

ORDINANCE NO. 2015-04

AN ORDINANCE AMENDING ORDINANCE NO. 80 REGULATING THE PARKING OF VEHICLES DURING PERIODS OF WINTER PRECIPITATION; PROHIBITING THE DUMPING, SHOVELING, PUSHING OR PLACEMENT OF ANY SNOW, ICE OR SLUSH ONTO THE PUBLIC ROADS OF THE TOWNSHIP OF BERWICK; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, on May 9, 2011 the Board of Supervisors enacted Ordinance No. 80, an Ordinance regulating the parking of vehicles during period of winter precipitation; prohibiting the dumping, shoveling, pushing or placement of any snow, ice or slush onto the public roads of the Township of Berwick; and prescribing penalties for violation; and

WHEREAS, the Board of Supervisors intends to Amend Ordinance No. 80.

NOW, THEREFORE, the Board of Supervisors does hereby Enact and Ordain:

SECTION I: Section II of Ordinance No. 80 shall be amended as follows:

Any member of the Pennsylvania State Police, any supervisor, or any employee of Berwick Township engaged in road work, is hereby authorized to remove any vehicle abandoned or parked upon any public road 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 II: Section IV of Ordinance No. 80 shall be amended as follows:

(a) Any person violating any of the provisions of this Ordinance shall pay a fine of Fifty Dollars (\$50.00) per violation. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and/or for each section of this Ordinance which is found to have been violated. The Code Enforcement Officer of Berwick Township and any other person designated by the Board of Supervisors in accordance with the Second-Class Township Code is authorized to make the initial determination of a violation and to serve notice of violation. All fines are to be paid to the Berwick Township Treasurer.

(b) In lieu of the enforcement remedy set forth in subsection (a) above, the Township may enforce this Ordinance by an action brought before a District Justice in the same manner provided for the Enforcement of Summary Offenses under the Pennsylvania Rules of Criminal Procedure. Any person violating any of the provisions of this Ordinance shall, upon summary conviction, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) per

violation, cost of prosecution, and imprisonment to the extent allowed by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and/or for each section of this Ordinance which is found to have been violated.

SECTION III: The provisions 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 Supervisors of Berwick Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION IV: All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

SECTION V: This ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED this 9th day of November, 2015.