

ORDINANCE NO. 2-94

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, PROHIBITING
THE PLACEMENT OF SNOW AND/OR ICE ON THE
CLEARED PORTIONS OF PUBLIC STREETS AND ROADS
AND PROVIDING PENALTIES FOR VIOLATION
THEREOF.

BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE BOARD OF
TOWNSHIP SUPERVISORS IN AND FOR THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1. LEGISLATIVE PURPOSE AND INTENTION. The Board of
Township Supervisors ("Board") of this Township hereby declares
the following statements as its purpose and intention in enacting
this Ordinance.

The Township provides maintenance of certain public streets
and roads within this Township, including the removal of natural
snow and mitigation of the effects of ice. Considerable
resources of this Township have been appropriated to provide
equipment and manpower to perform these functions. It is
observed that persons living, occupying or otherwise connected
with lands abutting said public streets and roads place snow and
ice accumulating on private driveways, parking areas and
sidewalks upon the public streets and roads after Township forces
have undertaken to remove snow and treat ice. Such placement
negates the removal/treatment processes and causes dangerous
obstructions jeopardizing the traveling public.

Therefore, the Board declares that it is necessary and in

the best interest of the health, safety and welfare of the citizens of the Township and the traveling public at large to prohibit the placement of snow and ice on public streets and roads maintained by this Township and to provide penalties for those who violate or permit the violation of such prohibition.

SECTION 2. DEFINITIONS. When used in this Ordinance, the following words, terms or phrases shall have the meanings set forth hereinbelow:

"Township" - the Township of Middlesex, Cumberland County, Pennsylvania.

"Township Secretary" - the township secretary as appointed by Township's Board of Township Supervisors.

"Public Street or Road" - any street or road within the territorial limits of the Township as maintained by the Township.

"Cleared and/or Treated Portion of a Public Street or Road" - that portion of a Public Street or Road which has been plowed or otherwise cleared of snow by Township forces or which has been treated by Township forces with de-icing or anti-skid material.

"Snow" - natural frozen precipitation.

"Ice" - frozen water, whether as the result of precipitation or otherwise.

"Person" - a natural person.

"Entity" - any organization of people other than an individual person whether in the form of a partnership, joint venture, association, corporation (whether for or not for profit) or otherwise.

"Restitution" - a sum of money equal to the Township's actual cost of removing snow or ice unlawfully placed on a public street or road or for treating ice occasioned by such unlawful placement, said costs to be determined by the verified statement of the Township Secretary.

SECTION 3. PROHIBITED CONDUCT.

A. It shall be unlawful for any person to place any snow or ice (whether by shoveling, sweeping, plowing, blowing, pushing, dumping or otherwise) upon the cleared and/or treated portion of a public street or road within this Township.

B. It shall be unlawful for any person or entity to cause or permit any person to place any snow or ice (whether by shoveling, sweeping, plowing, blowing, pushing, dumping or otherwise) upon the cleared and/or treated portion of a public street or road within this Township.

A person or an entity shall be presumed to have caused or permitted a person to place snow or ice upon the cleared and/or treated portion of a public street or road where (1) such person or entity owns, occupies or otherwise controls the land from which the snow or ice originated, and (2) employs, contracts with or otherwise engages the person placing the snow or ice upon said street or road.

SECTION 4. PENALTIES.

A. First Offense. Any person or entity who shall violate any provision of this Ordinance for the first time shall upon conviction thereof in a summary proceeding before a District Justice pay a fine to the use of the Township in an amount of not less than Fifty (\$50.00) Dollars and not more than One Hundred Fifty (\$150.00) Dollars and shall pay restitution to the Township and the costs of prosecution; or upon failure to make such payments, to undergo imprisonment at the Cumberland County Prison

for a term of not less than five (5) nor more than ten (10) consecutive days.

B. Second and Subsequent Offenses. Any person or entity who shall violate any provision of this Ordinance for the second or a subsequent time shall upon conviction thereof in a summary proceeding before a District Justice pay a fine to the use of the Township in an amount of not less than Two Hundred Fifty (\$250.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and shall pay restitution to the Township and the costs of prosecution; or, upon failure to make such payments, to undergo imprisonment at the Cumberland County Prison for a term of not less than ten (10) nor more than thirty (30) consecutive days.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective in accordance with prevailing law.

SECTION 6: SEVERABILITY. It is the intention of the Board that if a court of competent jurisdiction shall declare any provision of this Ordinance to be invalid or ineffective, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other parts and provisions of this ordinance shall continue to be separately and fully effective.

ENACTED AND ORDAINED by the Board of Township Supervisors

in public session lawfully assembled this 6TH day of
April, 1994.

TOWNSHIP OF MIDDLESEX

By Robert M. Egley
Chairman, Board of Township
Supervisors

ATTEST:

Galeus
Township Secretary

(Township Seal)