

ORDINANCE NO. 130

AN ORDINANCE OF THE TOWNSHIP OF DAUGHERTY, BEAVER COUNTY, PENNSYLVANIA, REGULATING THE PARKING OF VEHICLES DURING PERIODS OF SNOW FALL AND INCLEMENT WEATHER; PROHIBITING THE DUMPING, SHOVELING, PUSHING OR PLACEMENT OF ANY SNOW OR ICE INTO THE PUBLIC ROADS OF THE TOWNSHIP; REQUIRING THE REMOVAL OF ICE OR SNOW FROM FIRE HYDRANTS AND PROSCRIBING PENALTIES FOR VIOLATION.

Article I Short Title

This Ordinance shall be known and may be cited as the "Daugherty Township Winter Maintenance Ordinance."

Article II Statement of Findings

The Board of Supervisors of Daugherty Township finds that:

Snow storms can and do impair the flow of vehicular traffic and emergency services which may result in conditions adverse to the welfare and safety of the residents of the Township and the people lawfully using the public roads within the municipal boundaries of Daugherty Township.

It is necessary in order to insure the welfare and safety of the public that public roads be cleared of snow as promptly as possible.

Vehicles parked on public roads during the deposit or accumulation of ice or snow presents a traffic hazard and impairs the Townships ability to effectively remove all snow and ice from the roads in a safe and expedient manner. They further create a financial burden on the Township by requiring the Township Road Department to duplicate a service that could have been completed if not for the parking of said vehicles on the public roads.

Persons, who push, place or shovel snow or ice from private driveways or sidewalks onto public roads in the Township is counterproductive to the removal of the snow or ice from the roads by the Township Road Department

and further creates conditions adverse to the welfare and safety of the residents of the Township and the people lawfully using the public roads.

Fire hydrants covered by snow or ice impair the ability of fire personnel to locate and effectively operate the apparatus in a time of emergency. The removal of snow and ice that has accumulated on or around a fire hydrant can significantly reduce the risk of loss of life and property and ultimately be beneficial to the health, welfare and safety of all residents served by the hydrant.

Article III Definitions

BOARD OF SUPERVISORS- The Board of Supervisors of Daugherty Township, Beaver County, Pennsylvania.

CARTWAY- A portion of a public road or right-of-way with an improved surface used for vehicular traffic. Width is determined from one edge of driving surface to the other and shall not include the storm water gutter or face of curb.

CATCH BASIN- An inlet or vault usually covered with a grate and/or hood and is located at the point where a street gutter or drainage ditch discharges into a storm sewer system and is designed to prevent the clogging of the storm sewer through the filtration of sediment and debris from the flow of excess rain which is washed off of the road during a time of precipitation.

CLEAR SIGHT TRIANGLE- A triangular area of unobstructed vision at the intersection of two (2) public roads, a public road and a private road, a public road and a parking facility or of a public road and a driveway. For public and private roads, this triangular area shall be formed by two (2) intersecting centerlines and a line interconnecting points established on each centerline, seventy-five (75') feet from their point of intersection as detailed in Figure 3.1. For public roads and driveways, this triangular area shall be formed by two (2) intersecting centerlines and a line interconnecting points established on each centerline, fifty (50') feet from their point of intersection as detailed in Figure 3.2. For a public road and the drive entrance of a parking facility, this triangular area shall be formed by two (2) intersecting centerlines and a line interconnecting points established on each centerline, seventy-five (75') feet from their point of intersection as detailed in Figure 3.3. If ingress and egress from a parking facility is not served by a drive entrance, this triangular area shall be formed by the intersecting centerline of the road and the edge of the parking facility where it meets the right of way and a line interconnecting the points established on the centerline and the edge of the parking facility, seventy-five (75') feet from their

point of intersection as detailed in Figure 3.4. This entire area is to remain clear of obstruction to sight above a plane established three and one-half (3 ½) feet in elevation from grade level at the intersection of a roads centerline.

