

BILL NO.439
ORDINANCE NO. 439
INTRODUCED BY: GEORGE A. MARTIN
FIRST READING: NOVEMBER 1, 2000
FINAL READING: WAIVED
ADOPTED: NOVEMBER 1, 2000

**AN ORDINANCE OF THE TOWNSHIP OF ROSTRAVER,
WESTMORELAND COUNTY, PENNSYLVANIA, REGULATING THE
PARKING OF VEHICLES DURING PERIODS OF SNOWFALL;
PROHIBITING THE DUMPING, SHOVELING, PUSHING OR
PLACEMENT OF ANY SNOW OR ICE INTO THE PUBLIC HIGHWAYS
OR STREETS OF THE TOWNSHIP OF ROSTRAVER; AND
PROSCRIBING PENALTIES FOR VIOLATION.**

WHEREAS, snow storms can and do impair the flow of vehicular traffic and fire 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, it is necessary in order to insure the welfare and safety of the public, highways and streets be cleared of snow as promptly as possible;

NOW, THEREFORE, the Board of Commissioners 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 which is part of the Township System after the start of a snowfall and until the snow has stopped falling and the snow has been completely plowed for the full width of the cart way.

SECTION II: Any member of the Rostraver Township Police Department, or any employee of Rostraver Township engaged in road work, is hereby authorized to remove any vehicle abandoned or parked upon any public highway or street in violation of the terms and provisions of this Ordinance, and to take any said vehicle to the nearest garage or other place of safety. The registered owner of any said vehicle 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 same upon payment of any and all towing and storage charges. Neither the Township nor any of its officers or employees shall be held responsible for any damage to any vehicle occurring as a result of towing and/or storage of a vehicle parked in violation of the Ordinance.

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

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

No snow, ice slush, or combination thereof, shall be deposited pushed or maintained within a commercial, manufacturing, light industrial or multiple family zoning district parking facility or at or near an 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 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 an/or snow removal agency.

SECTION IV: Fire hydrants shall not be covered. The owner is hereby required to remove or cause to be removed all snow, ice, slush, or any combination thereof or any accumulation and/or impediment which would limit access to, from and/or around all of the fire hydrants which are located on said property, so as to provide immediate access by fire rescue personnel in cases of emergency. In cases involving a storm, fire hydrants shall be cleared of all snow, ice, slush, or any combination thereof within twenty-four (24) hours following the storm, in any event, any accumulation shall be removed not less than once in every twenty-four (24) hour period.

In all other cases involving the accumulation of natural and/or man-made items around fire hydrants the owner is responsible for the immediate removal of said items. In either case fire hydrants shall be cleared sufficiently so 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.

In cases where the owner, occupant, or tenant as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of this Section of this Ordinance, or within the time period required therein, the Township of Rostraver, Westmoreland County, Pennsylvania, may in its discretion, proceed immediately to clear the snow, ice, slush, or any combination thereof or accumulation and/or impediment which would limit access to, from and/or around fire hydrants and to collect the expenses, with any additional amount allowed by law, from fine or penalty imposed under Section V of this Ordinance. In no case is the Township of Rostraver liable if it does not exercise the Township option for removal of snow, ice, slush, or any combination thereof or accumulation and/or impediment which limit access to, from, and/or around fire hydrants as defined within Section IV.

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 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 shall undergo imprisonment not exceeding thirty (30) days.

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 Commissioners of Rostraver 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.

ORDAINED AND ENACTED as an Ordinance of the Township of Rostraver this the 1st day of November, 2000.

TOWNSHIP OF ROSTRAVER
BOARD OF COMMISSIONERS

By: _____
Donald M. YODER, President

ATTEST:

Darlene PRENTICE, Secretary