

**WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 94-11-01

AN ORDINANCE PRESCRIBING PARKING REGULATIONS IN THE EVENT OF SNOW EMERGENCIES IN WEST PIKELAND TOWNSHIP AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be it enacted and ordained by the Board of Supervisors of West Pikeland Township and it is hereby enacted and ordained by authority of the same as follows:

Section 1. Interference with snow removal, salting, cindering or plowing operations.

It shall be unlawful to park any vehicle on any public street or road during the course of any snow storm, ice storm or snow fall, during the course of which or following which any salting, cindering, plowing or other snow or ice removal operations are undertaken by the Township or by any other governmental unit authorized to undertake such operations or by any private contractors under contract for such operation to the Townships or to any other governmental unit authorized to undertake such operation. It shall further be unlawful to park any vehicle on any public street or road following such storm for a period of twenty four (24) hours or until the completion of any salting, cindering, plowing, or snow removal operations as aforesaid, whichever period is greater. A snow storm, ice storm, or snow fall requiring salting, cindering, plowing or other snow removal operations as aforesaid shall be construed to mean such snow storm, ice storm or snow fall during or immediately following, which the Township or other governmental unit or private contractor under contract to the Township or other governmental unit actually undertakes such operation and shall include but not be limited to any storm during which there is an accumulation of at least one (1) inch of snow as measured locally by the official governmental body or its agent.

Section 2. Authority to remove and impound illegally parked vehicles. The Township is hereby authorized to remove and impound or to order the removal and impounding of any vehicle on any street or road of West Pikeland Township in violation of the provisions of this Ordinance providing no vehicle shall be removed or impounded except in adherence to the provisions of this Ordinance.

Section 3. The Township resolution shall designate an approved storage facility as a pound for the storage of such impounded vehicles and every such approved storage facility shall post a bond in an amount fixed by the Township by resolution from time to time, said bond to be filed with the Board of Supervisors for indemnifying of the owner of any such impounded vehicle against the loss thereof or injury or damage thereto while in the custody of such storage garage.

Section 4. Towing and storage charge as fixed. The Township shall by resolution from time to time fix and establish as the charges that shall be made for the towing and storage of any vehicle removed and impounded under the authority of this Ordinance.

Section 5. Timing of removal and impounding illegally parked vehicles. The Township shall have the right to remove and impound vehicles that are parked illegally as set forth in Section 1 hereof.

Section 6. Township to notify owners. Within twelve (12) hours from the time of the removal of any vehicle and under the authority of this Ordinance, notice of the fact that such vehicle has been impounded shall be sent by the Township to the owner of record of such vehicle; such notice shall designate the place from which such vehicle was removed, the reasons for its removal and impounding and the place it shall have been impounded.

Section 7. Effective payment of charges without protest. The payment of any towing and impounding charges as authorized by this Ordinance shall, unless such payment shall have been made under protest, be final and conclusive and shall constitute a waiver of any right to recover the monies so paid.

Section 8. Payment of charges under protest. In the event that any towing and impounding charges so imposed shall be paid under protest the offender shall be entitled to a hearing before a Justice of the Peace, a District Justice or court of record having jurisdiction, in which case such offender shall be proceeded against and shall receive such notice as is provided by the Vehicle Code as in other cases of summary offenses and shall have the rights as to appeal and waiver of hearing as therein provided.

Section 9. Records of vehicles impounded. The Township shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owner or agents of the owners thereof with information as to the place of the storage of such vehicles.

Section 10. Owner or operator of vehicle remains liable. The paying of towing and storing charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance on account of which such vehicle was removed and impounded.

Section 11. Restrictions upon removal of vehicles. No vehicle shall be removed under the authority of this ordinance if at the time of the intended removal thereof the owner or person in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

Section 12. Depositing snow on Townships roads. It shall be a violation of this ordinance if any a person deposits snow from private property onto any cartway section of a Township street or road or restricts the natural flow of water in the cartway.

Section 13. Enforcement and Penalty. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty five (\$25.00) dollars plus costs of prosecution in accordance with the Vehicle Code.

Section 14. Severability. The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this Ordinance; and it is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional or illegal provision not been included herein.

Section 15. Effective date. This Ordinance shall be and become effective five (5) days from the passage thereof.

ENACTED AND ORDAINED by the Board of Supervisors of West Pikeland Township, Chester County, Pennsylvania, this nineteenth day of December, 1994, at public meeting assembled.

WEST PIKELAND TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Secretary

_____, Chairman
Andrew M. [Signature]
[Signature]