Figure 3.1

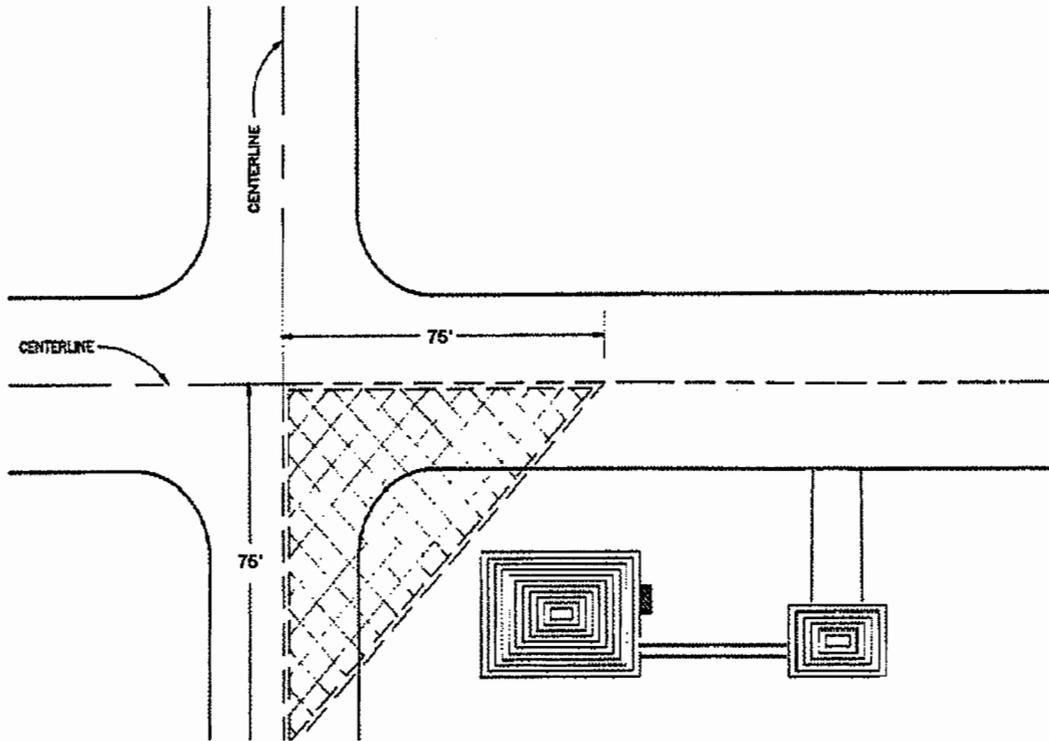


Figure 3.2

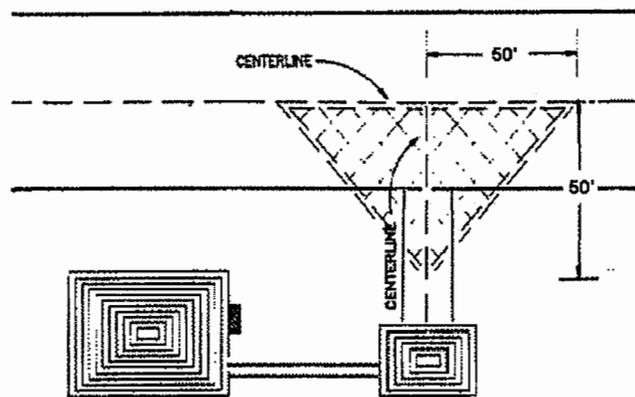


Figure 3.3

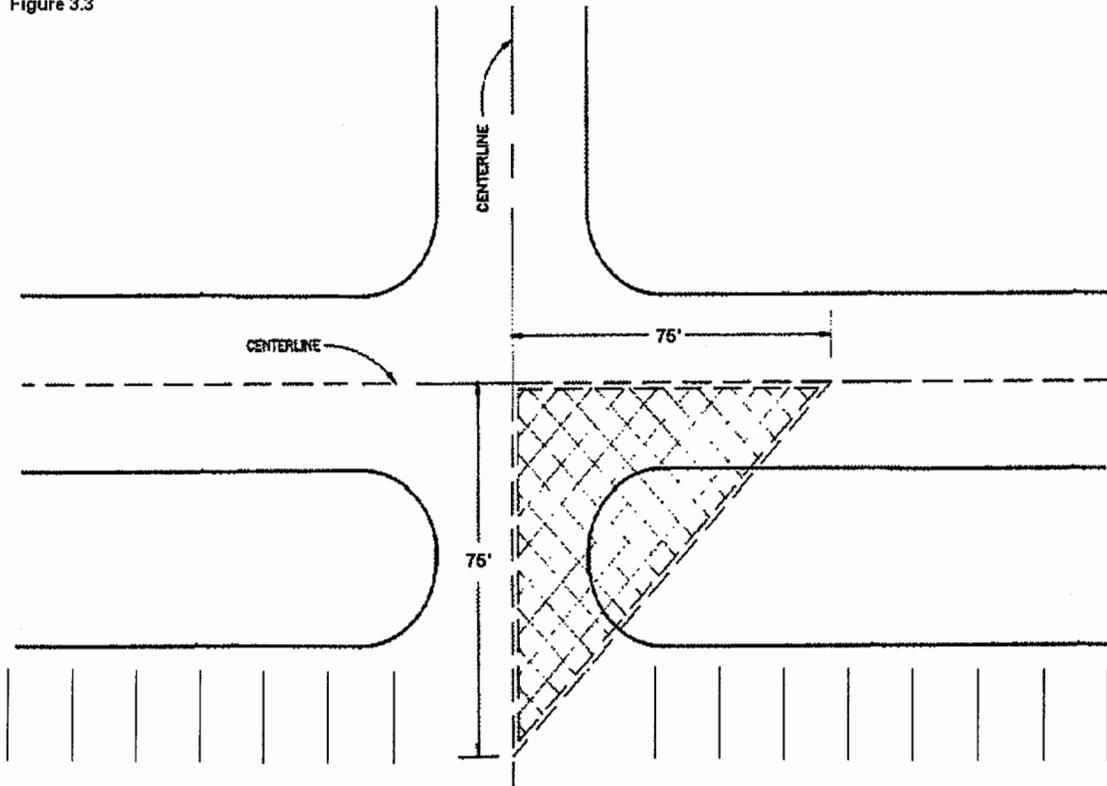
