

ORDINANCE NO. 625

**AN ORDINANCE OF THE TOWNSHIP OF WARMINSTER,
BUCKS COUNTY, PENNSYLVANIA AMENDING THE CODE OF
ORDINANCES OF WARMINSTER TOWNSHIP TO AUTHORIZE
THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF
WARMINSTER TOWNSHIP TO TEMPORARILY REGULATE
PARKING ON STREETS OR HIGHWAYS LOCATED WITHIN
THE PHYSICAL BOUNDARIES OF THE TOWNSHIP OF
WARMINSTER**

WHEREAS, the Board of Supervisors of Warminster Township, Bucks County, Pennsylvania has enacted the Code of Ordinances of Warminster Township which contains, inter alia, provisions governing motor vehicles and traffic; and

WHEREAS, the Board of Supervisors of Warminster Township has determined that it is in the best interest of the health, safety and welfare of the citizens of Warminster Township to permit the Chairman of the Board of Supervisors of Warminster Township to regulate parking, temporarily and in times of emergency, on streets or highways located within the Township of Warminster and to prohibit parking on such roads during certain winter storms; and

WHEREAS, the Board of Supervisors of Warminster Township is authorized to provide for the temporary regulation of parking on streets or highways located within the physical boundaries of the Township of Warminster during times of emergency pursuant to 75 Pa.C.S.A. §6109(a)(20); and

WHEREAS, the Board of Supervisors desires to permit the Chairman of the Board of Supervisors to temporarily regulate parking on streets and highways located within the physical boundaries of the Township of Warminster during times of emergency in accordance with the provisions of this ordinance;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Warminster Township, Bucks County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Chapter 15 of the Code of Ordinances of Warminster Township, Bucks County, Pennsylvania is amended to delete the existing Part 6 and add the following in its place:

Part 6

Snow and Ice Emergency

§601. Definitions. Words and phrases, when used in this Part 6, shall have the meanings ascribed to them in the Vehicle Code of Pennsylvania, as now in force, or as hereafter amended, enacted or reenacted, except in those instances where the context clearly indicates a different meaning. The following words, terms and phrases used in this Part shall have the meanings given herein. When not inconsistent with the context, words used in the singular include the plural, and words in the plural include the singular and words used in the present tense include the future. The word "shall" is always mandatory.

PROPERTY OWNER – includes any person or persons, male or female, corporation, partnership, association, company, individual, owner, occupant, tenant or any organization. "Tenant" shall include the occupant or lessee abutting the sidewalk or street.

SIDEWALK – a paved path or footwalk for public use located between the cartway or curblin and right-of-way line of any public or Township maintained street or highway.

STREET – any highway within the Township of Warminster when maintained by the Township of Warminster.

TOWNSHIP – the elected officials of the Township of Warminster or any authorized representative, agency or agencies of the Township appointed by the Supervisors of the Township.

§602. Special Powers of the Chairman of the Board of Supervisors to Regulate Parking.

1. The Chairman of the Board of Supervisors shall have the following powers to regulate parking temporarily and in times of emergency:

A. In the case of fire, flood, storm or other emergency, to establish temporary parking regulations effective during the period of the emergency.

B. To facilitate public works, or in the event of lawful construction or other activity interfering with the use of the highway, or in the case of the conduct of parades, processions and other public events, to restrict or prohibit parking in limited areas for periods of not more than twenty-four (24) hours, without further order imposing additional twenty-four (24) hour periods of restriction.

2. Notice shall be conspicuously posted of all temporary regulations at the place where the parking is restricted or otherwise regulated.

3. Such temporary and emergency regulations shall be enforced by the Board of Supervisors and the Police Department in the same manner as permanent regulations.

4. No person shall park a vehicle in violation of any such regulation.

§603. Parking During Winter Storms. It shall be unlawful to park, or allow to be parked, any motor vehicle on any road or street within the Township following deposit or accumulation of ice or snow of three (3) inches or greater, in depth, until the snow has been completely plowed for the full width of the cartway.

§604. Towing of Vehicles.

1. Whenever any motor vehicle is found parked or stopped in violation of the restrictions imposed by this Part, the Chief of Police or the acting Chief of Police or the Roadmaster of Warminster Township shall issue instructions to an authorized towing service to remove the vehicle from the street or streets at the sole cost of the owner of the vehicle to the towing service's parking lot, which is hereby designated as the approved storage garage as pounds for the storage of such impounded vehicles.

2. An authorized towing service is a towing service that has presented the Township with a certificate establishing it has in full force and effect a garage keeper's liability insurance policy in an adequate amount to provide for the indemnification of the owner of such impounded

vehicle against the loss thereof or injury or damage thereto while said vehicle is in the custody of the towing service.

§605. Notice of Impoundment. Within twenty-four (24) hours after the date of removal of such vehicle, notice of the fact that such vehicle has been impounded shall be sent by the police officers of Warminster Township to the owner of record of such vehicle, designating the place from which said vehicle was removed, the reason for its removal and impounding, and advising where the vehicle has been impounded. Said notice shall further state that the payment of such towing and storage charges, unless such payment shall be made "under protest" shall be final and conclusive, and shall constitute a waiver of any right to recover the money so paid. Said notice shall also contain the notice that in the event the towing and impounding charges are paid "under protest," the offender shall be entitled to a hearing before a District Justice having jurisdiction over Warminster Township.

§606. Unlawful Deposition of Snow. It shall be unlawful to shovel, push, plow or otherwise cause snow to be placed onto, across or upon any roads, streets or sidewalks if the snow is allowed to remain on the road, street, sidewalk or right-of-way.

§607. Penalties. Any person violating any provision of this Part shall, upon conviction thereof before a District Justice, be sentenced to pay a fine of not more than fifty dollars (\$50.00) plus costs.

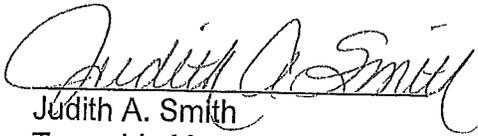
II. Any provisions of the Code of Ordinances of Warminster Township, Bucks County, Pennsylvania inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency. All provisions of the Code of Ordinances of Warminster Township, Bucks County, Pennsylvania not affected by this Ordinance are hereby declared to be in full force and effect.

III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Warminster Township, Bucks County, Pennsylvania.

IV. This Ordinance shall become effective five (5) days following its legal enactment.

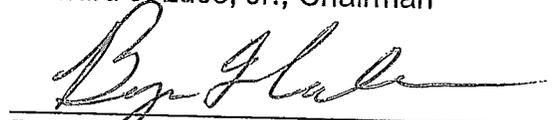
ENACTED and ORDAINED this ____ day of _____, 2005.

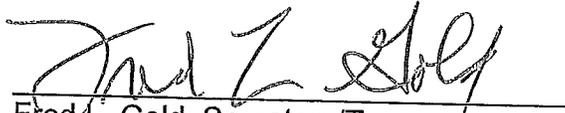
ATTEST:


Judith A. Smith
Township Manager

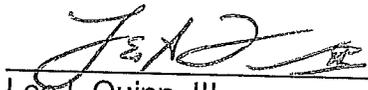
**WARMINSTER TOWNSHIP BOARD
OF SUPERVISORS**


Richard J. Luce, Jr., Chairman


Benjamin F. Casole, Vice-Chairman


Fred L. Gold, Secretary/Treasurer


Robert G. Rosenberger


Leo I. Quinn, III