

TOWNSHIP OF MIDDLE PAXTON  
Dauphin County, Pennsylvania

ORDINANCE NO. 2016-05

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE PAXTON,  
DAUPHIN COUNTY, PENNSYLVANIA, ESTABLISHING A PROCEDURE FOR A SNOW  
EMERGENCY DECLARATION AND REGULATING PARKING OF VEHICLES AND  
SNOW AND ICE REMOVAL AND PROVIDING PENALTIES FOR VIOLATION THEREOF

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the Township  
of Middle Paxton (the “Township”), Dauphin County, Pennsylvania, as follows:

**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:

**“OWNER”** That person in whom legal title to a property is vested.

**“PERSON”** Natural person, partnership, corporation, association or any other legal  
entity.

**“PUBLIC STREET/ROAD/HIGHWAY”** A street ordained, maintained or dedicated  
and accepted by the Township and open to public use.

**“SIDEWALK”** That hard-surfaced area designed for pedestrian travel parallel to a street,  
between the street and the abutting property.

**“STREET”, “ROAD” OR “HIGHWAY”** The entire width between the boundary lines  
of a way that is publicly maintained and open to the use of the public for purposes of vehicular  
travel.

**“TENANT”** That person in sole possession and control of any lot or parcel of land in the  
Township.

**“TRAILER”** Any transport conveyance designed for carrying persons or property and for being drawn by a vehicle

**“VEHICLE”** Any self-propelled, motorized vehicle licensed to travel upon the streets, roads and highways of the Township.

**“WINTER STORM”** Precipitation in the form of sleet, ice, freezing rain or snow, or any combination thereof, creating hazardous driving conditions and the need for snow and ice removal, salting and anti-skid operations.

#### **SECTION 2: TOWNSHIP MANAGER MAY DECLARE SNOW EMERGENCY.**

The Township Manager or his or her designated representative shall have the power to declare an emergency that exists when any of the streets or highways or parts thereof are covered by snow or ice which, in his or her discretion, is creating or will create hazardous driving conditions. Such emergency shall be known as a “snow emergency.” The Township Manager shall notify the Chairman of the Township Board of Supervisors by telephone of the action taken within four (4) hours of the declaration.

#### **SECTION 3: OTHER EMERGENCY POWERS NOT RESTRICTED.**

This Ordinance shall not restrict the authority of the Board of Supervisors or the Township Manager to establish any temporary or emergency traffic regulations in accordance with the Motor Vehicle Code.

#### **SECTION 4: STREET PARKING PROHIBITED DURING SNOW AND ICE REMOVAL PERIOD**

No person who has access to off-street parking shall park, abandon, or leave unattended any vehicle on any public street, road or highway or its adjacent right-of-way, and no person whether or not that person has access to off-street parking or storage, shall park, abandon, place

or leave unattended any trailer or any other obstruction on any public street, road or highway or its adjacent right-of-way, within the boundaries of the Township during a winter storm or during the forty-eight (48) hour period following the cessation of precipitation or any other period when snow removal, plowing or placement of salt or anti-skid materials is being performed by the Township.

#### **SECTION 5: PLACING SNOW AND ICE OR OTHER WINTER STORM**

##### **MATTER ON STREET.**

During the process of snow removal from sidewalks, driveways or other areas, no person shall by any means place snow, ice, slush or any other matter onto a public street, alley or other publicly maintained property.

#### **SECTION 6: SNOW AND ICE REMOVAL FROM SIDEWALKS**

It shall be the duty of any property owner, tenant, agent in charge or occupier of any property within the Township to remove all snow, ice, slush or other matter from the sidewalks in front of and along his or her property within twenty-four (24) hours after snow or other frozen precipitation has ceased falling. Such removal shall provide for the free passage of pedestrians for a width of at least thirty-six (36) inches. The provision of this section shall toll during the period of time in which a snow emergency has been declared.

#### **SECTION 7: FIRE HYDRANTS.**

Every person in charge or control of any building or parcel of land on which, or adjacent to which, is located a fire hydrant, shall be required to uncover the hydrant to the extent that at least one-half (1/2) of the hydrant shall be visible from the cartway.

## **SECTION 8: PENALTIES FOR VIOLATION.**

Any person who violates or permits a violation of this Ordinance, upon being found liable therefor in a civil enforcement proceeding, shall pay a civil penalty of not more than \$600.00 plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this Ordinance. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Justice or Court of Common Pleas. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. In addition to the aforementioned remedy, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

## **SECTION 9: SEVERABILITY.**

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as if such unconstitutional, illegal or invalid provision had not been included therein.

## **SECTION 10: REPEALER.**

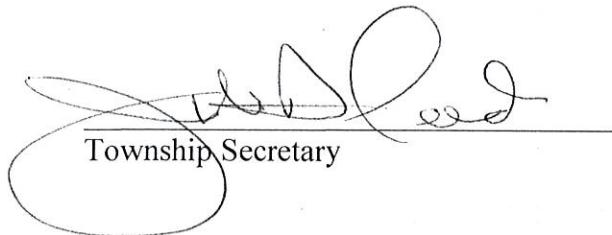
Any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

## **SECTION 11: EFFECTIVE DATE.**

This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 2016-05 this  
1<sup>st</sup> day of August, 2016 by the Board of Supervisors of the Township of Middle  
Paxton.

ATTEST:



John D. Reed  
Township Secretary

BOARD OF SUPERVISORS  
TOWNSHIP OF MIDDLE PAXTON



John G. Smith  
Chairman