

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 6-97 1997

AN ORDINANCE BY THE BOARD OF TOWNSHIP
SUPERVISORS IN AND FOR MIDDLESEX TOWNSHIP,
CUMBERLAND COUNTY, PENNSYLVANIA PROHIBITING
THE DEPOSITING OR PLACEMENT OF ANY SUBSTANCE
OR MATERIAL ON OR UPON THE ROADS OF THE
TOWNSHIP AND PROVIDING FOR PENALTIES FOR
VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED and it is hereby enacted and
ordained by the Board of Township Supervisors in and for the
Township of Middlesex, Cumberland County, Pennsylvania:

SECTION 1: PREAMBLE AND PURPOSE.

WHEREAS, the Township of Middlesex has an extensive public
road system which the Township maintains for the use and benefit
of its residents and others;

WHEREAS, it is recognized through various circumstances,
including, but not limited to, the operation of vehicles, that
liquid, solid and mixed substances and materials are placed or
deposited on the roads within the Township which cause hazardous
conditions and jeopardize the safety and welfare of persons
utilizing said roads;

THEREFORE, the Board of Township Supervisors of Middlesex
Township has determined that an ordinance is necessary to protect
the health, safety and welfare of the persons utilizing the roads

within the Township due to the placement or deposit of any substances or materials which create hazards thereon.

SECTION 2: DEFINITIONS.

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

"Road" or "Township Road" - any street, road, alley, highway or other thoroughfare intended for vehicular traffic located within the boundaries of the Township, or any part thereof within the legal right-of-way thereof.

SECTION 3: PROHIBITED ACTIVITY.

No person shall place or deposit on any Township Road or cause to be placed or deposited on any Township Road by any means or manner whatsoever, any liquid, solid or combination of liquid or solid material or substance of any kind which alone, or after combination with any other liquid or solid material causes the Township Road to become dangerous or hazardous by reason thereof to vehicles operating thereon.

The prohibition above shall apply to the placement or deposit of material or substances, liquid, solid or mixed, by any means, manner or method, including, but not limited to, any deposit or placement originating from any vehicle, whether said material or substance originates in, on or from said vehicle or is tracked or carried onto said Township Road by the tires, undercarriage or any other part of said vehicle.

SECTION 4: PENALTIES AND ENFORCEMENT.

Any person who violates any provisions of Section 3, above, shall, upon conviction before a District Justice, be sentenced to pay a fine of up to \$1,000.00 for each violation and/or be subject to imprisonment to the extent allowed by law of the Commonwealth of Pennsylvania for the punishment of summary offenses. A separate offense or violation shall arise for each day in which a violation is found to exist.

Nothing in this Ordinance shall preclude the Township from enforcing this Ordinance through an action in equity brought in the Court of Common Pleas in Cumberland County, Pennsylvania.

All fines collected for violations of this Ordinance shall be paid to the Township Treasurer. Police Officers of the Township are charged with the enforcement of the provisions of this Ordinance.

SECTION 5: SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in this Ordinance.

SECTION 6: REPEAL OF PRIOR ORDINANCES.

All prior ordinances of this Township insofar as they deal with the precise subject matter of this Ordinance are repealed and declared to be unenforceable to the extent they are inconsistent with any provisions of this Ordinance.

SECTION 7: EFFECTIVE DATE.

This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 4th day of June, 1997.

TOWNSHIP OF MIDDLESEX

By: Robert M. Eppley
Chairman, Board of Township
Supervisors

ATTEST:

Gale Jensen
Township Secretary
(Township Seal)