL, NORTHAMPTON COUNTY, PENNSYLVANIA, REGULATING THE ABANDONMENT OR PARKING OF VEHICLES DURING PERIODS OF A SNOW EMERGENCY; PROHIBITING THE DEPOSITING, DUMPING, SHOVELING, PILING, PUSHING OR PLACEMENT OF ANY SNOW OR ICE INTO THE PUBLIC HIGHWAYS OR STREETS; ESTABLISHING REGULATIONS FOR REMOVAL OF SNOW, ICE OR DEBRIS AROUND FIRE HYDRANTS AND PROSCRIBING PENALTIES FOR VIOLATION

WHEREAS snow and/or ice storms can and do impair the flow of vehicular traffic including fire and emergency vehicles and use of emergency 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; and,

WHEREAS and in order to insure the welfare and safety of the public, it is necessary that highways, streets and fire hydrants be cleared of snow and ice as promptly as possible; and,

WHEREAS, the Township has the authority (whether expressly or impliedly) to adopt this ordinance and establish these regulation pursuant to inter alia the Second Class Township Code (53 P.S. Section 65101 et seq.) and specifically Sections 66506 (general public), 66527 (public safety), 66802 (fire hydrants and water supply), 67320 (drains and ditches), 67323 (destroying signs), 67326 (obstructions and nuisances) and 67328 (regulation of parking); and,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Upper Mount Bethel Township, Northampton County, Pennsylvania, as follows:

SECTION I. All recitals are herein incorporated by reference.

SECTION II. PARKING OR ABANDONMENT -

A. Upon the effective date of this Ordinance and thereafter and upon the Board of Supervisors declaring a "snow emergency" (the underlying factors needed to call the such emergency to be established by further resolution), it shall be unlawful for any person to abandon, park (or allow to be abandoned or parked) any motor vehicle or other similar obstruction on the Slateford Road, Centerville Road, Johnsonville Road, Potomac Street and Church Street, which are part of the Township Road System, after the start of a snow fall or ice storm and until the snow and ice has stopped falling and the snow and ice have been completely plowed and/or removed for the full width of the cart way.

B. For purposes of this section, "person" shall mean the owner or operator any motor vehicle or other vehicle. An owner may be determined by the registration records held by the PA Department of Transportation or certificate of title or other indicia of ownership as the case may be.

SECTION III. PERSONNEL TO ENFORCE -

Any member of the Pennsylvania State Police, any Police Department of Upper Mount Bethel Township, any Regional Police Force of which the Township is a member, or any employee of Upper Mount Bethel Township engaged in road work, is hereby authorized to remove any vehicle abandoned or parked upon the aforesaid public

highways or streets in violation of the terms and provisions of this Ordinance and to transport any said vehicle to the nearest garage or other place of safety. The owner of any said vehicle (as determined above) shall be notified of the fact of the removal and of the place to which said vehicle has been removed where he or she may obtain the vehicle upon payment of any and all towing and storage charges. Neither the Township nor any of its officials, servants, employees or designated agents shall be held responsible for any damage to any vehicle or personal injury (including death) resulting or occurring as a result of transport, towing and/or storage of a vehicle parked or abandoned in violation of the Ordinance.

SECTION IV. HIGHWAYS OR STREETS -

A. It shall be unlawful for owners, occupants or tenants of property to deposit, dump, throw, shovel, pile or push (hereinafter collectively referred to as "deposit") any snow, ice, slush or a combination thereof removed from private property, driveways or walkways into or onto any public highway or street.

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

C. No snow, ice, slush or a combination thereof shall be deposited and maintained within a commercial, manufacturing, light industrial or multiple family zoning district parking facility or at or near a street or highway intersection in any zoning district in a manner or at a location which creates a traffic hazard by impairing visibility from or of a public street or highway.

D. No person shall damage any Township property, including but not limited to, traffic signs, culverts, drainage swales, catch basins or similar stormwater

management facilities 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 and at the expense of the property owner and/or snow removal agency.

SECTION V: FIRE HYDRANTS -

A. The property owner upon whose property the hydrant is situate (or tenant as the case may be) is hereby required to remove or cause to be removed all snow, ice, slush, or any combination thereof or any accumulation of debris and/or other obstructions (hereinafter collectively referred to as "accumulant") which would limit access to, from and/or around all of the fire hydrants which are located on his/her property or leased premises, so as to provide immediate access by fire rescue or other emergency personnel in cases of emergency. In cases involving a storm, fire hydrants shall be cleared of any and all accumulant within twenty-four (24) hours following the storm. In any storm event, any accumulant shall be removed not less than once in every twenty-four (24) hour period.

B. In all other cases involving the accumulation of natural and/or man-made items around fire hydrants, the property owner is responsible for the immediate removal of said items. Fire hydrants shall be cleared sufficiently so that fire and other emergency personnel have total access to hydrants. This is necessary to allow for fire hose connections to be made to access water in the event of a fire. The owner of a property shall be responsible for conforming to the requirements of this Section where such property is occupied by said owner or is unoccupied or vacant. If leased, the

occupant or tenant of the property shall be responsible for compliance with this ordinance.

C. In cases where the owner, occupant, or tenant as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of this Ordinance, or within the time period required therein, the Township, may in its discretion (but does not have the duty to) proceed immediately to clear any accumulant which would limit access to, from, and/or around fire hydrants and to collect the costs and expenses so incurred, with any additional amount allowed by law, including any fine or penalty imposed under SECTION VI of this Ordinance. In no case is the Township of Upper Mount Bethel liable if it does not exercise the Township option for removal of any accumulant which would limit access to, from, and/or around fire hydrants as defined within this Section.

SECTION VI. VIOLATIONS –

Any person (defined to mean owner, operator, occupant or tenant) violating any of the provisions of this Ordinance shall, upon summary conviction before a District Judge, be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00) and the cost of prosecution, such fines to be collected as like fines are now collected by law, and, in default of payment thereof, shall undergo imprisonment not exceeding thirty (30) days.

SECTION VII. SEVERABILITY –

The provision of this Ordinance are severable. If any provision, 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 Upper Mount Bethel Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, or section not been included herein.

SECTION VIII. REPEALS –

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

SECTION IX. EFFECTIVE DATE –

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

ENACTED AND ORDAINED into law this 14th day of January, 2008.

ATTEST:

BOARD OF SUPERVISORS
UPPER MOUNT BETHEL TOWNSHIP
NORTHAMPTON COUNTY, PA

Jessica Henckel
Secretary

Jim Rabbat
Chairperson of the Board of Supervisors

(Impress Township Seal)