

May 6, 2002

ORDINANCE NO, 2002-201

## AN ORDINANCE OF WEST PIKELAND TOWNSHIP ESTABLISHING NO STOPPING, STANDING OR PARKING AND THE ENFORCEMENT THEREOF ON CERTAIN ROADS IN WEST PIKELAND TOWNSHIP. EFFECTIVE FIVE DAYS FROM ENACTMENT

Whereas, West Pikeland Township is a Township of the second class of the Commonwealth of Pennsylvania; and

Whereas, a Township of the second class is authorized to determine those portions of any roadway under their respective, jurisdictions where no stopping, standing and/or parking of vehicles on certain roadways is conducive to the safe and expedient flow of pedestrian and/or motor vehicle movement; and

Whereas, West Pikeland Township derives its authority to regulate and prohibit the stopping, standing and/or parking of vehicles on the roadway from the Vehicle Code (Title 75) of the Commonwealth of Pennsylvania, 75 Pa.C.S.A § 6109; and

Whereas, Parking is a privilege which the municipality may permit, restrict or refuse under reasonable exercise of its police power, and accordingly the municipality may lawfully require those who avail themselves of that privilege to pay the expense of maintaining, supervising and enforcing reasonably necessary regulations; and

Whereas, West Pikeland Township desires to provide its police department the ability to issue parking tickets to vehicles parked in violation of this ordinance to promote the safety of Township streets.

The Board of Supervisors of West Pikeland Township does ordain the following

**Section 1: NO STOPPING, STANDING OR PARKING AT ALL TIMES AT THE FOLLOWING LOCATIONS:**

- a. State Road Route #113 on both sides the entire length
- b. State Road Route #401 on both sides the entire length
- c. Yellow Springs Road on both sides from State Road Route #113 to Art School Rd.
- d. Horseshoe Trail on both sides from State Road Route 113 to HighView Drive
- e. Pikeland Road on both sides from State Road Route #113 to Dogwood Lane
- f. Art School Road on both sides from Pikeland Road to Miller Road

Section 2: No motor vehicle shall stop, stand, park on any Township road when a **NO STOPPING, NO PARKING** or any combination of the wording or recognized symbols is posted by sign on said roadway where such activity is intended to be prohibited.

Section 3: No person shall **STOP, STAND OR PARK** their motor vehicle on any road in West Pikeland Township in the following manner:

- a. Against the flow of traffic
- b. Double parked
- c. Blocking a street
- d. Leaving or letting stand an abandoned or disabled vehicle
- e. Blocking a driveway, crosswalk or sidewalk
- f. In locations designated in Section 1 of this Ordinance where signs prohibit parking or stopping or standing
- g. In a marked or posted fire lane
- h. In a handicapped zone
- i. Within fifteen (15) feet of a fire hydrant
- j. Restricting/blocking a means of egress
- k. Where signs prohibit stopping, standing or parking
- l. Obstructing a fire department connection
- m. Where prohibited by the Pennsylvania Vehicle Code

Section 4: No motor vehicle shall be left standing or parked on any Township roadway when the roadway is snow covered, when any emergency is declared by the Chief Of Police, his/her designate, the Township Manager, or the Board of Supervisor's that requires the roadway be free of obstruction, or when the owner or owners of said vehicle have been given written or verbal notice that the vehicle is creating a hazard to traffic movement or is an impediment to the safe movement of traffic during and snow or other activity .

Section 5: From and after the effective date hereof, no person shall operate, stop, stand or park any vehicle contrary to the provisions of this ordinance as set forth herein.

Section 6: Any person violating any of the provisions of this Ordinance commits a summary offense and shall, upon conviction, be sentenced to pay a fine of twenty-five dollars (\$25) including costs established by general rule pursuant to Chapter 17 of Title 42, 42 Pa.C.S.A § 1725.1. Any person accused of a violation of this ordinance may settle the claim against him or her for such illegal parking by paying to West Pikeland Township the sum of twenty-five dollars (\$25) within eight (8) days of the time such alleged offense was committed. If the fine is remitted by mail, then a remittance postmarked within the eight (8) day period shall be considered as meeting the requirements of this subsection. A receipt shall be issued for all money so received, and such money shall be promptly turned over to the treasurer to be used in the manner provided for the disposition of fines for traffic violations.

The members of the West Pikeland Township Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved.

Section 7: The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was under control of the automobile at the time of such parking.

Section 8: West Pikeland Township may take appropriate actions or proceedings at law or equity for the enforcement of this Ordinance.

Section 9: When the penalty imposed for the violation of this ordinance is not voluntarily paid to West Pikeland Township, the Township shall initiate enforcement proceedings before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

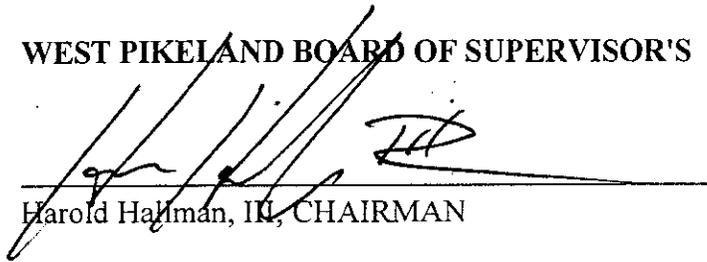
Section 10: If any section, provision or part of this ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining sections, provisions or parts of this ordinance. The Board of Supervisor's hereby declares that it would have enacted and ordained the remaining sections, provisions or parts of this ordinance if it had known that such sections, provisions or parts thereof would be declared unconstitutional.

Section 11: All ordinances or parts of ordinances in so far as they are inconsistent herewith are hereby repealed.

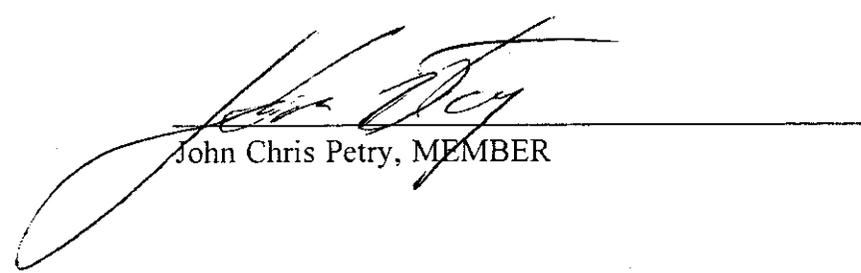
Section 12: This ordinance shall become effective five days after its enactment.

ENACTED AND ORDAINED THE 6th DAY OF May, 2002

WEST PIKELAND BOARD OF SUPERVISOR'S

  
Harold Hallman, III, CHAIRMAN

  
Linda Glaum, VICE CHAIRMAN

  
John Chris Petry, MEMBER

ATTEST:

  
SECRETARY