

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 199

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING PARKING REGULATIONS, AUTHORIZING TOWING AND ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, Section 1527 of the Second Class Township Code, 53 P.S. §66527, authorizes a board of supervisors of a 2nd Class township to adopt ordinances to secure the safety of persons or property within the township; and

WHEREAS, Rush Township is a 2nd Class township; and

WHEREAS, the parking of motor vehicles in various ways throughout Rush Township can effect both the safety of the traveling public and the property of the public; and

WHEREAS, Section 2328 of the Second Class Township Code, 53 P.S. §67328, authorizes a board of supervisors to regulate parking by ordinance; and

WHEREAS, the Rush Township Board of Supervisors wish to regulate certain parking practices in Rush Township;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Title.

This Ordinance shall be known and may be cited as the Rush Township Parking Ordinance.

Section 2. Definitions.

The following words, when used in this Ordinance, shall have the meanings given to them in this Section unless the context clearly indicates otherwise.

“Commercial Vehicle” - a motor vehicle or combination, or part or attachment thereof, designed or used to transport 10 or more passengers, to transport personal property for delivery, or to engage in real property cultivation or maintenance, including but not limited to school buses, tractors, tractor trailers or cargo moving vehicles or attachments.

“Driveway” - any passageway, whether paved or unpaved, situated on private property which intersects a public road for the purpose of providing ingress and egress from said private property to said public road, and for which the owner of the private property has secured or could have secured a driveway permit under Rush Township Ordinances No. 123 and 129.

“Township” - Rush Township, Schuylkill County, Commonwealth of Pennsylvania.

Section 3. Prohibitions.

A. No motor vehicle shall be parked on a street, road or right-of-way of the Township, or any other public property, as follows:

(1) in a space designated as a handicapped parking space unless the motor vehicle is authorized or permitted by law to park in such a handicapped parking space;

(2) within 15 feet of a fire hydrant or in a designated fire zone;

(3) within 20 feet of an intersection of 2 or more public roads;

(4) within 15 feet of a Driveway;

(5) outside any portion of the lines painted by the Township to designate an intended parking space;

(6) more than 12 inches from any curb;

(7) in the lane of traffic so as to impede the flow of traffic;

(8) without a valid, unexpired, inspection sticker;

(9) without the legally required plating;

(10) opposing the direction of traffic;

(11) in any space or area designated as “No Parking”, and containing a sign to that effect, by the Township;

(12) in any manner contrary to a sign properly posted by the Township regulating parking or vehicle movement on either a temporary or permanent basis;

(13) in any manner which obstructs a crosswalk or sidewalk;

(14) in any manner that blocks the entrance to or exit from a garage; or

(15) in any manner inconsistent with the directive of the Rush Township Chief of Police, or any Rush Township Police Officer or Fire Police Officer, who is regulating parking in connection with an emergency situation.

B. No Commercial Vehicle shall be parked on a street, road or right-of-way of the Township, or on any other public property, except for the purpose of delivering goods or rendering services during the normal course of business provided that such Commercial Vehicle does not substantially impede the flow of vehicular traffic, and except for the purpose of road construction when construction is in progress.

C. No motor vehicle shall be parked on private property in the Township without the consent of the property owner.

D. If a motor vehicle is physically inoperable, it shall not be parked on a Township street, road or right-of-way, or on any other public property, so as to impede the normal flow of traffic; and if not impeding the normal flow of traffic shall not be so parked for a period in excess of 48 hours.

E. No motor vehicle shall be parked on or in the right-of-way of Township Road T-923, known as Tide Road, or Township Road T-924, known as Progress Avenue, at any time.

F. No motor vehicle shall be parked on or in the right-of-way of the portion of State Route 54 located in the Township, except as regulated in the East-bound lane between Cumberland Avenue and Ardmore Avenue, and in the West-bound lane between Elmore Street and Cumberland Avenue, at any time.

G. No person shall remove, deface, destroy or vandalize any sign erected by the Township to regulate parking in connection with this Ordinance.

Section 4. Towing.

If a violation of Section 3A(1) through 3A(14), or Section 3C, of this Ordinance exists for a period of at least 24 hours, or if a violation of Section 3D of this Ordinance exists for a period of at least 48 hours, or if a violation of Sections 3A(15), 3E or 3F of this Ordinance exists and creates an immediate and emergency safety concern, or if a violation of Sections 3A(15), 3E or 3F of this Ordinance exists with no immediate and emergency safety concern for a period of at least 24 hours, an officer of the Township Police Department is authorized to arrange for the towing of the offending motor vehicle. If a motor vehicle is towed pursuant to this Ordinance, an officer of the Township Police Department shall immediately take steps to notify, either in person or via certified mail, the owner of the motor vehicle of the motor vehicle's location. The owner of the motor vehicle shall be responsible for any towing or storage fees incurred as a result of the towing.

Section 5. Penalties.

A. If a motor vehicle is parked in violation of any provisions of Section 3 of this Ordinance, an officer of the Rush Township Police Department may issue a ticket for the violation to the owner or operator of the vehicle by either placing the ticket on the offending vehicle, or hand delivering a ticket to the owner or operator thereof. The ticket shall indicate that it is for a parking violation. The ticket shall impose a fine in the amount of \$50.00 per violation of Section 3A(1), (2), (8) or (9), and Sections 3E or 3F of this Ordinance, and \$25.00 per violation of the remaining sub-parts of Section 3A and Sections 3B, 3C and 3D of this Ordinance, or such other amounts as may be established from time to time by Resolution of the Township Board of Supervisors. If the owner or operator abates the violation and pays the fine imposed by the ticket at the Rush Township Municipal Building to the Township Secretary within 10 days of the date the ticket is either placed on the vehicle or hand delivered to the owner or operator, there shall be no further penalties.

B. If the owner or operator of any motor vehicle, or any other person, violates any prohibition of Section 3 of this Ordinance, and fails to abate any violation and pay any ticket issued pursuant to Section 5A of this Ordinance if applicable, enforcement of this Ordinance may be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney. Any person found to have violated any provisions of this Ordinance shall, for each violation, pay a fine of no less than \$100.00, nor more than \$500.00, plus court costs, and/or be sentenced to imprisonment either for a violation of any provisions of this Ordinance or for failure to pay a fine or costs for a term not to exceed 30 days.

C. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section or part of this Ordinance which is found to have been violated.

D. Enforcement of this Ordinance may be by an action in equity in the Schuylkill County Court of Common Pleas.

Section 6. Severability.

If any section or part of this Ordinance is found by a court of competent jurisdiction to be illegal or unenforceable, the rest and remainder of this Ordinance shall be given full force and effect as if adopted by the Township Board of Supervisors without the section or part found illegal or unenforceable.

Section 7. Repealer.

Any prior ordinances of Rush Township which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance. This Ordinance repeals and replaces Rush Township Ordinances No. 155 and 172.

Section 8. Effective Date.

This Ordinance shall be effective 5 days after enactment, or on the first day allowed by law, whichever is sooner.

ORDAINED and ENACTED this day of , 2019.

ATTEST:

RUSH TOWNSHIP
BOARD OF SUPERVISORS

Secretary

