

**WEST VINCENT TOWNSHIP
ORDINANCE # 140 OF 2008**

AN ORDINANCE OF WEST VINCENT TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, REGULATING THE PARKING OF VEHICLES DURING PERIODS OF SNOW FALL REQUIRING SALTING AND/OR PLOWING OPERATIONS; AND, PROHIBITING THE DUMPING, SHOVELING, PUSHING OR PLACEMENT OF ANY SNOW OR ICE INTO THE PUBLIC HIGHWAYS, STREETS OR RIGHT OF WAYS OF THE TOWNSHIP OF WEST VINCENT; AND PRESCRIBING ACTIONS TO BE TAKEN BY THE TOWNSHIP OF WEST VINCENT, PENALTIES AND FINES FOR VIOLATION OF SAME ORDINANCE.

WHEREAS, snow and ice storms can and do impair the safe passage of emergency response vehicles such as fire, police and ambulance vehicles, and, such storms also impair the normal flow of public traffic which may result in conditions adverse to the welfare and safety of the residents of the Township and other persons lawfully using the public roads and right of ways; and,

WHEREAS, it is necessary in order to ensure the welfare and safety of the public roads and right of ways to be cleared of snow and ice as promptly as reasonably possible; and,

WHEREAS, West Vincent Township has the authority to regulate parking on Township highways, streets or rights of way pursuant to The Second Class Township Code, 53 P.S. § 67328, and pursuant to the Pennsylvania Motor Vehicle Code, 75 Pa.C.S. § 6109(a)(20); and,

NOW, THEREFORE, the Board of Supervisors of West Vincent Township does hereby enact and ordain:

Section 1. Definitions: As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

CARTWAY: portion of a highway, street, road or right of way improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

PERSON: natural person, partnership, corporation, association, homeowners association, condominium association, or other legal entity.

HIGHWAY, STREET, ROAD OR RIGHT OF WAY: the entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

SNOW: any precipitation depositing any accumulations on the streets including snow, sleet, hail, ice and freezing rain.

VEHICLE: A motor vehicle as defined by the Pennsylvania Motor Vehicle Code, 75 Pa.C.S. § 102.

Section 2. Parking on Township Roadways During Snow Emergencies.

Following the effective date of this Ordinance, it shall be unlawful for any person to park, abandon, or allow to be parked or abandoned any motor vehicle or other vehicle on any Township highway, street, road or right of way two (2) hours after the start of a continuous snow fall and until such time that the snow has stopped falling and the snow has been completely plowed for the full width of the cartway.

Section 3. Removal and Towing of Illegally Parked Vehicles.

Any member of the West Vincent Township Police Department, or any employee of West Vincent Township engaged in roadwork, is hereby authorized to remove or have removed any vehicle abandoned or parked upon any public highway, street, road or right of way in violation of the terms and provisions of this Ordinance, and to have said vehicle towed by an Authorized Towing Service. The registered owner of any such vehicle shall be notified of the fact of the removal and of the place to which said vehicle has been towed, where he or she may obtain the same upon payment of any and all towing and storage charges. The payment of towing and storage charges authorized by this provision shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for violation of this Ordinance.

The Police or Township employee shall give notice by phone or otherwise to the owner of such impounded vehicle. If such notice cannot be given as set forth above, written notice shall be mailed to the vehicle owner within twenty four (24) hours from the time of the vehicle's removal, using the address on file with the Pennsylvania Department of Motor Vehicles. 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 this Ordinance.

Section 4. Authorized Towing Services.

No towing service shall be authorized to remove or tow vehicles left parked or abandoned in violation of this Ordinance unless the towing service is an authorized towing service in the Township.

Authorized towing services must:

a) Agree to indemnify, defend, and hold harmless the Township of West Vincent, its officers, employees and assigns, from any actions commenced against these parties as a result of any loss, injury or damage to towed vehicles while in the care, custody or control of the towing service.

b) Submit evidence to the Township to establish that the towing service and storage garage service is bonded or has acquired liability insurance in an amount satisfactory to the Board of Supervisors as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the care, custody or control of the towing service or garage-keeper for the purpose of towing or storage.

c) Comply with the provisions of the Pennsylvania Motor Vehicle Code with respect to the removal and storage of vehicles found to be in violation of this Ordinance.

d) Display the name of the service or the person operating the towing service, together with a valid telephone number therefor, on both sides of the tow truck.

e) Maintain, during off-hours, either a telephone operator, answering service, or telephone tape machine to provide owners or operators of towed vehicles with the necessary information as to the cost, the required method of payment and the procedure for claiming the towed vehicle.

f) Submit to the Township for approval and receive Township approval, in writing, of the schedule of all charges and fees for towing and storage of vehicles pursuant to this Ordinance.

Section 5. It shall be unlawful for every person in charge or control of any building or lot of land, whether as owner, tenant, occupant, lessee, or otherwise, to dump, throw, shovel, pile or push any snow or ice removed from driveways, walkways, sidewalks, or other private property into any public highway, street, road or public right of way.

Section 6. It shall be unlawful to cover fire hydrants with snow.

Section 7. The owner, occupant or tenant of every property fronting upon or alongside any of the streets of the Township is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside such property all snow and ice fallen or formed within twenty-four (24) hours after the same have ceased to fall or form. In the PC/LI, Ludwigs VCC and the VCR Zoning Districts, the minimum cleared width of the sidewalks in front of or alongside commercial, retail or office properties shall be forty-eight (48) inches.

Section 8. Any person violating any of the provisions of this Ordinance, upon being found guilty thereof in an action commenced by West Vincent Township before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be ordered to pay a fine of not more than One Thousand Dollars (\$1,000.00), plus all court costs, including reasonable attorney's fees incurred by the Township. Such fines shall be collected as like fines are now collected by law, and in default, the violator shall undergo imprisonment to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof in which a violation is found to exist shall constitute a separate offense.

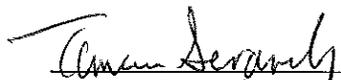
The person in whose name an illegally parked automobile is registered shall be considered, *prima facie*, to have had control of the said automobile at the time of such parking.

Section 9. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency only.

Section 10. Severability. If any sentence, clause, section, or part 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of West Vincent Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause section or part thereof not been included herein.

Section 11. Effective Date. This Ordinance shall become effective five (5) days after its enactment. ENACTED AND ORDAINED THIS 25th DAY OF FEBRUARY 2008 by and on behalf of the Board of Supervisors of West Vincent Township.

ATTEST:



Tamara Swavely, Secretary

WEST VINCENT TOWNSHIP
BOARD OF SUPERVISORS



Kenneth Miller, Chairman



Zoë Perkins, Vice Chairman



Barry DiLibero, Member