



McMILLEN, URICK,
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April 29, 2010

Edward J. Tocci
Retired

Andy Brunette, Manager
Hopewell Township Planning Commission
Municipal Building
1700 Clark Boulevard
Aliquippa PA 15001-4298

ORDINANCE NO. 2010-01

**AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA,
REGULATING THE PARKING OF VEHICLES DURING PERIODS OF SNOW FALL; PROHIBITING
THE DUMPING, SHOVELING, PUSHING OR PLACEMENT OF ANY SNOW OR ICE INTO THE
PUBLIC HIGHWAYS OR STREETS OF THE TOWNSHIP OF HOPEWELL; AND PROSCRIBING
PENALTIES FOR VIOLATION**

Dear Andy:

I have forwarded the enclosed original Ordinance 2010-01 that requires both your and Rich Bufalini's signature. When fully executed, please return a final copy to Mike.

Thank you. If you have any questions please don't hesitate to call our office.

Very truly yours,

MCMILLEN, URICK, TOCCI, FOUSE & JONES

Debbie George
Paralegal to Michael B. Jones, Esquire
direct dial # 724-419-1198

MBJ/dlg/enc.(1)

SNOW EMERGENCY PARKING AND SNOW REMOVAL ORDINANCE

ORDINANCE NO. 2010-01

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, REGULATING THE PARKING OF VEHICLES DURING PERIODS OF SNOW FALL; PROHIBITING THE DUMPING, SHOVELING, PUSHING OR PLACEMENT OF ANY SNOW OR ICE INTO THE PUBLIC HIGHWAYS OR STREETS OF THE TOWNSHIP OF HOPEWELL; AND PROSCRIBING PENALTIES FOR VIOLATION.

WHEREAS snow storms can and do impair the flow of vehicular and pedestrian traffic and fire equipment which may result in conditions adverse to the welfare and safety of the residents of the Township and the people lawfully upon public highways and sidewalks; and

WHEREAS it is necessary in order to ensure the welfare and safety of the public highways, streets and sidewalks that same be cleared of snow as promptly as possible.

NOW, THEREFORE, the Board of Commissioners for the Township of Hopewell does hereby enact and ordain:

SECTION I: Following the effective date of this Ordinance, it shall be unlawful to park, or allow to be parked any motor vehicle or other vehicle, on any street or road which is part of the Township road and street system after the start of a snow fall and until the snow has stopped falling and the snow has been completely plowed for the full width of the cart way.

SECTION II: Any member of the Hopewell Township Police Department, or any employee of Hopewell Township engaged in road work, is hereby authorized to cite and remove any vehicle abandoned or parking 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 storage. 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 III: It shall be unlawful for owners, occupants and/or tenants of property to dump, throw, shovel, pile or push any snow or ice removed from driveways or walkways into any public roadway or street. 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 within a commercial, manufacturing, light industrial or multiple family zoning district parking facility or at or near an intersection in any zoning district, in a manner or at a location which creates a traffic hazard by impairing visibility from or of a public roadway. 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 or tenant and/or snow removal agency.

SECTION IV: Fire hydrants shall not be covered. The owner, occupant and/or tenant of any property 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 rescue personnel in cases of emergency. In cases involving a storm, fire hydrants shall be cleared of all snow, ice, slush, or any combination thereof within twenty-four (24) hours following the storm, in any event, any accumulation shall be removed not less than once in every twenty-four (24) hour period by the owner.

In all other cases involving the accumulation of natural and/or man-made items around fire hydrants the owner is responsible for the immediate removal of said items. In either case fire hydrants shall be cleared sufficiently so emergency personnel have total access to hydrants. This is necessary to allow for fire hose connections to be made to access water in the event of a fire. The owner of a property shall be responsible for conforming to the requirements of this Section where such property is occupied by said owner or is unoccupied or vacant. In cases where the owner, occupant, or tenant as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of this Section of this Ordinance, or within the time period required therein, the Township of Hopewell, Beaver County, Pennsylvania, may in its discretion, proceed immediately to clear the snow, ice, slush, or any combination thereof or accumulation and/or impediment 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 SECTION V of this Ordinance. In no case is the Township of Hopewell liable if it does not exercise the Township option for removal of snow, ice, slush, any combination thereof or accumulation and/or impediment which would limit access to, from, and/or around fire hydrants as defined within Section IV.

SECTION V: Owners, occupants and/or tenants of property are required to remove snow, ice, slush or any combination thereof and/or any impediment which would limit pedestrian traffic from safely traversing sidewalks abutting said property. Sidewalks shall be cleared of accumulations or impediments as soon as reasonably possible, but in no event later than twenty-four (24) hours following the event causing said accumulation or impediment.

SECTION VI: 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 Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) 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.

SECTION VII: SEVERABILITY - The provision 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 Commissioners of Hopewell Township that this Ordinance would have been adopted had such illegal, or invalid sentence, clause, or section not been included herein.

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

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

ENACTED AND ORDAINED into law this 12th day of April, 2010.

ATTEST:

Patricia L. Owens

TOWNSHIP OF HOPEWELL

BY: *Andy Brunette*
Andy Brunette, Manager
Hopewell Township

Board of Commissioners

BY: *Richard Bufalini*
Richard Bufalini, President