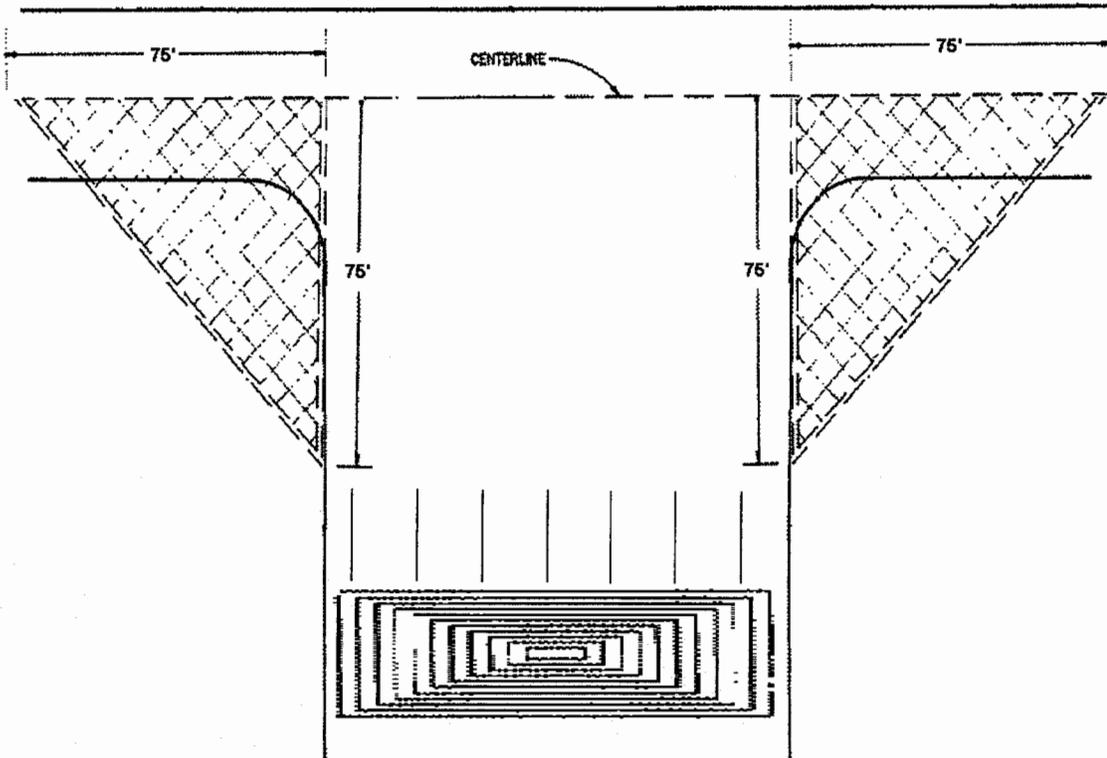


Figure 3.4



DRIVEWAY- A private area used exclusively for circulation and ingress and egress to a road or street by the landowner or visitors of a lot.

