

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 00-03

AN ORDINANCE BY THE BOARD OF SUPERVISORS
IN AND FOR SOUTH MIDDLETON TOWNSHIP,
CUMBERLAND COUNTY, PENNSYLVANIA
PROHIBITING THE DEPOSITING OR
PLACEMENT OF ANY SUBSTANCE OR MATERIAL
ON OR UPON THE ROADS OF THE TOWNSHIP
AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania:

SECTION 1 – PREAMBLE

WHEREAS, the Township of South Middleton has an extensive public road system which the township maintains for the use and benefit of its residents and others:

WHEREAS, it is recognized through various circumstances, including, but not limited to, the operation of vehicles, that liquid, solid and mixed substances and materials are placed or deposited on the roads within the township which cause hazardous conditions and jeopardize the safety and welfare of persons utilizing said roads;

THEREFORE, the Board of Supervisors of South Middleton Township has determined that an ordinance is necessary to protect the health, safety and welfare of the persons utilizing the roads within the Township due to the placement or deposit of any substances or materials which create hazards thereon.

SECTION 2 – DEFINITIONS

“Township” – The Township of South Middleton, Cumberland County, Pennsylvania

“Road” or “Township Road” – Any street, road, alley, highway or other thoroughfare intended for vehicular traffic located within the boundaries of the Township, or any part thereof within the legal right-of-way thereof.

SECTION 3 – PROHIBITED ACTIVITY

Any contractor, builder, developer, or any other person or corporation who places, deposits or causes the placement or deposit of any dirt, debris, mud or other substance on any township road shall be guilty of a violation of this Ordinance.

The term "person" shall mean any individual, corporation, partnership or the like.

The term "substance" shall include dirt, debris, mud or other substance from tires, the undercarriage of vehicles, and any such substance which may fall from, be thrown from, or otherwise leaves a vehicle.

Agricultural activities shall be exempt from the provisions and requirements to the extent that the placement or deposit originates from the tires or undercarriage of farm equipment. However, care should be taken to avoid any unnecessary dirt and debris being deposited on township roads because of this activity.

SECTION 4 – EXEMPTED ACTIVITIES

Deposits resulting from normal agricultural activities shall be exempt from the provisions and requirements herein.

SECTION 5 – PENALTIES AND ENFORCEMENT

Any person who violates any provisions of Section 3 above, shall, upon conviction before a District Justice, be sentenced to pay a fine of up to \$1,000.00 for each violation. A separate offense or violation shall arise for each day in which a violation is found to exist.

Nothing in this Ordinance shall preclude the Township from enforcing this Ordinance through an action in equity brought in the Court of Common Pleas in Cumberland County, Pennsylvania.

All fines collected for violations of this Ordinance shall be paid to the Township Treasurer. The Codes Enforcement Officer or any other officer so designated by the Township is charged with the enforcement of the provisions of this Ordinance.

SECTION 6 – SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in this Ordinance.

SECTION 7 – REPEAL OF PRIOR ORDINANCES

All prior ordinances of this Township insofar as they deal with the precise subject matter of this Ordinance are repealed and declared to be unenforceable to the extent they are inconsistent with any provisions of this Ordinance.

SECTION 8 – EFFECTIVE DATE

This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 3rd day of February, 2000.

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP:

ATTEST:

/s/ Sandra A. Quickel
Secretary

/s/ Linda G. Adcock, Chairman
/s/ Phyllis W. Givler, Vice Chairman
/s/ Thomas E. Faley
/s/ R. Duff Manweiler
/s/ James N. Baker