PERSON- An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PARKING FACILITY- Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as agreed service or for a fee.

PRIVATE ROAD- A road used for vehicular traffic owned and maintained by a private individual, organization, company, homeowners association, housing co-op or other group of individual homeowners rather than by a government which is authorized by an easement to a private to a private party, or which provides access pursuant to a reserved or private right.

PUBLIC ROAD- An alley, avenue, boulevard, highway, freeway, parkway, lane, street, viaduct and any other ways used by vehicular traffic but not including driveways, private roads, parking areas, sidewalks or walkways which is accepted for dedication by the Board of Supervisors and maintained by Daugherty Township. Local Road includes the entire right-of-way.

RIGHT-OF-WAY- A strip of land acquired by reservation, dedication, forced dedication, prescription, condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary, or storm sewer and other similar uses; generally, the right of one to pass over the property of another.

ROADSIDE SHOULDER- The area of the right-of-way which is located adjacent to each side of the cartway and does not have an improved surface.

SIDEWALK- An improved pedestrian surface that is typically located adjacent to a road.

TOWNSHIP- Daugherty Township, a Second Class Township located in Beaver County, Pennsylvania.

TOWNSHIP MANAGER- The Manager of Daugherty Township.

VEHICLE- Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively

upon stationary rails or tracks and including but not limited to automobiles, carriages, motorcycles, mopeds, scooters, quads, boats, jet skis, trailers, recreation vehicles, tractors and wagons.

Article IV Parking

It shall be unlawful to park, or allow to be parked any vehicle, on any public road and/or roadside shoulders within the municipal boundaries of Daugherty Township during inclement weather following the deposit or accumulation of ice or snow of two (2") inches or greater in depth until the ice or snow has stopped falling and has been completely removed from the full width of the cartway.

Article V Snow Removal from Private Property

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, sidewalks, private roads or parking facilities onto any public road.

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 a combination thereof, shall be deposited, pushed or maintained in a manner that creates a traffic hazard by obstructing the clear sight triangle and impairing the visibility of motorists entering or exiting a driveway, private road, or parking facility from a public road.

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 and/or snow removal agency.

Article VI Fire Hydrants

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 personnel in cases of emergency. In cases involving a storm, fire hydrants shall be accessible and cleared of all snow, ice,

slush, or any combination thereof within twenty-four (24) hours following the storm, in any event, any accumulant shall be removed not less than once in every twenty-four (24) hour period.

In cases where the owner, occupant, or tenant as aforesaid, shall fail, neglect, or refuse to comply with the provisions of this Article, or within the time period required therein, the Township may in its discretion, proceed immediately to clear the snow, ice, slush, or any combination thereof 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 Article VIII of this Ordinance. In no case is the Township of Daugherty liable if it does not exercise the Township option for removal of snow, ice, slush, any combination thereof which would limit access to, from, and/or around fire hydrants as defined within Article VI.

Article VII Enforcement

The New Brighton Area Police Department, the Township Manager and/or his/her designee shall be the enforcement officer for this Ordinance. Enforcement officers are hereby authorized to remove any vehicle abandoned or parked upon any public roadway 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.

Article VIII Penalty

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 (\$50.00) dollars and not more than three hundred (\$300.00) dollars 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 30 days.

Article IX Effective Date

This Ordinance shall become effective five (5) days after the final enactment or adoption and shall remain in full force and effect until amended or revoked.

Article X Repealer

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Article XI 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 part of this Ordinance. It is hereby declared that the intent of the Board of Supervisors of Daugherty Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

DULY ENACTED AND ORDAINED this 11th day of February, 2009, by the Board of Supervisors of the Township of Daugherty, Beaver County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Township of Daugherty

